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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 15, 1995.

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

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Rev. John H. Wengrovius, Calvary Episcopal Church, Golden, CO, offered the following prayer:

Almighty God, who alone gives us the breath of life and in whose hands are held the peoples and nations of the world, send down upon this House of Representatives the spirit of wisdom, charity, and justice; to the Representatives give courage and foresight to provide for the well-being of the people of this Nation and the strength and will to fulfill their many obligations. In Your divine compassion, sanctify all our thoughts and endeavors, that we may neither begin an action without pure intention nor continue it without Your blessing. And to all in authority, grant the grace to ask what You would have them do to the establishment of justice and righteousness and to the furthering of Your peaceable kingdom. All this we ask in Your most holy 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 Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance?

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 395) ''An Act to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes.''

WELCOME TO REVEREND WENGROVIUS

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

Mr. SCHAEFER. Mr. Speaker, I am pleased to be here today with our guest Chaplain, Reverend Wengrovius, and to thank him for his inspiring prayer this morning. Mr. Wengrovius comes to us today from my district in Golden, CO. His trip is very special, as he is visiting his daughter, Emily, a House page I had the pleasure of appointing. The Reverend has lead Calvary Episcopal Church, in Golden, with a ministry focusing on help and charity for the entire community. The church is also active with the Golden T and T—Tying Neighborhoods Together—a group who brings activities and goodwill to the area. His family includes his wife, Ruth, and three children. Jack is studying at the University of Southern California, Emily is a House page here in the District of Columbia for the remainder of her junior year in high school, and Jenny is in junior high. I invite you to join me in welcoming Reverend Wengrovius to the House floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

SUPPORT THE FUTURE BY BALANCING THE BUDGET

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, the President's intentions are now crystal clear. This President is willing to sacrifice our children's future to satisfy his thirst for more spending, more taxes, and more bureaucracy.

For weeks he has been talking and just talking about wanting to balance the budget. But, Mr. Speaker, talk is cheap and does nothing to solve this Nation's problems. The President should end his little charade about caring for this country's future because it does nothing but undermine the credibility of the Office of the President.

It is time that he accept and embrace the Republican's effort to balance the budget. All America wants, needs, and deserves a balanced budget and a secure future. We must end the President's pattern of all talk and no action

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by balancing the budget, saving Medicare, reforming welfare, and cutting people's taxes. Support the future—tell the President to get behind the Republican Balanced Budget Act.

GINGRICH–DOLE GOVERNMENT SHUTDOWN

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

Mr. DURBIN. Mr. Speaker, this is day two of the Gingrich–Dole Government shutdown. The next time Speaker GINGRICH stands in front of the TV cameras, I hope the press will ask him a few questions.

Speaker GINGRICH, if your Government shutdown sent 800,000 Federal employees home without pay, why do you keep drawing your congressional paycheck?

Speaker GINGRICH, if your Government shutdown stops checks for the widows of American veterans, why should your congressional paycheck keep coming?

If we turned off the TV cameras and the machine printing congressional paychecks, this Gingrich gridlock would end in 5 minutes.

Tomorrow, in the Subcommittee on District of Columbia of the Committee on Appropriations, my congressional colleagues will have an opportunity to vote on my proposal: No budget, no pay. It stops congressional paychecks when there is a Government shutdown or a default on the national debt. Mr. GINGRICH should put his paycheck on the line, not everybody else's.

LIBERAL DEMOCRATS SCARING SENIORS

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

Mr. NORWOOD. Mr. Speaker, the liberal Democrats would rather scare seniors than make good public policy. The evidence of pure political gamesmanship is clear and convincing. Listen to what the liberal Democrats are calling for today. They want to lower Medicare premiums. Have they lost their minds?

Mr. Speaker, Medicare is going bankrupt, and they want to increase the cost of the Medicare trust fund. The Federal Government is almost $5 trillion in debt, Medicare is going bankrupt, and liberal Democrats want to increase the spending of the Federal Government. It is little wonder we owe $5 trillion.

Mr. Speaker, we will save Medicare from bankruptcy. We are making the hard choices we were elected to make, and ladies and gentlemen, we will stand our ground. We will stand our ground and fight for the future of our children and our grandchildren.

NO MORE GAMES

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

Mr. STUPAK. Mr. Speaker, I rise today to ask Speaker GINGRICH to present to the American people a clean, honest continuing resolution. No tricks, no gimmicks for Gingriches, just an honest government bill to keep the Government functioning.

Many of our financial problems are because congressional leaders have used the budget to make major legislative policy changes that only serves to compound our budget problems. In an honest budget, there is no place for Medicare premium increases, or in an honest budget, there is no place to cut student college loan programs.

Mr. Speaker, give this Congress and the American people an honest, clean budget. No more games with the budget; no more tricks on the American people; no more, Speaker GINGRICH. Give us a clean, honest budget.

COMMITMENT TO A BALANCED BUDGET

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

Mr. BUNN of Oregon. Mr. Speaker, right now the Federal Government is in the process of shutting down. All nonessential services have been stopped temporarily while we wait for President Clinton to come to the table to seriously negotiate with Congress. While the President is busy golfing and playing other games the American people, Federal employees are not getting paid.

The President's plan may be par for the course, but it doesn't balance the budget and it isn't good enough.

The President still gets paid during this shutdown, he has nothing to lose. He doesn't understand how committed Congress is about balancing the budget. It is time for us to show the President and the American people just how serious we are about balancing the budget.

Under H.R. 2351 our salaries will be stopped if we fail to resolve our budget impasse. This bill will hold us accountable for our actions, something that the President is unable and unwilling to do.

The President once promised the American people that he would balance the budget in 5 years. Obviously he wasn't serious about doing that, it was just another campaign promise. Let's show the American people how committed we are to ensuring that our kids don't have to shoulder the debt we have incurred, let's pass H.R. 2351.

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

GI'S ON THE BORDER

(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 would like to talk about balancing the budget. There are 4 million illegal immigrants that have walked across our border, and the INS wants to build a big fence. Now, would you walk across the border illegally if you got free food, free housing, free health care, and free education? I think you would too. To boot, you do not have to pay one single dime of tax.

I say, Mr. Speaker, we have GI's falling out of chairs on arm rests overseas, and we have people illegally crossing our borders. Why do we not support H.R. 4387, put a few GI's and a couple of Jeeps on the border, maybe we will help to even balance our budget. Think about it.

HUMOROUS STUDY IN HYPOCRISY

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

Mr. SCARBOROUGH. Mr. Speaker, this past week since the Government has been shut down it has been a very humorous study in hypocrisy watching the President of the United States and his minions here in Congress. They say they want to protect seniors, but talk is cheap.

Let us look at the record. Yesterday they voted to allow the President and Robert Rubin to raid the Social Security trust fund. A few years ago every one of them voted to raise taxes on Social Security recipients to 85 percent, and they did that without a single Republican vote supporting that. They voted in 1993 to raise taxes through the roof for working seniors and lower the level to $11,000.

They have ignored the President's own trustees who have told us that Medicare is going bankrupt. Instead, they want to close their eyes and demagogue the issue, and they say, let us go ahead and let Rubin raid the trust fund. We can trust Bill Clinton.

Well, in 1992, was it not Bill Clinton who promised a middle class tax cut, and when he had a chance to define his budget priorities, the next year he passed the largest tax increase in the history of this country. In 1992, he promised to balance the budget in 5 years, and yet the deficit continued to soar.

REPUBLICAN PLAN TOO EXTREME

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

Mr. GEJDENSON. Mr. Speaker, Mr. GINGRICH and Senator DOLE have shut the Government down so that they can get a tax cut to the richest 1 percent of Americans. The extreme program they

have undertaken has stopped Government. Two hundred and forty-five billion dollars in Medicare cuts, $170 billion from Medicaid, an assault on the environment, student loans, the Endangered Species Act, the Arctic National Refuge.

Mr. Speaker, every part of the program is too extreme, and that is why Government has come to a halt. It cannot get through the House and Senate, so they are trying to blackmail the American people by shutting down this Government.

Mr. Speaker, if they take the tax cut off the table, we could even reach the balanced budget in the time they want to. But no, their goal is to take seniors and throw them off Medicare, to take children and take away their lunch program, to end the kind of environmental protection that has cleaned up the air and our rivers, a program even this week's Business Week says is too extreme.

AMERICAN DREAM, NOT AMERICAN DEBT

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

Mr. EHLERS. Mr. Speaker, as Members of Congress we are sent here to, as the Constitution says, ''secure the blessings of liberty to ourselves, and our Prosperity.'' For a generation now Congress has forsaken the mandate laid out in the founding documents: limited government freedom of opportunity, and common responsibility.

For years now, Congress has helped to create a government that is too big, taxes too much, and makes people dependent. Well, last year the American people said ''Enough.'' They are tired of seeing their paychecks shrink while the Government gets bigger and goes further and further into debt, and elected a new majority to Congress.

Congress and the President are now in a conflict over the budget. It must be made absolutely clear, the people and the President that Congress now follows a very different agenda than it did before. This Congress is committed to balancing the budget, so that our children will inherit the American dream and not the American debt. I hope the President will join us in this commitment.

REPUBLICANS THROWING BUDGET TANTRUM

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

Mrs. LOWEY. Mr. Speaker, the Republican leadership is throwing a budget tantrum that has shut our Government down.

Speaker GINGRICH and his freshman troops decided months ago to force their extreme agenda on the American people by creating this crisis.

Accept our cuts in Medicare, education, and the environment, the Republicans say, or else we will shut the Government down and cause a default.

Mr. Speaker, that's no way to run a country. NEWT GINGRICH should not be shutting the Government down in order to force his agenda on the American people.

Republicans and Democrats should sit down together and pass bipartisan bills to keep the Government running. Unfortunately, the Republican leadership is more interested in provoking confrontation that they are in governing responsibility.

The American people overwhelmingly support our budget priorities—they agree that we should not cut Medicare, education, and the environment. We should not raise premiums on Medicare 25 percent. The President is fighting for the priorities of the American people, and he is clearly standing firm.

□ 1015

SEVEN SUMS UP BUDGET DEBATE

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

Mr. GANSKE. Mr. Speaker, let me sum up the current debate on the budget. One word: Seven. We are committed to balancing the Federal budget in 7 years with honest numbers. Not 8, not 9, not 10. Seven. Why seven? Because it is not too extreme, it is not too fast. But is realistic. We will not compromise, we will not back down. We will balance the budget in 7 years. The sooner the President of the United States understands this, the sooner we can stop the Government shutdown, and the sooner we can balance the budget. Seven.

BALANCING BUDGET A MATTER OF PRIORITIES

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

Ms. DELAURO. Mr. Speaker, Speaker GINGRICH tries to blame the President for the Government shutdown but he has been planning this now for months.

Just take a look at the Speaker's words in September:

''I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days—not at this time.

''I don't care what happens.'' That is what Speaker GINGRICH says. President Clinton does care. He cares about seniors, he cares about our children, and he cares about our environment. The question is not will we have a balanced budget, the question is how will we balance the budget. What are our priorities?

The President and the Democrats are standing with the American people in opposition to Medicare, education, and environmental cuts to pay for tax breaks and tax cuts for the wealthiest Americans. This is not the American way. It is wrong.

DO IT FOR OUR CHILDREN

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

Ms. PRYCE. Mr. Speaker, I hope the mothers of America are watching what is going on in Washington.

As a mother, do you know that your child will have to pay $187,000 during his or her lifetime just to pay for interest on the national debt?

As a mother, do you know that interest payments on the national debt eat up one-third of the entire Federal budget?

As a mother, do you know that generational accounting indicates that your children will face lifetime tax rates of more than 80 percent in order to pay off the debt?

Well, as a mother, I know I will not stand for this.

As a mother, I believe it is time to get our Federal house in order.

As a mother, I believe it is immoral to continue to saddle my children and all American children with the national debt.

I hope the mothers of America will join me.

Call the President. Tell him it is time to get down to the people's business. It is time to stop politicking, pass a balanced budget, and save our children's future.

Come on, Moms, keep the pressure on.

SPEAKER OUT OF TOUCH WITH AMERICAN PEOPLE

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

Mr. SANDERS. Mr. Speaker, this partial Government shutdown is causing a great deal of anxiety for people who utilize Government services and for the 800,000 Federal employees who are currently being furloughed. We must stop that shutdown and end that anxiety as soon as possible. But we should also be clear as to what is really going on here. What is going on is that Mr. GINGRICH and the Republican leadership are attempting to blackmail the President and accept an agenda that the vast majority of American people disagree with. Very few people in this country think that we should give huge tax breaks for the rich, build B–2 bombers that the Pentagon does not want, and slash Medicare, Medicaid, veterans' programs, student loans, environmental programs, and job programs that protect our kids.

Mr. GINGRICH is dead wrong. He is out of touch with the American people. He should back down and let Government start running again.

REPUBLICANS DETERMINED TO BALANCE BUDGET

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

Mr. SHAYS. Mr. Speaker, former Prime Minister Rabin of Israel once said, ''Politicians are elected by adults to represent the children.'' Children do not vote, they do not respond to political polls, but they ultimately are the ones who will be helped or hurt by what we do here. That is why we are determined to get our financial house in order and balance our Federal budget within 7 years, save our trust funds, particularly Medicare, from bankruptcy, and transform our social and corporate welfare state into an opportunity society.

For our children we are determined to balance our Federal budget within 7 years, with or without the support of the President.

We are doing it by increasing spending. EITC goes up from $19.8 to $27 billion. School lunches go up from $6 to $8 billion. Student loans go up from $24 to $36 billion. Only in America and only in this place when you spend more money do people call it a cut.

DEMOCRATS READY TO DO THE PEOPLE'S WORK

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

Mr. GUTIERREZ. Mr. Speaker, all across our Nation, millions of Americans wake up every day, go to work, and do their jobs.

Sometimes it is tough. Some days it would be easier just to stay home.

But our people do it. Because it is a duty, you might even call it a contract.

Well, the Members of the House of Representatives also have a duty, a contract, to do our jobs.

And our job is to pass administration bills on time and keep our country running so veterans and seniors and students and families get the services they pay for and deserve.

Well, for all the Republican talk about a Contract With America, this body has failed spectacularly in honoring its contract to do our job.

Let us be clear—Government is closed—and people are suffering—because the Republican Congress cannot do its duty and pass these bills.

On the Democratic side of the aisle, we hear the alarm clock, and we are ready to do the people's work.

I hope my friends on the other side of the aisle are ready to rise and shine and do something more than talk about a contract.

A LETTER TO THE PRESIDENT

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

Ms. DUNN of Washington. Mr. Speaker, yesterday I received a copy of a letter written by a senior citizen and businessman who lives in Seattle. It is addressed to President Clinton, and this is what he wrote:

> When you were elected President, I felt issues you addressed in your campaign, such as balancing the budget in five years, were important.

Let me interject, Mr. Speaker, that the President now says that balancing the budget by 2002—10 years after his election—is unacceptable.

The writer goes on:

> At the age of 62, I qualify as one of those you are trying to scare, but I can count . . . You speak of ''huge and horrendous cuts in programs'' which, in reality, will increase at well over the rate of inflation.
>
> Please settle down, and without posturing, deal in a thoughtful way with our budget problem. . . . Even the poor, old, infirm and students will benefit from lower interest rates . . .
>
> Your posturing and inflammatory scare rhetoric may, in the short-run, accomplish some objective, but history will not treat anyone well who fails to lead us out of the mess that years of excessive spending has created.

Mr. Speaker, that says it all.

CLEAN CR BEST HOPE TO END BUDGET BATTLE

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

Mr. REED. Mr. Speaker, I call today on the Republican leadership and my President to resolve the current shutdown of the Federal Government. The livelihood of many Americans and the stability of our Nation's political system demand as much.

I have heard from many Rhode Islanders who are upset and confused. They may all have different concerns, but they all share a common question—why did this happen?

Rhode Islanders realize that the current impasse did not have to occur. They understand that the House is behind in its work. They know that instead of passing appropriations bills in a timely, responsible manner, this House has been playing politics.

Each year this House has the duty to establish priorities and appropriate the funds to meet them. There are 13 such bills and they are supposed to be sent to the President before the start of the fiscal year.

Regrettably, this House, and, in particular, this new Republican leadership failed in this task. Instead of seeking bipartisan support for a fair, balanced budget, the Speaker crafted an extreme plan that included unnecessary cuts in essential programs like Medicare and education. More importantly, Mr. Speaker, this failure shut down the Government.

Balancing the budget is important, but there can be no progress in this environment of hostility. The majority has failed to get the appropriations bills to the President. Now, they must be responsible and end the shutdown. A clean continuing resolution is the best and only solution. Moreover, it would provide the only real framework for the bipartisan solution the American people want.

Mr. Speaker, I urge you to do the right thing and end this game.

RESOLVING THE BUDGET SHOWDOWN

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

Mr. GUTKNECHT. Mr. Speaker, this whole budget showdown boils down to one question—why won't the President do what he promised and help balance the budget? This showdown is not about one side wanting to furlough Federal employees. This is about character, this is about trust, this is about our children, this is about our future as a nation.

The American people can no longer shoulder the burden of debt that the Federal Government is placing on them year after year after year. We now have a $5 trillion debt. We spend over $200 billion every year just to pay interest on this debt. The irresponsibility has to stop. Period.

Our President said he would present a 5-year plan to balance the budget.

We challenge the President to end the excuses and end the gimmicks. We encourage him to keep his promises. He should not be keeping us from keeping ours.

GETTING ON WITH THE PEOPLE'S BUSINESS

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

Mr. ENGEL. Mr. Speaker, only one thing good has come out of this shutdown. It has exposed the extreme agenda of the Republican Party. What are they doing? What are they proposing? To raise Medicare premiums on seniors, gut environmental regulations, gut worker safety laws, gut health rules for food inspection, gut education, gut student loans, and let us remember, we would not be in this crisis if the Republicans were doing their job. Ten of 13 appropriations bills have not yet been sent to the President that were supposed to have been sent by October 1.

It is easy to see that the Republican leadership has provided this crisis in order to blackmail the President to accept their extreme agenda. Let us listen to what some of the leaders said just a few months ago.

The chairman of the Committee on the Budget: ''If we close down, people will listen.''

The Speaker: ''The President will veto a number of thing and we'll put

them all on the debt ceiling and then he'll decide how big a crisis he wants.''

We cannot balance the budget on the backs of working people. We cannot cut Medicare $270 billion to give a tax break for the rich. Stop your extreme agenda, Republican leadership, and let us get on with the people's business.

REPUBLICAN BUDGET RESTORES AMERICAN DREAM

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

Mr. TIAHRT. Mr. Speaker, the debate rages on regarding the balanced budget and I am a little tired of hearing the same old excuses over and over. The calls that are coming into my office right now overwhelmingly say do not let up, keep pushing for a balanced budget and do it now. They tell me we have a wonderful opportunity to finally end the habit of spending away our children's future, and balance the budget.

What is so extreme about working together to save Medicare for our parents and our grandparents? What is so extreme about working together to reform welfare, to emphasize work? What is so extreme about working together to cut taxes for working families? This budget restores the American dream. An analysis done by the Heritage Foundation said the Republican plan to balance the budget in 7 years with tax relief will offer the following for workers: $32 billion more to keep for themselves in tax relief, higher compensation per hour for workers, lower mortgage rates, more industrial production.

This is clearly a wonderful opportunity. No more excuses. It is time to do the right thing for the people of this country. Balance the budget.

BIPARTISANSHIP CALLED FOR IN BUDGET BATTLE

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

Mr. BISHOP. Mr. Speaker, the President should not give in to blackmail.

The Republican leaders in Congress are attempting to blackmail the American people into accepting a budget-balancing plan that pays for a massive $245 billion tax cut for the rich by extreme $450 billion reductions in Medicare and Medicaid.

The Republicans threaten to force the Government to default in its obligations and shut down unless the President lets them balance the budget in 7 years their way—a way that hurts seniors, hurts children, hurts veterans, hurts farmers, hurts rural hospitals, and hurts college students.

I am a fiscal conservative. I support a balanced budget. Conservative Democrats offered a bill to balance the budget in 7 years that is credible, makes reasonable reductions in Government programs while preserving those that benefit our Nation's people. The Republican majority rejected this fair bill.

Let's get a bipartisan agreement to balance the budget in a way that is fair and just to all Americans—not just the rich. But let's not give in to Republican's blackmail.

□ 1030

SPENDING BINGE HAS TO END

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

Mr. WALSH. Mr. Speaker, the mandate from Americans in last year's elections was clear.

Cut the fat in Government. Rein in the spending. Save our country. The spending binge has to end.

We promised our constituents we would balance the budget. President Clinton, you are standing in the way. This is not a political campaign. We are talking about the future of our country.

Republicans have produced a budget which spares the vulnerable.

Our budget will not cut spending on important programs. It allows for growth at a sustainable rate.

Student loans: In 7 years, annual student loan spending goes from $24.5 to $36.4 billion in 2002.

Medicaid: In the past 7 years, Medicaid spending totaled $443 billion. In the next 7 years, $773 billion.

Medicare: In the past 7 years, we spent $926 billion. In the next 7 years, $1.6 trillion.

Over the next 7 years, Medicare spending per beneficiary will increase 40 percent.

We have promised taxpayers we will balance the budget. We will do that.

It's time for President Clinton to say no to spending, and yes to our children.

If not now, when, Mr. President?

BALANCE THE BUDGET IN 7 YEARS WITHOUT CUTTING MEDICARE AND EDUCATION

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

Mr. GENE GREEN of Texas. Mr. Speaker, Speaker GINGRICH has said he wants to keep open the Social Security and veterans offices temporarily so the elderly and veterans will not have to suffer from the shutdown. Well, I am glad to hear that. The problem though is that once they reopen after this budget impasse, there are not going to be as many benefits for them there.

The balanced budget proposal cuts Medicare $270 billion over the next 7 years, and, in my own State, the Republican bill cuts Medicare by over $16 billion in Texas. Such a dramatic cutback would have a severe cutback on the 2 million senior citizens. The veterans better watch out because $6.4 billion is cut over the next 7 years, including increasing veterans' costs for prescription drugs.

Let me look at what has happened from 1 day of the Government shutdown: 28,000 American seniors and workers have been unable to apply for Social Security or disability benefits; 200,000 American seniors have tried to call the 1–800–HELP line, oftentimes to report abuses we need to have reported, and they have not gotten an answer; 7,600 veterans have not been able to file for compensation.

Let us cut this impasse. We want to balance the budget in 7 years, too, but not to cut veterans and Social Security.

STICK TO COMMITMENT TO BALANCE THE BUDGET

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

Mr. WHITE. Mr. Speaker, the public does not like it when Congress and the President cannot get together on a budget. Frankly, neither do I. It would be so much easier on all of us if everything was sweetness and light here in Washington, DC. But, unfortunately, there is a reason that things are not sweetness and light here in Washington, DC, and it is because there is a fundamental disagreement between Congress and the President on an issue that is very crucial to our country. Congress is committed to balancing the budget as soon as possible, but certainly no later than 7 years from now, and the President is not.

Mr. Speaker, since I came here 11 months ago, we have worked very hard on our budget. We have had to make some very difficult decisions. We have had to say no to our own constituents. We have had to make sure we did not use all the phony numbers that we sometimes see from the budgets in the past.

For the first time in 30 years, we have proposed and passed in both Houses of Congress a budget that will balance over the next 7 years. We cannot back off that commitment. It is too important to our children. I hope that the President joins us.

IT IS TIME TO END THIS CRISIS

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

Mrs. KENNELLY. Mr. Speaker, if today were a normal day, 28,000 people would be planning to apply for Social Security, survivors, or disability benefits, 1,600 veterans would be filing their new claims for compensation or pensions, and 900 more would be claiming their benefits under the Montgomery GI bill.

If today were a normal day, three-quarters of a million people would be getting up this morning, planning to visit one of the national parks. And, on

a normal day, 55,000 of those people would be here in Washington, ready to visit the Washington Monument, the White House, Ford's Theater and other locations here.

If today were a normal day, 23,000 Americans would be applying for their passports to get ready for trips abroad. And on a normal day, 700 young men and women would be ready to dedicate themselves to our country by enlisting in our Nation's Armed Forces.

But instead of these normal everyday things, today we have paralysis, confusion, delay, and waste. It's time to end this crisis, and get people back to work.

IT IS TIME FOR THE PRESIDENT TO GET SERIOUS ABOUT BALANCING THE FEDERAL BUDGET

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

Mr. CHABOT. Mr. Speaker, I am a little troubled by some of President Clinton's comments the last couple of days. I have been listening to the White House press conferences, which seem to occur about every 20 minutes, and I can keep hearing the President claim that he wants to balance the budget.

Now, that is interesting, because the budget that he sent to Congress called for $200 billion annual deficits into the foreseeable future and added $1 trillion to the national debt over the next 5 years. His so-called balanced budget was so unbalanced, the Democrats in the House refused to offer it. In the Senate, where it was introduced, it received not one single vote.

Now every time we turn on the television we see a somber President Clinton proclaiming that theoretically he supports some balanced budget at some time, just not this particular balanced budget.

Baloney. The President could care less about balancing the budget. He should join us and we should work together to finally balance the budget for this country.

WHO IS GOING TO BALANCE THE BUDGET IS NOT THE ISSUE

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

Mr. WILLIAMS. Mr. Speaker, here is something the national Republicans do not want to talk about. The last time they were in charge, under former Presidents Reagan and Bush, they passed their budget. You remember it, it was called trickle down. The Federal deficit tripled last time they were in charge.

Under President Clinton, the deficit has finally begun to come down. In fact, for 3 years in a row the deficit has come down. The last President to pull that off was Harry Truman in the 1940's.

Here is a very remarkable thing: If the Gingrich budget passed, it would not reduce the deficit in its first 3 years as much as the Clinton budget reduced the deficit in its first 3 years. And Bill Clinton did it with equity and fairness, without savaging kids or farmers or veterans or old folks.

So the issue is not who is going to balance the budget. The Republicans have proven they do not know how to do it. President Clinton has proven Democrats do.

EVERYBODY WANTS A BALANCED BUDGET

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

Mr. NEY. Mr. Speaker, the American people need to know that there was a vote on this floor to protect Social Security funds from being raided. They need to know there was a vote on this floor to protect pension funds from being raided to pay the national debt.

We voted for it, but we were not successful. We needed more support from over here. People talk about the fact that they want a balanced budget. Everybody wants a balanced budget, until it is time to actually do it. The American people are not extremists. My district is overwhelmingly Democrat, and the calls are coming in overwhelmingly 9 to 1, by Democrats, Republicans, independents, working people across this country that they want a balanced budget.

The American people care about the money they put into their wallets, and their money for 26 to 30 years the Government has taken out of their wallets. No more smoke and mirrors, no more false promises of Gramm-Rudman. It is time to act and for Washington to act right now on behalf of the American people and the future of children in our country to balance the Nation's budget once and for all so people can keep their own hard-earned money.

GOVERNMENT SHUTDOWN

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

Ms. MCKINNEY. Mr. Speaker, since April of this year, Speaker GINGRICH has threatened that he would close down the Government in order to pass his extremist agenda. Well, yesterday, Speaker GINGRICH got his wish—the Government closed down.

All this because the GOP is in a mad rush to make their gargantuan cuts to Medicare, the environment, and education, so they can help pay for $245 billion in tax breaks.

Mr. Speaker, the American people yearn for Medicare reforms worthy of the mainstream and not the GOP extreme. Clearly, extremist GOP policies have only one purpose in mind, and that is to reward those who finance the Republican Party at the expense of those who don't make campaign contributions.

Don't try to blame the President, pass the appropriations bills.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). Further 1-minutes will be recognized at the end of the legislative day.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. CALLAHAN. Mr. Speaker, I call up the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, with the remaining Senate amendment thereto, and move to disagree to the Senate amendment to the House amendment to the Senate amendment numbered 115.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to the Senate amendment numbered 115, as follows:

Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the House amendment to the Senate amendment, insert: "*Provided*, That in determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, nongovernmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion".

Mr. CALLAHAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendment to the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

MOTION OFFERED BY MR. CALLAHAN

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

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. CALLAHAN moves to disagree to the Senate amendment to the House amendment to the Senate amendment numbered 115.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. CALLAHAN] will be recognized for 30 minutes, and the gentleman from Texas [Mr. WILSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. CALLAHAN].

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and that I be allowed to include tabular and extraneous material on H.R. 1868.

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

There was no objection.

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

Mr. Speaker, under the present circumstances, we must do whatever is needed to move all of the remaining appropriations bills to the President's desk as soon as possible. Each appropriations bill the President signs will put more agencies back into business. In the case of this foreign aid appropriations bill, we must act to ensure that humanitarian aid continues without interruption.

The complicated motion I have just offered is actually a simple one. Both the House and Senate have passed the conference agreement on the foreign aid appropriations bill. This morning, the House is being asked to insist on its previous position on the only remaining amendment in disagreement.

This is the so-called Smith-Callahan amendment on population funding and abortion. It last passed the House on October 31 by a vote of 232 to 187. In a slightly different version, the Smith amendment passed the House on two previous occasions during consideration of H.R. 1561, the foreign aid authorization bill. This will be the fourth time the House is being asked to vote on this.

By sending this amendment back to the Senate, we will be giving the other body another opportunity to consider the Smith amendment which is so important to many Members of this body. I expect the Senate leadership to work to pass this amendment. I hope they are successful, but I recognize that parts of the Smith amendment have failed to pass the Senate on two previous occasions.

Mr. Speaker, I urge the House to agree to this motion. Our leadership has determined that this is the best way to move the foreign operations appropriations bill toward the President's desk. We must do what we can to make sure that humanitarian aid to displaced people and refugees around the world is not disrupted.

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

Mr. WILSON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we finished the foreign operations conference more than 3 weeks ago, but we have been unable to send a bill to the President because of the issue of who will receive family planning funds.

Today we are wasting a vote by again voting on the same language that the Senate has refused to accept, and the President has said he will veto the bill if it is included.

We need to look at the priorities in this bill and take out the Mexico City language so that this bill can get to the President for signature.

Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, my friend, the distinguished subcommittee chairman, just indicated that this bill is before us because we had to move these appropriations bills forward.

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I agree that we do. The problem is this motion does not do that. It keeps the Congress stuck on dead center on another 1 of the 10 appropriation bills which still have not made their way into law.

We have been here before, Mr. Speaker. Three weeks ago we went through this exercise. The House voted to insist on its position on this matter. It was sent to the Senate and the Senate turned it down. I know of absolutely no development which has changed the Senate position to this point. What we have is, I think, another example of why the Government at this moment is shut down with over 90 percent of the appropriations still not in law for the coming fiscal year.

Frankly, there are a whole lot more issues in this bill that I care about more than how we come down on the Mexico City issue. I have been trying through the years to find any way to resolve that issue, and I offered a compromise motion the last time we were on the floor with this issue. We lost. The rules do not allow me to make that same motion again. If they did, I would make that motion again because I think both chambers need to show some movement.

I respect people's strong views on this subject, on both sides, but it seems to me we are caught in a higher problem this morning. It seems to me that this motion is again, in a small way, a vivid example of why the Congress has not been able to finish its work, why we are sitting here wrapped around the axle with the Government shut down, with the majority party blaming the President because he has not signed bills they have not sent him yet.

It just seems to me, Mr. Speaker, that the way out of this box is to, not just on this bill but on all the other bills that have not yet become law, try to find ways to bridge the differences between the House and the Senate, not to keep those differences going. This motion keeps that difference going this morning. It does nothing constructive to either move this bill to the White House or to lessen the portion of the Federal budget which has still not been passed for the coming fiscal year.

I will vote against the motion, Mr. Speaker, not because of any particularly strong feelings about the motion per se, but simply because I do have strong feelings that we ought to be moving these bills forward, as the subcommittee chair indicates, but this motion is not doing that.

I really think that sooner or later people have to get over their insistence on first preferences. We have to recognize that we have an obligation in a legislative body to get our work done, and continuing to polarize this issue between the House and the Senate is not making any significant contribution toward that end.

Mr. WILSON. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York [Mrs. LOWEY].

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to the motion before us. This motion aims to completely eliminate family planning aid overseas.

Mr. Speaker, this motion is one of the reasons why the Federal Government is shut down today. The Republican leadership has insisted on putting extreme provisions in appropriations bills like this one that have no place here. Every appropriations bill that comes up has an abortion rider attached to it. Collectively, these riders have brought the budget process to a grinding halt.

This language is a substantial change in law that should not tie up passage of an important spending bill like this one. I have the utmost respect and admiration for Chairman CALLAHAN. He has crafted a good bill here that makes sense for America and the world, and it is a shame that this critical legislation is being held up by extremist language.

Proponents of this language claim that it simply cuts abortion funding. What they have not told you is that abortion funding overseas has been prohibited since 1973. This language would cut abortion funding from its current level of zero to zero.

Therefore, this motion goes after family planning, not abortion.

One of the most important forms of aid that we provide to other countries is family planning assistance. No one can deny that the need for family planning services in developing countries is urgent and the aid we provide is both valuable and worthwhile.

The world's population is growing at an unprecedented rate. In 40 years our planet's population will more than double. As a responsible world leader, the United States must do more to deter the environmental, political, and health consequences of this explosive growth.

And let us not forget what family planning assistance means to women around the world. Complications of pregnancy, childbirth, and unsafe abortion are the leading killers of women of reproductive age throughout the third world. One million women die each year as a result of reproductive health problems.

Each year, 250,000 women die from unsafe abortions.

Only 20 to 35 percent of women in Africa and Asia receive prenatal care.

Five hundred million married women want contraceptives but cannot obtain them.

Most of these disabilities and deaths could be prevented.

This motion would defund family planning organizations that perform legal abortions—even if the abortion services are funded with non-U.S. money.

The motion also cuts funds to the UNFPA, an organization that provides family planning and population assistance in over 140 countries. The pretext for this provision is that the UNFPA operates in China, and therefore the funding must be cut. However, the law currently states that no United States funds can be used in UNFPA's China program. Proponents of this language are clearly using the deplorable situation in China as an excuse to eliminate funding for this highly successful and important family planning organization. The UNFPA is in no way linked to reported family planning abuses in China, and should not be held hostage to extremist antiabortion rhetoric.

I urge my colleagues to oppose this motion. No matter how its proponents try to disguise it, this motion is ultimately intended to end U.S. family planning assistance overseas. A vote for this motion is a vote against sensible, cost-effective family planning programs.

It is also a vote to continue these destructive budget games at the expense of the American people. Let us face it. The reason October 1 has come is because we have not done our work, my colleagues.

Mr. CALLAHAN. Mr. Speaker, I yield myself 1 minute to respond to the two previous speakers.

What we are trying to do, I think, is a responsible thing, and that is just what Mr. OBEY wants us to do, is to pass these bills, to get the Government operating.

I think that we are being very responsible in giving the President the opportunity to have a foreign policy operation capability. So that is the purpose of it.

I do not know why we should go through this continued debate on a bill that has already been debated four times and say the same things that we are saying; but, nevertheless, we have indications from the Senate that if we will send this message back to them, that possibly they can work something out. So it is a responsible thing to do in order to give the President the latitude he needs to handle foreign policy and to continue the humanitarian efforts worldwide.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan, [Mr. KNOLLENBERG] who is a member of our subcommittee.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me time. I rise and join my colleagues in urging the House to reaffirm its strong commitment to the Callahan amendment language, the very language which passed the House on October 31 by a vote, and most of my colleagues know this, by a vote of 232 to 187.

This amendment prevents taxpayer money from going to fund the promotion or performance of abortions. It does not reduce, and I would challenge the comments of the gentleman from New York, does not reduce funding for international family planning. It simply ensures that our money is spent saving lives and not taking them.

Mr. Speaker, the statement has been made, and I am just repeating it, that this is the very same language that we passed before. The will of the House is very clear on this issue. Our limited funds, and we do have limited funds, and the gentleman from Wisconsin, [Mr. OBEY] spoke in regard to some of this, as has the gentleman from Alabama [Mr. CALLAHAN], that we do have limited funds, but those funds for foreign assistance programs should not be spent on promoting or performing abortions.

I urge my colleagues to vote ''yes'' on the Callahan motion and insist on the House-passed language.

Mr. WILSON. Mr. Speaker, I yield 4 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, with the highest regard for the chairman of our subcommittee, Mr. CALLAHAN and for the maker of this original amendment, the gentleman from New Jersey, Mr. SMITH, I rise in opposition to this motion today.

I heard our colleagues on the other side talk about this. The gentleman from Michigan [Mr. KNOLLENBERG] and the gentleman from Alabama [Mr. CALLAHAN], our chairman, and it reminded me of the many weeks our chairman with his leadership took us through with this bill. We resolved every point except this one. Indeed, 3 weeks ago we were gathered here and we voted on this very issue and here we are back again.

Mr. Speaker, it is, yes indeed, one example of why our appropriations bills are not finished, and why we are in the difficult situation we are in today with the closing down the Government. If we could get our appropriations bills passed we would not have to be waiting for a continuing resolution.

Having said that, in terms of procedure, I oppose the technique that is being used, to go back and forth and back and forth to the Senate on this language. The Republican Senators agree with many people in this House of Representatives that the language in the Smith legislation is not appropriate to this legislation. I would urge my colleagues to support that position, which is to oppose this amendment.

Mr. Speaker, we have been down this road before as I have said. The conference report has gone back and forth. This legislation contains the same restrictive anti-choice language which the Senate has already rejected. Negotiations require each side to compromise. Sending back the exact same language already rejected by the other body is not a compromise.

When the bill was before us 3 weeks ago, Mr. Speaker, the gentleman from Wisconsin [Mr. OBEY] proposed language that would remove the legislative language referred to as the Mexico City policy that should be debated on an authorizing bill. Mr. Obey proposed restrictions that are in current law on coercive abortion. The gentleman included a provision limiting funds for UNFPA unless they stop their program in China. It was tougher than I wanted, but, nonetheless, it was a compromise.

Mr. Speaker, I oppose the House language in disagreement. According to the World Health Organization, 500,000 women die each year of pregnancy-related causes, 99 percent of them in the developing world. Restrictions on family planning organizations proposed in this provision represent a threat to the health and safety of the world's women.

We all share the goal of decreasing the number of abortions performed throughout the world, and, indeed, even in our own country. However, it is not at all likely that the Smith language would succeed in that regard. Indeed, during the time the Mexico City policy was in effect there was no decrease in the number of abortions performed worldwide, but there was a decrease in the safety of that procedure.

The provision in disagreement is not about cutting abortion funding, because there is no funding to cut. Existing law, as has been said over and over again, existing law already prevents the use of U.S. funds for abortion activities abroad, and has done so under the Foreign Assistance Act since 1973. This amendment would restrict effective women's health care in family planning organizations and interfere with the efforts to provide safe and legal reproductive health care for women in developing countries.

Mr. Speaker, this is about improving health for women throughout the world, and especially in the developing countries. It is a big environmental issue. A vote for this amendment is a vote against family planning. It is not a vote for cutting abortion funding. There is no abortion funding in this bill to be cut.

So on the basis of procedure, Mr. Speaker, and on the basis of substance, I urge our colleagues to vote against this proposal.

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Mr. CALLAHAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

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

Mr. HYDE. Mr. Speaker, there are some things that are factual, and one is that China has a brutal, inhuman policy of mandating only one-child families, and if you have more than one child, you can be, and I have talked to seven women from China who were forcibly aborted, coercively aborted, or sterilized. I talked to one woman whom the authorities took and aborted her when she was 6 months pregnant, because she picked up a baby girl that

was thrown away on the side of a road, and that gave her two children, and so they aborted her. How can anybody support that kind of policy?

Well, Mr. Speaker, the United Nations does. Money is fungible. Do not say ''no money for abortion,'' because what you do not spend with this money, you spend with that money. So that is just a dodge.

Now, I have heard about the number of women who die from unsafe abortions, and that is tragic, but the mortality rate for the babies is 100 percent. Millions of them die.

Mr. Speaker, family planning is not abortion and abortion is not family planning. Whatever dollars we have for family planning are still going to go for family planning, but not to organizations that perform or council abortion. American tax dollars should not be in the abortion racket. We should not pay to exterminate unborn children. That is a policy decision.

Mr. Speaker, everybody who takes the well in opposition to the position of the gentleman from Alabama [Mr. CALLAHAN] is for the abortion license. I do not say they are for abortions, but they think abortion is an acceptable answer to an unwanted child, and we think it is highly unacceptable. So do not use American tax dollars to advance the cause of exterminating unborn children, whether they are in the Third World or whether they are in Chicago.

Mr. CALLAHAN. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding time to me.

One of the previous speakers said that this language would completely eliminate family planning. Nothing could be further from the truth.

The Mexico City language and the UNFPA anticoercion language was in effect for most of the 1980's, since about 1984, and into the 1990's, and during that time, the United States, was still the primary donor nation to family planning, both to countries and to organizations around the world.

What we said was that coercion is a terrible and heinous thing, and that we as a nation will not look askance or look the other way when it comes to forcing women to have abortions. All our legislation does today is say that we are again serious about the human rights abuse that occur when women are forcibly aborted and forcibly sterilized. And by our legislation today we say no to those organizations, like the U.N. population fund that whitewashes these crimes and coddles those who commit these crimes and provides substantial money and other kinds of technical supports to programs that sanction these crimes. We are telling the world that we are opposed to that and that we are not going to allow our money to go to those kinds of crimes and the organizations that sanction them.

Mr. Speaker, I think that the language that the gentleman from Alabama [Mr. CALLAHAN] has crafted is a compromise. It is a middle ground that has given in a number of areas, and the Senate should take it.

Let me also point out, Mr. Speaker, again, that anyone who says on the other side that this completely eliminates, and I say this to the press as well, completely eliminate family planning, that that is absolutely unmitigated nonsense. It did not happen before, funding continued under humane rules.

Those specious charges were made back in the 1980's on this House floor and one provider of family planning services after another agreed to the Mexico City clauses, signed on the dotted line—Planned Parenthood and others all got their money. However, they did so by having a wall of separation between family planning and the performance of abortion, except in cases of rape, incest and life of the mother.

Mr. Speaker, let me just say something else. Recently my Subcommittee on International Operations and Human Rights had a hearing and we heard testimony from women who had been forcibly aborted, who are now in this country awaiting to be deported. Right now some of those women are on a hunger strike in California.

This administration, which says that it cares for women, is about to send 19 women back to China, women that the INS itself has said were credible, had sufficient documentation and information to lead a reasonable man or woman to believe that they, indeed, were forcibly aborted. Well, these women right now are on a hunger strike because the Clinton administration is trying to kick them out of the country and send them back to China.

We heard from those women. They came to our subcommittee. It took over 4 months to get them to come, because the administration threw up every kind of barrier to prevent us from hearing their story.

One of those witnesses, Li Bao Yu, told us that when she had an IUD that was forcibly inserted into her body by the cadres, when she had it removed, she got pregnant. So what did the Chinese Government do? It said that that baby that was conceived had to be aborted, and they dragged her in and they forced her to have an abortion.

Some of my friends on the other side of the aisle heard her testimony. We heard from another woman, Hu Shuye, who at 6 months had her baby ripped out of her body by the cadres, by the family planning cadres in the People's Republic of China, and she said, ''I had no way out, they forced me, they dragged me to have this abortion done.''

Mr. Speaker, are we serious about voluntarism? Are we going to look the other way and allow and subsidize these terrible crimes against women?

Mr. Speaker, this administration talks out of both sides of its mouth. It says they want to help women, but instead it is sending those women back; it wants to give money to those organizations that do this kind of thing and assist those countries that do this kind of human rights abuse.

We will see, and the gentleman from Alabama [Mr. CALLAHAN] and the rest of the committee will confirm, that there is money in this bill for family planning. We just say that human rights criteria ought to have sway. Coercion? Or voluntarism? When it comes between the two, let us come down on the side of voluntarism and not on the side of coercion.

Finally, let me just say that we have made some concessions. The Mexico City policy worked, and it will work again.

Mr. CALLAHAN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, the gentleman from Illinois [Mr. HYDE] said a couple of minutes ago that anyone who opposes this amendment is for the abortion of an unwanted child. That is absolute baloney. The gentleman is perfectly entitled to describe his own motives. He certainly by no means has any right to describe mine.

Mr. Speaker, I am opposed to abortions period. I just do not happen to think that I ought to be making the decision for every woman in this country. That is a distinction which I think the gentleman from Illinois is bright enough to understand.

I also want to say that with respect to the China issue, I want to read the language of the amendment that the gentleman who just spoke voted against the last time it was before us on the floor.

My amendment said in section 518 (a):

> Notwithstanding any other provision of this act or other law, none of the funds appropriated by this act may be made available for the United Nations Population Fund unless the President certifies to the appropriate congressional committees that, one: The United Nations Population Fund will terminate all family planning activities in the People's Republic of China no later than May 1, 1996; or two: During the 12 months preceding such certification, there have been no abortions as a result of coercion associated with the family planning activities of the national government or other governmental entities within the People's Republic of China.

Now, that language is very clear, and my statement was very clear at the time. I wanted us to end funding for the U.N. Population Program if it does not pull the plug in China, because I believe, and most of us believe on this side of the aisle, that China does have a coercive program and we have no business being associated with a program that does not recognize that. I feel that very strongly and have felt that way for 5 years.

Mr. Speaker, the gentleman from New Jersey [Mr. SMITH] says that he thinks the language in this amendment is a compromise. Well, that is very nice. The fact is, the Senate does not think it is a compromise, because they

have already voted against it. All I am suggesting is that if the gentleman wants to move this bill forward, the gentleman will find some other formulation than the one in this bill.

Mr. Speaker, we have already tried this route. The Senate has already voted it down, and the hardheadedness that is demonstrated by insisting on everyone's first principles is a clear demonstration of why 10 out of the 13 appropriations bills still have not become law and we are sitting here today with the Government in a situation where it is shut down.

Mr. Speaker, I would suggest that if the gentleman wants to compromise, it has to be a compromise somewhere other than in your own mind. It has to be a compromise which is generally recognized.

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

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

Mr. Speaker, I would like to respond to the comments of the gentleman from New Jersey [Mr. SMITH]. He referenced the hearings that he had, and indeed, the gentleman is to be commended for his leadership on this issue of the inhumane treatment of women in China. We all agree, we all agree. We stipulate to the fact that the program that is being conducted in China is not one that we want to be associated with.

The gentleman from New Jersey [Mr. SMITH], under his leadership, held hearings. We shuddered to hear the testimony of these women who were brought into the hearing room in handcuffs. The gentleman is absolutely right on this subject about the coercion of abortion in China. The gentleman is absolutely right about how these women are treated.

However, what is happening here today is not about that. What is happening here today is that this amendment will curtail the activities of organizations that are engaged in family planning throughout the world. A poor family in Africa should not be held hostage to the coercive programs in China, and that is what this proposal will do. I urge our colleagues to respect the attitude of the gentleman from New Jersey [Mr. SMITH] but vote against his proposal.

Mr. CALLAHAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], the chairman of the Subcommittee on Military Construction of the Committee on Appropriations.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman from Alabama for yielding me this time.

Mr. Speaker, I rise today to urge my colleagues to vote ''yes'' on the Callahan motion. The Callahan motion would reiterate the House's support for restoring two important pro-life policies in effect during the Bush and Reagan administrations.

These policies will ensure that none of the moneys will be available to the United Nations Population Fund unless the President certifies that the UNPF has terminated all activities in China or, during the 12 months preceding, there have been no abortions as the result of coercion by government agencies.

We will also ensure that none of the moneys sent to the UNPF may be used to fund any private, nongovernmental, or multilateral organization that directly or through a subcontractor performs abortions in any foreign country—except to save the life of the mother or in cases of rape and incest.

Now some may claim that this is a gag rule on family planning assistance. However, this is not the case, abortion is not considered a family planning method and should not be promoted as one, especially by the United States. Recently, the State Department decided that the promotion of abortion should be a priority in advancing U.S. population-control efforts. This is unacceptable to the millions of Americans who do not view abortion as a legitimate method of family planning and do not support Federal funding of abortion except to save the life of the mother or in cases of rape and incest.

The Mexico City policy prohibits funds to organizations unless they certify that they do not perform abortions in any foreign country except in the cases cited above. Over 350 foreign family planning organizations readily agreed to these terms from 1984 to 1993. Also, it is important to note that we are not reducing the funding level for real international population assistance.

In a time when 69 percent of the American public opposes Federal funding for abortion we desperately need to clarify congressional intent so that it cannot be disregarded by those who seek to fund abortion on demand throughout the world. I urge my colleagues to support the Callahan motion. Vote ''yes.''

Mr. CALLAHAN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Kansas [Mrs. MEYERS].

(Mrs. MEYERS of Kansas asked and was given permission to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, what is the problem here? We all accept that abortion should not be performed with American money, and family planning groups have abided by this law.

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But the Smith-Callahan language goes one step further and says that these women's health groups cannot perform abortions even in cases of serious health problems of the mother or in cases of serious malformation of the fetus, even if it is performed with private money, money that they raise privately.

The result? Americans cannot provide money to the most efficient, effective family planning groups, because these groups are made up of health care professionals. These health care providers find it difficult to turn women away from their clinics that have these terribly serious health problems.

Mr. Speaker, there are two problems here. One is China which receives money from the U.N. Fund for Population Assistance, UNFPA. We all agree that we should give money to UNFPA but restrict it in China. We all agree to that. They keep talking about China like it is a problem. It is not a problem. We agree with them.

We just keep talking past each other. We say, give money to the U.N. Fund for Population Assistance, restrict it from China, but grant it to the rest of the world. Smith-Callahan says take this valuable family planning money from all women in the world because there are abuses in China. We say, provide money to private family planning groups that are widespread and have a presence in the most needy countries in the world. Bangladesh, where the average number of children for childbearing women is 6, or Rwanda where the average number of children for women of childbearing age is 7.

Smith-Callahan would deny this family planning money to those groups that are in the most needy countries in the world. We need to start communicating with each other. We need to accept the Senate language and accept that family planning money is essential in this world.

Mr. WILSON. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to the Callahan amendment. One point must be reiterated in this debate—this amendment has nothing to do with abortion. Current law already prohibits the use of U.S. funds for abortion. For 20 years, foreign aid policy and law has clearly stated that U.S. funds cannot be used to pay for abortion services or to lobby on the issue.

What this amendment does do is gut family planning programs—resulting in more abortions.

The Callahan amendment would deny funds to women's health organizations which use their own funds to perform abortions or lobby their governments on abortion policy. This amendment is antifamily planning. I urge my colleagues to recognize that the effect of this provision would be to kill family planning programs.

Let me provide some examples to illustrate the impact of this amendment: A university providing contraceptive training to hospitals in the former Soviet Union would be ineligible for funding because the hospital provides legal abortions funded from other sources. An Indian women's health clinic lobbying that nation's health ministry with its own funds to provide safer conditions for legal abortion would not be eligible for funding.

Ukrainian women average two abortions for every live birth. The average woman will have four or five abortions during her lifetime. Some will have as many as 10 or more. By making safe and reliable family planning information and contraceptives available, a Kiev clinic reports that only 25 percent of pregnant women coming to the clinic had abortions—a high number, of course, but the average for the rest of the country was 60 percent. Sixty percent—and there are many more examples.

There are a number of similar clinics around the world which we are helping to fund. By giving women the opportunity to regulate their own fertility, we have reduced the number of abortions, while empowering women to manage and space their pregnancies to best suit their needs and the needs of their families.

The gentleman from Alabama has argued that family planning funding will still be available if his amendment is adopted—and that is true—but the effect of his amendment will be that the funding will be channeled through foreign government health ministries, with all of the problems of corruption, mismanagement, and bureaucracy which they entail. This approach would also run counter to the philosophy of this Congress, which has been seeking to reduce the intrusions into the lives of families.

The Callahan amendment, and international gag rule, endangers women's health and will deny women and couples access to family planning information. It will increase, not reduce, abortions. Mr. Speaker, I urge my colleagues to join me in opposing the Callahan amendment and accept the Senate language.

Mr. CALLAHAN. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I would just like to ask my good friend, the gentlewoman from Maryland [Mrs. MORELLA], if she is aware that during the course of the Reagan and Bush years when the Mexico City policy was in effect that, yes, money went to foreign governments but it also went in record amounts to foreign nongovernmental organizations, including Planned Parenthood, Western Hemisphere, and other organizations that agreed to the Mexico City clause.

So it is untrue that the money will only be funneled through governments. It will also continue to go to nongovernmental organizations as it has in the past.

Mr. WILSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

One would think there was nothing else in this bill. This is a body of compromise. While we should never compromise our principles, I think that we have worked in a responsible manner in responding to the constitutional requirements and needs of this administration to provide them with the vehicles they need to implement foreign policy. There are other things in this measure other than this antiabortion debate that is taking place today. The Middle East peace accord is at stake if we do not get this thing fulfilled today and send it to the Senate and let them act more responsibly than they did in the past. We are very optimistic that this can take place and this is the reason we are sending it back to the Senate. We have indications that they think that in this two bodies of compromise that maybe they ought to reconsider their vote of two times before.

I think that we have a good bill. This House has voted favorably for it twice before in the past. It is the same identical thing.

Ms. JACKSON-LEE. Mr. Speaker, I rise in opposition to this motion which would insist on the House language which prohibits U.S. funding to any private, nongovernmental, or multilateral organization that directly or indirectly to engage in family planning in a foreign country. This language would effectively eliminate all funding for international family planning organizations.

Organizations like International Planned Parenthood offer basic health care screening and information on family planning. Denying funds to organizations like International Planned Parenthood is nonsensical. This language would implement an international gag rule.

With the world's population growing at an unprecedented rate, one of the most important forms of aid that we provide to other countries is family planning assistance. As a world leader, the United States must work to reduce the complications of pregnancy, childbirth, and unsafe abortions, which are the leading killers of women of reproductive age throughout the third world. One million women die each year as a result of reproductive health problems.

But this debate has nothing to do with abortion itself. Current law prohibits—and has for 20 years—the use of U.S. funds for abortion. Foreign aid policy and law clearly states that U.S. funds may not be used to pay for abortion procedures or to lobby on the issue.

Thus, the proposed language would simply eliminate funding for legal, and essential, health and family planning services—not abortion. Legitimate and effective international health organizations would be punished under the proposed language simply for providing family planning information. I urge my colleagues to defeat this motion.

Ms. WOOLSEY. Mr. Speaker, I rise again in strong opposition to the Callahan motion to next year's foreign operations appropriations bill.

Mr. Speaker, just 2 months ago, women from different nations, cultures, and religions came together at the U.N. World Conference on Women in Beijing.

At Beijing, women from around the world spoke about the need to increase access to family planning, particularly in the developing world, where an unwanted pregnancy is often a matter of life or death.

If you believe that women, rich and poor, should have the right to choose safe motherhood, you must vote down the Callahan motion. If you believe that women should have the right to choose how many children they have and under what conditions, you must vote down the Callahan motion. If you believe that the United States has the obligation to support the United Nations in its efforts to slow the Earth's exploding population, and the misery that comes with it, you must vote down the Callahan motion.

I think that it is an outrage that the House is being forced to debate this issues once again. Come on, this is getting ridiculous.

The House of Representatives needs to get on with its work and send the foreign operations appropriations bill onto the President. We have a conference report, it is a good conference report, and we should not waste the taxpayers' dollars by going back and forth over the issue of international family planning.

I urge my colleagues to support international family planning, support the conference report language for the foreign operations appropriations bill, and vote down the Callahan motion.

Mr. EMERSON. Mr. Speaker, I rise today in support to Mr. CALLAHAN'S motion.

For the fourth time this year, we revisit the issue of future U.S. funding of the U.N. Population Fund [UNPFA] and the reinstatement of the Reagan-Bush administration's Mexico City policy. This time—just as 2 weeks ago—the main motivation for the vote is to send a message to our counterparts in the Senate that we are willing to meet them halfway on these funding issues. We are not willing, however, to back down from our stance of allowing the United States to send unrestricted funds to the international abortion industry or to those that have no qualms with a coercive abortion policy.

Even though the three previous House votes on this issue were overwhelmingly positive, I guess we need to once again reiterate to our colleagues in the Senate that we will not weaken language when it comes to defending the life of the most defenseless member of the human race—the unborn child. So with that, I urge my colleagues to stand behind the Callahan motion by voting ''yes.''

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

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). Without objection, the previous question is ordered.

There was no objection.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 237, nays 183, not voting 12, as follows:

[Roll No. 794]

YEAS—237

Allard	Armey	Baker (CA)
Archer	Bachus	Baker (LA)

Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goss
Graham
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (FL)
Zeliff

NAYS—183

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Boehlert
Boucher
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Kolbe
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Miller (CA)
Minge
Mink
Moran
Morella
Nadler
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—12

Brown (CA)
Chrysler
Dornan
Fields (LA)
Goodling
Houghton
Kaptur
Lantos
Mfume
Tucker
Volkmer
Young (AK)

☐ 1144

The Clerk announced the following pair:

On this vote:

Mr. Dornan for, with Ms. Kaptur against.

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

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, on rollcall No. 794, the Callahan motion to disagree to the House amendment to Senate amendment No. 115 on the foreign assistance appropriations conference report, I am not recorded. I was in conference with the majority leader of the Senate at that time and unable to vote. Had I been present, I would have voted ''yea.''

☐ 1145

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2020, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1996

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 267 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 267

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2020) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration are waived. If the conference report is adopted, then a motion that the House insist on its disagreement to the amendment of the Senate numbered 132 shall be considered as adopted.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 267 is a rule waiving points of order for the conference report to accompany H.R. 2020, the Treasury, Postal Service, and general Government appropriations bill for fiscal year 1996. H.R. 2020 provides funds for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

The rule waives points of order against the conference agreement and its consideration. In addition, the rule disposes of the amendment in disagreement by including a provision which considers the House's insistence on its disagreement to the amendment of the Senate, numbered 132, as adopted with the conference report's adoption. In other words, to demonstrate the resolve of the House, the rule self-executes out the amendment in disagreement so that the conference report can be passed expeditiously by both Chambers and sent to the President without further delay.

The amendment in disagreement concerned language prohibiting the use of funds for political advocacy by certain Federal grant recipients, and the conferees were unable to decide on advocacy language between Senator SIMPSON's version and Congressman ISTOOK's proposed compromise. The President has indicated that a veto would be likely if this political advocacy language were to be included with the Treasury, Postal bill, and, in a spirit of compromise and in order to get this bill signed as soon as possible, without risking another trip back from the Senate in the interim, this lone amendment in disagreement is disposed of in the rule.

Mr. Speaker, the conference agreement on H.R. 2020 provides $11.6 billion in discretionary spending for fiscal year 1996, which is $646 million less than the fiscal year 1995 level. Thus, this bill saves money and keeps us on a glidepath to a balanced budget in 7 years. There has been some bipartisan cooperation in getting this bill to the

floor today, and it is responsible legislation. More importantly, it covers 192,000 Federal employees, which is a full 10 percent of the total Federal work force. By adopting this rule and the conference report today, we will be one step closer to completing the appropriations process and we will be resolving the critical problem of a substantial portion of the Federal work force.

I would like to commend subcommittee Chairman LIGHTFOOT, Chairman LIVINGSTON, subcommittee ranking member HOYER, and full committee ranking member OBEY for their hard work on this bill. I urge adoption of this rule.

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

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume and I thank the gentleman from Florida [Mr. DIAZ-BALART] for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, this rule provides for the consideration of the Treasury-Postal appropriations conference report. It waives all points of order against the conference report and against its consideration, which is necessary to expedite the consideration of this appropriations conference report.

We do not oppose these waivers, but we do take this opportunity to point but that we on this side of the aisle, when we were in the majority, were often roundly criticized for recommending such blanket waivers of our standing rules. We hope our Republican colleagues now understand that such waivers are often necessary for the expeditious and timely consideration of legislation.

The rule also provides that, if the conference report is adopted, the controversial Istook amendment will be dropped. We support the removal of the Istook language that would severely restrict the ability of organizations that receive any Federal assistance from using their own non-Federal money for lobbying or political advocacy.

This conference report has been delayed for weeks because of this very controversial rider, which did not belong on an appropriations bill.

Further, the President has indicated that he will sign this appropriations bill if it does not contain the Istook language.

In the Rules Committee last night, the Democrats offered an amendment that would have modified the rule to allow for a motion to dispose of Senate amendment No. 132 and replace it with a clean continuing resolution to keep the Federal Government running through December 13. Unfortunately, the amendment was defeated on a party-line vote.

We will be asking Members to defeat the previous question on this resolution so that we may again attempt to offer this motion to keep the Federal Government running for another month while we work to pass the nine remaining appropriations bills.

The Federal Government has already been shut down for 2 days, causing confusion and hardship for those who rely on the services of the Federal Government. Although so-called essential personnel remain on the job, tens of thousands of vital workers are not at their posts. We ought to stop playing this game that affects the lives of Federal employees, and of citizens who need the services of the Federal Government.

Mr. Speaker, one of the principal concerns about this bill is the serious under-funding of the Internal Revenue Service, particularly in the area of enforcement. The level was low in the House-passed bill, and the Senate lowered it even further. Adequate funding for enforcement would have resulted in more funds being collected for the treasury. Now, it is likely that this cut will actually add to the deficit. Unfortunately, because of the extremely low Senate 602(b) allocation, there is no way to fix this shortfall at this time.

Many of us are deeply disappointed that the conference agreement reverses current policy by banning, with certain exceptions, the use of funds in the bill to pay for abortions under Federal employee health benefit plans.

The reinstatement of the policy that we overturned in 1993, threatens the right of Federal employees to choose to have an abortion—a right that has been guaranteed by the Supreme Court and discriminates against women in public service.

I regret that we are taking one more step against ensuring all women the right to a safe and legal abortion.

Mr. Speaker, we are already 6 weeks into the new fiscal year, and only three of the 13 regular appropriations bills have been enacted into law. Our Government has been forced to shut down and send most Federal employees home.

Although this conference report for the Treasury-Postal appropriations bill is not all that we might want it to be, it appears to have the support it needs to be passed, and it will apparently be signed by the President when we send it to him.

Almost 200,000 Federal employees are affected by this legislation, nearly 10 percent of the Federal work force. Almost 95,000 of those workers were sent home yesterday due to the Government shutdown. If we pass this appropriations bill, we can put those people back to work.

We urge the House to complete action on this bill, so we can send it to the Senate and then to the White House.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LIGHTFOOT], the distinguished subcommittee chairman.

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

□ 1200

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

Mr. Speaker, I rise in strong support of this rule. As has been noted by the gentleman from Florida and the gentleman from California, it is important that we move forward with this piece of legislation, which affects roughly 190,000 Federal employees, and which will allow them an opportunity to get back to work and an opportunity to move forward toward the successful conclusion of all of our appropriations packages.

As has been outlined by previous speakers, one of the big hangups was what has become known as the Istook amendment. It has been explained that it is now being pursued or will be pursued on other pieces of legislation. That is not to say that the leadership on this side of the aisle as in any way weakened in their support for what the gentleman from Oklahoma [Mr. ISTOOK] is attempting to accomplish, but there comes a time to make some decisions. A decision was made that this is an issue that best would be pursued in another venue, perhaps on lobbying reform or on another appropriations bill.

I would state to those who support the Istook amendment that there is strong support for it, but it will be pursued in another vehicle.

Mr. Speaker, this rule, by passing it, does take that particular amendment out of this package. We will of course discuss the bill in further detail later, but I think there is a great deal of work that has gone into it.

The gentleman from Maryland [Mr. HOYER], the ranking member, and I worked together on this for about 11 months. The committee staff has worked endless hours on 141 differences between the House, the Senate, and the White House which have been resolved. Overall it makes a few people happy, it makes a few people mad, so it is probably a pretty good piece of legislation.

Mr. Speaker, I very strongly urge my colleagues to support this rule.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from California for yielding.

Mr. Speaker, now's our chance, now's our chance to vote for a clean continuing resolution.

Now's our chance to stop playing politics and put 650,000 Federal employees back to work.

Congress has one primary obligation, and that is to pass the 13 appropriations bills before October 1. Obviously October 1 has passed, but we can still get it done. I would ask my Republican

colleagues, Mr. Speaker, to stop playing games.

If my Republican colleagues had done their work we wouldn't need a continuing resolution. But Democrats are willing to support a clean continuing resolution, not one loaded down with Medicare premium increases and education cuts that we know President Clinton won't sign. I ask my colleagues to accept our offer of a bipartisan solution.

After the debate on this rule we will offer a clean continuing resolution no Medicare premium increases, no education cuts, no fiddling with people's jobs. No putting politics before the business of running the country. A simple extension so Congress can get its job done.

Mr. Speaker, it's time to rise above the partisan squabbling and get the Government running again.

I urge my colleagues to vote against the previous question.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I would like to say to my colleagues on the other side of the aisle that I support this rule.

There has been a lot of misunderstanding and I think misrepresentation about Medicare. Medicare is going to increase the benefits by $1,900 over the next few years. The percentage of growth is going to be 6.5 percent, which is above most private health plans. So senior citizens need to know that their benefits are going to increase, an they are going to have to pay, according to the plan we have, 31 percent of the premium, but 69 percent is going to be paid for by the taxpayers.

Mr. Speaker, I would like to talk about another aspect of this that I think is important to my colleagues. This morning on Business Day, on CNN, they had a financial expert on there that predicted, if we stick to our guns and we get to a balanced budget in 7 years, that interest rates on home mortgages will drop down to between 5 and 5.5 percent, which will be the lowest interest rate on home mortgages since the 1950's. Likewise, interest rates on short-term financial transactions like car loans will drop dramatically.

What that means to the average taxpayer is more money in their pocket. They will be able to afford cars that they cannot now afford, because they will be able to afford the payments because of the lower interest rates. They will be able to buy homes which will be a boon to the housing industry and to economic expansion.

So this balanced budget that we are going to see in 7 years, if we stick to our guns, and we intend to do that, is going to be beneficial to everybody in the country who buys anything, because interest rates are going to drop and they are going to drop precipitously, according to most economic experts.

Now, in addition to that, we are talking about tax cuts for average families, a $500 per child tax cut for the families that have children. We are talking about a capital gains tax that is going to benefit probably 75 percent of the people in this country regarding capital gains.

So this package that we have talked about, this balanced budget approach, will result in lower home interest rates, lower car interest rates, lower interest rates on small loans. It will translate into lower taxes for the average family and lower taxes for the business people. It is going to be good for the entire economy.

Mr. Speaker, regarding the senior citizens, I am very disappointed that my colleagues keep beating on this issue and trying to frighten them. We all know that the Medicare trust fund is going to go bankrupt if we do not do something about it. We are doing something about it. We are going to solve the problem.

There is going to be a 31-percent cost to the senior citizen, but 69 percent is going to be paid for by the taxpayer, and they are still going to have their benefits go up to 6.5 percent a year, which means they are going to have a $1,900 increase in benefits over the next 5 to 6 years.

Mr. Speaker, this is a good package, it is good for America, and I hope my colleagues will reconsider supporting it.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER], the ranking member of the Subcommittee on Treasury, Postal Service, and General Government.

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

Mr. Speaker, in response to the comments that were just made, this issue that is before us today is about the appropriations process and moving that forward.

The gentleman speaks about the balanced budget. I am one of those who voted for the constitutional amendment for a balanced budget. I am one who voted for the Stenholm budget as an alternative which balances the budget in 7 years. I am one who voted for the coalition budget, which balances the budget in 7 years.

Frankly, in reference to the gentleman from Indiana who mentioned senior citizens, from my perspective, having voted for all of those, taking a $245 billion tax cut and taking a big whack out of senior citizens, $270 billion in Medicare, is not needed. The trustees do not think it is needed and I do not think it is needed.

Having said that, that is not what this is about. This is about what we have been saying would preclude the shutdown of Government. That is, the accomplishment, in the regular order, of the appropriations process. That is why I am going to support this rule. However, I want to say that I very much regret that the Committee on Rules failed to allow the distinguished ranking member of the Committee on Appropriations [Mr. OBEY] to offer a clean continuing resolution as an amendment to this bill.

Mr. Speaker, whether we use the figure of 650,000 or 800,000, there are an awful lot of people that were sent home yesterday and are not doing the job today that the American public expects them to do.

The gentleman from Wisconsin, Mr. OBEY, has repeatedly tried to bring such a bill to the floor in recent days and has been blocked at every opportunity, frankly, by Speaker GINGRICH and others. Today, Federal workers are at home furloughed for just one reason: We have not gotten our work done.

Mr. Speaker, 53 percent of the employees of the Department of Treasury covered by this bill, about 83,000 men and women, are at home today because of the Government shutdown and frankly the inability of Speaker GINGRICH and the Republican leadership to resolve the issue that is now resolved in this rule. Fifty percent of the employees of the Office of Personnel Management and 79 percent of the workers of the General Services Administration are at home today, not doing the job that the American public expects of them.

So while I am glad the rule allows this bill to finally move forward, I believe the real business of the House today should be passing a continuing resolution and an extension of the debt limit ceiling without extraneous riders.

We drop an extraneous rider in this rule. I believe that is wise policy. We can consider that issue on some other legislation. Passage of this bill, however, which I believe the President will sign, will put important Government agencies back to work. It will also put about 90,000 furloughed civil servants, some obviously from my congressional district, but I suggest to you from congressional districts all over the United States, back to work.

Mr. Speaker, it is therefore my intention, as I said earlier, to support the rule, I am pleased that the committee rejected, as I requested, the latest attempt to add the Istook-Ehrlich language to gag nonprofit organizations to this bill. That issue alone, not any of the other issues in this bill, that issue alone, an extraneous, unrelated-to-the-appropriations-process issue, has held this bill hostage for 63 days.

The gentleman from Iowa [Mr. LIGHTFOOT], the chairman of the subcommittee, got the conference organized, got this bill agreed upon in conference, did his work. I do not agree with everything in this bill, as I have told the Committee on Rules and as I will say later in the debate on this floor. The gentleman from Iowa does not agree with everything in this bill. But the legislative process, as has been said, is a process of compromise. It is a process of being reasonable. That is what the American public expects us to do.

Therefore, I am going to support this rule because it does move forward a bill

that although not perfect, is, in my opinion, probably as good as our side is going to get in terms of this legislative process, and the realities on this floor and in the Senate.

The Istook issue, which I mentioned earlier, has stalled consideration of this bill too long. I commend the other side for finally dropping it from this piece of legislation. There are many problems, as I have said, with this measure which I will detail during the general debate.

Constraints of the 602(b) allocation, however, put a lot of pressure on the gentleman from Iowa [Mr. LIGHTFOOT] and the committee to work within those constraints. I understand that. Within those constraints, this is, in my opinion, an acceptable piece of legislation.

I certainly share the concern that we should be passing a clean continuing resolution, as I said earlier, so we can get the whole Government back to work. It would be very simple to do that, Mr. Speaker. We could have a unanimous-consent request and pass, as we did under President Reagan and President Bush and now under President Clinton, a clean continuing resolution. Recognizing that we have not done our work here in Congress, have not passed those 10 appropriations bills so that the President could sign them and keep Government operating at such levels as we agree upon, then, Mr. Speaker, I think we would be doing our work responsibly.

A clean CR is a responsible act to take. I hope that at some time during this process the gentleman from Wisconsin [Mr. OBEY] will be successful in bringing up and seeing passed a clean continuing resolution, and I will support that, and I will support efforts on this bill and others to accomplish that objective. But in the final analysis, I believe this bill does, in fact, warrant our support as moving the appropriations process forward in a responsible way.

□ 1215

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding me the time.

Mr. Speaker, we are, of course, engaged in attempting to get our work done, and this is rather interesting, to hear people that now have differing versions of getting the work done.

The best way to reopen offices in the Government is to send bills to the White House, have the White House sign them into law on a permanent basis, so that we do not even have to deal with continuing resolutions or other kinds of mechanisms.

Yet now what we are hearing from the other side is that they are satisfied to have us do continuing resolutions as long as it is on their terms. They love this term of a clean continuing resolution.

In our view, what we are attempting to do here with the legislation that we are moving through the process in terms of regular appropriations, and what we have done on continuing resolutions and on the balanced budget bills, is we are attempting to put a down payment on the balanced budget for the American people. That is what this debate is all about, whether or not we are going to balance the budget in 7 years.

If, in fact, what we do is do a so-called clean CR, or a clean debt limit, clean CR's and clean debt limits are a dirty deal. They are a dirty deal for future generations, they are a dirty deal for older Americans, and they are a dirty deal for the American middle class.

So each time that we hear the opposition say that they are for a clean CR, it is a clean political product that gives them the opportunity to go on spending at past years' rates, that gets us nowhere near to a balanced budget. In fact, if we listen to what is really happening here, the fact is that all of those continuing appropriations in past years are $200 billion deficits into infinity.

We are no longer going to allow that to happen. We have decided that we are going to begin, with everything we do from now on in, to make a down payment on a balanced budget, and we are going to pass appropriation bills that give us a balanced budget for real. We are going to move in the direction of a balanced budget.

No more excuses, no more gimmicks, no more phony figures, no more claims that, oh, we will do it some time in the future. We are going to begin to do it right now. Anything other than that is a dirty deal, because it means that future generations are going to have to pay more and more of the bill for what we do now. It means that the elderly are going to more and more have their pension funds raided by the Secretary of the Treasury, and it means that middle-class Americans are not going to get the take-home pay and the tax cuts that they deserve at the present time.

We need the down payment now. When we have a vote to defeat the previous question here, it is not a vote about a clean CR. It is a vote about a dirty deal for future generations.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, the previous speaker is just plain wrong. This debate on this bill is not about the deficit. This debate is about whether or not the President of the United States, some 800,000 workers, and the entire country will be held hostage to the demand by Speaker GINGRICH and others on his team that the President buy into a budget concept and timetable that will require huge reductions in future Medicare payments by this Government and a doubling of Medicare premiums. That is what is going on here.

That debate about what happens to Medicare and that debate about the shape and nature of the path to a balanced budget is supposed to occur on the reconciliation bill which is now in conference between the House and the Senate. That is a multiyear fight. That is a multiyear bill. But that bill has not yet even gone to the President, so the President is not even in a position to determine whether he would sign it or veto it, because we still do not know what the final contents of that will be.

Meanwhile, what we have before us is the fact that we still have ten 1-year appropriation bills which have not made their way to the White House. The President cannot rationally be criticized for not signing something that has not yet been sent to him.

What we have at issue now, today, is whether the Treasury-Post Office appropriation bill, 1 of the 10 remaining unsigned bills because it has not yet gotten to the President, whether that bill ought to be moved forward. We think it should.

We have a significant disagreement with the majority party on their underfunding of the IRS, because ironically while the gentleman from Pennsylvania says he is concerned about getting the deficit down, the underfunding of the IRS is actually going to add to the deficit next year, because we will not be collecting revenues that are due the Government.

But despite that difference, we are willing to support the basic thrust of this bill. Most of us on this side of the aisle will vote for this bill when we get to the question of final passage.

But what we are suggesting is this: We are suggesting that this bill only allows 100,000 workers to go back to work if it is signed by the President, and what we are suggesting is that all 800,000 workers who are out of work ought to be able to go back. The fastest way to accomplish that is to turn down the previous question, turn down the rule, and allow me to offer this amendment to the resolution before us.

This resolution will simply say that when this bill passes and when it is signed by the President, that the other operations of Government are continued until December 13, 1995. That is all we are trying to do.

We have, at this moment as I speak, some 125 cosponsors to this proposition, and by the end of the day we are going to have a whole lot more than that.

We had every single Democrat vote yesterday plus three Republicans who voted yesterday to try to extend the continuation of the Government action so that we do not continue this silly spectacle of the Government being shut down while we are trying to pass our annual appropriation bills.

Do not be confused. Do not be fooled. This issue is not about whether there is

going to be a 7-year deficit path to zero or not. This is a fight about whether or not the Government is going to do its basic business, whether the services that people have a right to expect from the Government are going to be provided, whether Social Security recipients are going to get their questions answered, whether veterans are going to be able to get their questions answered.

I understand that one State announced yesterday they may have to cancel a portion of their hunting season because their national forests will not be open because of the shutdown of the agencies involved. That may not be very important to some people on this floor but it is awfully important to an awful lot of hunters in this country. The list of services goes on and on.

I would suggest what is at issue is not the content of this bill. What is at issue is whether or not we are going to meet our responsibilities to keep the Government open without engaging in blackmail using many thousand American citizens as hostages.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER], my distinguished colleague on the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me the time and congratulating him on his fine management of this very important rule.

Mr. Speaker, the American people are unhappy with the fact that we are faced with a shutdown of the Federal Government. I am one of those who is very, very concerned.

But having said that, I am convinced that the people whom I am privileged to represent and others from around the country are even more concerned about the prospect of proceeding down the road of business as ususal. That is the main reason that we have gotten to the point where we are today.

There is a sense from my colleagues on the other side of the aisle that defeating the previous question will somehow allow them to offer this resolution that would provide a clean CR. Well, it is not germane and could not be considered even if the previous question is defeated.

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

Mr. DREIER. I yield to the gentleman from Wisconsin.

Mr. OBEY. I think the gentleman would have to admit that we would be in a position to offer it if no Member on his side of the aisle raised a parliamentary objection.

Mr. DREIER. It is nongermane to the bill and it could not be brought up. Now, what my friend advocated was defeat of the previous question and defeat of the rule. Obviously if they proceeded with a completely different rule.

But under this rule, the standing rules of the House, it would be nongermane and I think that is what needs to be realized as we proceed with this.

So let me just say that I am convinced that we——

Mr. OBEY. Would the gentleman mind answering my question?

Mr. DREIER. The answer is, It is nongermane to this measure. I thank my friend for the question.

Mr. Speaker, let me say that as we look at where we are headed today, I hope very much that we can put into place a package that will balance the budget.

I was rather struck with the statement that came from the President yesterday. I did not see it but a couple of the essential members of my staff saw it and they were rather struck. They indicated to me that apparently a land speed record was broken, because in 3 minutes, the President on 11 occasions talked about his quest for a balanced budget.

He said:

> We share a central goal, balancing the federal budget.
> We must balance the budget.
> I proposed to Congress a balanced budget.
> We must balance the budget.
> I proposed my balanced budget plan.
> It balances the budget.
> We can balance the budget.
> We can balance the budget.
> I am fighting for a balanced budget.
> I'll balance the budget.
> I will continue to fight for the right kind of balanced budget.

Looking at those statements that were made by the President, one could not help but think once again of what David Broder referred to in his very famous column back in 1993 as the ''trust deficit.'' The trust deficit is something that many people have talked about since then. In that piece that Broder wrote, he said in the 1992 campaign that President Clinton played fast and loose with the facts.

The President knows that people are unhappy about the fact that the Federal Government has shut down and that we are at this point, but he also knows that the American people want us to balance the budget.

This is really little more than what the New York Times described as a political play, and I believe that it is not contributing to our ultimate goals of trying to bring about a modicum of fiscal responsibility.

We also know that Robert Samuelson, another very respected columnist, has written several damning pieces about the President, and I do not like to be one who in any way is critical of the President of the United States, but in this piece he is very direct and blunt, more blunt than I would be, frankly, when he just said, ''Clinton lies.'' That is the way he put it.

So these things came to mind as we observe the rhetoric that has been going on for such a long period of time, and then these 11 claims to be pursuing a balanced budget. It is very unfortunate. I hope very much that we will be able to settle this thing, but it is not going to be done by defeating the previous question on this. The responsible thing for us to do is to pass this rule and proceed with the appropriations bills, which is what we very much want to do. I hope my colleagues will join in doing that.

□ 1230

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Member should not make such personal references to the President of the United States.

Mr. DREIER. I was quoting, Mr. Speaker.

The SPEAKER pro tempore. It makes no difference whether it was quoted or not quoted.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BONIOR], our distinguished whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague, my dear friend, TONY BEILENSON, for allowing me this time.

Let me just say at the outset I want to commend the Committee on Rules for the work they did on this particular rule. Let me also echo the points that were made by my friend, the gentleman from Wisconsin [Mr. OBEY].

The issue that we face here on the impending votes which will occur in the next few minutes on the rule itself is whether or not we want to allow the gentleman from Wisconsin [Mr. OBEY] to offer a resolution in which he has over 135 Members sponsoring and will probably have over 200 by the end of the day; to allow him to offer that motion which will extend the Government and put all 800,000 workers back to work until we can reach a resolution to this budget impasse; or whether or not we will be satisfied with just putting 100,000 of these Federal workers back to work.

The date I believe that the gentleman from Wisconsin will extend this to is December 13. It seems to us if we are serious about dealing with this crisis, that, as this chart shows, affects over 1,161,000 Americans: 28,000 American seniors and workers who have been unable to apply for Social Security or disability benefits; 200,000 American seniors who have tried to call the 1–800–HELP line for Social Security and got no answer. This has happened the first day of the crisis we are in. Over 7,000 American veterans have been unable to file compensation benefits and education benefit claims or adjustments; 781,000 people have been turned away from the national parks and monuments; 99,000 tourists have been shut out of the Smithsonian museums and the National Zoo, the Kennedy Center, the Gallery of Art. It goes on and on: 45,000 Americans have not been able to get passports to visit loved ones who may be sick or dying overseas; 700 recruits have been unable to enlist in our Nation's Armed Forces.

That happened in the first day, in the first day, and it is because 800,000 Federal workers are not working. What the resolution that Mr. OBEY has, that will be the pending vote before us, does is to allow them to go back to work until the December 13 and to give us some breathing room so we can work out this impasse that the Government is in.

I urge my colleagues, as strongly as I can, to defeat the rule. The bill, as others have said, is something that many can support in this body, but it does not provide us the procedure to get to the bigger crisis at hand, and that is putting back 800,000 Americans to work in this country.

So we urge defeat of the rule.

Mr. DIAZ–BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, we have heard a lot of complaints in the last few days that the majority of both houses have not sent the President a clean CR, a clean continuing resolution. In fact, the President himself said that the reason he was vetoing the continuing resolution was because it had extraneous material in it.

We have heard a lot of pontificating about the Congress not doing its business on time, not getting the bills done, because we are cluttering up the continuing resolutions in the interim while we try to get our appropriations bill through.

I just want to say that, as I have noted before, continuing resolutions have been the theme of the day when the Democrats controlled the House and controlled the Senate. There have been 55 continuing resolutions in the last 15 years, about 15 budget confrontations much like the one we are in today because there were differences between the President and the Congress. So all this has happened before.

But just so that we not get carried away with the thought that a clean CR has always been cherished by what is now the minority, I would point out that when they were in the majority, as far back as 1974, they appended legislation, policy, real meaningful policy legislation, to a continuing resolution that had such an impact that it changes the history, the virtual history of the United States.

I look at this document before me, which is the cover page of a continuing resolution act for 1975, dated June 30, 1974, making continuing appropriations for the fiscal year 1975, and for other purposes.

If you go to one little obscure section, section 110 of that continuing appropriation, that CR, you find the following:

None of the funds herein made available shall be obligated or expended to finance directly or indirectly combat activities by the United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

My friends, we ended the Vietnam war with a continuing resolution. For whatever reason whether you agree or disagree, and I think most of us would agree it was the right thing to do, it was a major policy decision that was put on a CR, a continuing resolution.

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

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

Mr. WALKER. Mr. Speaker, is it possible that there are Members still in this body who would have voted for that continuing resolution, that actually ended the Vietnam war using a continuing resolution?

Mr. LIVINGSTON. Mr. Speaker, reclaiming my time, I bet if we looked real hard, we could find a few Members who actually voted for this continuing resolution, with this significant policy statement on it, and I will bet you they are the same people, some of whom are complaining today because we did not send the President of the United States a clean continuing resolution.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, in other words, the gentleman really believes that some people who are now out here arguing for a clean continuing resolution actually voted for a continuing resolution that had as a policy statement the ending of the Vietnam war?

Mr. LIVINGSTON. Mr. Speaker, reclaiming my time, ended it, totally. And you know how they ended it? They cut off the funding. This was not a peace treaty. This was not negotiated with the President of the United States. Congress on its own unilaterally cut off the funding of the Vietnam war in a continuing resolution.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, might there also be people in the Clinton administration that might have voted for that kind of a continuing resolution?

Mr. LIVINGSTON. Mr. Speaker, reclaiming my time, I dare say there are people in the White House that might have supported this.

Mr. WALKER. No, that cannot be. That cannot be.

Mr. LIVINGSTON. Mr. Speaker, reclaiming my time, I share the gentleman's shock and horror, but I believe that maybe, just maybe, the President of the United States himself supported cutting off the funding of the Vietnam war by virtue of the continuing resolution, and today he is concerned about us submitting policy statements on the continuing resolution. It does strike me right at the heart.

Mr. GIBBONS. . . .

The SPEAKER pro tempore. The gentleman from Florida has not been recognized. Regular order will prevail.

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

Mr. HEFNER. Mr. Speaker, I enjoyed the theatrics and the speeches. They were very entertaining for people that probably have nothing better to do than to watch these proceedings. But the fact remains, the fact remains, boys, gentleman, Mr. Chairman, you have not done your work. The things you are sending to the President absolutely have no place on this bill. And if you want to go back to when you were elected, you were elected to change things around here. All you do is go back in the rhetoric, what happened years ago. You were elected to change things, not to come here and talk about what happened in the past.

But the fact remains, it has no business on this legislation. You have not done your work. You can show charts, you can wave your arms, you can be clever, you can have anecdotes, but the fact remains you have not done your work and you have not sent the President the appropriations bills, you just have not done the job that you were elected to do. You can rant and rave and make clever speeches, but it all boils down to the bottom line, you ain't done your work.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I will not take much time. I would simply try to reinforce what the gentleman from North Carolina has just said. We have heard several speakers take the floor on the Republican side of the aisle this morning and denounce business as usual. Then we hear others come to the floor and say, ''Well, it is all right to do this stuff on a continuing resolution because it was done in the past.'' I thought you folks were bragging about the fact that you had been elected to change business as usual.

There is a very big difference between the action that was taken on the continuing resolution that ended the Vietnam war, and I was here and I voted for it and I helped draft it. I would note that the difference is that that resolution's passage saved lives, lots of them. This refusal today of this Congress to pass a continuing resolution is screwing up lives, and it is screwing up the country.

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

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I think the gentleman is referring to my remarks earlier on this business-as-usual thing. I would simply like to clarify for the record what I meant.

Mr. OBEY. Mr. Speaker, I was referring to the gentleman from Pennsylvania.

Mr. DREIER. All I was trying to say when I referred to bringing business as usual to an end is that we have passed and are trying desperately to pursue a

balanced budget. Since it has been a quarter of a century since we have done that, that is really the pattern of spending we are trying to end. That is what I was referring to when I mentioned ''business as usual.''

Mr. OBEY. Mr. Speaker, reclaiming my time, I was not referring to the gentleman's comments; I was referring to the comments of the gentleman from Pennsylvania.

But I would simply say, as I said once before and I will say it again and again until the majority finally gets it, that issue is not present on this bill. That issue is not present on any of the appropriations bills, except, so far as I know, only the interrelationship between the Labor-HEW and the Defense bill.

The point is simply that what the timetable will be on the budget and what will be required in order to meet that will be determined on the reconciliation bill. But you are trying to make the President buy into ahead of time the idea that he will buy huge cuts in Medicare in order to reach your time table on a budget, and, in order to get him to do that, you are trying to hold up the ability of this House to keep the Government open, and you are trying to shift the debate from one venue to another. That is not a legitimate position for the Congress to take.

I would simply say that in the end, what happened in the past is not important. What counts is what we are going to do now to make today sensible and tomorrow better. That is what is at issue here, and that is why these bills need to pass, and that is why a clean CR needs to pass.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is important to realize what we are voting on at this time. We have got a rule before us that such distinguished Members on the other side of the aisle as the gentleman from Maryland [Mr. HOYER] and the gentleman from California [Mr. BEILENSON] have said that they will support, and they have worked hard to get this bill before us. They admit that it is not a perfect bill from their vantage point; and from our vantage point it is not a perfect bill, but we are making progress.

So we have to ask ourselves at what point, if we are making progress on an appropriations bill, and there are significant Members on the other side of the aisle, a percentage of Members on the other side of the aisle that have worked hard in making it possible for this bill to come to the floor and actually will support the rule, why it is that there is an effort to defeat the rule, which is what defeating the previous question would be?

So I just want to put this in context once again. Many important issues have been brought out in this debate, but I think it is important to realize that we are talking about a rule that will be supported by many on the other side of the aisle, as well as on this side of the aisle, to bring before us a bill that will be supported on a bipartisan basis.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Speaker, I want to thank my colleague from Florida for yielding me 2 minutes.

Mr. Speaker, the gentleman from Wisconsin [Mr. OBEY] and I talked yesterday afternoon about this business about it is ancient history what the Democrats have done for the last 40 years with their continuing resolutions. I went back and have done a little research. I am not going to take my full time to outline this ancient history. But because at this point, when we are talking about moving forward with a continuing resolution, the gentleman from Wisconsin [Mr. OBEY] would say ''Let's not talk about what the Democrats did over the last 55 years or last 40 years or last 10 years,'' I think it is important to note that in 1978–79 many appropriation bills were never passed.

□ 1245

And, in fact, in 1987 and 1988, not one of the 13 appropriation bills were ever passed or ever sent to the Congress. So the Democrats will come on the House floor and give this hue and cry all about, well, we are talking about a new history with the Republican party. But we are well ahead of what you did in 1987 and 1988, where not one of the 13 appropriation bills was ever passed in Congress and sent to the President.

I can just go from 1980, 1981, 1982. The minority party's record is clear that we are way ahead of where you were. So if we want to talk about our improving, we are already at an improvement point.

I think the point my colleague should realize is that we are trying to balance the budget in 7 years. This is the whole issue. The whole defining issue is will we be able to balance the budget in 7 years, and continually the Democrats say we cut Medicare.

Mr. Speaker, today, while explaining why he vetoed a bill that would have kept the Government from shutting down, the President expressed dismay that all 13 appropriations bills had not been passed by the Congress and signed into law. Yet since 1977 the Congress failed entirely to pass all 13 appropriations bills 11 times. That's right, at least 11 times the Congress failed to pass at least one of the appropriations bills, at all.

Since 1990, the Democratic run Congress has shut down the Government nine times. The last time, in 1990, they forced President Bush to accept a compromise with them over the budget which resulted in Mr. Bush breaking his ''No New Taxes'' pledge. I didn't hear Mr. Panetta, then the Budget Committee chairman and now the President's Chief of Staff, claiming he was blackmailing the President.

Since 1977 the Democratic run Congress has spent the entire year on a continuing resolution for at least 1 of the 13 appropriations bills 11 times. In fact, for both fiscal year 1987 and 1988 the Congress failed to send even 1 of the 13 appropriations bills to the President. They spent both those years with only continuing resolutions.

Let me just list the specific instances.

In fiscal year 1978, the Labor-HEW bill was never passed. In fiscal year 1979, the energy and water bill was never passed.

In fiscal year 1980, the foreign operations, Labor-HHS, and legislative branch bills were never passed. In fiscal year 1981, the Labor-HHS, legislative branch, Commerce-Justice, and Treasury-Postal bills were never passed. In fiscal year 1982, the Commerce-Justice, Labor-HHS, legislative branch, and Treasury-Postal bills were never passed. In fiscal year 1983, the Commerce-Justice, energy and water, foreign operations, Labor-HHS, legislative branch, and Treasury-Postal bills were never passed. In fiscal year 1984, the agriculture, foreign operations, and Treasury-Postal bills were never passed. In fiscal year 1985, the Agriculture, Defense, District of Columbia, foreign operations, Interior, military construction, transportation, and Treasury-Postal bills never passed. In fiscal year 1986, the Agriculture, Defense, District of Columbia, foreign operations, Interior, Transportation, and Treasury-Postal bills were never passed. And in both fiscal years 1987 and 1988, not 1 of the 13 appropriations bills was ever passed and sent to the President.

I have heard it said that they feared to send 13 separate bills to Presidents Reagan and Bush as then the President could have vetoed only part of their budget. I was not yet privileged to serve in Congress when these actions were taken, but I know that we have no such fears and will soon send all 13 bills to the President.

Mr. Speaker, I know that there are fewer Democrats today then there were when they passed the 55 continuing resolutions, and when they acted only with continuing resolutions for an entire year 11 times, but I find it hard to believe that none of those remaining can remember the facts of what actually occurred in the past.

I hope that the President will agree to negotiate with our leadership soon, and that we can reach an agreement on this important legislation. After all, it is the veterans, seniors and other people who rely on their Government who will suffer if we don't.

Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. OBEY], but is it not true that the Republican plan slows the growth of Medicare and does not cut Medicare? Just yes or no.

Mr. OBEY. Mr. Speaker, that is not why I asked the gentleman to yield. I asked him to yield because I wanted to ask him why does his side not include the record last year?

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman's time has expired.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

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

I would simply suggest, as I did yesterday, instead of looking at the deep, dark, distant past, why not look at last

year. Last year, I took over as chairman of the Committee on Appropriations. We finished all 13 appropriations bills. They were all signed by the President before the end of the fiscal year.

The reason that happened is because I went to the ranking Republican and I said let us work out a bipartisan approach to all 13 bills. It was the very first thing I did. We did, and that is why it passed. If the majority had done the same thing on these bills, they might have had the same result. But they did not, which is why 10 of them are still stuck in the muck.

Mr. STEARNS. Mr. Speaker, would the gentleman yield for 10 seconds?

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

Mr. STEARNS. Mr. Speaker, if we had the Presidency, if the Republicans had the Presidency, we would pass all these, and we would not be talking about the continuing resolution or the debt ceiling.

Mr. OBEY. Mr. Speaker, reclaiming my time, let us talk about conditions that do exist instead of talking about fantasy conditions.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Speaker, I am a freshman Member of Congress. I have been here for a little over 10 months, and I have supported a balanced budget over 7 years without any tax breaks. I do not like a gun being held to my head to support a balanced budget with large tax breaks and increases in the military budget over that same 7-year period. But that is a separate debate from the debate on a continuing resolution.

This Congress has not completed its work and is using a continuing resolution to continue running the Government because it has not finished its work. To add items onto it that would be unacceptable to me and maybe other Members of their own party, let alone the President of the United States, Mr. Speaker, this country is being held hostage in this process because they cannot win it on their own merits. We should have this discussion, and it should be separate and apart.

I had a veteran call my office today and want to know about their veterans benefits, and then I watched the majority colleagues conduct themselves on the floor, and I thought to myself, there are good hard-working people that are worried, that have paid their taxes, have raised their family, and if they had watched what happened on the floor of the House, regardless of party, they would be truly disappointed.

Mr. Speaker, at the same time that there is peace talks going on in the United States in regards to Bosnia and trying to bring parties together, it seems like the parties in the well of the House cannot come together in the public interest.

The President has not done anything wrong, and I resent the name calling, indirectly, of the President of the United States. He has not done anything wrong. It is the Congress that has not completed its work by October 1, this year. Whatever happened in the past, happened in the past. Let us move forward into the future and let us do it in the public interest.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, when it boils down to whether we are talking the debt ceiling, a CR, or a balanced budget, it goes to a balanced budget.

I would say to my friend, the gentleman from Wisconsin [Mr. OBEY], the President promised that he would balance the budget within 5 years. He has 2 years left on that promise. He said that it had to be scored by CBO, the only people that could really justify and certify it. Well, we had a vote on this House floor, 300 votes for a balanced budget that balances the budget in 7 years. The Senate did likewise, so both bodies, the House and the Senate, agreed, and it was CBO scored and certified in 7 years, bipartisan. Yet the President refuses to sign it knowing that we do not have enough votes in the Senate to override it.

Mr. Speaker, we have the will of the people, the will of the House, the will of the Senate, but yet the President and the leftees that control this place are advising the President not to sign it. That is what all this is about.

When we talk about appropriations bills that the minority side passed last Congress when they were in the majority, let us look at that. The gentleman says it was bipartisan. Not a single Republican voted for that tax and spend package. It cut COLA's. The highest tax in the history of the United States. They cut military COLA's. They increased tax on Social Security and they cut defense $177 billion. We are now $200 billion below the bottom up review in defense. In looking at Bosnia, the minority put this world at a threat.

The minority promised they would have a middle-class tax cut in that package, in that bipartisan approach, but they increased the marginal rate of the middle class and put a tax cut on them. That was bipartisan?

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, we are specifically debating the rule on this bill, and the fact is that the Committee on Rules has been reasonable on this particular rule, but there is a more important, more overriding and compelling issue facing us, and it is because of this issue that we need to attach a clean continuing resolution to this bill.

Let me address some of the people who have become pawns in what has become an intense, largely political, struggle between the White House and the Congress. There were 800,000 people who were sent home yesterday, people who were told when they came into work that they were nonessential, that they were not needed. Now, we have been assured that every one of them is going to get paid, but think about this.

The Federal taxpayer will pay out a billion dollars this week for those Federal employees to stay home from work. Is that right? Is that fair? It certainly is not what Federal employees want. What about the 1.2 million Federal employees who are working, who will get the same compensation, who will come to work every day and get paid the very same amount that their colleague down the hallway is going to get for not working?

Mr. Speaker, we should think of the situation that we have created here. Think of the disabled veteran who just came to the office which said they cannot file for his benefit that he is entitled to because that office is not open. We saw on this chart the thousands of veterans across the country who will not get their benefits; and 28,000 Social Security people who will not be able to apply for their benefits. They are all pawns in this struggle.

The reality of the situation is that this is not, as the gentleman from California [Mr. CUNNINGHAM] suggested, a matter of the Democratic leftees driving us off the cliff; this is a matter of the House Republicans not being able to agree with the Senate Republicans and not getting appropriation bills to the President in time. Had the Republicans, who control the votes in both the House and Senate, been able to reach agreement any time over the last 11 months, and sent any of the 13 spending bills to the President before the end of the fiscal year, there would, quite possibly, have been no need for any continuing resolution, and certainly no need for any Government shutdown.

But the more moderate Republican Senators couldn't accept the most extreme and inappropriate riders that the House Republicans insisted on adding to all of these spending bills. That's where the responsibility must lie, and that's why we need to pass a clean continuing resolution today.

The SPEAKER pro tempore. Let me remind the gentleman from Florida [Mr. DIAZ-BALART] that he has 3 minutes remaining and is entitled to close; and the gentleman from California [Mr. BEILENSON] has one-half minute remaining.

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

Mr. Speaker, I associate myself with the remarks just made by the gentleman from Virginia [Mr. MORAN], and previously the remarks made by the gentleman from Wisconsin [Mr. OBEY] and by the gentleman from Maryland [Mr. HOYER], who are, I think, very much on the mark.

Finally, Mr. Speaker, I urge a ''no'' vote on the previous question. If the previous question is defeated, we will offer an amendment to the rule that will self-execute a motion that the House recede from its disagreement to

the Senate amendment and concur with an amendment that extends the continuing resolution, a clean continuing resolution, through December 13, 1995.

Mr. Speaker, I include a copy of the amendment in the RECORD at this point.

TEXT OF THE PREVIOUS QUESTION AMENDMENT

In House Resolution 267 on page 2, line 7 strike ''insist on'' and insert ''recede from''

On page 2, line 8 after ''132'' insert: ''And concur therein with an amendment substituting the matter contained in section 2 of this resolution''

At the end of the resolution add the following:

SEC 2.

Section 106(c) of Public Law 104–31 (109 Stat. 280) is amended by striking ''November 13, 1995'' and inserting ''December 13, 1995''.''

Mr. DIAZ–BALART. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, we have before us a rule that will bring to the floor a bill that covers almost 200,000 Federal employees, and that is what we are talking about. We are talking about passing a bill today, sending it to the President, that will permit almost 200,000 Federal employees to go to work tomorrow.

In addition to that, the bill maintains a glidepath, is on a glidepath to a balanced budget in 7 years. Now, the gentleman from Pennsylvania [Mr. WALKER], was, I think, very much correct in bringing out the fact that other econometric projections, whether they are called continuing resolutions, which would not be germane to this bill, if the previous question were to fail, it would not be germane today on this rule, an econometric projection or theory that continues to pile debt is not as clean as some maintain that it is.

What we have before us in synthesis, Mr. Speaker, is a rule that will permit us to vote on a bill that is on a glidepath to a balanced budget in 7 years and that tomorrow will permit 200,000 Federal workers to go back to work.

So I would hope that the spirit of compromise that was propounded and mentioned again today on the floor by such distinguished Members on the other side of the aisle as the gentleman from Maryland [Mr. HOYER] and the gentleman from California [Mr. BEILENSON] who say they will vote for the rule, will prevail, and that we will be able to pass this rule, obviously succeed on the motion for the previous question, pass the rule and then pass the bill.

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

The previous question was ordered.

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

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

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

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

Pursuant to clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 233, nays 189, not voting 10, as follows:

[Roll No. 795]

YEAS—233

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

NAYS—189

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

NOT VOTING—10

Browder
Fields (LA)
Fields (TX)
Ford
Houghton
Sisisky
Tucker
Volkmer
White
Young (AK)

☐ 1318

Messrs. DINGELL, BARCIA, and STUPAK changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The question is on the resolution.

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

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

The yeas and nays were ordered

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 285, nays 133, not voting 14, as follows:

[Roll No 796]

YEAS—285

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wise
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—133

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Becerra
Bentsen
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Doggett
Doyle
Durbin
Edwards
Engel
Evans
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Istook
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Klink
LaFalce
Lantos
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Rangel
Reed
Rose
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Spratt
Stark
Stokes
Tanner
Taylor (MS)
Tejeda
Thompson
Torres
Torricelli
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Wilson
Woolsey
Wyden
Wynn
Yates

NOT VOTING—14

Barcia
Callahan
Fields (LA)
Fields (TX)
Goodling
Houghton
Norwood
Pelosi
Radanovich
Slaughter
Tucker
Volkmer
White
Young (AK)

☐ 1327

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LIGHTFOOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 2020, and that I may include tabular and extraneous material.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2020, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1996

Mr. LIGHTFOOT. Mr. Speaker, pursuant to House Resolution 267, I call up the conference report on the bill (H.R. 2020), making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1996, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DREIER). Pursuant to rule XXVIII, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 25, 1995, at page H10813.)

The SPEAKER pro tempore. The gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 30 minutes, and the gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LIGHTFOOT].

☐ 1330

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

Mr. Speaker, I am very pleased to bring to the House today the conference report on H.R. 2020, fiscal year 1996 appropriations bill for the Department of Treasury, the Postal Service, the Executive Office of the President, the General Services Administration and other independent agencies.

For discretionary programs under our control, the conference report is below the subcommittee's section 602(b) allocation by $67 million in outlays, below last year's spending by $646 million, below the President's request by $1.2 billion, and below the level passed by the House on July 19 by $243 million. With only 5 exceptions, every account in this appropriations bill is below last year's level. I think that this is another step toward a balanced budget.

Mr. Speaker, over the past several weeks, as we have waited for the conferees to come to a resolution on the Istook-Simpson amendment, I have sensed an attitude of indifference on the part of many of my colleagues about the need to send this bill to the President quickly and in a form that he can readily sign.

Granted, this bill does not have a strong constituency. Mr. Speaker, I tell you this about the Treasury appropriations bill. It is not a throwaway piece of legislation.

This bill funds the nuts and bolts of Government for the General Services Administration, maintaining our Federal buildings and courthouses. It protects the integrity of our Nation's currency through the anticounterfeiting efforts of the Secret Service. It preserves our Nation's history through the National Archives. It provides for the protection of our President and other dignitaries. It funds programs that ensure our trade laws are properly enforced, that drugs are interdicted along our borders, and that our tax laws are implemented.

Let there be no mistake about it. The programs funded here do touch the lives of each and every American.

Yesterday the Government shut down, including the programs funded in this appropriations measure. Without

swift action to put the 190,000 Federal employees supported by this bill back to work, we will soon experience long delays at ports of entry, no one will be around to answer questions on the phones at IRS, there will be limited resources to process monthly Treasury checks, and we could easily have delays in getting out Social Security, disability and pension benefits for veterans, and checks for Federal retirees. We place the President and Presidential candidates in danger and we make it even easier for traffickers to get drugs into this country. We basically help organized crime launder money. I do not think any of us want to do any of these.

There are other consequences in not passing this bill, including a risk of losing a number of significant initiatives that we have fought long and hard for: A reversal of the administration's policy on funding abortions through the Federal Employees Health Benefit Program; a restriction on new courthouse construction starts; a pay freeze for Members of Congress, for judges and heads of agencies; and a restriction on the President's ability to bail out foreign currencies.

We terminate two agencies and seven agency functions, saving $135 million over the next 5 years. Most importantly of all, we have deficit reduction of the 646 million in real U.S. taxpayers' dollars.

Mr. Speaker, this bill was not an easy one to put together. The Senate 602(b) allocation was below the one we had in the House and there was a great deal of work that had to be done to bring these two measures together.

I would like to thank my ranking member, the gentleman from Maryland [Mr. HOYER], for working with us on this package. As was stated during the debate on the rule, there are things in it that neither one of us like, but that is the way Government works. We have had the opportunity to get together to exchange ideas in an honest, forthright manner and have tried to pick out what we hope is the best of all those ideas. I would like to send my appreciations to the gentleman from Maryland [Mr. HOYER] and to all of our staff who have worked very hard on this.

When this whole debate started and we were ready to go to the floor, I was 56 years old. I have aged a year since then, because that was September 20, and on the 27th, I ticked off another year on the calendar. So this has been a year in my life that we are waiting to get this bill on the floor, although it is 63 days if you actually look at the calendar. It is long overdue that we move this bill along. I think there is a right time and a right place for everything. For the 1996 Treasury appropriations bill, the time certainly is now, today, here on this floor.

I urge my colleagues to move this bill forward and vote ''aye'' on the conference report.

Mr. Speaker, I add the following data for the RECORD):

H.R. 2020 - Treasury, Postal Service, and General Government, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	104,379,000	120,408,000	104,000,500	110,929,000	105,929,000	+1,550,000
Treasury Building Repair and Restoration				7,684,000	21,491,000	+21,491,000
Office of Inspector General	29,700,000	31,884,000	29,319,000	30,067,000	29,319,000	-381,000
Financial Crimes Enforcement Network	19,823,000	22,198,000	20,273,000	22,198,000	22,198,000	+2,375,000
Treasury Forfeiture Fund (limitation on availability of deposits)	15,000,000	15,000,000		15,000,000	10,000,000	-5,000,000
Federal Law Enforcement Training Center:						
Salaries and Expenses	58,813,000	38,528,000	36,070,000	34,006,000	36,070,000	-22,743,000
Transfers of unobligated balances		(11,600,000)				
Acquisition, Construction, Improvements, and Related Expenses	5,815,000	8,163,000	8,163,000	9,663,000	9,663,000	+3,848,000
Transfer to Salaries and Expenses		(-11,600,000)				
Total, Federal Law Enforcement Training Center	64,628,000	46,691,000	44,233,000	43,669,000	45,733,000	-18,895,000
Foreign Law Enforcement		14,490,000				
Financial Management Service	183,729,000	189,259,000	181,837,000	186,070,000	184,300,000	+571,000
Bureau of Alcohol, Tobacco and Firearms	420,138,000	435,185,000	391,035,000	377,971,000	377,971,000	-42,167,000
United States Customs Service:						
Salaries and Expenses	1,395,793,000	1,395,970,000	1,392,429,000	1,387,153,000	1,387,153,000	-8,640,000
(By transfer)	(13,200,000)					(-13,200,000)
Harbor Maintenance Fee Collection		3,000,000	3,000,000	3,000,000	3,000,000	+3,000,000
Operation and Maintenance, Air and Marine Interdiction Programs	89,041,000	60,993,000	60,993,000	68,543,000	64,843,000	-24,198,000
Unobligated balances carried forward (non-add)		(19,733,000)	(19,733,000)	(19,733,000)	(19,733,000)	(+19,733,000)
Customs Facilities, Construction, Improvements and Related Expenses	1,000,000					-1,000,000
Customs Services at Small Airports (to be derived from fees collected)	1,406,000	1,406,000	1,406,000	1,406,000	1,406,000	
Total, United States Customs Service	1,487,240,000	1,461,369,000	1,457,828,000	1,460,102,000	1,456,402,000	-30,838,000
United States Mint	55,740,000	58,261,000				-55,740,000
Bureau of the Public Debt	183,458,000	176,985,000	170,000,000	170,000,000	170,000,000	-13,458,000
Payment of Government Losses in Shipment	500,000	500,000	500,000	500,000	500,000	
Internal Revenue Service:						
Administration and Management	225,632,000					-225,632,000
Processing, Assistance, and Management	1,511,266,000	1,605,042,000	1,682,742,000	1,767,309,000	1,723,764,000	+212,498,000
Tax Law Enforcement	4,385,459,000	4,524,351,000	4,254,476,000	4,097,294,000	4,097,294,000	-288,165,000
Information Systems	1,386,510,000	1,781,252,000	1,571,616,000	1,442,605,000	1,527,154,000	+140,644,000
Total, Internal Revenue Service	7,508,867,000	8,110,645,000	7,508,834,000	7,307,208,000	7,348,212,000	-160,655,000
United States Secret Service	483,606,000	579,628,000	542,461,000	534,502,000	531,944,000	+48,338,000
Violent Crime Reduction Programs:						
Departmental Offices	2,400,000	4,850,000				-2,400,000
Financial Crimes Enforcement Network	2,700,000	2,221,000	2,221,000	2,500,000		-2,700,000
Bureau of Alcohol, Tobacco and Firearms	7,000,000	25,305,000	3,100,000	24,700,000	21,010,000	+14,010,000
Gang Resistance Education and Training: Grants	9,000,000	7,200,000	12,200,000	7,200,000	7,200,000	-1,800,000
United States Customs Service	4,000,000	4,685,000	33,865,000	17,500,000	25,690,000	+21,690,000
Internal Revenue Service: Tax Law Enforcement	7,000,000	19,049,000				-7,000,000
United States Secret Service	6,600,000	9,800,000	10,000,000	21,800,000	21,800,000	+15,000,000
Federal Law Enforcement Training Center		5,090,000	2,500,000	2,000,000	1,014,000	+1,014,000
Total, Violent Crime Reduction Programs	38,700,000	78,200,000	63,886,000	75,500,000	76,514,000	+37,814,000
Procurement reform	-33,437,000					+33,437,000
Total, Title I, Department of the Treasury	10,562,071,000	11,340,863,000	10,514,206,500	10,341,400,000	10,380,513,000	-181,558,000
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund	92,317,000	109,094,000	85,080,000	85,080,000	85,080,000	-7,237,000
Payment to the Postal Service Fund for Nonfunded Liabilities	37,776,000	36,828,000	36,828,000	36,828,000	36,828,000	-948,000
Total, Title II, Postal Service	130,093,000	145,922,000	121,908,000	121,908,000	121,908,000	-8,185,000
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President	250,000	250,000	250,000	250,000	250,000	
The White House Office	40,022,000	40,193,000	39,459,000	38,131,000	39,459,000	-563,000
Executive Residence at the White House:						
Operating Expenses	7,827,000	7,827,000	7,522,000	7,827,000	7,827,000	
White House Repair and Restoration		2,200,000		2,200,000	2,200,000	+2,200,000
Official Residence of the Vice President	324,000	324,000	324,000	324,000	324,000	
Special Assistance to the President	3,280,000	3,280,000	3,175,000	3,280,000	3,280,000	
Council of Economic Advisers	3,439,000	3,439,000		3,439,000	3,180,000	-259,000
Office of Policy Development	5,058,000	3,867,000	3,867,000	3,867,000	3,867,000	-1,191,000
National Security Council	6,648,000	6,648,000	6,459,000	6,648,000	6,648,000	
Office of Administration	26,217,000	26,100,000	25,736,000	25,580,000	25,736,000	-481,000
Procurement reform	-117,000					+117,000

H.R. 2020 - Treasury, Postal Service, and General Government, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Office of Management and Budget	57,754,000	56,272,000	55,428,000	55,573,000	55,573,000	-2,181,000
Information Security Oversight Office		1,482,000		1,482,000		
Office of National Drug Control Policy	9,942,000	9,942,000	20,062,000	26,500,000	23,500,000	+13,558,000
Unanticipated Needs	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Federal Drug Control Programs:						
High Intensity Drug Trafficking Areas Program	107,000,000	110,000,000	104,000,000	110,000,000	103,000,000	-4,000,000
Special Forfeiture Fund	41,900,000	37,000,000				-41,900,000
Transfer to other agencies:						
El Paso Intelligence Center	(1,800,000)					(-1,800,000)
SAMSHA	(14,000,000)					(-14,000,000)
CTAC (R&D)	(8,000,000)					(-8,000,000)
ONDCP Director Discretion	(18,100,000)					(-18,100,000)
United States Customs Service	(13,200,000)					(-13,200,000)
Total, Federal Drug Control Programs	148,900,000	147,000,000	104,000,000	110,000,000	103,000,000	-45,900,000
(Transfer to other agencies)	(55,100,000)					(-55,100,000)
Total, Title III, Executive Office of the President	310,544,000	309,824,000	267,280,000	268,081,000	275,844,000	-34,700,000
TITLE IV - INDEPENDENT AGENCIES						
Advisory Commission on Intergovernmental Relations	1,000,000	1,400,000		334,000	784,000	-216,000
Administrative Conference of the United States	1,800,000	2,259,000		1,800,000	600,000	-1,200,000
Committee for Purchase from People Who Are Blind or Severely Disabled	1,682,000	1,800,000	1,682,000	1,800,000	1,800,000	+118,000
Federal Election Commission	25,710,000	29,021,000	26,521,000	28,517,000	26,521,000	+811,000
Federal Labor Relations Authority	21,341,000	22,230,000	19,742,000	21,398,000	20,542,000	-799,000
General Services Administration:						
Federal Buildings Fund:						
Appropriation	310,197,000	-259,112,000		86,000,000	86,000,000	-224,197,000
Rescissions	(-715,532,000)			(-55,000,000)	(-55,000,000)	(+660,532,000)
Limitations on availability of revenue:						
Construction and acquisition of facilities	(604,002,000)		(302,013,000)	(573,872,000)	(545,002,000)	(-59,000,000)
Alfred P. Murrah Federal Office Building	(40,400,000)					(-40,400,000)
Repairs and alterations	(723,864,000)	(911,000,000)	(713,066,000)	(627,000,000)	(637,000,000)	(-86,864,000)
Installment acquisition payments	(127,531,000)	(181,963,000)	(181,963,000)	(181,963,000)	(181,963,000)	(+54,432,000)
Rental of space	(2,181,300,000)	(2,339,000,000)	(2,341,100,000)	(2,327,200,000)	(2,326,200,000)	(+144,900,000)
Building operations	(1,322,025,000)	(1,352,551,000)	(1,369,463,000)	(1,302,551,000)	(1,302,551,000)	(-19,474,000)
Transfer to Construction and Acquisition		(554,813,000)				
Repayment of Debt		(73,433,000)	(73,433,000)	(73,433,000)	(73,433,000)	(+73,433,000)
Emergency funding	(-66,800,000)					(+66,800,000)
Total, Federal Buildings Fund	310,197,000	-259,112,000		86,000,000	86,000,000	-224,197,000
(Limitations)	(4,932,322,000)	(5,412,760,000)	(5,001,058,000)	(5,066,019,000)	(5,066,149,000)	(+133,827,000)
Real Property Activities:						
Appropriation		969,416,000				
Transfer from FBF		(554,813,000)				
Construction and Acquisition - Limitation:						
(Construction - Limitation)		(1,017,213,000)				
(Acquisition - Limitation)		(5,000,000)				
Subtotal		(1,022,213,000)				
GSA operations:						
Policy and Oversight		111,827,000	62,499,000	113,827,000		
Operating Expenses	130,036,000	53,878,000	49,130,000		119,091,000	-10,945,000
Subtotal	130,036,000	165,705,000	111,629,000	113,827,000	119,091,000	-10,945,000
Office of Inspector General	33,090,000	34,407,000	32,549,000	34,000,000	33,274,000	+184,000
Allowances and Office Staff for Former Presidents	2,215,000	2,181,000	2,181,000	2,181,000	2,181,000	-34,000
Procurement reform	-8,959,000					+8,959,000
Total, General Services Administration	466,579,000	932,599,000	146,359,000	236,008,000	240,546,000	-226,033,000
John F. Kennedy Assassination Record Review Board	2,150,000	2,416,000	2,150,000	2,150,000	2,150,000	
Merit Systems Protection Board:						
Salaries and Expenses	24,549,000	24,549,000	21,129,000	24,549,000	24,549,000	
(Limitation on administrative expenses)	(2,250,000)	(2,430,000)	(2,430,000)	(2,430,000)	(2,430,000)	(+180,000)
Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation	10,000,000					-10,000,000
National Archives and Records Administration	195,238,000	195,291,000	193,291,000	199,633,000	199,633,000	+4,395,000
Reduction of debt	-3,692,000	-4,012,000	-4,012,000	-4,012,000	-4,012,000	-320,000
Procurement reform	-325,000					+325,000
National Archives and Presidential Libraries Repair and Restoration				1,500,000	1,500,000	+1,500,000
National Historical Publications and Records Commission:						
Grants program	9,000,000	4,000,000	4,000,000	5,000,000	5,000,000	-4,000,000
Office of Government Ethics	8,104,000	8,328,000	7,778,000	8,328,000	7,776,000	-328,000

H.R. 2020 - Treasury, Postal Service, and General Government, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Office of Personnel Management:						
Salaries and Expenses	111,999,000	108,572,000	85,524,000	93,106,000	88,000,000	-23,999,000
(Limitation on administrative expenses)	(93,934,000)	(102,536,000)	(102,536,000)	(93,281,000)	(102,536,000)	(+8,602,000)
Office of Inspector General	4,009,000	4,037,000	4,009,000	4,009,000	4,009,000	.....
(Limitation on administrative expenses)	(6,156,000)	(6,181,000)	(6,181,000)	(6,181,000)	(6,181,000)	(+25,000)
Government Payment for Annuitants, Employees Health Benefits	4,210,560,000	3,746,337,000	3,746,337,000	3,746,337,000	3,746,337,000	-464,223,000
Government Payment for Annuitants, Employee Life Insurance	28,159,000	32,647,000	32,647,000	32,647,000	32,647,000	+4,488,000
Payment to Civil Service Retirement and Disability Fund	7,339,636,000	7,945,996,000	7,945,996,000	7,945,996,000	7,945,996,000	+606,360,000
Employees Life Insurance Fund (limitation on administrative expenses)	(753,000)	(993,000)	(993,000)	(993,000)	(993,000)	(+240,000)
Retired Employees Health Benefits Fund (limitation on administrative expenses)	(81,000)	.....	.....	.....	.....	(-81,000)
Procurement reform	-1,256,000	.....	.....	.....	.....	+1,256,000
Total, Office of Personnel Management	11,693,109,000	11,837,591,000	11,814,515,000	11,822,097,000	11,816,991,000	+123,882,000
Office of Special Counsel	7,955,000	8,586,000	7,840,000	7,840,000	7,840,000	-115,000
United States Tax Court	34,039,000	34,039,000	32,899,000	33,639,000	33,269,000	-770,000
Total, Title IV, Independent Agencies	12,486,239,000	13,100,079,000	12,273,892,000	12,390,561,000	12,365,499,000	-112,750,000
(Limitation on administrative expenses)	(4,319,964,000)	(6,547,113,000)	(5,113,196,000)	(5,133,884,000)	(5,123,289,000)	(+803,325,000)
Grand total	23,500,947,000	24,896,488,000	23,177,288,500	23,141,970,000	23,163,754,000	-337,193,000
(Limitations)	(4,319,964,000)	(6,547,113,000)	(5,113,196,000)	(5,133,884,000)	(5,123,289,000)	(+803,325,000)
CONGRESSIONAL BUDGET RECAP						
Total in this bill	23,500,947,000	24,896,488,000	23,177,288,500	23,141,970,000	23,163,754,000	-337,193,000
Scorekeeping adjustments	-744,405,000	126,840,000	71,069,000	13,030,000	-10,840,000	+733,565,000
Total mandatory and discretionary	22,756,542,000	25,023,328,000	23,248,356,500	23,155,000,000	23,152,914,000	+396,372,000
Mandatory	11,736,379,000	11,889,400,000	11,889,400,000	11,889,400,000	11,889,400,000	+153,021,000
Discretionary:						
Crime trust fund	38,700,000	78,200,000	63,886,000	75,500,000	76,514,000	+37,814,000
General purposes	10,981,463,000	13,055,728,000	11,295,069,500	11,190,100,000	11,187,000,000	+205,537,000
Total, Discretionary	11,020,163,000	13,133,928,000	11,358,955,500	11,265,600,000	11,263,514,000	+243,351,000

Mr. LIGHTFOOT. Mr. Speaker, I am pleased to bring before the House today the conference report on H.R. 2020, the fiscal year 1996 appropriations bill for the Department of Treasury, the Postal Service, the Executive Office of the President, the General Services Administration and other independent agencies.

For discretionary programs under our control, the conference report is below the subcommittee's section 602(b) allocation by $67 million in outlays, below last years spending by $646 million, below the President's request by $1.2 billion and below the level passed by the House on July 19 by $243 million. With only five exceptions, every account in this appropriations bill is below last years level. This is another step that we have to take toward a balanced budget.

Mr. Speaker, over the past several weeks, as we have waited for the conferees to come to a resolution on the Istook-Simpson amendment, I have sensed an attitude of indifference on the part of many of my colleagues about the need to send this bill to the President quickly and in a form that he can sign.

Granted, this bill doesn't have a strong constituency. But, Mr. Speaker, I will tell you this about the Treasury appropriations bill. It isn't a throw away piece of legislation.

This bill funds the nuts and bolts of government through the General Services Administration, maintaining our Federal buildings and courthouses. It protects the integrity of our Nation's currency through the anti-counterfeiting efforts of the Secret Service. It preserves our Nation's history through the National Archives. It provides for the protection of our President and other dignitaries. It funds programs that ensure our trade laws are properly enforced, that drugs are interdicted along our borders, and that our tax laws are implemented.

Let there be no mistake about it. The programs funded here touch the lives of all Americans.

Yesterday, the Government shut down, including the programs funded in this appropriations measure. Without swift action to put the 190,000 Federal employees supported by this bill back to work, we will soon experience long delays at ports of entry; no one will be around to answer the phones at IRS, and there will be limited resources to process monthly Treasury checks. We could easily have delays in getting out Social Security, disability and pension benefits for veterans, and checks for Federal retirees. We place the President and Presidential candidates in danger. We make it even easier for traffickers to get drugs into this country. We help organized crime launder money.

There are other consequences of not passing this bill, including a risk of losing a number of significant initiatives that we have fought long and hard for:

A reversal of the Administrations policy on funding abortions through the Federal Employee Health Benefit Program; a restriction on new Courthouse construction starts; a pay freeze for members, Judges, and heads of agencies; a restriction on the President's ability to bail out foreign currencies; and deficit reduction of $646 million.

Mr. Speaker, we need to move this bill along. There is a right time and place for everything. For the 1996 Treasury appropriations bill, the time is now. I urge my colleagues to move this bill forward and vote aye on the conference report.

I reserve the balance of my time.

GENERAL SERVICES ADMINISTRATION

Mr. Speaker, I would like to take this time to expand on language included in the House report to accompany the fiscal year 1996 Treasury appropriations bill. The report language requiring GSA to develop a plan to implement a commercial broker function should be expanded to include commercial leasing, property management, and asset management.

TRIBUTE TO JEANNE KOCHNIARCZK

Before we finish, I would like to extend my personal thanks to Jeanne Kochniarczk, who joined my committee staff earlier this year while they were short-handed. Jeanne played a key behind the scenes role in keeping the office together. She remained consistently professional, even when nobody would have blamed her for letting the long hours, fast pace and often short tempers get the better of her. I and all of my staff wish Jeanne good luck and godspeed as she returns to the Treasury Department.

STATUTE OF LIMITATIONS UNDER THE FAIR LABOR STANDARDS ACT

Mr. Speaker, I would like to make a few comments regarding one of the most difficult issues addressed by the conferees this year—modifications to the statute of limitations under the Fair Labor Standards Act.

Let me begin with history. The Fair Labor Standards Act allows all employees the right to sue their employers for up to 2 years back pay for violations under the Fair Labor Standards Act.

The General Accounting Office in 1978 made a mistake and established regulations stating that Federal employees can get up to 6 years back pay for overtime claims under this act—three times more than people working for Chrysler or GM. This GAO ruling incorrect—the law states that everyone would only be entitled to 2 years—the error remained undetected for a long time because there were no suits under this statute for 16 years. Once suits were filed, GAO found and corrected its mistake.

The 103d Congress reversed GAO, and passed a law allowing Federal workers to get up to 6 years back pay. The problem is that this act will cost as much as $460 million—nearly the entire Secret Service budget.

The conferees were faced with a choice—either pay hundreds of millions for work done many years ago and fire four or five thousand employees or give the Federal workers the same rights as their private sector counterparts.

This is not a partisan issue. At the administration's request, we included language providing for the same treatment for public and private workers. We agreed, not just because it costs a lot of money, but because it is fair.

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

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

First of all, Mr. Speaker, let me make a comment generally. There has been a lot of talk on this floor during the course of the consideration of the continuing resolution about keeping this Government going and balancing the budget.

I have observed that I am for doing that, and have voted for a constitutional amendment to require that and budgets which carried out that policy.

The fact of the matter is, though, that those of us on the Committee on Appropriations ought to honestly let all our colleagues know and ought to reiterate that, in general, the consideration of the appropriation bills is not about balancing the budget.

The reason for that is America has gone from, in 1953, spending 18 percent of its gross domestic product on discretionary spending—that is what we do in the Committee on Appropriations, we make decisions on where to spend money, in defense, and on the domestic side—to today when in America we spend less than 8 percent of our gross domestic product on discretionary spending. That is a significant reduction. We now spend less than half of what we used to spend on discretionary spending.

Therefore, when we bring appropriation bills to the floor, it is not necessarily about balancing the budget but making a determination as to where we apply that discretionary spending to most appropriately serve the American public.

The chairman of this committee is one of our most responsible Members. He is a person with whom I enjoy working. He and I do not always agree, but Americans would be pleased with the fact that he and I always respect one another's point of view and try to work so that we get a consensus.

I am going to talk about this bill because there are aspects of it that I oppose, and very frankly, if the question on the passage of this bill was simply do you like it or do you not like it, I probably would vote ''no.'' But that is not the question. We are at a time when we need to make a decision.

In a body that represents 435 different districts in America, there is no surprise that there are differences of opinion within the Republican Party and within the Democratic Party, as well as between the Democratic and Republican Parties, on the priorities. Notwithstanding that, however, there comes a time when you have to make decisions and you have to move forward, realizing that in a democracy compromise is absolutely essential if we are to move forward.

I think the American public expects us to do that. As the chairman has noted, this bill covers 193,000 Federal employees. The failure to pass this bill in a timely fashion, that is, by September 30, 1995, resulted yesterday in approximately 95,000 to 100,000 of those people being sent home.

We are going to pay them. The President has said that, the Speaker has said that, the majority leader has said that. The Democratic leaders in the Senate and the House have also said that. We are going to pay them. However, they are not working today on behalf of the American public. That is a result of our failure. Collectively and individually.

This bill moves us a step forward in doing our business, in passing appropriation bills to fund those services

which this Congress has made a determination as the elected representatives of the American public are necessary and proper to serve the people of this country.

Mr. Speaker, the conference report being brought to us today is a mixed blessing. On one hand, if we act quickly and send this bill to the President almost 200,000 Government workers will be assured of continuation of their jobs—because signing of the bill will take the agency out of the continuing resolution fight.

On the other hand, this bill does not meet the need to responsibly operate the U.S. Government.

The bill before us provides $11.3 billion in discretionary funding for the Treasury Department, Postal operations, and other agencies. This funding is $187 million below the amount appropriated last year—about a 1-percent cut. The bill is $2 billion below the administration's request.

Mr. Speaker, the conference on this bill was essentially completed on September 13—63 days ago.

I think it is unfortunate that one issue has held up this bill for 2 months and has resulted in almost 100,000 employees being laid off during this Government shutdown.

The Istook-Ehrlich amendment restricting free speech for nonprofits has delayed this bill for 63 days despite the fact that it is legislative and does not belong on this bill.

This conference report includes no language on this subject but I want to point out that current law already prohibits the use of Federal funds for lobbying.

The conference was able to restore funds for a number of important programs, including the Council of Economic Advisers. The funding provided for tax systems modernization is adequate to meet the administration's objectives.

However, I remain quite concerned about cuts in the Internal Revenue Service which receives only $6.4 billion, far less than the $8.1 billion requested by the administration. I am especially concerned about the impact on tax compliance initiative that is actually a revenue raiser.

Funding for the GSA and OPM is also inadequate in this conference report and I am very disappointed that we could not, in a bipartisan fashion, approve the President's full request for the Executive Office of the President.

I am also concerned that the bill contains language restricting the ability of Government employees to decide on the type of health insurance coverage they wish to purchase.

Finally, I want to express my concern that the bill is silent on the issue of Federal pay and, actually repeals a provision we added last year to guarantee fair compensation to criminal investigators and others covered by the Fair Labor Standards Act.

If it were not for the necessity of providing for a full year appropriations for agencies included in this bill, I would not be supporting this bill.

However, I commend Chairman LIGHTFOOT for doing the best he could with a very limited allocation and I urge adoption of the conference report.

□ 1345

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

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

Mr. Speaker, I would like to add to the comments of the gentleman from Maryland [Mr. HOYER] on the issue with the IRS. When the bill left the House, as far as tax compliance is concerned, we had reached an agreement to spread that out over a few more years. If was taken out when it got into the other body.

The whole tax compliance issue, in my opinion, ties in with the whole issue with tax systems modernization, which has been somewhat of an ongoing battle with the IRS, being kept under a very critical eye by the General Accounting Office. Quite frankly, there has been some very strong criticism of the manner in which the IRS has been moving forward with TSM. It is one of those things, which came first, the chicken or the egg. It is difficult to enforce compliance if you do not know who you are going to enforce it upon. That is one of the basic problems with the IRS using technology that was modern in the 1960's or maybe the early 1970's.

One of the efforts we tried earlier, which because of objections from the Committee on Ways and Means we could not undertake, was the collect between $300 to $400 billion in uncollected taxes and put that money toward the TSM. That did not work because Ways and Means obviously wants to see any tax revenue go into the General Fund without any earmarking. But I think this is an ongoing situation that we will continue to have until or if the underlying tax law that IRS is required to enforce is changed, but we are not here to debate that.

We hear people talk about a flat tax. What they really want is a simpler tax. Be that as it may, we have the responsibility of making sure that the IRS has the capabilities to take care of what they are charged to do.

Obviously, compliance is extremely important to all of us. We have heard a lot of figures from IRS. If they get an appropriated dollar, they get so many dollars back in revenue. Obviously, those are very difficult figures to prove. But as we move down this road, I would hope that we will see a closer tie between compliance and modernization.

One of the things that we have extracted is an agreement with the IRS to fence off a portion of their TSM money this year until they come forward with a plan for modernization that the General Accounting Office says is doable and fits 640's idea of how it should be done correctly.

I think we are making some good progress in that direction. Again, that is one issue the gentleman from Maryland [Mr. HOYER] and I happen to share the same opinion on, as far as the compliance issue is concerned. But as we mentioned earlier, legislation is about compromise, and the other body decided they did not want that, and they prevailed on that particular issue.

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

Mr. HOYER. Mr. Speaker, I was not going to go into this in detail, but I think it is appropriate, because I have a great deal of concern about this issue of the appropriate funding level of the Internal Revenue Service, which is, by the way, the largest single item in this particular budget.

I have concern, which is expressed in a document that I received from the Internal Revenue Service when I asked them what will be the result of the underfunding that is included in this bill. And their response was as follows: First of all, they may have to furlough all employees for between 3 and 8 days at some time during the fiscal year. This would affect over 100,000 employees and is equal to reducing IRS by 2,000 FTE's, full-time-equivalent employees. Said differently, this translates into a loss of over half a million workdays.

Now, there are some people who would say is that not great, we will get those people off on the sidelines. But, again, to the extent that the IRS does not have the ability to do its job correctly, those who honestly respond and pay their taxes, have their taxes withdrawn on a weekly or monthly or biweekly basis, depending upon how they are paid, will pay the taxes that are due. However, to the extent that those who are missed or do not cooperate and honestly respond to their obligations, to the extent that they do not pay, the rest of us have to pay more, so that this not only affects collections, but it affects very much the fairness of the system.

In terms of tax compliance, we had a bipartisan agreement, Republicans, Democrats, the President, the Congress, the Office of Management and Budget, the fiscal arm of the President, the Congressional Budget Office, the fiscal arm of the Congress, everyone agreed that if we put $405 million per year into tax compliance for 5 years, a total of approximately $2 billion, it would result in additional collections of approximately $10 billion, a five-to-one payoff.

However, because of the constraints that confront us on our 602(b) allocation, we do not have that money to spend. As a result, IRS says that revenues collected by the IRS endorsement function are projected to drop from $31.1 billion in fiscal year 1995, that is simply the extra money collected by appropriate enforcement resulting in appropriate tax compliance, drop from $31.1 billion this fiscal year to 27.5 billion in the next fiscal year, because of

the reduction in enforcement and compliance, an estimated decrease of $3.6 billion.

Said another way, Mr. Speaker, we are cutting approximately $405 million from compliance, and that is going to cost us $3.6 billion. Now, it does not take much of a mathematician to see that that may be a penny-wise and pound-foolish savings, a hackneyed phrase, but one I think is applicable at this time.

In addition, they are going to examine less returns. The percent of all tax returns examined, a major source for identifying unreported taxes, would fall from 1.63 percent in fiscal year 1995, to 1.29 percent. Now, because of that fall, less people will feel that they need to honestly meet their obligations, and, therefore, not doing so will result in a loss of revenue and a decrease in compliance.

Last, unfortunately, as a result of the reductions in this bill, they are going to be able to answer fewer taxpayer phone calls. One of the things our committee has tried to do is provide for the additional response and timely response and accurate response to those we ask to fill out the tax forms and pay their taxes. Quite obviously, we owe it to them to make it as easy as possible. We know it is difficult. We know it is time-consuming. This effort has been to try to make it a little easier for our taxpayers.

Up to 1 million fewer phone calls from taxpayers needing information will be answered because of the fact that we have reduced the resources here.

Mr. Speaker, as you can tell, I am worried about the ability of the IRS to do that which we expect, unrelated to, as the chairman has so correctly stated, whatever system you have. And if you make it a very simple system, then you can perhaps lay off a lot of people. I understand that. But under the system that we now have or are going to have in the foreseeable year, the resources allocated are insufficient to do the job properly.

I am hopeful that in the coming year, it will not result, as it did back in 1988, in a backlog in Philadelphia or other regional centers, where taxpayers become extremely distressed because they do not get their answers in a timely fashion, they do not get their refunds in a timely fashion. If that happens, I am sure we will hear about it.

But in any event, Mr. Speaker, I note that the two gentlemen from California are here, and we are prepared to proceed with the colloquy.

Mr. Speaker, I yield such time as he may consume to my friend, the distinguished gentleman from California [Mr. DOOLEY].

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

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

Mr. RADANOVICH. Mr. Speaker, at this time I would like to enter into a colloquy with the gentleman from Iowa, Chairman LIGHTFOOT, the gentleman from California, Mr. DOOLEY, and the gentleman from Maryland, Mr. HOYER, if I may.

Mr. Speaker, the U.S. Courthouse in Fresno is currently at its full capacity and requires extensive modifications to meet seismic, fire, and security standards. Moreover, Fresno is the fastest growing city in America, has the largest population per judgeship of any U.S. judicial district, and faces an explosion in federally filed claims. We need a new courthouse and have been working to obtain approval for the past few years. I understand that there is no funding provided for the courthouse in this year's Treasury, Postal appropriations bill, and I realize the dramatic spending reductions we all must make to work toward a balanced budget.

I do want to let my colleague, Mr. LIGHTFOOT, know, however, of actions taken in Fresno in response to directions from his subcommittee last year. The fiscal year 1995 Treasury, Postal appropriations conference report contained language that acknowledged the beginning of the site selection process for a Federal courthouse in Fresno, and directed GSA to locate the site in the downtown area of Fresno.

□ 1400

I am pleased to report that not only did we locate a site in the downtown area, but that the city of Fresno is committing to donate the site. In addition, the city has offered to complete all site preparation and build public parking for the courthouse.

I would also ask that the chairman also consider that the GSA has completed a facility study showing the need for the courthouse, accepted an environmental impact study, and has selected an architect for the site. This agreement will save the taxpayers about $5 million.

I urge the subcommittee to make this project a top priority next year in light of our compliance with the chairman's directive and also their effort to reduce Federal spending.

Mr. LIGHTFOOT. Mr. Speaker, I would say to the gentleman from California [Mr. RADANOVICH] that I am pleased to learn of the progress that he has made with the courthouse project in Fresno. I want to commend the GSA, the district court, and the city of Fresno for their compliance with the intent of Congress, and obviously encourage them to continue in that direction.

This subcommittee, I will assure the gentleman, will carefully review this project on our next round of court construction proposals. And as a personal note, this is the type of cooperation, I think, that we need to see all over the country as we work together with Federal and State and city governmental authorities to put worthwhile projects in place at a reasonable cost to the taxpayer.

Mr. DOOLEY. Mr. Speaker, I, too, want to let the chairman know that I would also like to endorse the Fresno courthouse project, and mention that it was the gentleman from Maryland [Mr. HOYER] who offered the language included in last year's appropriations bill.

I want to thank him for that effort, as it has resulted in an excellent site for the courthouse that will enhance our efforts to revitalize downtown Fresno.

As my colleague, the gentleman from California [Mr. RADANOVICH] stated, it will also realize substantial savings to our taxpayers.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his remarks. I appreciate the kind comments. And I also want to express my congratulations for the agreement that GSA and the court were able to work out with the city of Fresno. The gentleman can be assured I will also do my part to see that this project receives very serious consideration in subcommittee deliberations next year.

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

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume to say that there is one additional issue that I would like to reference.

The chairman brought it up in his bill. It has been a contentious issue for years. I have a strong feeling about it and would be remiss if I did not mention it.

The Federal employee health benefit plan is one of the best employee plans in the Nation. In fact, it is a model for many. It is a plan which provides for health care coverage for our employees, retirees, and their dependents. It is a plan that they contribute to and the Federal Government, as the employer, also contributes to.

It has been my contention over the years that this is a part of the employee's compensation package and that when the Federal Government pays 72 percent of the average premium, it does so as a part of the compensation package of the Federal employee. To that extent, I believe it is like salary; and, therefore, is the property of the employee. Others, however, take the position, no, that money is the money of the Federal Government; and, therefore, they object to that money being spent on any health benefit plan that might include abortion services within its framework.

Now, currently, Mr. Speaker, there are about half of the policies that cover such services, and they can be obtained, as any other policy can be, at the option of the employee. It is the employee's choice, not the employer's choice, as to what coverage the employee wants to secure.

This bill limits this coverage, as was done, frankly, in the 1980s and the early 1990s, and precludes any of our Federal employees from purchasing a policy that has abortion services other than to save the life of the mother or for a pregnancy resulting from rape or incest. Quite frankly, when the bill left

the House, it was only for the life of the mother. The Senate added rape and incest, which I think was an appropriate addition, and I am pleased that the conference agreed to that.

Nevertheless, I want to make it clear that, although I will support this bill, I oppose this provision because I think it places, inappropriately, a restriction on the use of the employee's money in the guise that it is restricting the application of the Federal Government's money.

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

Mr. LIGHTFOOT. Mr. Speaker, I yield myself the balance of my time. I appreciate the support of the gentleman from Maryland [Mr. HOYER] on the bill.

The abortion provision is one that the gentleman from Maryland and I have had a bit of disagreement on. I nevertheless supported the bill last year, and he is supporting the bill this year, and I think it is symptomatic of the spirit of cooperation and the willingness to work together to try to move very important pieces of legislation.

As we have both stated, this bill has to move. We need to get Federal employees back behind their desks and at their guard posts along the borders. Particularly with the world we face today, we certainly cannot let down in the law enforcement officers from Customs and Secret Service and other agencies funded through this bill.

In closing, Mr. Speaker, I would thank all the staff that have done an excellent job. Seth and Terry, on the minority side; Betsy, Dan, Michelle, Bill, Jenny back in the office, and Jeanne, who worked with us through a good bit of this while Jenny was giving birth to a new member of her family. The staff does an outstanding job and without their efforts we just would not get it done.

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

Mr. HOYER. Mr. Speaker, the gentleman raised a point about the border guards, and I think most of them are probably essential employees. It occurs to me, however, that both of us have discussed this and we have had what, I think, is somewhat an unfortunate incident; not only having employees being told to go home, but the implication that they are not essential.

I think the American public should know that essential is a technical term which simply means that the employees who are necessary for the defense of the Nation or public safety or immediate health are determined to be, under the law, employees that we can keep on board, even though funding authorization has not been approved.

Frankly, I perceive all of our Federal employees as essential. That is to say they are important to carry out functions adopted by this Congress and carried out by the executive department. I think we ought to make that comment to all of them, so that some of them do not believe that the tasks they perform are not important. They are critically important even though they may not be in the category that if they are not on the job public safety and life and health may be jeopardized.

Mr. Speaker, I thank the gentleman for yielding and thank him for his leadership on this bill.

Mr. Speaker, I appreciate the gentleman's interpretation of the word ''essential'' and would concur with the assessment of such.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 374, nays 52, not voting 6, as follows:

[Roll No. 797]

YEAS—374

Abercrombie
Ackerman
Allard
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)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Graham
Green
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilliard
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
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
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Sabo
Salmon
Sawyer
Saxton
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NAYS—52

Andrews
Boehlert
Chenoweth
Collins (IL)
Collins (MI)
Conyers
Cooley
Dellums
Duncan
Engel
Evans
Fattah
Filner
Frank (MA)
Funderburk
Gilman
Goodling
Greenwood
Gutierrez
Harman
Hilleary
Hinchey
Horn
Jacobs
Johnson (CT)
LaHood
Maloney
Martinez
McDermott
McIntosh
Meyers
Miller (CA)
Nadler
Neumann
Olver
Owens
Roemer
Roukema
Rush
Sanders
Sanford
Scarborough
Schroeder
Slaughter
Stark
Stump
Taylor (MS)
Torkildsen
Waters
Watt (NC)
Waxman
Yates

NOT VOTING—6

Fields (LA)
Foley
Houghton
Tucker
Volkmer
Young (AK)

☐ 1431

Mr. HINCHEY, Mrs. CHENOWETH, and Messrs. RUSH, NADLER, HORN, FUNDERBURK, and OLVER changed their vote from ''yea'' to ''nay.''

Messrs. SERRANO, DEUTSCH, CLAY, Ms. WOOLSEY, Mr. GEJDENSON, and Mr. HASTINGS of Florida changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DREIER). Pursuant to House Resolution 267, a motion that the House insist on its disagreement to the amendment of the Senate numbered 132 is adopted.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, on rollcall No. 797, adoption of the conference report on Treasury-Postal appropriations, I was unavoidably delayed in reaching the House floor in order to record my vote. Had I been present, I would have voted ''yea.''

WAIVING POINTS OF ORDER AGAINST FURTHER CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 253 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 253

Resolved, That upon adoption of this resolution it shall be in order to consider the further conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. BURTON of Indiana). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from California [Mr. BEILENSON], my good friend, pending which time I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Ms. PRYCE asked and was given permission to revise and extend her remarks and to include extraneous material.)

Ms. PRYCE. Mr. Speaker, I am pleased to bring to the floor today this rule providing for the further consideration of the conference report H.R. 1977, the Department of the Interior and related agencies appropriations bill for the fiscal year 1996. This is a simple, fair rule which waives all points of order against the conference report and against its consideration.

The blanket waiver includes a waiver of clause 2 of rule XX as well as a waiver of clause 3 of rule XXVIII which permits the House to discuss provisions which may exceed the scope of differences between the House and Senate. Under the normal rules of the House, we will have 1 hour of debate on the conference report itself in addition to the minority's customary right to offer a motion to recommit with or without instructions. Considering the serious fiscal situation which our country now faces, I am hopeful that the House will accept the work of the conferees so that we can send this important legislation on to the President for his signature.

Every step we take to pass these important appropriations bills brings us one step closer to restoring stability to our Nation's budget and finances. As my colleagues will recall, the House first considered the conference report on the Interior bill on September 29. By a vote of 277 to 147, the House voted to send the bill back to conference with instructions to reinstate the House-passed moratorium on issuing mining patents. Although the House passed a separate motion instructing conferees to stand by the moratorium language, the conference agreed, the conference agreement dropped this provision and instead replaced it with the Senate language essentially requiring payment of fair market value.

This new conference agreement continues the existing moratorium on issuing mining patents until mining law reform is enacted either as a part of reconciliation or if it is passed by both the House and Senate in a freestanding identical bill. Under the compromise agreement, the Interior Department is required to process within 3 years at least 90 percent of grandfathered claims which are exempt from the current moratorium.

In addition to addressing the moratorium issue, the conference report provides funding for the core program and missions of the agencies covered by this legislation including funding for operating the national park system and all of our public lands and for the health, care and education needs of Native Americans.

Although the bill represents less spending than last year's level, funding for the operations of the Nation's national parks and monuments, national forests and grasslands, public lands and national wildlife refugees has been maintained. The bill also provides for basic energy research with an emphasis on industry cost sharing, and it funds research programs which focus on protecting human life and property from earthquakes and similar natural hazards.

Funding for the repair and maintenance of the various Smithsonian museums and the National Gallery of Art has actually been increased, and the bill continues to demand Outer Continental Shelf offshore oil and gas leasing. The conference report also includes a reduction in the funding for the naval petroleum reserve need today ensure that the outlays in the conference report match the subcommittee's 602(b) outlay allocation and a provision permitting the National Park Service to spend up to $100,000 to develop a management plan for the Mojave National Preserve.

The conference report total is more than 10 percent below the amount provided in last year's legislation. Savings have been achieved by eliminating redundant management layers, reducing grants programs and doing away with functions which the subcommittee believes are not inherent Federal responsibilities. Chairman REGULA and the members of the Committee on Appropriations have made some very difficult choices in writing this year's bill, and I applaud them for their hard work and dedication. The chairman's system of prioritizing the must-do's, the need-to-do's and the nice-to-do's reflects the kind of fiscal restraint and responsibility we need to keep this Nation firmly on the road to a balanced budget.

So I commend Chairman REGULA for his leadership and for his patience in crafting a bill that avoids unnecessary earmarks and that honors our fundamental commitment to the American people to achieve meaningful deficit reduction and to create a smaller, more efficient Federal Government.

In closing, Mr. Speaker, let me say that I look forward to hearing from my good friend from Ohio and from other Members who played a role in shaping this final conference agreement. House Resolution 253 differs very little from the kind of rule granted by the Committee on Rules this year for conference reports on other appropriations bills. It is entirely appropriate for this debate. I urge my colleagues to adopt this rule and to pass the conference report without any further delay.

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

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume. I thank the distinguished gentlewoman from Ohio [Ms. PRYCE] for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, we oppose this rule, and the measure it makes in order, the conference report on Interior appropriations for fiscal 1996. This new conference report is only slightly different from the version of the legislation the House voted to return to the conference committee back in September. For the same reasons we stated at that time, we believe that Members should reject this rule and this conference report.

The rule before us waives all points of order against the conference report, and against its consideration. One major reason why the conference report needs such a rule is that it contains numerous violations of clause 2 of rule XXI, the rule that prohibits legislation—policy matters—in an appropriations bill.

We acknowledge that it is very difficult to avoid violating rule XXI entirely in an appropriations bill, but the Rules Committee usually tries—or we did try, in previous Congresses—to

minimize the extent to which appropriations bills contain policy matters. Not only did those efforts prevent flagrant intrusions on the jurisdiction of authorizing committees, they also kept appropriations bills from getting bogged down in disagreements over issues that are unrelated to the amount of funding being provided to Government agencies.

This rule, however, sanctions the use of the appropriations process to make far-reaching changes in policies governing the use of our Nation's resources. It makes it possible for the House to consider a bill that the Los Angeles Times has said is ''swollen with hidden attacks on the public lands, national parks, and the environment.''

One of those attacks, as Members know, is on public lands containing valuable minerals. As Members recall, the mining legislation inserted into the first conference report is the issue that persuaded 277 Members—an overwhelming majority of us—to vote to send that version back to conference for revisions.

Unfortunately, the conferees came back with a wholly unsatisfactory response. The conference report does contain a moratorium on mining patents, but only until either budget reconciliation legislation containing provisions regarding patenting of mining claims and payment of royalties is enacted, or the House and Senate agree to such provisions in other legislation.

Note that the moratorium could be lifted simply if the House and Senate pass such legislation—it is not necessary that it be enacted into law.

The conferees also made a change regarding the Mojave National Preserve that attempts to allay the concerns of many of us about the original conference report. But it fails in that respect, too.

Report language accompanying the new conference report allows the National Park Service to use $100,000 in existing funds to develop a management plan for the east Mojave area. But it does not overturn the original legislation removing the Mojave Preserve from the protection of the National Park Service by prohibiting the Park Service from spending more than $1 on it next year. It would still shift authority for the area back to the Bureau of Land Management, whose rules are much more lenient than the Park Service's on mining, grazing, dirt biking, and other detrimental activities.

Many other egregious provisions that were contained in the original conference report remain in the new version. For example:

The conference report directs the Forest Service to change policy with regard to the Tongass National Forest in Alaska—our Nation's premier temperate rainforest—in order to dramatically increase logging in environmentally sensitive areas of the forest;

It prohibits adding new species of plants and animals to the endangered species list, despite clear scientific evidence that hundreds of species awaiting listing are headed toward extinction;

It cripples a joint Forest Service-BLM ecosystem management project for the Columbia River Basin in the Northwest, a project that was intended to allow a sustainable flow of timber from that region. This provision threatens the protection of salmon and other critical species, and guarantees continued court battles over logging in that region; and

It places a moratorium on the development of Federal energy efficiency standards.

In addition to all these troubling provisions, the conference report endangers resource protection by reducing spending for many critical activities. The conference report cuts spending on the Interior Department and related agencies as a whole by 10 percent from this year's level, but within that reduction are much deeper cuts in many valuable programs, including wildlife protection, energy conservation, land acquisition, support for the arts and humanities, and support for native Americans. These are programs that do an enormous amount of good for our Nation for a relatively small sum.

Defenders of this measure say that these cuts are necessary to help balance the budget but, in fact, the $1.4 billion cut this bill makes from last year's level is necessary only in the sense that the majority's budget plan needs it to help pay for $7 billion in added defense spending, including spending on weaponry that Pentagon officials themselves say the Nation does not need. It is necessary only because the majority's budget plan needs it to help pay for a 7-year, $245 billion tax cut that will mostly benefit the wealthiest Americans.

The real significance of this legislation is not its contribution to reducing the Federal budget deficit, but rather its contribution to the multipronged assault on environmental protection that has been launched by the Republican leadership in the House. When this legislation is viewed in the context of other antienvironmental measures the House has considered, or will be considering, its negative impacts are even more apparent.

This conference report follows House passage of several so-called regulatory reform bills—the Contract With America bills that would cripple Federal regulatory agencies' ability to implement and enforce environmental protection laws;

It follows House passage of the amendments to the Clean Water Act that would permit more water pollution and allow the destruction of more than half the Nation's remaining wetlands;

It follows enactment of a provision included in the fiscal 1995 rescission bill which will dramatically increase logging in national forests;

It follows House passage of an appropriations bill which cuts funding for the Environmental Protection Agency by one third;

It follows House passage of the budget reconciliation bill that would open Arctic National Wildlife Refuge to oil and gas drilling, and would provide special deals for industries that want to use the natural resources that belong to all Americans—mining, timber, ranching, and oil and gas interests—and special deals for concessionaires in our national parks, and for ski operators in our national forests; and

It follows House Resource Committee passage of a bill that would weaken the most important provisions of the Endangered Species Act, imperiling our hard-fought efforts to protect our biological resources.

Mr. Speaker, the President intends to veto this bill if it is sent to him in its current form. Thus, we have two choices: Either pass this bill now, and have it vetoed and returned to us for further changes, or send it back to conference now for those changes. At this late date, the wise choice would be to shorten the process by sending it back to conference now.

Mr. Speaker, I urge Members to vote ''no'' on the rule.

□ 1445

Ms. PRYCE. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. REGULA], the distinguished chairman of the Subcommittee on Interior of the Committee on Appropriations.

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

Mr. REGULA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, my colleagues, let us make it clear what the issue is. This body voted to recommit this bill to the conference committee for the purpose of including a mining patent moratorium. The patent moratorium was put back in the bill. It is the language that I had in the bill last year. I have been one of the key proponents of a patent moratorium. I voted to recommit my own bill to get a mining patent moratorium. I think it is essential. I think we need the patent moratorium in order to effect meaningful mining reform legislation.

However, we are not a legislative committee. Our responsibility is to hold the line with a moratorium for fiscal year 1996 in hopes that there will be mining reform legislation.

Mr. Speaker, I would point out to my friends across the aisle that for 2 years they had complete control of the House, the Senate, and the executive branch, and there was no mining reform. The only thing that was enacted was the patent moratorium that I put in the bill last year after a struggle to get that. Now we have an opportunity again to have a mining patent moratorium in this bill.

Mr. Speaker, let me read to my colleagues what the Department of Interior said about this language, and I

quote from the Department's effect statement, and they say this, about what is in this conference report: ''This amendment language would hold back such a rush while Congress passes at least some form of mining law reform legislation.''

So you have the Department of Interior saying that this language will hold back the rush to have patents issued. Without the moratorium language, we are going to have along line down at the Department of Interior of people waiting to file their patents and have them issued.

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

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, will the gentleman also read the preferred action of the effect statement which indicate that the Department prefers the moratorium language that was in the bill last year to the moratorium language that is in this bill; is that not correct?

Mr. REGULA. Mr. Speaker, reclaiming my time, that is correct, but the problem is that we cannot use the identical language, because the moratorium last year was conditioned on falling out if the mining reform legislation in conference was passed. Well, of course it was not, so the moratorium stayed in effect.

Mr. Speaker, we do not have mining reform bill in conference as a free standing bill this year. We have mining reform legislation in reconicilation, also known as the Balanced Budget Act of 1995. This, again is conditioned on the fact that if, if there is in the reconciliation bill mining reform that must be signed by the President and becomes law, only then will the moratorium drop out. I would assume and hope that it will be not be signed by the President if it does not have good comprehensive mining reform. The President has said that.

Mr. YATES. Mr. Speaker, as I understand the language of the so-called mining reform that is in the reconciliation bill, it does not require that the bill be sent to the President for his signature.

Mr. REGULA. Well, reclaiming my time, the reconciliation bill cannot become law unless it is signed by the President. That is a legislative act.

Mr. YATES. Mr. Speaker, if the gentleman will continue to yield, that is an entirely different question, may I say to the gentleman. The only reason for doing away with the moratorium, the language in that bill, is passage by the House and the Senate.

Mr. REGULA. Mr. Speaker, reclaiming my time, the gentleman from West Virginia is talking about the second condition that it has to be an identical freestanding bill. If that occurred, it would allow every Member of the House and Senate to participate in establishing mining policy. That is extremely unlikely to happen.

The real key is that if the reconciliation bill contains mining reform dealing with patents and royalties and it is signed by the President, then the moratorium drops out. Otherwise, it stays in effect and we will not have this rush of patents that otherwise would happen.

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

Mr. REGULA. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I appreciate the distinguished subcommittee chairman for yielding and do commend him for all of the excellent work he has done in the area of mining law reform, and in an effort to invoke a true mining moratorium.

Mr. Speaker, I would ask the gentleman, though, if he is aware of a letter that has been written to a member of the other body from the Department of Justice stating the unconstitutionality of the particular provision to which you refer.

Mr. REGULA. Mr. Speaker I am very aware of it, and for that reason it becomes meaningless. So the key here is a reconciliation bill that contains mining reform that is signed by the President. Otherwise, the moratorium stays in place, which I know is what the gentleman would like to have happen.

Mr. RAHALL. Mr. Speaker, I would say to the gentleman if he would continue to yield, yes, but it is my understanding that the signature of the President is not required.

Mr. REGULA. Mr. Speaker, reclaiming my time, it is on the reconciliation bill, and that is the key to having the moratorium drop out. As a practical matter, unless there is a reconciliation bill with mining law reform signed by the President, the moratorium stays in place for fiscal year 1996. That is the practical effect, because the question you have raised makes the second part moot.

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

Mr. REGULA. Mr. Speaker, again, just let me emphasize that this does address what this body recommitted, and I supported the recommittal. Again, I want to emphasize, I support a mining patent moratorium. I put it in place in this subcommittee in previous years. I think that this does the job.

Mr. Speaker, the real problem is with the reconciliation bill, and I would urge my colleagues on both sides who want meaningful mining reform legislation to talk to the conferees on the reconciliation bill, because there is where the action is. But if they do not do the job, and the President obviously has said he will not sign a bill that does not have good mining reform language, then the moratorium will stay in place in fiscal year 1996, as we were instructed.

Mr. Speaker, let me mention the Tongass. The statement was made that this would dramatically increase the cut. Well, from 310 million board feet to 320 million board feet hardly qualifies as dramatically increasing the cut. All it does is give the Forest Service some flexibility.

The Tongass language, and this is important that I emphasize to my colleagues, says, and I am quoting from the language, that the increased cut, which will be very, very slight, if any, because we have not put any extra money in to implement the cuts, so I doubt if there will be any extra cut, but if it is, it is ''to the maximum extent as is practical.'' Decided by whom? The Forest Service.

The Chief of the Forest Service is appointed by the President of the United States. So, control over what happens in the Tongass remains, I emphasize remains, in the Forest Service. Because if they determine that not one extra board foot is practicable, nothing happens. Furthermore, they likely cannot do it because they do not have the money to accomplish that.

So I think that the Tongass is raised as a symbolic issue, but as a real issue, it is meaningless, and I hope Members will not make a judgment on this motion on the basis that it is sending it back for the Tongass. That language does not do anything for all practical purposes. I was advised by the Forest Service that it really does not do anything.

So I think it is important that we get on with this bill and not recommit it. Let us get it passed. if the President determines that this does not meet his standards for environmental conditions, he can veto it, and then we will go back to the drawing board and the ranking member and myself, along with our colleagues in the other body, will try to address as best possible their concerns.

Mr. Speaker, let me also point out to the Members on my side of the aisle, and for all Members, for that matter, we talk about balancing the budget; the President is talking about balancing the budget, about cutting spending. The only way we cut spending is to cut spending. We have done this.

This bill is 10 percent below 1995, and that is in the face of very challenging responsibilities. However, it keeps the parks open, it keeps the forest recreation areas open, it keeps the fish and wildlife facilities open, it keeps the Smithsonian open, the Kennedy Center, the National Gallery of Art. It funds the programs that are important.

Obviously, there were some things we could not do. We could not buy a lot more land, we could not start more visitor centers. A lot of the nice things that we would like to do we could not do, but we have accomplished what I think is a very responsible bill, given the fact that we had 10 percent less to work with.

Some on my side have been concerned about the National Biological Service. We have folded that into the U.S. Geological Survey to ensure that we have the scientific evidence and basic information that is needed to do an effective job in the Department of the Interior. We have in no way crippled the ability to deliver science. The

USGS is a highly respected, reputable agency, and I think that what we have here is a very responsible bill, given the parameters of what we have to work with, and I would urge all of my colleagues, when the time comes, to reject the motion to recommit and to vote for the conference agreement.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

□ 1500

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

Mr. Speaker, I oppose both this rule and the bill. I urge my colleagues to vote against the bill if this rule should pass, for a number of reasons, but one that is particularly close to me and many other Members is one I want to mention here today.

The people in America with the lowest life expectancy are native Americans. This bill cuts native American efforts. The people among us with the highest infant mortality rates are America's Indians. This bill cuts them. The American people do not support that. President Clinton does not support that.

The people in America with the highest unemployment rates are native Americans. This bill cuts them. The people in America with the worst poverty in this Nation are America's Indian people. I have a reservation in Montana, proud people, northern Cheyenne, taught Custer a lesson in strategy. They have 65 percent unemployment. No people in America would put up with that for a month. These people have lived with it for more than a century.

A turnaround has begun in Indian country. Because of the dozen and a half years of chairmanship of the gentleman from Illinois [Mr. YATES] and his good colleagues, American Indians have begun to turn the corner toward a better future. This bill stops that progress. There is a quarter of a billion dollar cut in BIA programs in this bill. The American people do not support that.

In a bill that is about to come to us, Housing and Urban Development, the people with the worst housing in America, American Indians, are about to find their housing money running out. And this bill cuts construction for native American projects by $20 million.

If you left this up to a vote of the American people, they would say the Republicans are absolutely wrong about this. They would say, ''Mr. President, veto this bill. Don't harm these native Americans any worse than has already been done.''

Native Americans are a proud people, and they are eager for a museum to be completed down on The Mall, the Native American Indian Museum. The Republicans killed the money for that museum and say it will not be built. The American people want it built. The American people want to understand how it is these native Americans got in the position they are in and that museum will help our understanding.

It is shameful, my friends, and I have not used this word shame, which has been used on the floor of the House a lot this year, I have not used it, but these cuts to the first Americans are shameful, and my colleagues should vote against the bill on that basis alone.

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me the time.

Mr. Speaker, I want to thank the gentleman from Ohio [Mr. REGULA] for all his fine work on this bill. While I disagree with my colleagues on that side of the aisle, these cuts are necessary if we are going to indeed live up to a balanced budget over the next 7 years.

I also have to say that I am disappointed in negotiations that have been going on in the situation over mining reform. Mining legislation in this country is based on laws that were passed in 1872, and for 120 years mines which operate on Federal lands pay absolutely no royalties on billions of dollars of gold and copper deposits and everything else. The gentleman from Ohio [Mr. REGULA] is absolutely right. he was the one who championed the idea of patent moratoriums which said no additional new mines until we figure out a way to force these companies to pay the royalties they should have paid, not just the last several years but frankly in many cases for hundreds of years.

The gentleman from Ohio [Mr. REGULA] drafted legislation that very sensibly said we will agree to lift the moratorium if we can get a deal in the budget reconciliation package that establishes mining fees we can all agree on. It is my great disappointment at the end of the day and after a week of discussions to tell Members unfortunately the language that is going to be in the reconciliation package in terms of mining reform I frankly do not think is very responsible.

True it will achieve about $160 million in income to the Federal Government from those mining operations, but first of all arguably that is only a fraction of what we might get, and then of the money that comes in the door, less than 20 percent of that $160 million actually comes from royalties, and so when we are through this first cycle, we are now going to discover that those mining operations can continue on Federal land for a fraction of what they should be paying.

All we are asking for is the same kind of mining royalty fees that we see in Nevada and California and other States across this country where there is mining on States lands, they get their taxpayers a fair chunk of change and we should do that here in Washington as well. Unfortunately the language that is going to be tucked in the reconciliation bill in many cases will not only apply the royalty fee at too low a rate, it will apply it at too soon a step in the mining process to get us a far lower return than we should get and frankly is loaded with so many loopholes that you can drive truckloads of billions of dollars of ore right straight on through it.

I want to thank the gentlewoman from Ohio [Ms. PRYCE] for bringing a rule to the floor that makes sense. I will be delighted to support it. I want to thank my colleague, the gentleman from Ohio [Mr. REGULA], for beginning to champion this issue several years ago, but while we are trying to broker a deal that makes sense for the American people, we have not brokered the right deal yet and I cannot support the Interior Department appropriation bill with mining moratorium yanked out of it for a deal that none of us can face our constituents and fully support. I wish it were otherwise, Mr. Speaker, but it is not. As a result, I cannot support this very difficult package that my colleague from Ohio has tried to put back together.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Speaker, I do not understand my good friends in the majority. Do they not read the polls about environmental protection, that the American people want to see that? Do they not read about 1872 mining laws? Do they not read about logging on Tongass and many of the other important initiatives?

I think nobody is more eloquent than my friend from Montana talking about native American programs. Of all the Department of the Interior programs, 45 percent of the cuts come from the Bureau of Indian Affairs.

These cuts are going to mean that thousands and thousands of native Americans are going to face cuts in law enforcement, on services to the elderly, on road repair, on housing repairs, social services, and as if that were not already devastating, the conference report abolishes the Office of Indian Education, eliminating educational funds for half a million Indian children.

This bill also proceeds with a number of initiatives that gut the environment. Protection of fish, wildlife, plant species, a waiting list under the Endangered Species Act would be blocked for another year, even for species on the verge of extinction.

The Forest Service, as I mentioned the Tongass, would be forced to implement an obsolete, ecologically unsound forest management plan for the environmentally sensitive Tongass National Forest.

The dialog initiated between livestock permittees and other public land users, very important to those of us in the West, on the future of public rangelands will be put on hold. These are the

famous RAC's, Rangeland Advisory Councils. Throughout the West they have been formed. They are ranchers, environmentalists, public land users. They are working well. Why do we want to put them on hold? These are going to determine the future of public lands. This bill does that.

The Columbia Basin ecosystem management project, that deals with salmon and saving salmon and other vital resources of the Pacific Northwest, would also be subverted.

Mr. Speaker, what we have here is a bill that may even be worse than the last one. The mining moratorium. Despite the fact that we have been told that the mining moratorium provisions have been fixed to accommodate the overwhelming will of the House that a real patenting moratorium is included in the final bill, what we have is only a half loaf solution to a very real problem.

Mr. Speaker, the President is going to veto this bill. The League of Conservation Voters is going to be against this bill. The main reasons are the Tongass, and the giveaway of free gold and public lands through mining patents that are going to continue.

What would happen here is, the Interior Department would be mandated to sell off over 230,000 acres of public lands to mining companies in the next 3 years. In addition, if either the House or Senate passes legislation changing the mining law patent provision, the moratorium on new patents would be lifted.

This is a bad bill. It should be sent back to conference. I urge its defeat, and I urge the defeat of the rule.

Mr. RICHARDSON. Mr. Speaker, I include the following for the RECORD:

[From National Wildlife Federation, Washington, DC]

(By John Kostyack, Counsel and Cathy Carlson)

H.R. 1977 STILL FATALLY FLAWED

VOTE NO ON THE INTERIOR APPROPRIATIONS CONFERENCE REPORT

In September 1995, the House voted 277 to 147 to recommit the FY96 Interior Appropriations conference report because the report lifted a moratorium on ''patenting'' under the Mining Law, allowing mining companies to buy public land for as little as $2.50 per acre, and we get the gold for free.

In the reconferenced bill, *the give-away of free gold and public lands through mining patents will continue.* The Interior Department would be mandated to sell off over 230,000 acres of public lands to mining companies in the next three years. In addition, if either the House or Senate passes legislation changing the Mining Law patent provision, the moratorium on new patents would be lifted.

The Mining Law patent give-away is not the only problem with H.R. 1977. The Interior Appropriations bill also undermines several vital natural resource programs.

Protection of fish, wildlife and plant species awaiting listing under the Endangered Species Act would be blocked for another year, even for species on the verge of extinction.

The Forest Service would be forced to implement an obsolete and ecologically unsound forest management plan for the environmentally sensitive Tongass National Forest in Alaska.

The dialogue initiated between livestock permittees and other public land users (in BLM Resource Advisory Councils) on the future of the public rangelands would be put on hold.

The Columbia Basin Ecosystem Management Project, designed to save salmon and other vital resources of the Pacific Northwest, would be subverted. The latest scientific findings would be ignored and timber sales and management plans would be exempt from environmental review.

Don't let Congress give away our Nation's precious resources—vote no on H.R. 1977.

STATEMENT OF ADMINISTRATION POLICY ON H.R. 1977—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1996

(Sponsors: Livingston (R) Louisiana; Regula (R) Ohio)

This Statement of Administration Policy provides the Administration's views on H.R. 1977, the Department of the Interior and Related Agencies Appropriations Bill, FY 1996, as approved in conference on October 31, 1995. Your consideration of the Administration's views would be appreciated.

In an October 19, 1995, letter to the conferees, the Administration identified the most troublesome provisions in the original conference report with the goal of arriving at a bill that serves specific, vital interests and that could be signed by the President.

Regrettably, the second conference report did not address the significant funding shortfalls and objectionable legislative riders. If the bill, as approved by the second conference, were presented to the President, he would veto it. The issues that were identified in the October 19th letter are still serious problems and are described below.

FUNDING ISSUES

The second conference did nothing to restore funds in the areas that the Administration identified as significantly underfunded. These are the Bureau of Indian Affairs and the Department of Energy's (DOE's) energy conservation programs.

The Bureau of Indian Affairs (BIA) budget was increased in the first conference $86 million above the Senate level. However, there was no additional increase provided in the second conference. That would still leave the program $136 million short of the House mark and $184 million below the FY 1995 enacted level. The most significant effect of this action remains the crippling reductions targeted at tribal priority allocation programs, which support essential tribal government, law enforcement, housing improvement, general assistance, Indian child welfare, adult vocational training, road maintenance, and other reservation programs. The Administration's view is that funding must be substantially restored for these programs.

DOE's energy conservation programs are still funded at a net level of $536 million. There has been no increase from the first conference level. This is $187 million, or 26 percent, below the net FY 1995 enacted level of $723 million, and 38 percent below the President's request. Funding for these programs must be restored significantly in order to reach acceptable levels.

In addition to the language issues addressed below, the President will not sign an Interior appropriations bill unless funding for these programs is significantly restored without harming other high-priority programs or unless there is an overall agreement between the Congress and the Administration on budget priorities that addresses the Administration's fundamental concerns about spending priorities both in this bill and elsewhere.

LANGUAGE ISSUES

The conference committee has again chosen to continue to include numerous legislative riders in the bill that the Administration finds seriously objectionable. The riders that were cited in the October 19th letter have not been significantly improved in the second conference. These provisions are so seriously flawed that the Administration sees no way to remedy them, short of removing them altogether. The most serious problems are:

A mining provision that still does not adequately protect the public interest. Unlike the language in the FY 1995 Act, the moratorium contained in the second conference report on new patents would be revoked if minimal provisions relating to patenting (but not comprehensive mining reform) are enacted into law through the budget reconciliation process, or simply if the House and Senate approve an agreement in identical form on patenting, royalties, and reclamation of mining claims. The latter provision raises a serious constitutional problem: the provision would be invalid under the Chadha decision if construed to require anything less than enactment. The moratorium language in the FY 1995 Act must be restored.

The Tongass (Alaska) forest management provisions that are unchanged from the first conference. These still include sufficiency language and would dictate the use of a 1992 forest plan that preempts our use of the most recent scientific information.

The Interior Columbia River Basin provision that is also unchanged from the first conference. It would terminate comprehensive planning for the management of these public lands by prohibiting the publication of the final Environmental Impact Statement or Record of Decision and limiting the contents to exclude information on fisheries and watersheds. The provision would risk a return to legal gridlock on timber harvesting, grazing, mining, and other economically desirable activities.

Retention of bill language that provides only $1 for National Park Service (NPS) operation of the Mojave National Preserve and provides for land within the preserve to be managed by the Bureau of Land Management (BLM). Report language adopted by the second conference calling for more studies by the Park Service and disclaiming an intention to repeal portions of the landmark 1994 California Desert Protection Act does not change the fact that the Preserve would be starved of funding, and the purposes of the California Desert Act would be undercut.

No change in language from the first conference in a rider to make permanent the protocol for identification of marbled murrelet nests that was included in the FY 1995 rescission bill, thereby eliminating normal flexibility to use new scientific information as it develops.

In addition, the Administration has previously expressed concern about other legislative riders, including the moratorium on future listings under the Endangered Species Act, the Department of Energy efficiency standards one-year moratorium, the 90-day moratorium on grazing regulation implementation, and the provision affecting the Lummi Tribe and seven other self-governance tribes in Washington State. An additional funding issue concerns the severe cuts (nearly 40 percent) to the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH). These significantly reduced funding levels would jeopardize NEA's and NEH's ability to continue to provide important cultural, educational, and artistic programs for communities across America.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 14, 1995.

Recommit Interior appropriations conference report.

DEAR COLLEAGUE: There are many good reasons to vote again to recommit the Interior Appropriations Conference Report. Here are two:

MINING PATENT MORATORIUM

We need to maintain restore a true mining patent moratorium. On July 18, the House voted 271 to 153 to continue the existing moratorium to prevent the unjustified giveaway of public lands to international mining conglomerates. When the Conferees bowed to pressure from the Senate and failed to include the patent moratorium, on September 29, the House voted 277 to 147 to recommit the Conference Report.

The Conferees have returned with a sham moratorium. Unlike the House amendment, this fake moratorium would not last through the entire fiscal year. Instead, it would be revoked if any patent provisions, no matter how weak, are included in budget reconciliation. And of course we will have no opportunity for a separate vote on the mining provisions in reconciliation. Moreover, those provisions—which allow for mineral-rich land to be sold only for the fair market value of the surface and a royalty so riddled with deductions that it won't collect any revenue—are not sufficient to protect the taxpayers against the continuation of a multibillion dollar rip-off of public resources.

MANDATED LOGGING IN TONGASS FOREST

We also must get rid of a rider added by the Senate to dictate use of a scientifically flawed 1991 plan to increase logging in Tongass National Forest in Alaska by 100 million board feet (44 percent) over historic levels. Accelerated logging in this magnificent old-growth rainforest will not only threaten fish and wildlife viability, but also will significantly increase the Tongass timber program's $102 million cost to the Treasury over the last three fiscal years—a greater cash flow deficit than any other national forest. To add further insult, the Tongass rider overturns a Ninth Circuit court decision and insulates the timber barons from further legal challenges from the public.

The mining and tongass provisions are both fiscally and environmentally irresponsible. We urge you to join us in voting for a motion to recommit this seriously flawed bill to the Conference Committee.

Sincerely,

GEORGE MILLER,
Committee on Resources.

SIDNEY R. YATES,
Subcommittee on Interior, Committee on Appropriations.

Ms. PRYCE. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. REGULA].

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

Mr. REGULA. I thank the gentlewoman for yielding me the time.

Mr. Speaker, I just want to answer some of the things that have been stated here. No. 1, concerning funding for programs for Indians, I want to point out that reservation-based education, these are the programs run by the Indians for their own education, is $2 million over 1995 levels. I would point out that health care—and these are the two areas of greatest Federal responsibility—health is fully funded at 1995 levels.

I would point out, also, that we restored in conference, which I insisted on, $86 million above the level for Indian programs in the other body. When we went to conference, the level in the other body's legislation was about $220 million less than ours, and we pushed hard in conference and got it up $86 million over the other body's level.

There is not enough to go around to do everything, but I think we addressed the most important things, education and health.

Some of the complaints about the existing programs are those that are operating under legislation passed when my friends across the aisle were in charge.

Now, let us talk again about the issue of mining reform. I think this is not the venue or the forum to address it. That issue is in the authorizing area. As the Congressional Quarterly in 1994 reported, if the gentleman from Illinois [Mr. YATES] recalls, the President sent up a bill that had in it a provision for royalties, and the gentleman deleted it because he said this is a responsibility of the authorizing committee, which was proper.

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

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Just about half of this bill is legislative. If the gentleman insists that this bill is the wrong forum to have a mining provision, why then do we have the provision that we have on the Lummi Indians? Why then do we have the provision on Tongass? Why then do we have the provision on so many other things if this is in the wrong forum?

I would agree with the gentleman that we used legislative provisions in our bills when I was chairman, as well. But the fact remains that this is much more legislative and serves much more destructive purposes than our bills did at the time.

Mr. REGULA. Let me just quote for the gentleman from Illinois [Mr. YATES] from Congressional Quarterly:

Chairman Sidney Yates had tried to steer clear of major policy disputes that could spark a fight with authorizing committees. He persuaded the panel, ''that is the subcommittee'', for example, to exclude proposals to boost entrance fees at national parks and to impose royalties on hard rock miners.

President Clinton included both policy proposals in his fiscal 1995 budget request. So there was something that was proposed in the subcommittee by the President, and you took it out.

Mr. YATES. Mr. Speaker, will the gentleman yield further?

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. The reason for that was that we had a different atmosphere from the legislative committees at the time that I was chairman, and they objected to our putting legislative provisions in. This Congress, on the contrary, uses the appropriations bills for legislative purposes. There is no objection from the legislative committees. As a matter of fact, the legislative committees give you the legislation in order to put it into the appropriations bills.

Mr. REGULA. Reclaiming my time, I would point out that, of course, we did not have the Tongass language in the bill in the House originally, but there is another body, and we have to conference with the other body and reach some level of agreement with them.

I would point out also that the mining patent moratorium is not legislation. It simply says they cannot use the money in this bill to issue patents. As the Interior Department points out very clearly in their statement, there will be a land grab, a rush down in the department if we do not have a moratorium. That is why I put it in, to stop that from happening.

The gentleman from Wisconsin [Mr. KLUG] talked about the shortcomings of the reconciliation bill, and I agree with him 100 percent in what he said. So the answer to that is to vote against the reconciliation bill. That is where the issue is.

Mr. YATES. Mr. Speaker, will the gentleman yield further?

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. In our conference, I offered the gentleman's language on the moratorium that he put into our bill last year. It was voted down by the Republican side, including the gentleman's vote. Is that not correct?

Mr. REGULA. The language could not be exactly what it was last year because it was conditioned on a conference report coming out of a conference on mining reform that was being held between the House and the Senate, a conference agreement which never materialized.

□ 1515

Mr. YATES. It could have been.

Mr. REGULA. Let me say, as the gentleman well knows, in the first conference I was the one who tried to maintain the House position on the mining patent moratorium. I voted to send the bill back for a second conference to get a mining patent moratorium. I do not believe anybody can question my dedication to accomplishing a mining patent moratorium.

As the gentleman knows, I pushed this in our subcommittee.

Mr. YATES. If the gentleman will yield further, the gentleman and I have been friends for 20 years. We will remain friends no matter what happens, no matter how strained it is, we will remain very close friends.

Mr. REGULA. Absolutely.

Mr. YATES. The gentleman is exactly right in stating to the House that it was his language, it was his language that established the first moratorium. I wanted to do the same in this bill, and the gentleman would not do it.

Mr. REGULA. Well, I think, I say to the gentleman from Illinois [Mr. YATES], that we do accomplish the goal

of establishing a moratorium. I think we achieved what we were directed to do by the motion to recommit that you offered in the first go around on this. If the President keeps his word that he will not sign any bill containing mining reform that is not good, then we have no problem, because it is clear that the moratorium stays in place unless there is a mining reform bill in reconciliation that has to be signed by the President.

Mr. YATES. If the gentleman will yield further, the answer to what the gentleman proposes is to defeat this rule in which case we can go back to conference and change the language on the mining reform.

Mr. REGULA. Well, I think, in response to the gentleman, that we have accomplished what your motion to recommit directed us to do, and that is we have put a moratorium in this bill.

Mr. YATES. If the gentleman will yield further, the gentleman knows that one of the experts in the House on the moratorium is the gentleman from Wisconsin [Mr. KLUG]. You heard his speech. He does not agree with you.

Mr. REGULA. Well, I believe that I heard him say that he does not agree with what is happening in the reconciliation bill, and he clearly, and with good cause, has said that the language in the reconciliation bill is inadequate. I would also point out to my colleagues that the original Interior appropriations conference agreement had in it some of that very weak, sham legislation, as the gentleman from Illinois will recall, the so-called Craig language, and as part of getting the moratorium in our second conference, we eliminated that weak language that they attempted to place in the Interior appropriation bill in the other body. That is, of course, what the gentleman from Wisconsin [Mr. KLUG] was addressing. We got rid of that.

We have a mining patent moratorium in this bill to stop the giveaway until such time as we have good mining reform legislation, and I hope that the reconciliation conference committee will produce that. If they do not, I am quite sure the President will veto it, and therefore, the moratorium will stay in place, and I certainly urge everyone to vote for the rule, to vote against the motion to recommit that will be offered by the gentleman from Illinois, and vote for this conference report.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. YATES], the ranking member of the Subcommittee on Interior of the Committee on Appropriations.

Mr. YATES. Mr. Speaker, I never thought that I would say what I am going to say now about the Interior bill. This bill is a terrible bill. It is more legislative than it is appropriate. It provides a series of legislative provisions that should not be in this bill.

The appropriations process has been taken over by the authorizing committees to a much greater extent than should be done. The provisions in this bill are such that it will wreak destruction upon so many of our natural resources. It certainly will provide another trail of tears for the Indian people because of the burdens that it places on them.

The Republicans have insisted—on opposing President Clinton in the continuing resolution—that they are protecting their children's and the grandchildren's heritage. If that is truly their argument, then they will vote against this rule. They will vote against the conference report because this bill is destructive of our children's heritage.

It is supposed to protect our resources. It does not do that. Tongass, of course, is the primary example of that. So, Mr. Speaker, I would urge a defeat of this rule, and in the event the rule is defeated, there will be no necessity for offering another motion to recommit.

The House will recall, as was pointed out by my friend from Ohio, the chairman, that 7 weeks ago I offered the motion to recommit this conference report to improve the bill and to restore the mining moratorium. The conference committee reconvened. Instead of improving the bill, I suggest they made it worse.

I urge defeat of this rule.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, I hope that the majority party in the House will come to its senses and reject this bill. This is a very bad bill, for any number of reasons.

First of all, it slashes some very important programs. It cuts the National Endowment for the Arts by almost 40 percent. It slashes the National Endowment for the Humanities by almost 40 percent. It slashes and cuts away at the Nation's natural resources. It encourages increased logging in the Tongass National Forest, America's greatest temperate rainforest.

Beyond that, most of the logs cut from the rainforest will be shipped overseas. The value added will not even be added, for the most part, in this country. We will ship it overseas as a natural resource. Somebody else will add the value to it, send it back to us, and we will purchase it from them. It makes absolutely no sense to do that in this way.

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

Mr. HINCHEY. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, on that point, over the last 3 years, the cuts from the Tongass National Forest cost the Federal Government over $100 million.

Mr. HINCHEY. I thank the gentleman for making that point. I thank the gentleman for making that point, and I want to say this: In addition to that piece of bad business, this bill contains a lot of bad business as well.

Ask yourself this question: If you owned a piece of land with minerals under it, valuable minerals under that land, would you sell that land for $2.50 an acre or even $100 an acre and sell the mineral rights along with it and forgo most of the royalties associated with those minerals rights? of course, you would not. But that is what we are doing in this bill. We are selling the patrimony of our Nation. We are selling off vast mineral rights, billions of dollars, literally billions of dollars of mineral rights at bargain basement prices to people who will take it, many of them foreign companies. They will come here from foreign places, take these lands, reap the mineral resources from them, and take the profits away, away from the American people who are their owners. This is wrong. It is simply wrong.

People on the majority party here come to us all the time and talk to us about running government as a business. Let us run it intelligently. Let us run it as a business.

Let me tell you, we have an opportunity to do that by rejecting this bill. If we are serious about running America as a business or running the government as a business, the last thing we ought to be doing is selling off the most valuable resources that we have, among them, at least, the vast billions of dollars of mineral resources that reside in the western part of this country. It makes absolutely no sense.

Therefore, this rule should be defeated, and the bill should be defeated.

Ms. PRYCE. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, the real problem today is getting out the facts. The facts are that this bill stops the giveaway, quite the contrary of what we just heard; it puts a moratorium on issuance of patents so that they cannot sell or give this away.

The speeches keep addressing mining reform. This is not mining reform legislation. That is in reconciliation. It should have come out and have been passed in the last 2 years when my friends had control. They did not do it.

I would certainly disagree that this is destruction of the Tongass when there are only a few million board feet added, and the Forest Service has control. There may not be any board feet added unless the Forest Service agrees to it.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, all I can say is sham, sham, sham. That is what this bill is all about.

What we have got is a situation where the gentleman from Ohio [Mr. REGULA] is promising the American people that, in fact, there is going to be mining reform, but underneath the so-called reforms, what we have is a situation where, if any of the big mining companies come in and somehow, just

somehow assert their will in the Congress of the United States and somehow get through a bill that looks like mining reform, smells like mining reform, but is reform only in the sense of a piece of paper but has no substantive reform underneath it, then in fact the moratorium disappears.

The American people grow up being taught that pennies are made out of copper. But if you are a foreign mine operator, they are made out of gold. The gold of the American taxpayer is being handed over to foreign mining operators simply because we do not have the will in the Congress of the United States to stand up to them. We have got a Republican Congress sitting here telling us today that we have got to raise Medicare premiums, that we have got to raise the rates on senior citizens in elderly housing, that we have got to raise the price of a college education, that we are going to take the meals away from elderly people, but when it comes to big foreign mining operations, oh, boy, we can find the dollars to subsidize them.

There is no real attempt to reform the foreign mining operations in this bill. There is an attempt to pretend on the floor of the Congress of the United States that we have foreign mining operations that are going to adhere to some new standard, but underneath it everyone knows that follows this place that all those guys come in here with their contributions, they come in here and are able to somehow assert their will on the majority and be able to get the kind of consideration that no poor person in the United States of America can expect to get in this Congress these days.

So I ask the people of this country, to, please, wake up; please, recognize that if you want a balanced budget, let us go after foreign miners, not after the working people and the poor of this country.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE. Mr. Speaker, what we are doing here as far as the American people are concerned is, yes, dealing with the question of appropriations, in this instance the Interior appropriations bill, and I guess the confusion is that they are seeing the Government not work, and we are now on the House floor talking about appropriations.

I wish this had been done some time ago. But it is all a question of priorities. I just voted for an appropriation also bill on Treasury and Postal and the reason is because there was a compromise there. But this has no sense of compromise. This has no understanding of what the American people have been saying.

Because is guts energy conservation programs, it certainly guts the National Endowment for the Arts, the National Endowment for the Humanities, and as to the native Americans, it guts the programs that will help educate their children. This legislation bars the listing of additional endangered species. It does not extend the moratorium on transferring the mineral-rich Federal lands to private owners. It overturns a key provision of the California Desert Protection Act, which designates the Mojave National Preserve as a unit of the national park system.

Yes, it places new restrictions on the National Endowment for the Arts grant. This legislation wants to negatively legislate the NEA out of existence. Nobody wants to talk about that, the question of the arts and the First Amendment and the idea of children understand their Art heritage, arts in rural and inner-city schools is being. This is not about obscenity. This is about the National Endowment for the Arts providing programs for our rural hamlets and urban centers. In my district this hurts the Ensemble theatre, MECA, the Houston Ballet, Kuumba House, and the Houston Grand Opera. This bill hurts our Museums national and local (like Houston's Museum of Fine Arts). This bill cuts grants award going to our starving artists so they will not be able to produce the Nation's art. Yet we say we do not care about this. We do not care about the art of this Nation or the history of this Nation, and we are not supporting the fact that our history is the very manner by which we preserve our past.

□ 1530

The National Service Program, the AmeriCorps Program, which has been so successful in helping young people help their communities and go to college too! They work in cities and rural areas across this Nation. In Houston in the 18th Congressional District, they work with those unable to read, teaching them to read as they work in inner-city schools. These AmeriCorps students, under this bill see their funding gutted.

That is what is wrong with the appropriations process. There are no priorities. We want this Government to work, we want the doors to be open, we want to bring people back to work so they can serve the American people, and, yes, we have agreed, over and over again, the Democrats, to a balanced budget. What we have not agreed to is the list of priorities.

Mr. Speaker, I would simply ask my colleagues on the other side of the aisle, let the Interior bill conferees go back, and be fair with the dollars that the American people have entrusted to them. Do not give $270 billions in tax cuts to the rich and then gut programs governing our environment, our Arts, our history and the American Indian. Do not take arts and history away from our children and deprive us of an environment that we can stand for and support. I just ask for a sense of fairness in this whole process. We must appropriate funds with the right priorities.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FARR].

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

Mr. Speaker, this bill probably speaks more to the values that we in Congress have toward the esthetics of America, its land, its people, and certainly its arts. The gentleman from Ohio [Mr. REGULA] is probably one of the finest Members of this House, and it is a tough thing to bring this thing to the floor in the shape it is in.

Mr. Speaker, I stand today in opposition to the rule, and hopefully it will be defeated. If it is not, I hope that the bill is defeated and recommitted as it was once before, for several reasons.

First of all, the taxpayers are still ripped off under this bill, particularly as the mining process goes. It defers to the authorizing bill, which makes it worse, so by adopting this bill and then leading us to the authorizing bill, we are not getting a fair shake for the American taxpayer.

Second, the public gets cheated on the issue of the Endangered Species Act. It prohibits adding species not in the jurisdiction of the appropriations committee. It is in the jurisdiction committee, and this bill prohibits any endangered species from being added.

Third, the bill cripples the Columbia River Basin from the ability to create a sustainable timber harvest, at the same time protecting the salmon runs, which are so vital to the local economy.

Fourth, it puts a moratorium on the development of Federal energy efficiency standards.

Fifth, and worst of all, it cuts the subvention to State and local governments for acquisition of lands to enhance the quality of life issues, that enhance the local economies. It locks up over $11.1 billion in the bank. This money is made from the sale of public resources, and does not give it back, does not reinvest, does not do what most things do when you try to run Government like a business, reinvest in its resources.

This bill locks that money up. These moneys should be reinvested, allowing us to create the esthetics that are essential for local communities to be a nice place to live. It fails to reinvest in America. That is why the rule should be defeated. If the rule passes, the bill should be defeated.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

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

Mr. VENTO. Mr. Speaker, I rise in opposition to this rule. The reason that this bill and appropriation bill needs a rule is because, as the ranking member stated, this bill goes well beyond a straight appropriations bill. In fact, it gets into the heart of writing and rewriting almost 30 years of land use and

landscape and environmental policy. Just as on the EPA bill we had 17 riders, on this bill I dare say you have even more riders than that, in terms of suspending what is happening in various parks and various public lands across this Nation.

I am sorry to see this happen, because I think that this bill, the Interior appropriations bill that in years before passed, had a great degree of comity; some controversy, but a greater degree of comity than almost any other appropriation bills before the House.

Mr. Speaker, I think with regards to the American public, there is great support for the conservation and the preservation of these special places and the rehabilitation of them. I think we had achieved that in the past, but we know that the issues are very hot. And when this comes down, this bill today is like a litany of issues that take away from the taxpayer, take away from the legacy of future generations, for the moment of today.

As we look at it, this bill does not make any economic sense if we were to count the value of the assets, but, of course, they are discounted. They are given no value in terms of asset sales and what is happening to our forests, what is happening to our public lands. It makes no economic sense.

This is not good business, this is bad business for the public. It makes no scientific sense. In fact, this bill suspends the very science of ecology and biology and others that the United States should be at the zenith of all nations in utilizing all our actions. We should be leading the world in terms of this conservation and the application of this science, not abandoning it.

It is easy to give lectures about Amazonia, or the Rift Valley in Africa. But you suspend it. In fact, this goes into the unprecedented step of eliminating the National Biological Survey; symbolic, but nevertheless, I think the wrong symbol. It suspends court cases and laws that try to guard and safeguard these fragile ecosystems that are so important.

The politics of this is bad politics. Look at the polls. Look at the polls in terms of what you are doing. If you do not think that is bad politics, I think you have another guess coming. The public does not want this to happen.

Finally, I think from a moral standpoint, from a moral standpoint, I think we know that this type of action is wrong. It is wrong. I think we have a responsibility to future generations.

As I heard my colleague and mentor Mo Udall often step to this well and say, we ought to leave part of this landscape the way it left the hand of the creator, quoting Mo Udall. I think he was right and I think he was touching on something all of us know we have a responsibility as policy makers and stewards today to uphold.

You can go back in dollars and cents and make up for some of the mistakes we make, when we make a mistake with regards to a tax policy or spending policy. But this type of damage, you will never recover.

Mr. Speaker, that is why this rule needs to be defeated, this bill needs to be defeated, and sent back to conference and corrected.

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

Mr. Speaker, let me say once again we oppose this rule, and we oppose the measure that would make in order the conference report on Interior appropriations for next year, for a good many reasons, but especially for the reasons stated so well by the gentleman from Minnesota, Mr. VENTO, a couple of minutes ago, and also Mr. YATES and others in the past few minutes.

This new conference report is only slightly different from the version of the legislation that the House voted to return to the conference committee back in September. For the same reasons stated at that time and the reasons stated over and over again on this floor afternoon, we believe Members should reject the rule and the conference report.

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

Ms. PRYCE. Mr. Speaker, I yield the balance of our time to the gentleman from Ohio [Mr. REGULA], the chairman of the Committee on Resources.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 3½ minutes.

(Mr. REGULA asked and was given permission to revised and extend his remarks.)

Mr. REGULA. Mr. Speaker, I have to say to my colleagues, I am tempted to check with the Clerk and see if we are still debating H.R. 1977. I hear from my friends on the other side of the aisle a lot of statements that have no relationship to this bill.

First of all, they say it is going to be a giveaway. This bill does not give anything away. It is the reconciliation bill that has mining reform, not this bill. This bill stops the giveaway. This bill has the moratorium.

Now, my friend from California says it is only slightly different. It is very different because it has a patent moratorium in it. The bill that was sent back by my friend from Illinois, and I agreed with his motion, did not have a moratorium. We sent it back to put in a moratorium. We did. We put the moratorium in, and, believe me, it was not easy. But it is there. I think that is far more than slightly different.

Then I have heard the statement that we are not doing enough for science. Let me point out that we have $137 million for natural resource research in the NBS that has been put into the USGS. We have $650 million for USGS, including resource research which is a scientific organization. We have almost $1 billion in energy research in science. So we get a total of at least $2 billion in science. That is not exactly a slight amount.

Then I have heard the statement that it guts Indian education. Well, I do not understand how a $2 million increase over 1995 deserves that kind of a description. It is an increase in Indian-based education over 1995. It is certainly no reduction.

I have to say to all of my colleagues, this bill, given the fact that we were given 10 percent less to work with, is very fair. We have addressed the needs. As Members will recall, I said we divided into must-do's, need-to-do's, and nice-to-do's. We did those without regard to whose district it might be in, without regard to any partisanship. There are things in here in the must-do's that are in Democrat districts and Republican districts. There are need-to-do's in Democrat districts and Republican districts. We have done the best we could, given the fact that we had 10 percent less money.

We have done the best we could to address the egregious problems in mining in the 1872 Act. We are not given the responsibility nor do we have the right to enact mining reform. That is an authorizing problem, as the gentleman from Illinois clearly pointed out, in 1994, and it is in the reconciliation bill. We said we have a thumb in the dike, no more patents, other than those in the pipeline, which we cannot deal with because of the Constitution, but no more patents until there is a mining reform bill signed by the President of the United States.

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

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, if the gentleman condemns the provision respecting mining because it should be handled by the authorizing committee, why then should not the gentleman also condemn what the conference did in connection with Tongass when it accepted alternative P, which will increase the cut in Tongass by 44 percent?

Mr. REGULA. Mr. Speaker, reclaiming my time, I do not condemn that. That is something the other body insisted on. But as the Forest Service people said to me this morning, it really does not do anything. We have not put the money in to increase the cut, so as the gentleman knows from past experience, it cannot be increased. So that is a Trojan Horse really.

The real issue here is the mining patent moratorium, and it is in here, as was ordered by the House.

The SPEAKER pro tempore (Mr. BURTON of Indiana). All time has expired. Without objection, the previous question is ordered.

There was no objection.

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

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

Mr. REGULA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 237, nays 188, not voting 7, as follows:

[Roll No 798]

YEAS—237

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

NAYS—188

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

NOT VOTING—7

Fields (LA)
Houghton
Spence
Tejeda
Tucker
Waldholtz
Young (AK)

□ 1602

Mr. MORAN and Mr. STUMP changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 250, THE HOUSE GIFT REFORM RULE

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–341) on the resolution (H. Res. 268) providing for consideration of the resolution (H. Res. 250) to amend the Rules of the House of Representatives to provide for gift reform, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2564, LOBBYING DISCLOSURE ACT OF 1995

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–342) on the resolution (H. Res. 269) providing for the consideration of the bill (H.R. 2564) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 253, I call up the conference report on the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BURTON). Pursuant to rule XXVIII, the conference report is considered read.

(For conference report and statement, see proceedings of the House of October 31, 1995, at page H11541.)

The SPEAKER pro tempore. The gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes.

It is the Chair's understanding that the gentleman from Colorado [Mr. SKAGGS] will control the time on the Democratic side.

Mr. SKAGGS. Mr. Speaker, that is correct. Mr. Speaker, I ask unanimous consent that 5 minutes of the time that the minority would otherwise control be controlled by the gentleman from New York [Mr. BOEHLERT].

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio [Mr. REGULA].

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to H.R. 1977, which was just agreed to, and that I be allowed to include extraneous and tabular material.

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

There was no objection.

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

Mr. Speaker, I bring to you today the improved and revised Interior conference report. When we last met on H.R. 1977, the House voted to recommit the Interior Appropriations conference agreement with instructions to restore

the mining patent moratorium included in the House-passed bill.

As the original author of the patent moratorium which was enacted for the first time last year, I supported the motion to recommit. Mr. Speaker, I urge those who joined me in supporting that motion, and all of my colleagues, to support this conference agreement and defeat a new motion to recommit.

Mr. Speaker, I will discuss that at a little more length. The Interior Appropriations conference agreement is fair. It is a well-balanced bill. It is fiscally responsible. It cuts spending by 10 percent from last year's level. It is sensitive to the need to preserve and enhance our natural and cultural resources.

It keeps open the facilities that are important to the public. We level-fund the money for the operations of the parks. We level-fund the money for the operations of the Forest Service, or close to it, so that they can provide the facilities that people enjoy. It is the same with other agencies; the Smithsonian, the National Gallery, the Kennedy Center.

Mr. Speaker, I want to address essentially the two issues that we will hear a lot about today. It is my understanding there will be a motion to recommit this bill back to the conference committee for further revision of the mining moratorium and the Tongass language.

Mr. Speaker, let me say to my colleagues, if reforming the 1872 mining law were easy, it would have been accomplished years ago, and certainly would have been accomplished in the past 2 years, 1993, and 1994, when my friends from the other side of the aisle had complete control.

Mr. Speaker, they had control of the House. They had control of the Senate. They had the President, the executive branch, as a Member of their party. So, far 2 years they had a golden opportunity to revise the 1872 Mining Law. Nothing happened.

The only thing that was done in that period of time was a moratorium on issuing patents, which was language I introduced into the Interior appropriations bill.

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

Mr. REGULA. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, the gentleman is fully aware that under the last Congress, we passed overwhelmingly out of the House of Representatives a bill that was true mining law reform.

Mr. REGULA. Mr. Speaker, reclaiming my time, I agree, and I supported the bill.

Mr. RAHALL. Mr. Speaker, if the gentleman would continue to yield, I appreciate all of the gentleman's efforts, but to imply that under the last majority in this Congress we did not do anything is not a correct statement.

Mr. REGULA. Mr. Speaker, again reclaiming my time, I apologize for the misunderstanding. What I meant was nothing was done in terms of legislation being enacted into law and signed by the President to change the 1872 mining law. I think the gentleman from West Virginia would agree that is the case.

Mr. RAHALL. Mr. Speaker, if the gentleman would continue to yield, as the gentleman just then stated it, that is correct. But we did pass true mining law reform out of this body.

Mr. REGULA. Mr. Speaker, reclaiming my time, the gentleman from West Virginia was a sponsor and it was a good bill and I spoke for it and supported it. Unfortunately, it died in conference and it did not get to the President.

But, Mr. Speaker, the point I am making is that it is very difficult to revise the 1872 mining law. I think the gentleman from West Virginia would agree with that, because the gentleman has been making an effort for several years to accomplish that goal.

What concerns me is that this bill is being used to address that problem. We have heard speeches during the rule debate that would indicate that we are not doing mining reform. That is not the mission of this bill. That is not the venue of this bill. Mining reform is in the reconciliation bill. Members who want mining reform, including myself, should push hard to get the reconciliation bill to have meaningful mining reform.

Mr. Speaker, what we are doing is stopping the issuance of patents. We are stopping the giveaway. We responded in the second conference to the directive of the motion to recommit offered by the gentleman from Illinois [Mr. YATES], my good friend and the ranking member of this committee and former chairman. Mr. Speaker, I agreed with him. I voted to recommit. We went back to the conference and it was a struggle with the other body, but we got a mining moratorium. It stops the giveaway.

Of course, it provides that if a reconciliation bill contains meaningful mining reform, if it is signed by the President and becomes the law of the land, then the mining moratorium drops out. That is only fair. But I think, and I emphasize over and over again, we did what we were instructed to do. We have a moratorium on the issuance of mining patents.

Certainly some are grandfathered, because they are in the pipeline. This was true in the language last year. We made every effort in this bill to address the mining question insofar as it is our responsibility.

Mr. Speaker, I hope that in the discussion that follows, that we will not be discussing the reconciliation bill, but rather we will be discussing what we do, which is to stop the issuance of patents until such time as a meaningful mining reform bill is signed by the President.

Of course, this would be in effect until the end of the fiscal year 1996. The other issue will be the Tongass, and I would again, as I did in the rule debate, point out that the Tongass language is subject to a decision on the part of the Forest Service, by the chief, because it says that any increase in the cut must be to the extent practicable as determined by the chief of the Forest Service.

Mr. Speaker, that means that the administration of my friends on the other side of the aisle will be calling the shots on anything that will be done in the Tongass. I would point out that in the Tongass, there are 17 million acres. A great part of that acreage is already set aside as wilderness.

If my colleagues will look at the chart here, in the Tongass, almost 7 million acres out of the 17 is wilderness. Not even hunting and fishing. It is no cutting of timber certainly. No cutting.

Another 4.6 million acres is set aside for recreation, and the nonsuitable timber is 4 million. That leaves 1.7 million out of a total of 17 million acres, or 10 percent as a timber base.

Mr. Speaker, I would point out that, under the present program enacted by this body, will be harvested over the next 220 years.

□ 1615

So it is not going to impact on the Tongass. Furthermore, the cut that is already allowed by legislation passed last year when my good friend was chairman of the committee allows a cut of 310 million board feet. Under the language that is put in the conference report, it might increase to 320. It probably will not increase at all. We would be cutting the same amount that was allocated for 1995.

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

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, under the language of alternative P, the amount is raised to 410 million board feet; is that not correct?

Mr. REGULA. Mr. Speaker, that is correct.

Mr. YATES. In conversation with officials of the Forest Service, I was told that there is no way, no way they can be forced not to cut 410 million board feet because the Alaska delegation is so insistent upon their doing so.

Mr. REGULA. Mr. Speaker, reclaiming my time, I can only say that one of the members of the Forest Service who worked in the Tongass said that, as a practical matter, there will be no increase in cut over what is allocated. As a practical matter, there is no money to do it, regardless of what the Alaska delegation may want to do. We did not put enough money in, which I agreed with, and I am sure the gentleman from Illinois agreed with, to accomplish a 310 million board foot timber harvest.

So actually the Tongass language for all practical purposes has no effect. I think that to send this back to conference on those issues does not make

sense. We have taken care of the mining moratorium as we were directed to in the original motion to recommit. As far as the Tongass is concerned, the language was in the bill, in the bill when we sent it back to conference, and nobody mentioned it. Now, suddenly this is brought up.

I assume that, if we would go back to conference, make some changes here, then there would be something else that would not suit. We have to get on with this because if we can pass this bill, the parks will open. That is the problem. Let us get this bill down to the President and open the parks and the Washington Monument and the Smithsonian and the Kennedy Center and the National Gallery. All we need to do to open those facilities is to pass this bill and send it to the President and have him sign it. Let us do that. That is what the public wants. Let us deal with those issues.

Let the reconciliation bill deal with mining reform. For those that do not like what is in that bill, that is the venue that should be addressed. Those that do not like mining reform language as it is set forth in reconciliation should vote against it. They should object to it. They should speak on that issue. This is not the place for mining reform. We are doing the best we can to stop the giving away of the land by putting a moratorium in. That is the extent of what our right is under this bill.

I am not going to take a lot of time on the other features in the bill. I think we have done a good job working with the Members on both sides of the aisle to have a fair, balanced budget. I think they would agree that it was not in any way partisan. We did the projects. We dealt with the things that were important and we keep the facilities open. If we can get this bill down to the President, we can get the parks opened again and give the public access that they deserve.

I would certainly say to my colleagues, and I guess I begin to sound like a broken record, but let me say over and over again, this conference report has a mining patent moratorium as was directed by this body in the motion to recommit. The Tongass language does very little. That is not a problem. The Forest Service says it is not a problem, and certainly I would accept their judgment on that. It was not a problem the last time we had a conference report here.

Suddenly for some reason it came up here. All I can say is, I think that this is a reasonable bill. We have done our best to address the problems. I hope in this debate we will limit our remarks to what is in the bill.

I kept thinking when I listened to the comments on the rule, this must be the reconciliation bill, because most of the speeches were directed to the reconciliation bill, which has mining reform, or to other items that were in that bill and not to this bill. We heard about the Bureau of Indian Affairs and education. We increase tribal education over last year. We flat fund the health services. Those are the two most important things.

Obviously, when you have 10 percent less than we had in 1995, to work with, it is difficult. We had to work hard to make sure that all the essential services, all the essential programs were funded. And some of the things that it would be nice to do simply could not be done under those circumstances. But I have to say, I believe that in November 1994, the American people said we want the budget balanced in an appropriate time. We want to reduce spending, and we have made every effort to accomplish that goal; in the process, not do anything that is injurious to the management and the use of the 750 million acres of America that are presently owned by the Federal Government and to the other programs that are funded by this bill.

I urge all of my colleagues to reject the motion to recommit and vote for the bill. Let us get on with this. Let us get those parks open so that the public can again enjoy the parks and the forest and the fish and wildlife facilities and the Smithsonian and the Kennedy Center, the National Gallery and all the other good things that we fund.

The bill is 10 percent, or $1.4 billion below 1995 spending levels. This represents real savings both now and in the future. By not starting programs or construction we save costs in future years. The bill terminates agencies and programs and puts others on notice that Federal funding will terminate in the near future. This bill is not business as usual. We are not cutting at the margins with the hopes that if we can keep programs on life support more money will be available in the future. Instead we have terminated lower priority initiatives to provide scarce resources to meet the many critical needs of our public lands, to ensure quality health and education for native Americans and to promote quality science and research in energy and public land management.

Specifically four agencies were eliminated: the National Biological Service, the Bureau of Mines, DOE's Office of Emergency Preparedness, and the Pennsylvania Avenue Development Corporation. In addition more than 35 individual programs have been eliminated.

With respect to the National Biological Service, an issue of some interest to many in this body, let me reiterate the NBS has been eliminated. However, as many agreed, the core natural resource research activities critical to responsible stewardship of our public lands has been preserved and will be carried out by what is widely recognized as a premier unbiased, credible scientific agency, the U.S. Geological Survey. As the statement of the managers makes clear, this merger is permanent and is to be fully implemented by October 1, 1996. This will ensure that critical research continue and that it be conducted independent of regulatory influence or agendas and will ensure scientific excellence. I will also commit to my colleagues that have had a keen interest in this issue that I intend to very closely monitor the elimination of the NBS and the absorption of the core scientific functions into the USGS to ensure that the intent of the conferees is met. In keeping with our commitment to reduce spending we have also cut funding for this activity by 15 percent.

The National Endowment for the Arts is funded at the House-passed level of $99.5 million and the statement of the managers makes it clear that it is the intent of the House to terminate Federal support for the NEA after fiscal year 1997.

Funding for land acquisition, as in the House-passed bill, is not earmarked and is funded at 40 percent below past year's funding levels, ensuring that limited funding will be directed to high priority projects for the four land management agencies.

Contrary to what you may have read in your local press, passage of this bill will not force the closure of one single National Park. No park will be forced to close under this agreement as funding for park operations is over 1995 levels by $5 million. To achieve that increase savings were made in lower priority park programs such as land acquisition and construction. Construction has been reduced more than 14 percent and land acquisition is down nearly 44 percent. Overall, however, funding for the Park Service is down less than 5 percent.

Further the bill establishes a new Recreational Fee Demonstration Program that may help land managers meet their growing needs by collecting fees which can then be used in the areas in which they are generated for enhancements and improvements in sites, facilities, interpretive programs and so forth, all needs which we cannot fully meet with declining budgets.

Generally we have tried to fund critical maintenance and as much as possible, health and safety needs.

Funding for critical scientific research is also maintained including important health and safety research and mineral assessments of the former Bureau of Mines which will now be carried out by the USGS and the Department of Energy for significant savings. This disposition upholds the House position that much of the work of the Bureau in health and safety research and minerals information is critical and these functions will be preserved.

Core programs that are critical to providing for the needs of native Americans have also been maintained. Funding for the Indian Health Service is down less than one percent from last year's level. Of the increase above the Senate level virtually all of this was directed to the tribal priority allocations which all the tribes indicated was the highest priority for restoration.

Energy programs have also been reduced ten percent from 1995 levels with

commitments for continued downward trends. Numerous energy projects were terminated and limited funding focused on projects and programs which leverage significant non-Federal investment.

While new construction was significantly curtailed it was our goal to take care of necessary maintenance and rehabilitation of Federal facilities and the Smithsonian is a good example where the conference provides nearly $34 million, the budget request, for critical repair and restoration of aging Smithsonian facilities.

Two points of clarification: First, in the statement of the Managers accompanying the conference report the managers referred to the ''existing hospital authority'' in American Samoa. This reference is to the institutional entity, and does not preclude charges to the composition or the structuring of the authority, particularly if the changes strengthen the management of health care in American Samoa; and second, the managers for both the House and the Senate agree that funds provided in this bill for cooperative conservation agreements may be used for the 4(d) rule to ease endangered species land use restriction on landowners, whether large or small.

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

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, will the public be able to do that if the President vetoes the bill as he said he was going to do?

Mr. REGULA. Mr. Speaker, obviously, if the President vetoes the bill, we will not be able to do it, but I think we ought to give him a chance to make a decision. As it is, he cannot even address the issue. If he does veto the bill and sends it back, at least we will know through that what his concerns are. I think in terms of an orderly procedure, let us do that. Then if he is not satisfied, we will know and we can address that by further action of our appropriate committees.

In conclusion I would urge my colleagues to support this bill. It is fiscally responsible and it meets the concerns of my colleagues who voted a month ago for reconsideration with respect to the mining patent moratorium.

At this point I ask that a table detailing the various amounts in the bill as agreed to by the conference managers be included in the RECORD.

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

Mr. Speaker, I include for the RECORD the following material:

FY 1996 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	597,236,000	616,547,000	570,017,000	563,936,000	566,062,000	-29,174,000
Fire protection	114,748,000	114,763,000	.....	.....	.....	-114,748,000
Emergency Department of the Interior firefighting fund	121,176,000	131,462,000	.....	.....	.....	-121,176,000
Wildland fire management	.....	.....	235,924,000	240,159,000	235,924,000	+235,924,000
Central hazmat account	13,409,000	14,024,000	10,000,000	10,000,000	10,000,000	-3,409,000
Construction and access	12,068,000	3,019,000	2,515,000	2,615,000	3,115,000	-8,953,000
Payments in lieu of taxes	101,409,000	113,911,000	111,409,000	100,000,000	101,500,000	+91,000
Land acquisition	14,757,000	24,473,000	6,500,000	10,550,000	12,800,000	-1,957,000
Oregon and California grant lands	97,364,000	112,752,000	91,367,000	95,364,000	93,379,000	-3,985,000
Range improvements (indefinite)	10,350,000	9,113,000	9,113,000	9,113,000	9,113,000	-1,237,000
Service charges, deposits, and forfeitures (indefinite)	8,883,000	8,993,000	8,993,000	8,993,000	8,993,000	+110,000
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000	7,605,000	7,605,000	.....
Total, Bureau of Land Management	1,099,005,000	1,156,682,000	1,055,463,000	1,048,335,000	1,050,491,000	-48,514,000
United States Fish and Wildlife Service						
Resource management	511,334,000	535,018,000	497,150,000	501,478,000	497,943,000	-13,391,000
Construction	53,768,000	34,095,000	26,355,000	38,775,000	37,655,000	-16,113,000
Natural resource damage assessment and restoration fund	6,687,000	6,700,000	6,019,000	4,000,000	4,000,000	-2,687,000
Land acquisition	67,141,000	62,912,000	14,100,000	32,031,000	36,900,000	-30,241,000
Cooperative endangered species conservation fund	8,983,000	38,000,000	8,085,000	8,085,000	8,085,000	-898,000
National wildlife refuge fund	11,977,000	11,371,000	10,779,000	10,779,000	10,779,000	-1,198,000
Rewards and operations	1,167,000	1,169,000	600,000	600,000	600,000	-567,000
North American wetlands conservation fund	8,983,000	12,000,000	4,500,000	6,750,000	6,750,000	-2,233,000
Lahonton Valley and Pyramid Lake fish and wildlife fund	.....	152,000	152,000	152,000	152,000	+152,000
Rhinoceros and tiger conservation fund	.....	400,000	200,000	200,000	200,000	+200,000
Wildlife conservation and appreciation fund	998,000	1,000,000	998,000	800,000	800,000	-198,000
Total, United States Fish and Wildlife Service	671,036,000	702,817,000	568,938,000	603,850,000	603,862,000	-67,174,000
Natural Resources Science Agency						
Research, inventories, and surveys	162,041,000	172,696,000	.....	145,965,000	.....	-162,041,000
National Park Service						
Operation of the national park system	1,077,900,000	1,157,738,000	1,088,249,000	1,092,265,000	1,083,151,000	+5,251,000
National recreation and preservation	42,941,000	39,305,000	35,725,000	38,094,000	37,649,000	-5,292,000
Historic preservation fund	41,421,000	43,000,000	37,934,000	38,312,000	36,212,000	-5,209,000
Construction	167,688,000	179,883,000	114,888,000	116,460,000	143,225,000	-24,463,000
Urban park and recreation fund	6,000	2,300,000	.....	.....	.....	-6,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	-30,000,000	.....
Land acquisition and state assistance	67,373,000	82,696,000	14,300,000	45,187,000	49,100,000	-38,273,000
Crime Trust Fund	.....	15,200,000	.....	.....	.....	.....
Total, National Park Service (net)	1,367,329,000	1,490,122,000	1,261,076,000	1,300,338,000	1,319,337,000	-67,992,000
United States Geological Survey						
Surveys, investigations, and research	571,462,000	586,369,000	686,944,000	577,503,000	730,503,000	+159,041,000
Minerals Management Service						
Royalty and offshore minerals management	188,181,000	193,348,000	186,556,000	182,169,000	182,994,000	-5,187,000
Oil spill research	6,440,000	7,892,000	6,440,000	6,440,000	6,440,000	.....
Total, Minerals Management Service	194,621,000	201,240,000	192,996,000	188,609,000	189,434,000	-5,187,000
Bureau of Mines						
Mines and minerals	152,427,000	132,507,000	87,000,000	128,007,000	64,000,000	-88,427,000
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	109,795,000	107,152,000	92,751,000	95,470,000	95,470,000	-14,325,000
Receipts from performance bond forfeitures (indefinite)	1,189,000	501,000	500,000	500,000	500,000	-689,000
Subtotal	110,984,000	107,653,000	93,251,000	95,970,000	95,970,000	-15,014,000
Abandoned mine reclamation fund (definite, trust fund)	182,423,000	185,120,000	176,327,000	170,441,000	173,887,000	-8,536,000
Total, Office of Surface Mining Reclamation and Enforcement	293,407,000	292,773,000	269,578,000	266,411,000	269,857,000	-23,550,000

FY 1996 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Bureau of Indian Affairs						
Operation of Indian programs	1,519,012,000	1,609,842,000	1,509,628,000	1,261,234,000	1,359,434,000	-159,578,000
Construction	120,450,000	125,424,000	98,033,000	107,333,000	100,833,000	-19,617,000
Indian land and water claim settlements and miscellaneous payments to Indians	77,096,000	151,025,000	75,145,000	82,745,000	80,645,000	+3,549,000
Navajo rehabilitation trust fund	1,996,000					-1,996,000
Technical assistance of Indian enterprises	1,966,000	1,966,000		900,000	500,000	-1,466,000
Indian direct loan program account	779,000					-779,000
(Limitation on direct loans)	(10,890,000)					(-10,890,000)
Indian guaranteed loan program account	9,671,000	9,684,000		7,700,000	5,000,000	-4,671,000
(Limitation on guaranteed loans)	(46,900,000)	(70,100,000)		(50,680,000)	(35,914,000)	(-10,986,000)
Total, Bureau of Indian Affairs	1,730,970,000	1,897,941,000	1,682,806,000	1,459,912,000	1,546,412,000	-184,558,000
Territorial and International Affairs						
Assistance to territories	50,481,000	41,512,000	24,885,000	40,468,000	37,468,000	-13,013,000
Northern Mariana Islands Covenant	27,720,000	27,720,000	27,720,000	27,720,000	27,720,000	
Subtotal	78,201,000	69,232,000	52,405,000	68,188,000	65,188,000	-13,013,000
Trust Territory of the Pacific Islands	19,800,000					-19,800,000
Compact of Free Association	13,574,000	10,038,000	14,618,000	10,038,000	10,038,000	-3,536,000
Mandatory payments	10,000,000	14,900,000	14,900,000	14,900,000	14,900,000	+4,900,000
Subtotal	23,574,000	24,938,000	29,518,000	24,938,000	24,938,000	+1,364,000
Total, Territorial and International Affairs	121,575,000	94,170,000	81,923,000	93,126,000	90,126,000	-31,449,000
Departmental Offices						
Departmental management	62,479,000	64,772,000	53,919,000	57,796,000	57,796,000	-4,683,000
Office of the Solicitor	34,608,000	35,361,000	34,608,000	34,608,000	34,608,000	
Office of Inspector General	23,939,000	25,485,000	23,939,000	23,939,000	23,939,000	
Construction Management	1,996,000	2,000,000		500,000	500,000	-1,496,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Office of Special Trustee for American Indians				16,336,000	16,336,000	+16,336,000
Total, Departmental Offices	124,022,000	128,618,000	113,466,000	134,181,000	134,181,000	+10,159,000
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	6,507,897,000	6,855,935,000	6,000,180,000	5,946,037,000	5,998,205,000	-509,692,000
Appropriations	(6,537,897,000)	(6,870,735,000)	(6,030,180,000)	(5,976,037,000)	(6,028,205,000)	(-509,692,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	
Crime trust fund		(15,200,000)				
(Limitation on direct loans)	(10,890,000)					(-10,890,000)
(Limitation on guaranteed loans)	(46,900,000)	(70,100,000)		(50,680,000)	(35,914,000)	(-10,986,000)
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest research	193,748,000	203,796,000	162,000,000	177,000,000	178,000,000	-15,748,000
State and private forestry	154,268,000	187,459,000	129,551,000	136,794,000	136,794,000	-17,474,000
Emergency pest suppression fund	17,000,000					-17,000,000
International forestry	4,987,000	10,000,000				-4,987,000
National forest system	1,326,883,000	1,348,755,000	1,296,688,000	1,247,543,000	1,256,253,000	-72,640,000
Forest Service fire protection	159,295,000	164,295,000				-159,295,000
Emergency Forest Service firefighting fund	226,200,000	239,000,000				-226,200,000
Emergency appropriations	450,000,000					-450,000,000
Wildland Fire Management			395,495,000	381,495,000	395,495,000	+395,495,000
Construction	199,215,000	192,338,000	120,000,000	186,888,000	163,500,000	-35,715,000
Timber receipts transfer to general fund (indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
Timber purchaser credits	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
Land acquisition	63,882,000	85,311,000	14,800,000	41,167,000	41,200,000	-22,682,000
Acquisition of lands for national forests, special acts	1,250,000	1,317,000	1,069,000	1,069,000	1,069,000	-181,000
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000	210,000	210,000	
Range betterment fund (indefinite)	4,575,000	3,976,000	3,976,000	3,976,000	3,976,000	-599,000
Gifts, donations and bequests for forest and rangeland research	89,000	92,000	92,000	92,000	92,000	+3,000
Total, Forest Service	2,803,602,000	2,416,539,000	2,103,671,000	2,176,224,000	2,166,579,000	-637,023,000
DEPARTMENT OF ENERGY						
Clean coal technology	-337,879,000	-155,019,000				+337,879,000
Fossil energy research and development	423,701,000	438,508,000	379,824,000	376,181,000	417,169,000	-6,532,000
(By transfer)	(17,000,000)					(-17,000,000)
Alternative fuels production (indefinite)	-3,900,000	-2,400,000	-2,400,000	-2,400,000	-2,400,000	+1,500,000
Naval petroleum and oil shale reserves	187,046,000	101,028,000	151,028,000	136,028,000	148,786,000	-38,262,000
Energy conservation	755,751,000	923,561,000	558,371,000	578,976,000	553,293,000	-202,458,000
Biomass Energy Development (transfer)		-16,000,000	-16,000,000	-16,000,000	-16,000,000	-16,000,000

FY 1996 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Economic regulation	12,413,000	10,500,000	8,297,000	8,038,000	8,297,000	-8,116,000
Emergency preparedness	8,233,000	8,219,000	.....	.....	.....	-8,233,000
Strategic Petroleum Reserve	135,954,000	25,889,000	.....	.....	.....	-135,954,000
(By transfer)	(90,764,000)	(187,000,000)	(187,000,000)	(187,000,000)	(187,000,000)	(+96,236,000)
Energy Information Administration	84,566,000	84,689,000	79,766,000	64,766,000	72,266,000	-12,300,000
Total, Department of Energy	1,265,887,000	1,416,775,000	1,154,586,000	1,143,589,000	1,179,411,000	-86,476,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,709,780,000	1,816,350,000	1,725,792,000	1,815,373,000	1,722,842,000	+13,062,000
Indian health facilities	253,282,000	242,672,000	236,975,000	151,227,000	238,956,000	-14,324,000
Total, Indian Health Service	1,963,062,000	2,059,022,000	1,962,767,000	1,966,600,000	1,961,800,000	-1,262,000
DEPARTMENT OF EDUCATION						
Office of Elementary and Secondary Education						
Indian education	81,341,000	84,785,000	52,500,000	54,660,000	52,500,000	-28,841,000
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	24,888,000	26,345,000	21,345,000	20,345,000	20,345,000	-4,543,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	11,213,000	19,846,000	5,500,000	5,500,000	5,500,000	-5,713,000
Smithsonian Institution						
Salaries and expenses	313,853,000	329,800,000	309,471,000	307,988,000	308,188,000	-5,865,000
Construction and improvements, National Zoological Park	3,042,000	4,950,000	3,000,000	3,250,000	3,250,000	+208,000
Repair and restoration of buildings	23,954,000	34,000,000	24,954,000	33,954,000	33,954,000	+10,000,000
Construction	21,857,000	38,700,000	12,950,000	27,700,000	27,700,000	+5,843,000
Total, Smithsonian Institution	362,706,000	407,450,000	350,375,000	372,892,000	373,092,000	+10,386,000
National Gallery of Art						
Salaries and expenses	52,902,000	54,588,000	51,315,000	51,844,000	51,844,000	-1,058,000
Repair, restoration and renovation of buildings	4,016,000	9,885,000	5,500,000	7,385,000	6,442,000	+2,426,000
Total, National Gallery of Art	56,918,000	64,451,000	56,815,000	59,229,000	58,286,000	+1,368,000
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	10,323,000	10,373,000	9,800,000	10,323,000	10,323,000	.....
Construction	8,983,000	9,000,000	8,983,000	8,983,000	8,983,000	.....
Total, John F. Kennedy Center for the Performing Arts	19,306,000	19,373,000	18,783,000	19,306,000	19,306,000	.....
Woodrow Wilson International Center for Scholars						
Salaries and expenses	8,878,000	10,070,000	5,140,000	6,537,000	5,840,000	-3,038,000
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	133,846,000	143,675,000	82,259,000	88,765,000	82,259,000	-51,587,000
Matching grants	28,512,000	28,725,000	17,235,000	21,235,000	17,235,000	-11,277,000
Total, National Endowment for the Arts	162,358,000	172,400,000	99,494,000	110,000,000	99,494,000	-62,864,000
National Endowment for the Humanities						
Grants and administration	146,131,000	156,087,000	82,469,000	94,000,000	94,000,000	-52,131,000
Matching grants	25,913,000	25,913,000	17,025,000	16,000,000	16,000,000	-9,913,000
Total, National Endowment for the Humanities	172,044,000	182,000,000	99,494,000	110,000,000	110,000,000	-62,044,000
Institute of Museum Services						
Grants and administration	28,715,000	29,800,000	21,000,000	21,000,000	21,000,000	-7,715,000
Total, National Foundation on the Arts and the Humanities	363,117,000	384,200,000	219,988,000	241,000,000	230,494,000	-132,623,000
Commission of Fine Arts						
Salaries and expenses	834,000	879,000	834,000	834,000	834,000	.....
National Capital Arts and Cultural Affairs						
Grants	7,500,000	6,941,000	6,000,000	6,000,000	6,000,000	-1,500,000
Advisory Council on Historic Preservation						
Salaries and expenses	2,947,000	3,063,000	3,063,000	2,500,000	2,500,000	-447,000

FY 1996 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
National Capital Planning Commission						
Salaries and expenses	5,655,000	6,000,000	5,090,000	5,090,000	5,090,000	-565,000
Franklin Delano Roosevelt Memorial Commission						
Salaries and expenses	48,000	147,000	48,000	147,000	147,000	+99,000
Pennsylvania Avenue Development Corporation						
Salaries and expenses	2,738,000	3,043,000	2,000,000			-2,738,000
Public development	4,084,000	2,445,000				-4,084,000
Land acquisition and development fund		1,388,000				
Total, Pennsylvania Avenue Development Corporation	6,822,000	6,876,000	2,000,000			-6,822,000
United States Holocaust Memorial Council						
Holocaust Memorial Council	26,609,000	28,707,000	28,707,000	26,609,000	28,707,000	+2,098,000
Total, title II, Related Agencies	7,011,333,000	6,961,469,000	5,997,212,000	6,107,062,000	6,116,431,000	-894,902,000
(Timber receipts transfer to general fund, indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
TITLE III - GENERAL REDUCTION						
General reduction, Energy conservation			-12,799,000			
Grand total:						
New budget (obligational) authority (net)	13,519,230,000	13,817,404,000	11,984,803,000	12,053,099,000	12,114,638,000	-1,404,594,000
Appropriations	(13,549,230,000)	(13,832,204,000)	(12,027,402,000)	(12,083,099,000)	(12,144,638,000)	(-1,404,594,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	
Crime trust fund		(15,200,000)				
(Timber receipts transfer to general fund, indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
(By transfer)	(107,764,000)	(187,000,000)	(187,000,000)	(187,000,000)	(187,000,000)	(+79,236,000)
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,099,005,000	1,156,882,000	1,055,463,000	1,048,335,000	1,050,491,000	-48,514,000
United States Fish and Wildlife Service	671,038,000	702,817,000	568,936,000	603,650,000	603,864,000	-67,174,000
National Biological Service	162,041,000	172,898,000		145,985,000		-162,041,000
National Park Service	1,387,329,000	1,490,122,000	1,261,076,000	1,300,336,000	1,319,337,000	-67,992,000
United States Geological Survey	571,462,000	586,369,000	686,944,000	577,503,000	730,503,000	+159,041,000
Minerals Management Service	194,621,000	201,240,000	192,996,000	188,609,000	189,434,000	-5,187,000
Bureau of Mines	152,427,000	132,507,000	87,000,000	128,007,000	84,000,000	-68,427,000
Office of Surface Mining Reclamation and Enforcement	293,407,000	292,773,000	269,578,000	268,411,000	269,857,000	-23,550,000
Bureau of Indian Affairs	1,730,970,000	1,897,941,000	1,682,808,000	1,459,912,000	1,546,412,000	-184,558,000
Territorial and International Affairs	121,575,000	94,170,000	81,923,000	93,126,000	90,126,000	-31,449,000
Departmental Offices	124,022,000	128,818,000	113,498,000	134,161,000	134,161,000	+10,139,000
Total, Title I - Department of the Interior	6,507,897,000	6,856,935,000	6,000,190,000	5,946,037,000	5,998,205,000	-509,692,000
TITLE II - RELATED AGENCIES						
Forest Service	2,803,602,000	2,416,539,000	2,103,671,000	2,176,224,000	2,166,579,000	-637,023,000
Department of Energy	1,265,887,000	1,416,775,000	1,154,586,000	1,143,569,000	1,179,411,000	-86,476,000
Indian Health Service	1,963,062,000	2,059,022,000	1,962,767,000	1,966,800,000	1,961,800,000	-1,262,000
Indian Education	81,341,000	84,785,000	52,500,000	54,660,000	52,500,000	-28,841,000
Office of Navajo and Hopi Indian Relocation	24,888,000	26,345,000	21,345,000	20,345,000	20,345,000	-4,543,000
Institute of American Indian and Alaska Native Culture and Arts Development	11,213,000	19,846,000	5,500,000	5,500,000	5,500,000	-5,713,000
Smithsonian Institution	362,706,000	407,450,000	350,375,000	372,892,000	373,092,000	+10,386,000
National Gallery of Art	56,918,000	64,451,000	56,815,000	59,229,000	58,288,000	+1,368,000
John F. Kennedy Center for the Performing Arts	19,306,000	19,373,000	18,783,000	19,306,000	19,306,000	
Woodrow Wilson International Center for Scholars	8,878,000	10,070,000	5,140,000	6,537,000	5,840,000	-3,038,000
National Endowment for the Arts	162,358,000	172,400,000	99,494,000	110,000,000	99,494,000	-62,864,000
National Endowment for the Humanities	172,044,000	182,000,000	99,494,000	110,000,000	110,000,000	-62,044,000
Institute of Museum Services	28,715,000	29,800,000	21,000,000	21,000,000	21,000,000	-7,715,000
Commission of Fine Arts	834,000	878,000	834,000	834,000	834,000	
National Capital Arts and Cultural Affairs	7,500,000	6,941,000	6,000,000	6,000,000	6,000,000	-1,500,000
Advisory Council on Historic Preservation	2,947,000	3,063,000	3,063,000	2,500,000	2,500,000	-447,000
National Capital Planning Commission	5,655,000	6,000,000	5,090,000	5,090,000	5,090,000	-565,000
Franklin Delano Roosevelt Memorial Commission	48,000	147,000	48,000	147,000	147,000	+99,000
Pennsylvania Avenue Development Corporation	6,822,000	6,876,000	2,000,000			-6,822,000
Holocaust Memorial Council	26,609,000	28,707,000	28,707,000	26,609,000	28,707,000	+2,098,000
Total, Title II - Related Agencies	7,011,333,000	6,961,469,000	5,997,212,000	6,107,062,000	6,116,431,000	-894,902,000
TITLE III - GENERAL REDUCTION						
General reduction, Energy conservation			-12,799,000			
Grand total	13,519,230,000	13,817,404,000	11,984,803,000	12,053,099,000	12,114,638,000	-1,404,594,000

Mr. SKAGGS. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

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

Mr. MFUME. Mr. Speaker, I rise in absolute opposition to this conference report. I urge Members at the conclusions of this debate to soundly defeat it.

Mr. SKAGGS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. YATES], the ranking member of this subcommittee.

Mr. YATES. Mr. Speaker, 7-weeks ago I offered a motion to recommit this conference report in order to improve this dreadful bill and restore the mining moratorium. Well, the conference committee reconvened. Instead of improving the bill, they made it worse. If my colleagues voted for my motion to recommit the Interior appropriations conference report in September, they must vote for the motion to recommit that I will offer at the appropriate time today for two reasons: one, that the mining moratorium has not met the expectations of the House; and, second, because of what has been, what is being proposed for the Tongass National Forest.

The foreign mining companies will still be able to take hundreds of billions of dollars worth of publicly owned minerals from Federal lands for next to nothing because clear-cutting will increase by almost 40 percent in the Tongass National Forest, because this conference report does nothing to stop the impending rape of the Alaska National Wildlife Refuge for only a few barrels of oil.

I had hoped to offer that amendment in the conference and was prevented from doing so. Specifically, the motion to recommit that will be offered today contains instructions to reinstate a true mining moratorium and strike the provisions that lead to the destruction of the Tongass.

There is simply no defense for why the conferees are presenting the House with this excuse for a mining moratorium. After three votes in this body expressing the importance of a mining patent moratorium, the conferees ignored the will of the House and instead there is created in this conference report a sham mining moratorium.

With respect to the Tongass, the mining moratorium is not the only reason why we should recommit this bill. This conference report contains a legislative rider that would force the Forest Service to adopt alternative P in the Tongass National Forest. Alternative P is a radical forest management plan that has been rejected by the Forest Service and by the Governor of Alaska because it would wreak ecological havoc on the Tongass.

What is more, this conference report contains sufficiency language, sufficiency language which is a rider that prevents all environmental laws from being enforced in the Tongass. The Endangered Species Act is dismissed. The National Environmental Policy Act is waived. The Clean Water Act is ignored. All other applicable laws are considered irrelevant. In addition, this sufficiency language prevents all citizens, environmentalists, private landowners from exercising their rights to sue the Federal Government.

If we vote for this motion to recommit, the conference committee will be enabled to again consider making this an acceptable bill.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Alaska [Mr. YOUNG].

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I would like to bring to the attention of my colleagues the so-called Tongass amendment. It disturbs me when I hear my friend, the gentleman from Illinois [Mr. YATES], speak about the Tongass because you have to understand what the Tongass amendment does.

First, you have to also understand what the Tongass is. The Tongass Forest is a forest of 17 million acres of land, 17 million acres of land, I hope all of my colleagues listen to this, 7 million acres of wilderness already set aside by this Congress; 8.3 million acres in fact is not suitable for timber harvest. We have now 1.7 million acres of land that could be available for harvesting. And because of the action of the Forest Service under this administration, it has taken 585,000 acres out of the remaining 1.7 million acres and made it not available, contrary to the action of this Congress.

I am going to suggest that the Tongass amendment does nothing to change the present law. This is in fact what was recommended by the Forest Service. What was previously said about exempting the Endangered Species Act is not true. What was said about cutting the rain forest is not true.

We have, as I said, over 7 million acres already set aside by this Congress of old growth preservation and wildlife habitat. Now we have the administration coming down and saying by the Undersecretary that we must set this aside for old growth preservation and wildlife habitat. If that is the case, then what are we doing with the 7-odd-million acres; did we make a mistake there? If so, then let us reopen that.

What we have done under this amendment that has been proposed by the Senator from my State is in fact set forth the original concept of the Forest Service itself. This is the Forest Service plan that was signed off by the Forest Service prior to this administration.

I can tell Members this. We have closed over 300 mills in the northern part of this great Nation of ours in California, Washington, and Oregon. The gentleman from Washington [Mr. DICKS] will recognize that, because of the Pacific pact. It is time to understand that this amendment offered by the other body is an amendment that creates jobs, still maintains the rain forest, the 7-odd-million acres. And those that suggest recommittal are in fact falling prey to those environmental groups that do not want Americans working, that would rather have Americans sitting idle and not harvesting those trees. The recommittal act itself is wrong. This is a bill that has been thought out, fought out and worked on. It should be accepted. We should vote ''yes'' on it.

I ask our Members to consider the history of the Tongass. If they have a question, come ask me.

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Let me answer it. Do not read what is being said by certain groups who are not telling the truth. This is nothing new in this body. We have different groups telling flatout, dishonest, supposedly facts. Let us, in fact, have the truth. Vote for this bill, and vote against the motion to recommit.

Mr. SKAGGS. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, here we go again.

The first time the Republican leadership brought this conference report to the floor, the House did the right thing—we rejected the bill, and told the conferees to go back and try again. That was the right thing to do, because that conference report did not deserve to pass.

Sadly, the Republican leadership still hasn't tried very hard to improve it—and it shows. We should adopt the motion to recommit, and, failing that, we should defeat this conference report.

For starters, the Republican leadership limited the number of things that the conferees could consider. They wouldn't let the conferees try to improve the parts of the bill dealing with native Americans—even though the previous conference report fell woefully short of providing proper funding for the tribal governments and the Bureau of Indian Affairs. In fact, the Republican leadership wouldn't let the conferees try to improve any of the funding provisions in the previous conference report, or any of the antienvironmental riders, like the ban on new listings under the Endangered Species Act.

Instead, the Republican leadership allowed the conferees to consider just four things. Those four were: mining; the Mojave National Preserve; the Tongass National Forest; and the National Endowments for the Arts and the Humanities.

So, what did the conferees do about those?

First, about mining: When it sent the bill back to conference the House told the conferees to include a moratorium on bargain-basement sales of the gold, silver, and other hardrock minerals on public lands—a moratorium like the one that was in the House version of the bill. But that isn't what happened.

Instead, this new conference report contains something that's called a moratorium—but that, in fact, will speed up, not slow down, these sales. This so-called moratorium will not apply to applications filed before September 30 of this year, and it will only last until the Republican leadership can get Congress to pass something—anything, except a reconciliation bill—that would revise the obsolete Mining Law of 1872. Then the moratorium would end, even if that bill were vetoed by the President. Meanwhile, this so-called moratorium will actually require the Interior Department to speed up its processing of patent applications.

That is not a moratorium. It is a sham. It is a shame. We should not accept it.

What about the Mojave National Preserve? Well, on that issue there's no difference between this new conference report and the last one. Instead, there's some report language in the statement of managers that tries to deny that this conference report is a back-door attack on the California Desert Protection Act while at the same time attacking the National Park Service and limiting their plans for managing the Mojave. So, this, too, is no improvement, and it should not be accepted.

What about the Tongass? The previous conference report called for increased timbering, including in areas that the Forest Service wants to put off-limits in order to protect fish and wildlife, and would make permanent some temporary restrictions on protecting habitat that were misguidedly included as part of the rescissions bill. This conference report is exactly the same. The conferees not only didn't remove or improve these unsound provisions, they voted to retain them. We shouldn't accept that.

And regarding the endowments, the conferees voted to adopt the so-called Helms language. That's no improvement, and it should not be accepted.

In short, Mr. Speaker, this second conference report is still a bad bill, and still deserves to be defeated. Congress should not pass it. If it is passed, it should be vetoed, and that veto should be sustained.

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

Mr. BOEHLERT. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, I rise in strong support of the motion to recommit. The motion asks nothing more than that the House stick to its original position, keep the mining moratorium, keep current law on the Tongass. The House position has not yet had a chance to prevail because the House majority conferees, with the exception of the esteemed chairman, have not backed it. We must not let a handful of Members turn the rest of the House into a kind of giant Boys' State where we just pretend to legislate. But there are substantive, as well as process, problems with this bill.

On mining, Mr. Speaker, we are being asked to trade a solid moratorium for reconciliation language which few Members have seen. It is a ''Let's Make a Deal'' situation. We can take what we have or trade it for whatever is behind door No. 1, and, by the way those who have opened up door No. 1, who have seen the reconciliation language, describe it as sham reform, hardly meaningful reform as the chairman seeks, a continuing giveaway of our resources. How can we look the taxpayers in the face and explain why large, often foreign, companies should continue to reap profits from Federal resources while paying next to nothing?

Now I know some Members have been told, ''Don't worry about it, we'll fix it after the vote.'' That is no way to make policy. We were told it would be taken care of in this reconciliation conference, but it was not.

The question of the Tongass is simpler. We have not acted on it in this body. The other body added a provision that will allow more logging in ecologically sensitive areas at a hemorrhaging loss to the taxpayer. The Governor of Alaska opposes this language, sportsment's associations oppose this language, environmentalists oppose this language. As a matter of fact, Governor Knowles of Alaska has repeatedly stressed, and this is his language, the need for a balanced process based on good science, the application of sound management principles, and imput from the public. We have such a vehicle; it is called the Tongass land management plan.

The Governor goes on to say, and these are his words, the Governor of Alaska, ''Killing the Tongass land management process and leaving Alaskans out of the decision is just plain wrong.'' That is the Governor of Alaska speaking.

Mr. Speaker, the only reason this language is in here, and once again let me repeat, the House has not acted on this. It was added in the Senate. The only reason it is in here is that a few Members in the other body are trying to force the issue. There is no reason to give in. This report takes the unprecedented step of imposing a forest management plan over the objections of scientists and insulates that plan from all legal challenges. In other words, it suspends current environmental law just as surely as the EPA riders did.

Mr. Speaker, I urge my colleagues to stick to the House position, as we did when a similar conference report came before us in September. Vote for the environment, vote for the taxpayers, vote to recommit.

Mr. SKAGGS. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. MILLER], the ranking member of the Committee on Resources.

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

Mr. MILLER of California. Mr. Speaker, I thank the gentleman from Colorado [Mr. SKAGGS] for yielding this time to me, and I want to thank the gentleman from New York [Mr. BOEHLERT] for his remarks he just made because I think he outlined very clearly the issue that confronts us both in mining and Tongass. In Tongass we are presented with a radical change from established plan that was passed by both Houses of the Congress and signed by the President of the United States for the management of our largest national forests and our only temperate rain forest in the United States.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. Mr. Speaker, I only have 2 minutes. I am sorry; I only have 2 minutes.

Mr. YOUNG of Alaska. I just want to make sure the gentleman sticks to the facts.

Mr. MILLER of California. The gentleman will not impugn my remarks in that way at all. The gentleman from Alaska [Mr. YOUNG] does not have the time, and he has no right to do that to this Member.

The SPEAKER pro tempore (Mr. MCINNIS). The gentleman from California will suspend.

Mr. MILLER of California. Mr. Speaker, that should not be done.

The SPEAKER pro tempore. The Chair advises the gentleman from California that the gentleman will suspend.

Mr. MILLER of California. Let the gentleman from Alaska have his own time. The gentleman from Alaska wants to take cheap shots, and he can take them on his own time. The gentleman knows exactly what he did.

The SPEAKER pro tempore. The gentleman from California is out of order.

Gentlemen, all Members need to keep their statements to the RECORD and focused on the issue at hand.

The gentleman from California [Mr. MILLER] controls the time.

Mr. MILLER of California. Mr. Speaker the point is that this legislation, as is presented to us, not only substantially increases the mandated cut for the Tongass Forest, it also increases a mandated hemorrhage of taxpayer dollars from the Treasury. Over the last 3 years we had a cashflow deficit of the Treasury because of the Tongass of $102 million. We cannot afford to cut these trees in the manner in which they want us to do it under this legislation.

As pointed out by the gentleman from New York and others, the Governor of Alaska has asked us not to do it this way. He has asked us to do it within the confines of the management plan that relies on science, relies on the marketplace, and relies on making sure that the Tongass is preserved.

Now a number of the Republicans who support this recognize that this is unacceptable to the American public, so they started a plan where the Republicans would plant a tree. Mr. Speaker, if all 234 Republicans plant a tree, and we wait 400 years, we will have about 234,000 board feet from the little trees that they planted, but, if we pass this bill, we will cut 100 million

board feet of lumber, more board feet of lumber every year, and 100,000 trees will get cut from the Tongass National Forest, and, as they cut those 100,000 trees, they are going to reach into the taxpayers' pockets in this country and ask us to continue to subsidize forest practices that are mandated, mandated by a couple of Members of Congress that have nothing to do with forest practices, with the ecological health of this rainforest. We should not do that.

Others have spoken about the sham of the mining law reform. It is not a royalty, it is a complete, complete loophole, and not only do they not change the royalty to these companies, but they let those individuals that are in the process now of getting patented claims to escape completely from the royalties, so once again we are going to see the Secretary of the Interior award tens of billions of dollars in minerals, and gold, and platinum, and silver to mining companies, and no return to the taxpayer.

Mr. Speaker, I rise in opposition to the conference report. While there are many good reasons to oppose this legislation and to expect the President to veto it, there are two issues which are included in the motion to recommit to be offered by Mr. YATES which deserve special recognition.

One offensive provision is the rider added by the Senate to greatly accelerate logging of the Tongass National Forest in Alaska while, at the same time, removing protections for fish and wildlife and insulating the timber barons from the public planning process and legal challenges.

The Tongass rider would suspend environmental and management laws, and would dictate that a discredited 1991 timber plan rule forest management.

This unprecedented congressional action would boost logging of the old-growth forest by 100 million board feet annually, or 44 percent over the historic average. By independent calculation, the Tongass timber program already costs the taxpayers more than any other national forest. GAO concluded that the cash-flow deficit to the Treasury was $102 million over the last 3 years. To support the increased logging, this Tongass rider could cost another $18 million in annual subsidies.

The Tongass rider ignores new scientific information and even prevents the Forest Service from setting aside habitat to protect fish and wildlife. It is a solution in search of a problem that doesn't exist, because the economy of southeast Alaska is becoming more diverse. It is opposed by the administration, the Governor of Alaska, and significant user groups who depend on the forest resources, including the Alaska Outdoor Council.

Recently, the Republican leadership circulated a memo advising that Members could enjoy excellent media opportunities and show their environmental credentials by planting trees in their districts. The same Republican leadership has allowed the Tongass rider to be included in this conference report, demonstrating that this advice is nothing more than a gimmick to cover up their antienvironmental agenda here in Congress.

Well, the American people should not be fooled by this kind of trickery. If every Republican Member were to follow the leadership's plot and plant a spruce tree in the Tongass, in about 400 years we could have trees the size of those in the rain forest today. If we wait 400 years and we're lucky, each of the 234 Republican trees could produce about 1,000 board feet, for a total of 234,000 board feet of potential timber.

By contrast, this provision in the conference report would accelerate Tongass logging by 100 million board feet every single year, requiring an annual cut of at least 100,000 majestic old-growth trees.

Another very good reason to reject the conference report is that it contains a sham mining patent moratorium. The House has voted overwhelmingly and repeatedly to end this multibillion-dollar ripoff of mineral-rich public lands. But this bill does not extend the patent moratorium through the entire fiscal year as we have decided in the past. Instead, the patent moratorium disappears if the mining provisions in budget reconciliation become law. It also can vanish simply if the House and Senate pass identical bills but the President does not sign the bill, though the Justice Department has already concluded that this language is unconstitutional.

I doubt more than a handful of Members in this body have even read the mining provisions in reconciliation which are incorporated by reference in this bill. When you do find a copy, what you will learn is that these valuable public lands will continue to be given away for a fraction of their true worth. All a mining conglomerate has to do is pay for the surface value of the land that contains the gold. That is like buying For Knox by paying only for the roof.

The proponents will argue that the taxpayers will get a return from a 5-percent net royalty. But read the fine print. There are so many deductions allowed that this royalty is likely to cost more to administer than it will generate in revenue for the Treasury.

Make no mistake about it. The vote on the motion to recommit is the real vote this year on mining reform. We won't have a chance for a separate vote on the mining provisions in budget reconciliation. We should reject this conference report and send the President the message that only real reform—a true patent moratorium, a real royalty, and an effective abandoned mine cleanup program—are acceptable. To do otherwise is simply to sanction the continuation of a multibillion-dollar ripoff of the public lands.

Mr. Speaker, I could go on and on about the flaws in this conference report. It prevents the National Park Service from implementing the California Desert Protection Act, which we just enacted last Congress. it is cruelly unfair to American Indians who bear a disproportionate amount of the budget cuts in their programs. It fails even to meet the administration's modest request for land and water conservation fund appropriations, despite an $11.2 billion surplus in that dedicated trust fund.

Mr. Speaker, this conference report is fiscally and environmentally irresponsible. I urge Members to vote for the motion to recommit.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE].

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

Mr. KOLBE. Mr. Speaker, I want to congratulate the chairman of this subcommittee for the work he has done on this conference report. This has been very contentious. I serve on this subcommittee; I know it has not been easy.

Mr. Speaker, I rise today to urge my colleagues to vote in favor of this conference report and to reject the motion to recommit. I want to focus my remarks on the so-called mining moratorium here. It is a very real moratorium. It is real, and to see why, let us look at the process it establishes for a second.

This moratorium stays in effect unless a balanced budget act, that is, reconciliation language, is enacted into law. That means legislation passed by both Houses and signed by the President. Or, if both the House and the Senate pass identical language in some freestanding bill the moratorium would be lifted. Now that is a significant change from where we were before because it allows those who want the moratorium, and this House has supported their position, to have a great measure of control, of leverage over this process to be sure that the kind of language that we ultimately pass into law works to their satisfaction.

Now let us focus on the substance of the language that we are going to be dealing with in the next couple of days on the balanced budget act; that is, the reconciliation instructions on mineral royalties. I do not agree that it is a sham royalty. I think a 5-percent royalty is a very real royalty. It is up from 3½ percent that we were talking about before. A 5-percent tax on top of the other corporate taxes, sales taxes, and other Federal and State taxes and fees that are paid. And those are not insignificant taxes, I might add. Furthermore, we will require payment at fair market rates on land that is taken to patent in the future, and it will have to pay on top of that the 5-percent royalty. Of course there is a clause in there that does not apply it retroactively to patent claims that are already in process; and it should not be. People that have made the effort to patent land should not be told, ''Oh, the rules got changed in the middle of your patent process.'' There is also a reverter clause so that land would revert to the U.S. Government if its use is changed. That prevents sham patents being taken for mining and then put to some other kind of use. There will be significant increases in rental payments beginning in 1999. Forty percent of the royalties would go to reclamation of mined land, and that is something I think all of us have wanted to see.

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In addition to these provisions there are many other reasons why we should support this conference report. One provision that I am the most enthusiastic about is the recreational fee demonstration program, an innovative program to allow the Fish and Wildlife

Service, the Bureau of Land Management, the Park Service, to establish a 1-year pilot program to allow managing agencies to utilize onsite recreational use and access fees. We need to give this kind of flexibility to these agencies for land management.

Mr. Speaker, this is a bill that provides a sound and fiscally conservative blueprint for the continued management of our public lands, and it deserves our support. Vote for it. Defeat the motion to recommit.

Mr. SKAGGS. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS], the Representative at Large.

Mr. WILLIAMS. Mr. Speaker, the National Endowment for the Arts and the National Endowment for the Humanities have enlivened the lives of Americans. Individual Americans have received wonderful things each year for less than the price of a milkshake. For that price, they have received the last 11 Pulitzer Prize winning plays. The Endowment has funded ''Driving Miss Daisy,'' ''Live From Lincoln Center.'' For the price of that milkshake, we received those two wonderful TV series, the ''Civil War,'' and ''Baseball.'' We preserved the papers of Thomas Jefferson. We got Garrison Keillor's ''Prairie Home Companion.'' We got the Vietnam Wall. Now, this shortsighted bill, a shortsighted Congress cuts those Endowments by 40 percent. It is wrong. It is wrong.

Mr. SKAGGS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

(Ms. FURSE asked and was given permission to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, because this bill guts the protection of the Northwest salmon runs, I oppose the conference report and I urge my colleagues to vote no.

Mr. Speaker, I rise to express my unmitigated opposition to this bill. This bill is so packed with ill-advised cuts that it would take me an hour just to list them all. Let me speak of just one outrage, the treatment of our Nation's sports and commercial fisheries.

First, this bill terminates three vital initiatives to protect fisheries habitat in the Northwest—pacfish, infish, and the Upper Columbia Basin assessment.

Second, this bill drastically slashes funding for land acquisition. If we are serious about protecting private property rights, we must purchase the lands necessary to provide the habitat for fish and wildlife.

And third, this bill terminates all funding for new species listings under the Endangered Species Act. We are simply putting our heads in the sand if we think that stopping agencies from listing species will somehow magically make the species healthy again.

On the west coast, we are struggling to reverse the decline of our world-famous salmon runs. These salmon once contributed more than $1 billion and 60,000 jobs annually to our regional economy, but, salmon fishing revenues have dropped by 90 percent because of declining populations.

To those of you who think that gutting funding for the ESA or habitat protection or land acquisition will help the economy, I say go talk to the unemployed fishermen and women in my district, go talk to the bankrupt tackle shop owners in Idaho, go talk to the thousands of recreational fishermen and women in this country who may never be able to catch a salmon in the Pacific Northwest again, go talk to the Native Americans whose culture and religion rely on salmon that will soon no longer exist.

Yes, we need to reduce the deficit. But the priorities in this bill are all wrong. We can do better than this. I urge my colleagues to vote no on this bill.

Mr. SKAGGS. Mr. Speaker, I yield 2½ minutes to the gentleman from West Virginia [Mr. RAHALL].

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

Mr. RAHALL. Mr. Speaker, I rise in very strong support of the motion of the gentleman from Illinois [Mr. YATES] to recommit this bill.

This appropriation bill for the Interior Department has the most tortured and longest history of any appropriation bill I think this body has ever witnessed. I think that tortuous history is well deserving, indeed. That is because the conference committee on this bill has consistently and in a most blatant fashion ignored the majority view of this body on the question of mining claim patents.

As the distinguished gentleman from Ohio [Mr. REGULA], the subcommittee chairman knows, this body has expressed its opinion quite clearly on mining law patent moratoriums in previous actions on motions to recommit, and on true mining law reform itself in the last Congress, when we passed a bipartisan and in a large measure true mining law reform that even had the support at that time of the current Speaker of this body. That was true reform. We have also voted for a true moratorium, which is not what we are talking about today at all. We are talking about a sham moratorium in this bill today.

There was in place during the last fiscal year a moratorium on the processing and issuance of these patents. In that true reform I referred to in the last Congress, we even ended the patenting process, again, clearly supported by this body.

This moratorium last year was put in place to halt a national scandal involving the Federal Government giving away billions of dollars worth of public lands to mostly foreign-controlled corporations, without the benefit of a royalty and for the sale price of $2.50 an acre.

The history of recommittal motions on this bill has already been stated many times during this debate. I shall not do that again at this time. But this moratorium, as I say, is a sham moratorium. It is a fraud. It is a mockery. Once again, I repeat, it ignores the views of the majority of this body, Republican and Democrat alike, that the American people deserve better from their Government. They do not deserve to be ripped off and the mineral wealth of this Nation plundered on the altar of corporate welfare.

Why is the pending mining claim patent language a fraud? First, and we have been through it already, apparently nobody in the conference committee ever heard of the Chadha decision. The pending language would lift the moratorium if minimal provisions relating to patenting are simply passed by both the House and Senate. They do not have to be enacted into law; no, simply passed by both bodies.

Second, the moratorium would be lifted if the sham mining reform provisions that will be part of the budget reconciliation package are enacted into law. That is not true reform.

This bill will most assuredly be vetoed by the President.

So this leaves us with a situation where, in order to lift the moratorium, all that would have to be done would be to pass a one-sentence bill by both the House and Senate, despite the questionable constitutionality of that action.

Too much is at stake here. And the will of the House has simply been ignored too many times on this issue.

This time, once again, I urge my colleagues to stand firm and vote, yes, vote once again, to recommit this conference report with instructions to maintain the fiscal year 1995 moratorium language.

Mr. REGULA. Mr. Speaker, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the subcommittee.

Mrs. VUCANOVICH. Mr. Speaker, I would like to thank the gentleman from Ohio [Mr. REGULA] for bringing this conference report back to the House. I rise in support of this revised conference report. This bill is 10 percent below last year's funding and within our budget allocation.

All of the rhetoric notwithstanding, the mining provisions in this bill are not a ''sham.'' The moratorium on issuing new mining patents is real. So much so, that I had to think twice before I decided I would support this conference report.

Those of us who support responsible mining in our country have moved toward mining law reform. We are willing to negotiate royalties and payment for patented land. How much of a royalty, and how much should be paid for the land—these are issues we will have to negotiate with the administration in budget reconciliation.

On the other hand, those who will vote against the bill are voting for the status quo. The question is whether we want to go forward or not. I, for one, do indeed want to make some progress on mining law reform. I urge my colleagues to reject the motion to recommit and support the conference report.

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

Mr. NADLER. Mr. Speaker, 1984 has come and gone, but Big Brother is alive

and well. It may seem like tilting at windmills to focus on this bill's restrictions on the content of art that the National Endowment for the Arts may fund, but we must not lose sight of the larger issue. Freedom of expression is the bedrock of our national identity.

This bill prohibits the NEA from funding art ''* * * which depicts or describes sexual or excretory activities or organs.'' Does the definition of ''sexual'' include kissing or holding hands? Does the prohibition against the depiction of sexual organs bar the works by Michelangelo? This language is probably unconstitutional. It is clearly blatant censorship. The new majority has declared deregulation and decentralization to be at the top of its agenda. I guess those lofty goals had a run-in with the Republican censors.

Along with censorship, the bill reduces NEA funding by 40 percent. When this body established the NEA, it said, ''* * * it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry * * *.'' Let us not forget that our constituents sent us here to protect their rights, not to clip away at their freedoms.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. NETHERCUTT], a member of the subcommittee.

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman for yielding me time and for his good work on this bill, the fiscal year 1996 Interior appropriations conference report.

As a new Member of Congress from the West—eastern Washington—and as a member of the Interior Subcommittee I have had the opportunity to work closely with those parties with an interest in land-use issues, including the mining patent moratorium.

The conference report before us is a fair agreement that reconciles the interests on all sides of the mining issue.

I would like to remind members that we currently live under the law of the 1872 Mining Act. This law must be reformed, however, it is inappropriate to impose a total moratorium on an appropriations bill because we don't like the law. The law should be and will be reformed outside of the of the appropriations process.

On September 29, the House voted to recommit the Interior conference report with instructions to impose a moratorium on the processing of mining patents. I did not support that motion, however the conference complied with the will of the House and reinstated the moratorium for all new patent applications. And consistent with the language in the bill last year, the conference agreed to grandfather those patent applications already in process. This is a fair agreement.

Before voting on this report, members should know that I am told the other body will not support a conference report that does not grandfather patents that were filed before the moratorium was enacted.

I emphasize again, if this conference report is passed and signed into law, no new mining patent applications will be processed. The will of the House has been met.

I also want to address the issue of logging in the Tongass Forest. The language in this conference report simply directs the Forest Service to proceed with alternative P. It may surprise some to know that alternative P was the Forest Service's own preferred management plan under the Bush administration. This plan will allow a sustainable yield of timber while protecting the environment.

I strongly urge all members to support the Interior conference report. It's a fair agreement and a good bill—vote against the motion to recommit and for the report.

Mr. SKAGGS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. VENTO].

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

Mr. VENTO. Mr. Speaker, I rise in strong opposition to this conference report and this action of this Congress, which is building on one of the worst environmental records of any Congress in recent history. It is a sad day to come here and to face the types of changes that are being proposed in this bill, and then to have them suggest that our House conferees actually did better in contact with the Senate counterparts in this bill. They certainly did not.

This bill upsets and interjects itself into almost all the professional decisions that have had great, great consideration of the past decade in terms of the environment, which have been debated. Furthermore, in this Congress we have not been given and afforded the opportunity, with all the hours that have been worked, somehow we could not find the time to deliberate and consider these bills on the floor in an open manner so we could debate them. No. What we have been treated to is one closed rule, one closed debate process after another, whether it has been on the rescission bill that dealt with the salvage logging issue, whether it has been in the reconciliation bill that the Republicans have put forth; no opportunity to even vote on some of the provisions on the House floor on these measures, and now in the Interior Appropriation bill and other appropriation bills repeatedly.

The authorizing committees in this Congress have been rendered irrelevant, by and large, in terms of this process. There are but just a few examples. That is what this really is all about, that the American public is not getting the benefit of the debate. The Members cannot work their will on these issues. They are presented with legislation logrolled into one enormous package of environmental changes, of landscape changes, sort of take it or leave it.

We might have a vote today on the mineral patent moratorium; which surely this bill does not uphold the will of the House in terms of that mining patent moratorium. It does not uphold the will of the House. In fact, beyond that, it goes in and interjects itself into decisions made by professionals, whether it is in the Bureau of Land Management and dealing with the roads in the West, or whether it is the grazing moratorium that is continued in here, on the moratorium on the Endangered Species Act barring the professionals from enforcing the law and doing their jobs.

Of course, it goes beyond that and adopts new policy, timber harvest mandates in Tongass, plus this bill further immunizes the rescission timber salvage process bill in terms of salvage logging that was written into the rescission bill last year. We told you it was bad then, and now we know, as we see it unfold, how really bad these salvage timber provisions are—logging without laws or common sense. This is not forest health, this is not fair. This is not the democratic way. This is not considering policy, basing judgments on issues' merits. It is basically destroying our landscape: Destroying the legacy of future generations.

It is a sad day when this Congress steps forward to begin to write these types of measures into law to be our policy. We are not fulfilling our role as diligent stewards. We are not protecting the natural resources.

This bill is not necessary to deal with the deficit in this country. This will leave an enormous environmental deficit in this country that you will not be able to repair in many, many decades to come. We should defeat this bill and send it back to conference.

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Mr. SKAGGS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would just like to make a couple of points. One is that the suggestion that when they went from 3.5 royalty to 5.5-royalty that somehow that is an increase in the royalty, but my colleagues really ought to know that there is almost 3.5 payment of royalty exceptions. That means that you will never really get that 5.5-percent royalty, because the companies will be allowed to deduct almost their entire operations, far beyond what is touted as the Nevada law, so that is a huge loophole.

The gentleman from Washington suggested that this takes us back to plan P on the Tongass National Forest and that was the preferred plan of the Forest Service. The fact is, that plan was never adopted by the Forest Service, and the fact is that since that time, this Congress of the United States passed a bill to better manage that forest, and that was done with Presidential signature.

So there is a lot of suggestions that somehow this is major reform, both in

mining and in forestry, but the fact of the matter is it is not. In mining, almost 300,000 claims that have not even made application for a patent are going to be exempted from a royalty should they ever decide to make an application for a patent. That is a loophole that you can drive the entire U.S. Treasury through.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. Mr. Speaker, I just want to take this opportunity to commend Chairman REGULA of the subcommittee and all of the staff and Members on both sides who have worked to try to come up with a compromise on this issue.

This has been a very difficult bill, and I realize that my friend, the gentleman from New York [Mr. BOEHLERT], is still not happy with it, and I will tell him that there are people who are pro-mining folks who are not happy with it either, and I suppose that there are always going to be people on both sides that are unhappy with this bill.

Mr. Speaker, I just want to give credit to the gentleman from Ohio [Mr. REGULA]. He played the role of Solomon. He divided the baby in half. If people on one side do not like it and people on the other side do not like it, it must be a pretty good compromise, because if it were too far to one side or the other, frankly, there would be no hope that it would pass.

So I urge all of my colleagues to take a look at the progress that has been made in these negotiations. It may not be everything one likes, it may not be everything one has hoped for, but this is a good bill, and in view of what is going on in the current political environment, it is very, very important that the conference report be adopted and passed today, that it will then go over to the Senate, that it be passed, and we can send this bill to the President for his signature or do whatever he wants.

The point is, there are a lot of people in the Park Service and a lot of the other agencies that are covered by this bill who, once this bill becomes law, will not have to worry about furloughs, will not have to worry about their next paycheck; they will get paid because the work of the Government under the Interior appropriations will be law, but only, only if we take this first step toward approving the conference report here today.

Mr. SKAGGS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am not sure whether the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee, wished to rest on the Biblical allusion that he recently invoked. I think actually the gentleman from Ohio has done better than dividing the baby in half, which would have been, or course, a mortal act. He has done well, given the restrictions that have been imposed on him.

Mr. Speaker, the problem with this bill is that the gentleman had lousy restrictions to work within. And so we really have decimated so many important programs that even, given his genius at trying to make this into a halfway respectable bill, even the good works of the gentleman from Ohio have not been sufficient to make this worthy of the endorsement of the House, whatever shape the baby may be in at this point.

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

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

Mr. Speaker, the chairman of the full committee is absolutely right. The gentleman from Ohio is probably as respected as any person in this House. That is why this is a very difficult position for those of us in the new majority.

The fact of the matter is, he tried very hard. The fact of the matter is he led this House before in voting to recommit with instructions on the mining section. The fact of the matter is, this House has not spoken previously on Tongass.

Mr. Speaker, I think we should maintain the House position. The House has already spoken. Ninety-one Republicans have done so in terms of the mining permitting section.

Mr. Speaker, it is this bill that will drive the reconciliation process. We can send a strong signal to those people so that they will get the message, so that they will deal with the mining permitting section in a responsible manner.

This issue is not whether or not we will have logging in the Tongass. We have logging now, more than 300 million board-feet per year. The question is whether it should be increased through unprecedented congressional action. In essence, a mandate from Washington, a mandate from Washington that the Governor has told us he does not want.

The motion to recommit is pro-taxpayer at a time when we are all talking about balancing the budget. That is the number one objective. If you vote for this motion to recommit, if we succeed in our mission, then we will bring additional revenue into the Treasury, which will help us in that very demanding, challenging task of balancing the budget. It certainly is pro-environment. All America is watching. They want us to be concerned about sensitive environmental issues.

Mr. Speaker, let me conclude by once again heaping praise on the distinguished gentleman from Ohio. He has done a masterful job, although there are some areas of disagreement. I would urge my colleagues to join me in voting for the motion to recommit so that we can make a pretty good bill even better.

Mr. REGULA. Mr. Speaker, I reserve the balance of my time to close.

Mr. SKAGGS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I have sought this time to join the others in throwing accolades upon the gentleman from Ohio who has done a very fine job with meager offerings. The job could have been better. The job can be better. If we are given the opportunity to again review the work that this committee has done, I believe we can come in with a much better bill.

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

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

Mr. Speaker and my colleagues, I think we have had an excellent debate on this issue, and certainly my good friend, the ranking member and former Chairman, made the point.

I just want to make sure everybody has all of the correct facts. We have heard this called a sham. Well, the Department of Interior said this: ''This amendment language would hold back a rush while Congress passes at least some form of mining law reform legislation.''

We have the Secretary of Interior, the Department of Interior saying, this is a good moratorium.

Let me read the moratorium that we put in in conference so that everybody has all of the facts. This is in the law, and they are attempting to send it back. I would say to the gentleman from Illinois [Mr. YATES], my good friend, when the gentleman says more, I do not know what more we can do. Because here is what the moratorium language says, and we did this at the direction of Members of this House, including myself:

> None of the funds appropriated or otherwise made available pursuant to this act shall be obligated or expended to accept or process applications for a patent, for any mining or mill site claim located under the general mining laws, unless legislation to carry out reconciliation instructions pursuant to a concurrent resolution on the budget for fiscal year 1996 is enacted into law and such legislation contains, at a minimum, provisions relating to the patenting of and payment of royalties on such claims or an agreement is approved by the House and Senate in identical form in other legislation containing provisions relating to patents.

Mr. Speaker, it is clear. It says, unless there is mining reform legislation in reconciliation which will have to be passed by a majority of both Houses and signed by the President that, otherwise, the patent moratorium stays in place. This is what this body requested that we do.

I think therefore it is important to understand that we vote ''no'' to recommit and we vote ''yes'' on the bill. It accomplishes that goals of budget reduction. It does it without hurting anything. It takes care of the important needs. There is no give-away, it stops the give-away of the mining patents that are presently taking place. As far as the Tongass is concerned, there is no

money to increase the cut despite what has been said out here. The cut will remain at 310, maybe a few thousand extra board feet.

Mr. Speaker, I would point out something else that we did in the conference, and that is we allow the planning to go forward on the Tongass. We allow the Forest Service to continue their planning process and to determine what is the best way long-term to deal with this resource.

Furthermore, it protects the Tongass because it gives the Forest Service the decision as to whether or not there should be additional cutting, because the language says that they can only cut to the maximum extent practicable, and that word practicable is determined by the Forest Service. So I think the control remains in the Forest Service. All the dire things that have been outlined here simply will not happen.

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

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I would inquire of the gentleman, will the gentleman agree with me that the Forest Service should not cut more than 310 million board feet?

Mr. REGULA. Mr. Speaker, that is right, and I do not think that there will be more than 310, more than that, because the money is not there, and the Forest Service has the judgment as to what is practicable.

Mr. Speaker, I urge my colleagues to vote against the motion to recommit. Vote for the bill. It is a good bill, it is a responsible bill.

Ms. SLAUGHTER. Mr. Speaker, today I rise in opposition to H.R. 1977, the Department of the Interior and related agencies appropriations bill for fiscal year 1996. Time and again, I have stood on the floor of this House to defend our Nation's modest, but vital investment in cultural, educational and artistic programs. As Chair of the Arts Caucus, I have watched the 104th Congress hammer away at the National Endowment for the Arts and we keep hearing the same ridiculous argument from the other side of the aisle. America can no longer afford to support arts or cultural institutions.

I simply cannot understand the priorities of this Congress when 1 minute we rush to dismantle the NEA, and the next we deliver 20 unnecessary B–2 bombers to the Pentagon, and then we sign away $7 billion the military didn't even ask for. The other week, several Members here were just ecstatic after passing a budget that will cost Americans billions of dollars in lost revenue and sinks our progress on deficit reduction. As long as the 104th Congress follows these budgetary priorities, no one can convince me that the decimation of the NEA is any kind of economic plan, or that it has anything to do with money.

My colleagues, we have all listened to this debate before, and we should all know this is not about deficit reduction or about what we can afford—this is all about philosophy, plain and simple. How many Government programs can point to an investment of 64 cents a year per taxpayer, which supports over 1.3 million jobs in nonprofit arts, and which yields $3.4 billion a year in tax revenue? To those who claim that Federal involvement is not needed, I would remind you that a few dollars from the NEA often come first before a museum exhibit, a ballet, an opera or a dance troupe receives any financial commitment from the private sector.

Mr. Speaker, of all the reasons why we should not eliminate the NEA, I cannot think of any one more important than the effect on our children. Throughout America and in all of our districts, the NEA routinely provides minority, at-risk and financially disadvantaged students their first exposure to arts, drama and theater. Thanks to NEA grants, some of our most troubled inner city schools have established innovative programs which emphasize art in teaching math, science and history. If we approve these cuts to the NEA, these and so many other projects in financially-strapped schools will be grounded immediately.

My colleagues, it is clear to me, and should be to all of you: the arts are a vital investment in our economy, our children, and in the future of our nation. There are numerous problems with the Interior appropriations bill, but I would ask each of you to seriously consider your vote today—to realize the message we are sending young people and to think about what legacy we are leaving behind. Don't sacrifice what's left of our Nation's cultural programs. Vote against this measure.

Ms. PELOSI. Mr. Speaker, I rise today to urge my colleagues to vote no on this conference report. This conference report rolls back decades of responsible stewardship of our natural resources through shortsighted funding cuts, overturning of existing laws, and abdication of our responsibility to preserve our natural lands for future generations.

Mr. Speaker, since 1872, the mining law has allowed more than 278 billion dollars' worth of gold, silver, and other metals to be taken from public lands in return for minuscule payments, according to the Mineral Policy Center. This conference report allows new patents, now blocked by the moratorium, worth more than $15.5 billion to follow the same giveaway trail.

This past September, the House voted 277 to 147 to reject this brazen example of corporate welfare and insist on maintaining a true patenting moratorium. The mining provisions contained in this conference report ignore the clear will of the House.

In addition to mining industry giveaways, this conference report contains numerous legislative policy riders which attempt to weaken existing environmental laws. The conference report encourages increased logging in the Tongass National Forest, places a moratorium on listing of endangered species, suspends grazing regulations, and cripples the National Biological Service.

In California, the conference report overturns the establishment of the new Mojave National Park Preserve by denying funding for its transfer to the National Park Service. Just 1 year ago, Congress voted overwhelmingly to establish the Mojave as one of the largest natural preserves. This capped 8 years of debate and compromise and was a significant victory for our natural lands.

Since passage, the Park Service has improved visitor services, resource protection, and law enforcement in the Mojave. Visitation to the California desert has increased significantly and has generated additional revenue in the surrounding communities.

By contrast, the conference report rider would transfer management of the Mojave to the Bureau of Land Management thereby eliminating or jeopardizing visitor services and safety, the processing of hunting, grazing, and mining permits, and the maintenance and protection of valuable park resources.

Mr. Speaker, taken as a whole, this conference report constitutes a massive assault on our natural heritage. It offers unprecedented levels of corporate welfare to the mining industry, encourages clearcutting of our ancient forests, and ignores the future health of both threatened and endangered species and their habitats.

I urge my colleagues to vote ''no'' on this conference report.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. YATES. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. YATES moves to recommit the conference report on the bill H.R. 1977 to the committee of conference with instructions to the managers on the part of the House to insist on the House position on the amendments of the Senate numbered 108 and 158.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 199, not voting 4, as follows:

[Roll No. 799]

YEAS—230

Abercrombie	Boucher	Coyne
Ackerman	Brewster	Cramer
Andrews	Browder	Danner
Baesler	Brown (CA)	Davis
Baldacci	Brown (FL)	de la Garza
Barcia	Brown (OH)	DeFazio
Barrett (WI)	Bryant (TX)	DeLauro
Bass	Cardin	Dellums
Becerra	Castle	Deutsch
Beilenson	Chabot	Dingell
Bentsen	Chapman	Dixon
Bereuter	Clay	Doggett
Berman	Clayton	Doyle
Bevill	Clement	Durbin
Bilbray	Clyburn	Edwards
Bilirakis	Coleman	Ehlers
Blute	Collins (IL)	Engel
Boehlert	Collins (MI)	English
Bonior	Conyers	Eshoo
Borski	Costello	Evans

Ewing
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
Latham
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NAYS—199

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bishop
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Fawell
Fields (TX)
Flanagan
Fowler
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Gingrich
Goodling
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kim
King
Kingston
Knollenberg
Kolbe
Largent
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martinez
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—4

Fields (LA)
Houghton
Tucker
Waldholtz

☐ 1735

Mr. PACKARD, Mrs. CUBIN and Mr. TIAHRT changed their vote from ''yea'' to ''nay.''

Messrs. WYDEN, POMEROY, BERMAN, NEY, SAXTON, PETERSON of Minnesota, SMITH of New Jersey, BILIRAKIS, BASS, TORKILDSEN, DAVIS, EWING, WILLIAMS, and LAHOOD changed their vote from ''nay'' to ''yea.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

LEGISLATIVE PROGRAM

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

Mr. ARMEY. Mr. Speaker, I ask for this time for the purpose of announcing the schedule.

Mr. Speaker, I appreciate the time given to me by the Members so that I might be able to advise our Members about the program for the rest of the evening.

Mr. Speaker, in just a moment, we will be asking that the House go into a recess. The recess should last until 6:30 or sometime between 6:30 and 7.

During that time, the Committee on Rules will be meeting. The Members should be prepared for the House to reconvene on additional business between 6:30 and 7. We would be at that point taking up, if there is additional business, we will be taking up an hour's debate on a rule so that the Members should be advised that they should anticipate another vote this evening and perhaps another two or three votes this evening, but that the first vote would be at around 7:30 or thereabouts, assuming we can come back from the recess at 6:30.

We would have an hour's debate time on a rule between now and then. Any further business could take us to as late as 10 o'clock this evening.

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

Mr. ARMEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the majority leader for yielding.

I would just like to ask, as you know, there is considerable discussion about a possible continuing resolution this evening. When might we get the language that the gentleman is talking about so that we have some opportunity to review it before we are asked to debate it?

☐ 1745

Mr. ARMEY. Mr. Speaker, the language we are discussing will be at the Committee on Rules, and they will be taking it up when we go up. Obviously the gentleman will have a keen interest in that, and we would try to make sure that the gentleman has a copy as well at the Committee on Rules.

Mr. OBEY. Is there any opportunity to get that language before we get up to the Committee on Rules, so we know what it is we are being asked to do in the Committee on Rules?

Mr. ARMEY. We will try to get the gentleman a copy as soon as we have it.

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

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, could the majority leader advise the rest of the Members what he anticipates for the rest of this week in the way of legislation on the floor?

Mr. ARMEY. I thank the gentleman. We do anticipate we will take up the gift ban and the lobbying reform bills tomorrow. We would expect conference reports, of course, at any time, and do anticipate some conference reports. Then, of course, on Friday we anticipate the House considering the Balanced Budget Act of 1995.

Mr. BONIOR. May I ask the gentleman from Texas if he anticipates the Hefley bill to be brought up with respect to Bosnia?

Mr. ARMEY. I appreciate the point. Yes, it is possible. Members should be advised it is possible that the Hefley bill will be brought up later this week. I cannot give the gentleman any definite information at this time.

Mr. BONIOR. Could the distinguished majority leader tell us what plans he has for the Members on this weekend?

Mr. ARMEY. I thank the gentleman for asking. As the gentleman knows, we would expect to pass the Balanced Budget Act out of the House on Friday. We would send it over to the other body. We would anticipate their action, and we would need to be prepared to act on any alterations they might make.

I am telling Members on my side to be prepared to stay here perhaps Friday night, and perhaps even Saturday. As a matter of fact, I have even cautioned Members that the possibility of

a Sunday session would not necessarily be out of the question, but I would hope that that would not be the case.

Mr. BONIOR. I thank the gentleman.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 6:30 p.m.

Accordingly (at 5 o'clock and 47 minutes p.m.), the House stood in recess until 6:30 p.m.

□ 1838

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCINNIS) at 6:38 p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of Rule I, the House will stand in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1945

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 7:45 p.m.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate recedes from its amendment numbered 115 to the bill (H.R. 1868) ''An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes.''.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2020) ''An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes.''.

The message also announced that the Senate recedes from its amendment numbered 132 to the above-entitled bill.

REREFERRAL OF H.R. 2552, JAMIE WHITTEN WILDERNESS AREA, TO THE COMMITTEE ON NATIONAL SECURITY

Mr. STUMP. Mr. Speaker, I ask unanimous consent that the bill, H.R. 2552, a bill to transfer the Tatum salt dome property to the State of Mississippi to be designated by the State as the Jamie Whitten Wilderness Area, be rereferred to the Committee on National Security.

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

There was no objection.

COMMUNICATION FROM CHAIRMAN OF THE DEMOCRATIC CAUCUS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Democratic caucus:

HOUSE OF REPRESENTATIVES,
DEMOCRATIC CAUCUS,
Washington, DC, November 13, 1995.

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

DEAR MR. SPEAKER: This is to inform you that Representative Mike Parker is no longer a member of the Democratic Caucus.

Sincerely,

VIC FAZIO,
Chairman.

COMMUNICATION FROM THE SPEAKER

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

HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 1995.

Hon. BUD SHUSTER
Chairman Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Mike Parker's election to the Committee on Transportation and Infrastructure has been automatically vacated pursuant to clause 6(b) of rule X, effective today.

Sincerely,

NEWT GINGRICH.

COMMUNICATION FROM THE SPEAKER

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

HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 1995.

Hon. JOHN R. KASICH,
Chairman, Committee on the Budget, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Mike Parker's appointment to the Committee on the Budget has been automatically vacated pursuant to clause 6(b) of rule X, effective today.

Sincerely,

NEWT GINGRICH.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 265 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 265

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on rules on the same day it is presented to the House is waived with respect to any resolution reported on or before the legislative day of November 23, 1995, providing for consideration or disposition of any bill or joint resolution that includes provisions making further continuing appropriations for the fiscal year 1996, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon. In no case shall this resolution apply to a resolution providing for consideration or disposition of a bill that is a reconciliation bill within the meaning of section 310 of the Congressional Budget Act of 1974, any amendment reported in disagreement from a conference thereon.

The SPEAKER pro tempore. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. Beilenson], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 265 waives clause 4(b) of rule XI—which requires a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee—against the same-day consideration of resolutions reported from the Committee on Rules on or before the legislative day of November 23, 1995, for the consideration or disposition of any measure making further continuing appropriations.

In addition, the rule clarifies that the provisions of House Resolution 265 do not apply to any reconciliation measures.

Mr. Speaker, House Resolution 265 is an expedited procedure to facilitate the same-day consideration of urgent legislative matters. The Rules Committee does not waive the two-thirds requirement very often—10 times by the last Congress under a Democratic majority, and considered and adopted 5 of those times by the full House—and the committee has been very diligent in reserving this waiver for only the most urgent fiscal year matters this Congress—twice this year—and only considered this one time today on the floor by the full House.

House Resolution 265 is necessary to expedite legislation to pay the Federal Government's bills and allow furloughed Federal employees to return to work as quickly as possible. The House has now passed all 13 requisite appropriations bills. While differences over the remaining 10 or so individual spending bills that have not been signed into law are being negotiated

with both the Senate and the President, it is important that the House be able to act immediately on the floor to consider any rule that deals with providing funds for the urgent matter of expired appropriations. I urge adoption of House Resolution 265.

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

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Florida [Mr. DIAZ-BALART] for yielding me the customary 30 minutes of debate time.

Mr. Speaker, we do not object to this rule. We think it is reasonable, as we did in the past when our Republican colleagues supported our requests to waive the two-thirds vote requirement. Of course, we should not even be in a position of debating it tonight. The only reason it is necessary for us to do so is that the Republican controlled Congress has been unable to do its most basic job, and that is to pass appropriations bills. That is why we are here considering this waiver of a standing rule of the House.

The public is wondering what we are doing, as they should. The arguments we will be considering in the context of the next resolution over such a controversial provision as how to reach a balanced budget should be taking place in the context of the budget reconciliation bill, legislation which the House and Senate have in fact already passed.

There is no need to encumber the continuing resolution with this extraneous provision which will be considered where it should be, in the conference report on budget reconciliation, which should be before us on Friday.

We ought to do now what we could have done last week, pass a continuing appropriations measure that is clean and straightforward. The gentleman from Wisconsin, Mr. OBEY, the ranking member of the Committee on Appropriations, has attempted several times to gain unanimous consent to bring his legislation to the floor for that purpose but unfortunately has repeatedly been denied that request.

We repeat, we Democrats remain willing and ready to expedite in a reasonable and responsible manner the business of the House.

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

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

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

Time is of the essence with this. Federal workers have been sitting home the last couple of days. They want to resume their jobs. They want to continue on with governing, which is what this is all about. For Members who believe we should get our Government back up and operating, this rule makes sense. This is urgent legislation, as my colleague noted earlier in his remarks. This is one of the few times we would waive this rule, but I think that we can get a bipartisan yes to this rule and hopefully to the resolution that will follow.

As I said before, Federal employees want to return to work. They are eager to get on with their business. Many employees, even if they are with funded agencies at this point or are deemed essential employees under the law, are still unable in many cases to perform their work because of other limitations in procurement and hiring and firing that take place because we do not have continuing resolutions in effect. So, should the rule come forward and this resolution be passed and sent to the President, all of this will be resolved should the President sign it.

I think the subsequent resolution is something that the President should sign. The continuing resolution will make sense for several reasons. First of all, the funding levels contained here are adequate for the Federal Government and the District of Columbia government to continue for the next 18 days. There is no dip in the funding that will cut education, that will cut the environmental programs for 18 days and that should hinder that. It is certainly better than what we are being funded today.

Second, it will get our Federal employees back working tomorrow. Third, it strips the Medicare and other riders that the President and the administration have deemed superfluous and have said are unacceptable. We have taken those out.

Finally, it mutually, mutually commits the Congress, both the House and the Senate, and the President to balance the Federal budget with CBO numbers over the next 7 years. This should be no problem for this Congress or Members of both sides of the aisle who have professed to stand for this and for the President who on numerous occasions has said he is for a balanced budget and accepts CBO numbers.

I rise in support of this rule and the subsequent resolution.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 122, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–343) on the resolution (H. Res. 270) providing for consideration of the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR THE CONSIDERATION OF HOUSE JOINT RESOLUTION 122, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 270 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 270

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 1996, and for other purposes. The joint resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit without or without instructions. The motion to recommit may include instructions only if offered by the Minority Leader or his designee.

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

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. DREIER. Mr. Speaker, this rule provides for consideration in the House without intervening points of order of the joint resolution making further continuing appropriations for fiscal year 1996 through December 5, 1995. The rule provides for 1 hour of debate equally divided between the chairman and ranking minority member of the Committee on Appropriations and further provides that the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit with or without instructions.

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The motion to recommit may include instructions only if offered by the minority leader or his designee.

Mr. Speaker, this continuing resolution is not the legislation that will bring us a balanced budget in 7 years. However, the political confrontation that has preoccupied this city and the national media, if not all Americans for the last few days, has been about one simple, but fundamental issue—balancing the budget.

The continuing resolution we will consider this evening will fund the Government for 20 days. Taken alone,

that may not seem like much. However, it is extremely significant because it will give Congress and the President more time to pass the regular spending bills, and a balanced budget reconciliation bill, to get the Government on a realistic glidepath to a balanced budget.

Frankly Mr. Speaker, it is taking us more time than we would like to pass those appropriations bills. We have run this House in a much more open manner than it was operated under the old majority. There have been more amendments and more open rules. The open process delayed the House. The result has been that we have worked more days and cast more votes than past Congresses. Along with the other body carrying out its constitutional role of slowing down the legislative process, it is simply harder to craft appropriations bills when you are operating within the constraints of a balanced budget. You can not just throw money at every problem.

As those who served on the other side of the aisle for many terms as members of the old majority certainly know, past Congresses often used continuing resolutions to provide spending authority in lieu of regular appropriations bills. For example, in 1987 and 1988, all of the appropriations bills were wrapped up in a year-long continuing resolutions. In addition, legislative add-ons were a common occurrence.

The administration precipitated this confrontation for political reasons. They looked at polls and saw that picking a fight over Medicare, even if there really were no Medicare reductions in the bill, was good for the President. Even the New York Times called the administration's Medicare charges purely political. The administration placed a Medicare attack strategy ahead of a balanced budget work strategy.

Mr. Speaker, the administration has called for a higher rate of spending for programs that were eliminated in the House and Senate appropriations bill. While a clean continuing resolution would not normally provide funding when the House and Senate both voted to eliminate the program, the original bill did provide 60 percent funding in the spirit of compromise. Calls for higher funding belie the true intention to simply continue with the status quo rather than have a clean continuing resolution.

Mr. Speaker, the overriding issue is whether we will have a balanced budget. This Congress was charged by the American people in an historical election to balance the Federal budget and restore the future for America's children. That is hard work as we found out. We can do it in 7 years, while letting programs like Social Security, Medicare, Medicaid, school lunches and student loans grow—just not as fast as some people in Washington would like. That is the mandate of the 1994 election, and that is a responsibility we will not discharge.

Balancing the Federal budget is not a trivial issue. It is about the role of Government and our Nation's future. While some oppose balancing the budget, and hope and pray that we fail, we want this to be a bipartisan, unifying way that includes the President. He repeatedly says that he supports a balanced budget. He called for a balanced budget in 5 years in his campaign when he was running in 1992, and has hinted that he would even support the idea that it can be balanced in 7 years. He should sign onto this fundamental compact with the American people.

Mr. Speaker, we must keep our eyes set on our ultimate goals. We will balance the Federal budget, save the Medicare system for a generation of retirees, end welfare as we know it, and implement a tax cut for families that increases the take home pay of workers and creates private sector jobs.

This rule will permit the House to approve a fiscally responsible continuing resolution so that we can get back to accomplishing those critical goals without unnecessary diversions. I urge my colleagues to support this rule so that we can proceed with balancing the budget.

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

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

Mr. Speaker, I thank my colleague from California for yielding me the customary half hour.

Mr. Speaker, this is staring to get ridiculous. This bill is as dead as dead can be, but my Republican colleagues are determined to waste time on it anyway. President Clinton said that he would veto any continuing resolution with extraneous provisions, and I believe him.

So why are we wasting time on this one? Why is the Federal Government still closed? Why did 200,000 seniors who tried to call the 1–800 helpline for Social Security get no help today?

Why were over 7,000 American veterans unable to file claims today? Why were 781,000 people turned away from national parks and monuments?

Why were 99,000 tourists shut out of Smithsonian Museums, the National Zoo, the Kennedy Center, and the National Gallery of Art?

Why were 45,000 Americans unable to get their passports? Why were 700 recruits unable to enlist in our Nation's Armed Forces?

Because, Mr. Speaker, my Republican colleagues insist on playing partisan games with this continuing resolution. They insist on attaching totally unrelated provisions designed to make a political point.

Mr. Speaker, the sole purpose of a continuing resolution is to keep the Government running while Congress works to pass the appropriations bills. A continuing resolution should not be used to further a political agenda. A continuing resolution is not to blackmail the President.

Mr. Speaker, a continuing resolution should be clean and bipartisan, plain and simple. But this one is not.

Well, Mr. Speaker, the American people expect more from Congress. They expect House Republicans to stop fiddling around and get the job done, and it could be very, very easy.

Democrats and Republicans can pass a clean continuing resolution right this minute. The President will sign it, and the Federal Government can start up again.

Mr. Speaker, I strongly urge my colleagues to stop these political games. Defeat this ridiculous rule. Let us give Americans their Government back.

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

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Appleton, WI [Mr. ROTH], who is the chairman of the Subcommittee on International Economic Policy and Trade.

Mr. ROTH. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding this time to me.

Mr. Speaker, I feel the President is going to sign this new CR, and the reason I say that is because there is a Russian proverb that says two mountains can never come together, but two men always can. I believe the Congress and the President, if they will use good faith, can come together. The reason I think the President is going to sign this bill is because no one wants to see the Government shut down.

Now as I see it, Mr. Speaker, our side has made a good-faith effort. We did send the CR to the President, and the President has vetoed our first initiative. Now here we are with a continuing resolution. A balanced budget is our commitment on this side of the aisle, and, quite frankly, to be fair with President Clinton, he also has put forth a balanced budget as his commitment, as he said in the 1992 Presidential election, that he will balance the budget inside of 5 years.

Mr. Speaker, I believe that in politics today a person's or party's word must be their bond. We gave our commitment to the American people that we would balance the budget in 7 years. The President said that he was going to do it in 5.

Now here we have before us a resolution, and basically this is the bill, H.J. Res. 122, and a short paragraph in the back basically states that the President and the Congress shall enact legislation in the 104th Congress to achieve an unified balanced budget not later than fiscal year 2002 as scored by the nonpartisan Congressional Budget Office.

I think it is plain, it is straightforward, and I do believe that the President is going to sign this legislation because basically what we want to do is not only have our essential people work. Do my colleagues know essential people working for the Government are working now, but nonessential people are not, but both are getting paid, essential and nonessential? So we have

people working for the Government whether it is in mail, or whether it is in medical care, whether it is in Social Security checks going out, welfare benefits, veterans' hospital. All the essential people are working.

Let us pass this legislation and allow the nonessential people to go back to work because they are getting paid.

Mr. MOAKLEY. Mr. Speaker, I yield 10½ minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations and the former chairman of the committee.

Mr. OBEY. Mr. Speaker, we are here tonight, not because we do not have a 7-year commitment to a balanced budget and not because lots of other things have not happened. We are here tonight for one very simple reason, because this has not happened. This chart represents each of the 13 appropriation bills which are supposed to pass in order for the Congress to fulfill its obligations. We have only passed three. So, Mr. Speaker, we have over 90 percent of the Government represented by these 10 appropriations bills still not passed through the appropriations process. Most of those bills have been hung up because of the fights over extraneous issues such as the Interior bill that went down today because the majority party insists on continuing to reward Western mining interests with huge boondoggles. We have abortion tying up other bills. We have the Labor-HEW bill tied up simply because the Senate Republicans are so embarrassed by the extreme nature of the bill that passed the House that they would not even take it up. It is not the Democrats who will not take it up in the Senate, it is the Republicans.

Mr. Speaker, I do not say that to point fingers. I say that simply to point out facts. This is our problem, not what is happening in some other committee on long-term budget problems. Our problem is that the Congress simply has not done its work.

Mr. Speaker, first we were told earlier in the week that the way to solve this was to double Medicare fees, and so for 2 days our Republican friends said we are going to hold the Government hostage until we double Medicare fees. Well, they decided they were getting burned on that in the court of public opinion, so now they have found a way to try to shift the argument, and, no, I will not yield until I finish.

I was shocked to see in the Associated Press an article which I think tells us why we are really here in what is the functional equivalent of an institutional temper tantrum, and I want to read this for my colleagues, Washington (AP), dateline today, Reporter Jill Lawrence:

An angry Newt Gingrich said Wednesday that Clinton administration snubs during lengthy flights to and from Yitzhak Rabin's funeral led to this week's budget impasse and government shutdown.

House Speaker Gingrich and Senate Majority Leader Bob Dole have been simmering ever since their 25 hours in the air early this month.

''Both of us got on that airplane expecting to spend several hours talking about the budget and how do we avoid the shutdown,'' Gingrich said. ''Every president we had ever flown with had us up front. Every president we had ever flown with had talked to us at length.''

The lack of contact and their having to exit through the rear of the plane were ''part of why you ended up with us sending down a tougher continuing resolution,'' Gingrich said in an extraordinary exchange with reporters at a breakfast meeting.

□ 2015

He then went on to admit ''This is petty. I'm going to say up front it's petty, and Tony,'' meaning Blankley, his press secretary, ''will probably say that I shouldn't say it, but I think it's human.'' Well, it may be human, but it is dead wrong, given the serious consequences facing this country.

Who are we kidding when people say, as someone just did, that it was the President who precipitated this crisis? The Speaker was quoted on April 3 as saying the following: ''Gingrich boasted that the President will veto a number of things and will then put them all in the debt ceiling, and then he will decide how big a crisis he wants.''

That was said on April 3, not after the President vetoed the continuing resolution. So I really think what we are looking at here tonight is the functional equivalent of an institutional temper tantrum brought on by the hurt feelings of the Speaker of the House because of his airplane episode. I think he ought to come down to earth and think about what the consequences are going to be for people on the surface of this globe, and they are not very pretty.

I also want to raise some basic questions about the wisdom of tying ourselves into a 7-year promise. If I thought that that 7-year promise would be kept, I would say by all means, let us make a promise right now to balance the budget in 7 years. But I want to point out, we have had a number of multiyear promises before.

In 1981, we had a promise from the President, President Reagan, that if we just passed his budget, we would balance the budget in 4 years. After it was passed, the President's Secretary of the Treasury, Donald Regan, said, ''This is our program. It is now in place.'' This chart demonstrates the difference between the promise and the performance. They promised to take the deficit down from $55 billion down to a $1 billion surplus, does that sound familiar, in 4 years. They only missed by $185 billion.

So then they produced Gramm-Rudman I. They said, ''Okay, we are going to make a 7-year promise. We are going to get to zero,'' from what was then a $172 billion deficit down to zero in 7 years. They passed it. They only missed by $220 billion, represented by these red bars here.

Then they said, ''Okay, we are going to try it again, baby,'' so they passed Gramm-Rudman II. That was a 5-year promise to get us down from a $144 billion deficit down to zero by 1992. You know what? They only missed by $290 billion.

So I would say, beware of those bearing multiyear promises.

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

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

Mr. MOAKLEY. Mr. Speaker, is the gentleman saying ''million'' or ''billion''?

Mr. OBEY. ''Billion.''

Mr. MOAKLEY. With a ''B''.

Mr. OBEY. With a ''B'', a big B. It fits with the big baloney we are being told to slice here tonight.

What we are being told is that we should buy into another multiyear promise, but I want to know what assumptions are behind that promise. How much are you planning to cut Social Security in order to get there in 7 years? How much are you planning to cut education, and how much will that squeeze educational opportunity for young people today? How much are you going to be providing in taxes to your rich friends?

Do we really have to buy into those assumptions in order to get a balanced budget? I do not think so. I am perfectly willing to sign on, in a minute, to a balanced budget if you will remove your tax cuts, if you will provide the President with a line item veto that applies to tax gifts as well as appropriations, so that he has all of the goodies that he can eliminate in order to hold to that timetable.

I am willing to do it if you have a civilized and fair distribution of burden on taxes and on education and all the rest. But I am not willing to buy into a 7-year timetable just on vague promises, buy into a 7-year promise with a blindfold on, simply based on your promise that you are going to get it right this time when you screwed it up three times before.

I would suggest we ought to quit all of the fancy promises, we ought to quit all of the past history, now that I have corrected some of the misstatements that we have had all day here, and what we ought to ask ourselves is one simple question: whether we will do what is right tonight, whether we will do what is right tonight to create a better future for our kids tomorrow. That is the choice before us.

Mr. Speaker, I urge the Speaker, get over your personal pique, get over your hurt feelings about an airplane trip, grow up, and do what this country expects, which is to meet the immediate needs of the country in the fairest way possible.

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

Mr. OBEY. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, my friend, the gentleman from Wisconsin, I would ask him, these charts he has here on the broken promises, who was in control when all those promises were made? Who was in control?

Mr. OBEY. The Republicans controlled the Senate and Democrats controlled the House and the White House.

Mr. ROTH. No, you were in control for 40 continuous years.

Mr. OBEY. Mr. Speaker, I would say to the gentleman, he is smart enough to know history. Do not rewrite it. You and I both lived it.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Metairie, LA [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I appreciate my good friend, the gentleman from California, yielding time to me. I certainly rise in support of the rule. I think it is a good rule. I commend the Committee on Rules for its work.

Mr. Speaker, I was hoping my friend, the gentleman from Wisconsin, would have left me his charts. I wanted to talk from them, but he walked off with them. Mr. Speaker, it is interesting to look at those Gramm-Rudman years. The fact is that our other friend, the gentleman from Wisconsin [Mr. ROTH], was right on the money. Back then, the Gramm-Rudman bill was primarily prompted by the Reagan administration and Members of Congress on both sides of the aisle who supported the Gramm-Rudman initiative were primarily Republicans, and we were in the minority.

In fact, Gramm-Rudman, if I recall correctly, got it start in 1987, which was after the Republicans were no longer in control of the U.S. Senate. By the way, 1987 and 1988 were the 2 years when all 13 appropriations bills were placed under continuing resolutions.

It was also the 2 years that led to the break from the Reagan years when we were downsizing the budget, that put us on an escalating path toward increased deficits. They are also the years that led up to a tax increase, in conjunction with the majority party meeting at Andrews Air Force Base in 1990, which gave us continued deficits, and an end to Gramm-Rudman. Because of the constraints, the straitjacket of Gramm-Rudman was ripped apart, so that the gentleman who did not support Gramm-Rudman and did everything, along with so many other Members of the then-majority of the House and the then-majority of the Senate, to just simply disregard Gramm-Rudman.

Spending under the majority party's governance in both the House and Senate went up drastically. Gramm-Rudman did not work, because the majority did not abide by it. Now they are in the minority for exactly that reason. Finally, the American people said, ''Okay, you have had your time at bat, 40 years at bat is enough, let us give somebody else another chance.''

The Republicans are in control. We are taking this country toward a balanced budget by the year 2002, with or without you, with or without the President of the United States, without their cooperation if necessary, but we are going to get there. There are going to be a lot of Democrats that are going to support us. There are going to be a lot of Republicans, Democrats, and independents around this Nation that are going to support us.

The bottom line is the downpayment is being made, no smoke, no gimmicks, no mirrors, no distortion. We are working within a balanced budget glide path to the year 2002, and our children and our grandchildren will prosper because of it.

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

Mr. LIVINGSTON. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, I just want to make two points. The gentleman from Louisiana is one of the hardest working Members of this body, and when people say, ''Hey, we have not done our work,'' I used and he used this card 797 times this year. Two years ago we used it about 500 times. I want to ask the gentleman this question: Does he not think the President is going to sign it? The President on his campaign trail says he is going to balance the budget in 5 years. The gentleman is giving him 7.

Mr. LIVINGSTON. If the gentleman will continue to yield, 7 years. Mr. President, I hope you sign the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, just to correct the misstatement of history, Gramm-Rudman was passed in 1985, not 1987. The Republicans controlled the Senate when it happened. That is why it is named Gramm and Rudman.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jesey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I want to urge my colleagues to defeat this rule on the continuing resolution, because it does not allow an amendment that would take out the budget language that is objectionable to the President.

Mr. Speaker, I think it is wrong for us to cut back or close down on Government agencies because of a disagreement in this House over the budget. That is essentially what we have here. The President says that he does not want to be bogged down by this 7-year budget language and the language that is in the CR with regard to the Congressional Budget Office.

I personally feel that the budget is wrong, as I have said many times, because it cuts Medicare in order to pay primarily for tax cuts for the wealthy. But I think that what we really should be doing is allowing a continuing resolution to pass that is clean, that does not get involved in the budget battle, and spend the time over the next few days or the next few weeks trying to come up with a compromise on the budget that is acceptable to both sides and that is acceptable to the President.

What is happening now is that basically the American people are being asked to pay the price of the bickering that is going on in this House, that is going on, I should say, in this Congress. It is simply not fair. We know a lot of people came down to Washington the last couple of days and they want to see the monuments. Some of them had been waiting for the bill a year or two to do that. I have people in my office that have not been able to apply for Social Security benefits, for veterans' benefits, those who wanted to join the Armed Forces who have not been able to see a recruiter.

What the Republican leadership is basically saying is that ''You have to have it our way. You have to go for the 7-year budget. You have to go with the CBO estimates. Otherwise, we are going to continue to close down the Government.'' They are essentially holding the Government, if you will, hostage to their view of the budget. It is not the proper way to proceed. We know there are disagreements on the budget. The way this rule provides, it does not allow for a clean CR. I think it is wrong, and for that reason it should be defeated.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my very good friend, the gentleman from Fairfax, VA [Mr. DAVIS], chairman of the Subcommittee on the District of Columbia.

Mr. DAVIS. Mr. Speaker, I thank my good friend for yielding time to me.

Mr. Speaker, I voted with the minority on Monday to recommit this bill and send a clean resolution to the President. I thought it was junked up. I wanted to get the Federal Government working again. I felt there were some extraneous matters that did not belong there.

But having said that, let me note that continuing resolutions with extraneous matters is not new to this body on the other side of the aisle. The nuclear waste policy amendments were put on in 1988, the Boland amendment, called the Central American Nicaraguan Promotion of Democracy Act were put on in about 1987, along with 8 other riders.

In 1984 we put on a comprehensive crime control act; in 1983, language designating part of the New Jersey Turnpike as part of the Interstate Highway System was put on a continuing resolution, as was a pay raise for House Members, as was the Ted Turner amendments, giving him tax breaks for cable operators; and in fiscal 1982, tax breaks for Members of this body were put on. So this has happened before, and Members on the other side are not being fair to say let us get a clean resolution now, when that has not been their history.

Having said that, let us get to where we are today. I hope what I am not hearing on the other side is, do it our way or no way. This side is showing flexibility. We have come back with another resolution, in light of the fact that the President would not sign what

was sent to him earlier. It is hardly an extraneous resolution.

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

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

Mr. WYNN. Mr. Speaker, I think we have some of the same concerns, representing probably more Federal employees than any other Members in this body.

□ 2030

I am concerned when I turn to the last page. I want to understand what kind of commitment we are making. Quite frankly, while I can live with a balanced budget and think we probably ought to get there, I am not willing to accept $270 billion cuts in Medicare nor am I willing to accept certain tax breaks.

Do you interpret this language to mean that we are making commitments to essentially your budget?

Mr. DAVIS. As my friend knows, I opposed the tax cuts. I was 1 of 10 Members on this side to oppose that. I understand all of that will be on the table. All of that will be on the table. This does not commit you to vote for $270 billion in tax cuts. It does not commit you to vote for Medicare cuts. It is on the table to be negotiated between the President and Congress.

This is hardly blackmail. It is clean, simple. If the President vetoes this resolution, it is going to be clear it was not Medicare that led him to veto the last resolution. Medicare is not in here. It is not in here at all. It was not educational cuts. There is enough money in this resolution to keep the Department of Education running at present levels over the next 18 days. It was not the environment, because there is enough money in here to keep the EPA running for the next 18 days, which is what this resolution provides for.

So the excuses that were used for not signing the first resolution are not here in this case. It would only be because the President would not care about continuing the operations of government and would not care about balancing the budget, and I do not believe that. I do not believe that. I think the President will do the right thing. I think he will do the right thing for the country. I think he will do the right thing for Federal employees. I think he will do the right thing for the children and for our Nation's future by signing this resolution, this continuing resolution to keep the government going. I intend to support it.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

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

Mr. Speaker, I just wanted to talk a bit more about some of the really awful things that have happened by this government shutdown. Today in my State of Colorado they had to issue an emergency request for blood supply, for blood supply, because this happens to be the time when they run the blood drive at the Federal center, and so many Federal employees give so generously, and during the holiday season we have all sorts of people come to visit, and they feel that if they do not get 400 units of blood a day during this period, we are in dire straits during the holiday season.

Now, we in our office have been asking people in Colorado to, please, go donate because this is very, very critical. But that is one more impact on top of people phoning our office day and night with all sorts of crises, from passports on, trying to figure out what to do.

I must say tonight I was very angry to look at the AP wire and see a headline saying the House Speaker says that the Air Force 1 snub led to the government shutdown, and he said that morning at a breakfast, according to the AP wire, that the reason he felt obligated to shut the government down was that the President did not come chat him up or chat with him when he was on the way to the funeral.

Now, I find this absolutely amazing.

Number one, it was a funeral for a head of State.

Number two, you had prior ex-Presidents sitting with the President and on, but to have that kind of temper tantrum and go through all the turbulence we have gone through this week is immaturity beyond belief, and I think this whole body deserves an apology if this story is correct, and it is not correct, then I hope the Speaker comes and corrects it.

Because, really, the turbulence and what has happened to the lives of those 800,000 people who have been thrown out on the street, what is happening to the taxpayers who are going to be paying those 800,000 people, thank goodness, but they are getting less service, they are going to be paying more money. And all of this is absolutely crazy.

But to read that it is all about ego, all about ego, when, according to this story, the Speaker was accorded all sorts of privileges no one else had. He got to bring his spouse, when the prior Presidents did not get to, which other people did not get to. He got all of those. But it seems it was not enough.

So I think there are days when I feel like I am in kindergarten or in a day care center. When I read about these kinds of tantrums, then I get these kinds of emergency cries saying the blood supply in Colorado is in jeopardy because of this issue, I am really disgusted, and I certainly hope we get some clarification of this AP wire story tonight.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Vienna, VA [Mr. WOLF], who, as chairman of the Subcommittee on Transportation Appropriations, understands how tough the work is to balance the budget.

Mr. WOLF. Mr. Speaker, I rise in strong support of the resolution. Quite frankly, this body has become a partisan pit, and this town has become a partisan pit.

There are Members on our side who think we have too much. I think they are wrong. There are Members on this side who think we are asking too much of the President. I think you are wrong.

Merely what this does, it says in 7 years the President shall commit. It does not say how to reach a balanced budget, and I say to the gentleman from Wisconsin [Mr. OBEY], the chairman, talked about Gramm-Rudman and all those things. I understand. What he said may have had some points. The times have changed. The American people, both Republicans and Democrats and liberals and conservatives, want a balanced budget. So all we are doing tonight, and I would say to both sides, come together, work together, all we are doing tonight is voting to open up the government tomorrow so the social security checks can go out, the veterans can get their things and all the government workers can go back to work then the President says, ''Yes, I agree,'' as he said many other times, that we are going to have a balanced budget in 7 years.

It does not say how; it does not say how; it does not say how. it just says when, and when is the year 2002.

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

Mr. WOLF. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Are you saying to this House that the tax cut is going to be on the table, the $270 billion cut in Medicare is going to be on the table and negotiable, the doubling of the premium?

Mr. WOLF. That is why the American people cannot stand this place and cannot stand this town. That is not what I said.

I said we are doing tonight a continuing resolution to keep the Government open and merely saying to the President that we can come together in a bipartisan way. We throw the word ''bipartisan'' around this body. Very few people seem to meet it in this town. It says we will come together in a bipartisan way to try to reach a balanced budget in the year 2002. It does not say, it does not say how. It just says when, and the year is the year 2002.

Mr. KLECZKA. If the gentleman will yield further, I intend to support the dumb thing. I have to know whether these things are negotiable and on the table. I am not hearing ''yes.'' You said that is not part of the debate tonight.

Mr. WOLF. I urge support of the resolution.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I rise in support of this rule because this rule is necessary to pass a continuing resolution, and a continuing resolution is necessary to get us back into the business of governing responsibly.

We are not governing in a fiscally responsible manner when 800,000 Federal employees are sitting at home getting a paycheck, not being able to perform the work they need to perform. We are not governing in a morally responsible manner when 56,000 elderly people have already been unable to claim their social security and disability benefits, when more than 15,000 of America's veterans have not been able to file for their compensation, their pension and their education benefits, when more than a million people have tried to visit our national monuments and have not been able to because this Government has been shut down. That is not responsible. We are not doing our job.

This continuing resolution, I grant you, is not as clean as we would like it, but the reality is that a 7-year budget is attainable. Sixty-eight Democrats voted for a budget that can be achieved without even making as severe domestic discretionary cuts as are in the President's budget. It is doable.

One thing the President could do, it is up to him, if he believes that his forecasts are correct rather than CBO's, with the additional revenue that would come in from his economic revenue forecasts, that money can be used for tax cuts. But you do not pay out tax cuts when you are running at a deficit.

Mr. Speaker, I urge support of this rule and then of the continuing resolution.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Harrisburg, PA [Mr. GEKAS], the chairman of the Subcommittee on Commercial and Administrative Law.

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

Mr. GEKAS. Mr. Speaker, I rise in support of the rule. There is only one issue before us. It is just a ''yes'' or ''no'' vote, a plain, solitary, vital issue. If we vote ''yes,'' we are proceeding toward a balanced budget, a giant step towards a balanced budget. If we vote ''no,'' we are saying that we are in favor of continual borrowing. We want the American people, if we vote ''no,'' to continue to borrow money as citizens of this country, to pay a rising debt and interest on an already multitrillion-dollar debt. That is the issue.

Do we want to continue borrowing? If you do, then vote ''no.'' If you want to take this simple, ecstatic step towards a balanced budget that could occur in 7 years, you vote ''yes.''

Why is this so important? Have we made it clear to the American people that if we reach a balanced budget, we can stop borrowing money? Because every time we borrow money, we take away from the community, we take away from homes, we take away from schools, we take away from enterprises the wherewithal to do a better job in creating jobs and hiring people and promoting education and promoting all the societal needs all of us agree must be met.

So we are forcing ourselves, by continuing to borrow, to neglect our communities. So what happens if we reach a balanced budget? No longer will we have to use extra money to pay interest on the debt. We can take that money and invest it in our thresholds at home. That is what the rationale is behind a balanced budget.

If you vote ''yes,'' you are voting to allow the communities in 7 years and the local enterprises to blossom into a new kind of prosperity that will come with the turn of the century. If you vote ''no'' on this, you want to borrow into the next century until the year 2000 and 50 beyond.

Vote ''yes.''

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, the American people have been asking good questions. Why has the Federal Government been shut down? Why are veterans at risk of not receiving their checks and their disability payments? Why are senior citizens, social security recipients not able to have their cases processed? Why has their national Government for the first time in two centuries been put at risk, at the brink of national bankruptcy?

Well, my colleagues, tonight we find the answer. The answer is because the Speaker of the House was snubbed on an airplane ride. The Speaker of the House was snubbed on an airplane ride. Unless anybody thinks this is a David Letterman top ten joke, let me refer to an Associated Press article today, the headline of which is, ''Air Force 1 Snub Led to Government Shutdown.''

Quoting the article, ''The lack of contact and their having to exit through the rear of the plane were,'' quoting the Speaker, ''part of why you ended up with us sending down a tougher continuing resolution.''

The Speaker goes on to say, ''This is petty. I am going to say up front it is petty, and Tony will probably say I shouldn't say it, but I think it is human.''

Well, it may be human, but it is petty, and certainly it must be the first time in the history of this country that our Nation's economy has been put at risk, hundreds of thousands of people have been put out of work because of the seat assignment and service on an airplane ride.

The Speaker, in the same article, went on to say that, ''Every other President, every President we have ever flown with has had us up front. Every President we have had has talked to us at length.''

My friends, it is time for us to put the pettiness aside and get on with the serious business of governing our Nation.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Davenport, IA [Mr. LEACH], chairman of the Committee on Banking and Financial Services.

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

Mr. LEACH. Mr. Speaker, what is at issue tonight is whether Congress has the spine to stop spending dollars we do not have, not whether the President can find a spinal column and through the veto stand up for something, in this case, continued deficit financing.

☐ 2045

Here let us be clear. What the White House is blatantly engaging in is an effort to divide society along age-group lines. The President is attempting to appeal, as if he is compassionate, to the young and the old with other people's money.

Yet, what young people have a vested interest in is ending the deficit. It is they, after all, that will be spending their working lives paying for past legislative excesses. It is they who want lower interest rates to buy a home, to save for their kids to go to college.

What the baby-boom generation wants, those aged 40 to 55, is to have a solvent Medicare system when they retire.

And what the elderly want is inflation not to rob them of their savings, as it did in the late 1970's.

No age group in America, young or old, has a vested interest in fiscal profligacy.

Mr. Speaker, let me stress the basics. The Republican approach includes a 3-percent-a-year increase in spending. This is not radical. It is common sense. It is an inflation-adjusted freeze.

As for Medicare, it is the single largest programmatic increase in the Republican budget. It will go up at 6.4 percent a year, which in relation to inflation is equal or greater than increases in Medicare over the last decade. This is a reasonable, socially responsible set of guidelines.

Like all of us, I might disagree with some of the parts, but a 7-year achievement of a balanced budget is the least Congress can do for the American people at this particular time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

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

Mr. ABERCROMBIE. Mr. Speaker, I do not know if the level of the rhetoric has necessarily increased or advanced the case to be made for the Republican side this evening, but whether my colleagues are Republican or Democrat, if they are going to be using the phrase ''balancing the budget,'' I have been down on the floor before and I will be here again, and I am going to ask whether or not these numbers are going to be honest.

Are we talking about reducing the deficit or are we talking about balancing the budget? This, after all, is a continuing resolution. It is only going to take us up until December. The fundamentals are what have to be met.

Mr. Speaker, I am maintaining that no one has come to the floor yet, to my knowledge, to refute this point: The Republican budget, ostensibly balancing the budget in the year 2002, is going to start next year by taking in the neighborhood of $63 billion from the Social Security trust fund. It is going to take an increasing amount every year until 2002. In the year in which the Republican budget claims that it will have somewhere between a $10 billion to $12 billion surplus, that figure will be achieved by taking $115 billion, approximately, from the Social Security trust fund.

At this point at which Republicans claim that the budget has been balanced, we will be some $636 billion in debt, plus interest, to the Social Security trust fund.

Mr. Speaker, I am asking the Members to think about it, Democrats and Republicans. If we are going to do a balanced budget, I am willing to work on that along with everybody else. But please do not come down to the floor in a discussion of a continuing resolution and continue to repeat this canard, this misleading approach about a balanced budget.

If it is truly in surplus, then give it back. Reduce the amount of funds that have to come in from Social Security, if it is genuinely a surplus.

Mr. DREIER. Mr. Speaker, may I inquire how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from California has 9 minutes and 45 seconds remaining, and the gentleman from Ohio has 6½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Madison, MI [Mr. SMITH], my friend and a member of the Committee on the Budget.

Mr. SMITH of Michigan. Mr. Speaker, I would like to get the attention of the gentleman from Hawaii [Mr. ABERCROMBIE]. Is it not a shame that this is a balanced budget that still borrows money from the trust fund in 2002? The gentleman is absolutely correct, because this balanced budget is a very modest balanced budget. We should do much more.

Mr. Speaker, for 40 years the Democrats have been in control of this Congress, and we have been going deeper and deeper in debt. We now have a debt of $4.9 trillion. The year 1996 is the first of a 7 year effort. The spending in this first year is the most modest of any of the 7 years, and yet the whining and moaning and complaining we hear.

Mr. Speaker, how can we expect this Congress to have the intestinal fortitude to do what needs to be done. And that means not only balancing the budget, but starting to pay back the debt, stop borrowing from the trust funds?

Mr. Speaker, I need to say this in my last few seconds. The last few speakers on the Democrat side have not talked about this rule. They have not talked about the fact that this is a clean CR, except that it says, ''Let us balance the budget in 7 years, according to CBO.'' Let us just do it!

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I appreciate the response of the gentleman from Michigan [Mr. SMITH] and his kindness in requesting that I come back.

Mr. Speaker, I ask the gentleman, so it is a fact that the Republican budget will be taking some $600 billion from the Social Security trust fund in order to achieve its version of a balanced budget? The gentleman did say that during his comments; is that correct?

Mr. SMITH of Michigan. Mr. Speaker, if the gentleman would yield, it is a fact that this Congress has been pulling a sham on the American people by using the Social Security trust funds for the last 40 years.

Mr. ABERCROMBIE. Mr. Speaker, reclaiming my time, I again ask the gentleman is it a fact that this is going to take $636 billion, approximately, for the next 7 years, from the Social Security trust fund? Mr. Speaker, that question will hang in the air.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, I want to offer a quick vocabulary lesson for any American who wants to follow this beltway budgetary battle.

You see, the Republicans are now trying to tell us that this new version of the concurrent resolution is so simple that we just have to accept it. They are right—their plan is simple. In fact, it's so simple, it can be summed up in three simple words. That is right—there are only three simple words you need to know to follow the Republicans' budget antics. Here they are: Cut. Gut. And shut.

The Republicans will cut the safety net that helps the poor and elderly live healthy lives. They will gut every environmental law that protects the food we eat and the air we breath. And until they get their way—they will shut the door of government services that help veterans who served our country and students who want to serve. Cut. Gut. And shut. That is the entire GOP plan.

Now, Republicans are outraged that the President would use his veto. Well, for them, I offer not a vocabulary lesson, but a civics lesson. Remember—this is just a part of our American system of ''checks and balances.''

Unfortunately, when many Republicans think about ''checks,'' they can only picture the huge campaign checks that paid for their election. When they hear ''balances,'' they only think about a budget ''balanced'' on the backs of working families.

Mr. GINGRICH: instead of ''cut, gut and shut,'' please cut out the political posturing, show some guts, and shut the door on the special interest lobbyists who financed your election. That's the simple solution that all Americans want.

And that's why we need to defeat this rule.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. SCHIFF], chairman of the Subcommittee on Basic Research of the Committee on Science.

Mr. SCHIFF. Mr. Speaker, this is it. All of the conditions in the continuing resolution have been removed except for one: that we reach a balanced budget through a common procedure; in this case, over 7 years using Congressional Budget Office economic projections.

Both of those conditions have previously been agreed to by the President of the United States. There is no commitment in voting for this continuing resolution in supporting the Republican plan or any other plan.

Mr. Speaker, the question was asked what will be on the table, and the point is that the President of the United States can put anything on the table he wants, as long as it will balance the budget in 7 years and uses Congressional Budget Office economic figures.

So, if the President does not like our budget, the President can offer his own budget, only as long as it meets the same standards that we have used for ourselves.

Mr. Speaker, in my judgment, this is really a vote to decide who supports a balanced budget and who does not. Dozens upon dozens of our Democratic Party colleagues voted for a 7-year balanced budget. I hope they will do so again.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from East Petersburg, PA [Mr. WALKER], chair of the very important Committee on Science.

Mr. WALKER. Mr. Speaker, is it not sad and tragic and somewhat pathetic that the people who oppose the balanced budget can only come to the floor and attack the Speaker? It is the only thing that they have left.

Mr. Speaker, it really is kind of tragic, folks. The fact is that many of the American people have come to the conclusion that the Government is too big and spends too much. They figure that the way to stop that problem is to balance the budget.

That is what this is all about. A large number of people have been bragging for weeks out here about how they voted for the balanced budget amendment to the Constitution. That was about 7 years. A substantial number of people have come to the floor and talked about how they voted for alternative balanced budgets in the course of the year. Those are all 7 years.

All the language says tonight is that we are going to commit, we and the President, to a contract. That that is what we are going to do. All of the people who have voted on both sides of the aisle for a balanced budget of some type in the course of this year, or for the balanced budget amendment to the

Constitution, tonight will prove whether or not they meant it for real.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Portland, ME [Mr. LONGLEY].

Mr. LONGLEY. Mr. Speaker, this is an interesting debate tonight. It was barely 8 or 10 months ago that on this floor 300 Members voted for the balanced budget amendment, including a significant number of Members from the other side of the aisle.

Not only that, but there were a number of Members that stood up in the well of this House and piously intoned how they could not support a balanced budget amendment, because what we really needed to do was to have a Congress with the will to make the tough decisions.

My, my, my. Well, tonight we have a clean continuing resolution. Frankly, we should have had it a week ago, maybe even 6 or 8 weeks ago, because I think we should have started the new fiscal year on the assumption that we are going to balance the budget within 7 years, just like 300 Members voted back in January.

Mr. Speaker, tonight is where the rubber meets the road. Who means what they say or who is just down here posturing?

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

Mr. HASTINGS of Florida. Mr. Speaker, there is nothing magical about 7 years. Our Republican friends made a promise in their Contract With America that the fictional 7 years was important. I say fiction, because they know and the American people really know, that we are not able to bind future Congresses any more than we have been bound by previous Congresses.

We will not balance the budget in 7 years. We will create more pain for the elderly; more pain for the young; more pain for veterans; more pain for American citizens. It is simply a question, when trying to balance the budget, of whether or not we are going to do it in a certain time frame.

□ 2100

You have come up with 7 years. I could do it in 3 with a lot of pain. I could do it in 10 with less pain. There is not a damn thing magical about 7 years.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Birmingham, AL [Mr. BACHUS].

Mr. BACHUS. Mr. Speaker, 3 years ago on ''Larry King Live,'' candidate Bill Clinton made a promise to the American people to balance the budget in 5 years. He spoke of a balanced budget as both an obligation to our children and a necessity of our country.

Tonight we will give him an opportunity to make good on his promise to the American people. To balance the budget—not in 2 more years as he originally promised, or in 5 years from tonight. No, we ask simply that he commit to a real balanced budget in 7 years. Seven years.

Tonight is his and our moment of truth. Tonight he, and we in this body, will be given the opportunity to choose between higher taxes and a bigger, more costly, more reaching Federal bureaucracy, and, on the other hand, lower taxes on American families, and a smaller, more effective, less intrusive Washington.

Will Bill Clinton choose the latter, as he promised? Will he keep his word? Or will he break his promise to the American people, to our children, and the future generations, and in the process, shut the Federal Government down.

The choice is first ours, and then Bill Clinton's. It's promise keeping time. Mr. President?

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Palm Bay, FL [Mr. WELDON], a hard-working new Member.

Mr. WELDON of Florida. Mr. Speaker, when I was running for Congress in 1994, I had many, many people who told me they had never worked on a campaign before and never donated to a campaign before who got involved with getting me elected to Congress.

I remember one fellow, Doug Jackson, told me he had saved up some money for a new entertainment center in his living room. He had no furniture in his living room and he gave me that money. I tried to talk him out of it. I asked him, why are you doing this? He told me he was concerned about the future for his children regarding the problems with education and crime in our country. But the most important thing he cited was deficit spending, the debt that this nation was incurring.

I am rising today to speak out in strong support of this rule and this continuing resolution which will finally for the first time commit us to what Doug Jackson sent me to the U.S. Congress for, and that is finally balancing the books here in Washington. I am very encouraged to hear that many of our colleagues on the other side of the aisle are going to be joining with us tonight, but I am very disappointed by the words of the President. I do not know why he does not want to join with us. Clearly the American people want a balanced budget. They spoke clearly in 1994. I urge all my colleagues to support this rule.

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

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] has 3 minutes and 45 seconds remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 3½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to the gentleman from Sanibel, FL [Mr. GOSS], chairman of the Subcommittee on Legislative Process of the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I thank my friend from greater metropolitan San Dimas, CA, distinguished vice chairman of the Committee on Rules, for yielding time to me.

It is a good rule. It is an appropriate rule. It is a timely rule, and I urge its support, and this debate is about the rule.

Mr. Speaker, most everyone in the country agrees that we need to. That is why we have this good rule. But most also think it is very important that we stick to our commitment to balance the budget in 7 years and if the President can commit to that, then this limited government shutdown problem will get resolved very quickly if not immediately.

Americans want this budget balanced by 2002 or sooner, as my friend from Florida noted. In fact, the calls and faxes to our offices today tell the story. Not the predetermined poll results of the liberal media but the calls and faxes that came into my office, they were running up to 7 to 1 in favor of the balanced budget and get on with it.

I note that the President has said over and over that he thinks he wants a balanced budget, too. Unfortunately, according to the Congressional Budget Office, the President's best plan leaves this country $200 billion in the red, in deficit, in the year 2002, while our plan does balance the budget.

There is no plausible reason for the President to veto this bill unless he really does not want a balanced budget. And in the spirit of bipartisanship, we have created a cleaner CR for him now. There are no more excuses. Now is the time to sign. We hope he is going to do the right thing and so do most Americans.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. FAZIO].

The SPEAKER pro tempore. The gentleman from California [Mr. FAZIO] is recognized for 3½ minutes.

Mr. FAZIO of California. Mr. Speaker, I find this an extraordinary circumstance. I think every one of us anticipated that we would be at this crisis point about this time in the calendar year. Why? Because we assumed the President would have used his veto power and there would be so many issues that we would be in conflict on, bills unresolved. Mr. Speaker, I think we all assumed we would be at a point of conflict because the President had exercised his veto authority and, therefore, appropriations bill after bill would be before this body for override and then perhaps because we would fail to do so, each would end up in a CR.

But this is a contrived crisis. This is not a result of a clash between the President and his veto pen and this Congress. We have not even sent him most of the bills to veto. He made one veto of the legislative branch bill because, as he said, he wanted us to feel the pain of a government shutdown and not exempt our selves. Now, all of the remainder of our appropriations bills have not even been sent to him. We

have not sent a budget resolution. It was supposed to have been passed 6 weeks ago. The debt limit would have been dealt with in the context of that.

So we are in a contrived crisis tonight. Of course public opinion was not serving the new majority well. They did not look well jacking up Medicare rates on senior citizens so they tried a new tact. They have begun to peel back the onion, begun to try to put together something that on the surface looks like a cleaner CR.

But there is one little hooker in it. It relates to the concept of a 7-year balanced budget. I am for a 7-year balanced budget. I have voted not only for the Stenholm resolution, but I have voted for the balanced budget proposal that was made on our side by the gentleman from Texas [Mr. STENHOLM], the gentleman from Utah [Mr. ORTON], and the gentleman from Minnesota [Mr. SABO]. But I took that position in the context of a detailed alternative to what the Republicans have offered.

For example, I do not believe we ought to be cutting taxes for people at the upper income level by $250 billion. So what I would like to say, if I could have the attention of my Republican colleagues, is we cannot pull out the 7-year issue from the context of all of the components of a balanced budget. When you do not deal with taxes—whether you increase them on working people or cut them for the wealthy. When you do not deal with the question of how much you are going to cut Medicare or how much you are going to cut Medicaid; when you do not deal with the other demands that have to be part of what will constitute a balanced budget plan, you cannot legitimately come here and ask us to take one issue—the time frame to reach balance—off the table.

It is a complex combination of policies that will get us to a balanced budget in 7 years. If we have no ability to cut back on the massive tax cuts or reduce the Medicare cuts, for example we may have to go beyond 7 years to 8. Those of us on this side who have stood up for a 7-year balanced budget have done so laying out our policies that differed dramatically with your Republican plan, but we cannot simply concede that time line without knowing the details.

We ought to be given the opportunity to allow the give and take between the executive and the legislative branches, between the President and your majority, to take place without it being circumscribed tonight by this rider. This is not a clean CR. It ought to be defeated, and then we ought to go about the business of bringing the bills to the President so he can exercise his authority to sign or veto them. A clean CR is what we need tonight. Not another political gesture.

Mr. DREIER. Mr. Speaker, to close the debate on our side, I yield the balance of my time to the gentleman from Stamford, CT [Mr. SHAYS], a senior member of the Committee on the Budget.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. SHAYS] is recognized for 2 minutes and 15 seconds.

Mr. SHAYS. Mr. Speaker, former Prime Minister Rabin of Israel once said, politicians are elected by adults to represent the children. Children do not vote. They do not respond to political polls, but they ultimately are the ones who will be helped or hurt by what we do here. That is why we are determined to get our financial house in order and balance our budgets.

We are determined to save our trust funds, particularly Medicare, and we are determined to transform this social and corporate welfare state into an opportunity society. For our children, we are determined to balance our Federal budgets within 7 years with or without the help of the President. And we are doing it by increasing the earned income tax credit from $19.8 billion to $27.5 billion. The school lunch program, from $6.3 billion to $7.8 billion. The student loan program from $24.5 billion to $36 billion. The Medicaid program from $89 billion to $124 billion. The Medicare program from $178 billion to $278 billion.

Only in Washington, when you spend so much money for our children, do some people call it a cut in spending. Over 300 Members of this House supported a balanced budget amendment in 7 years, Republicans and Democrats. We are asking the President to join with 300 Members, well over two-thirds of this body, to get our financial house in order. Balance this budget and save this future for our children.

Mr. DREIER. Mr. Speaker, I urge an aye vote on this resolution.

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

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 249, nays 176, not voting 7, as follows:

[Roll No. 800]

YEAS—249

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

NAYS—176

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard

Hinchey	Meehan	Sabo
Holden	Meek	Sanders
Hoyer	Menendez	Sawyer
Jackson-Lee	Mfume	Schroeder
Jacobs	Miller (CA)	Schumer
Jefferson	Minge	Serrano
Johnson (SD)	Mink	Skaggs
Johnson, E. B.	Moakley	Skelton
Johnston	Mollohan	Slaughter
Kanjorski	Murtha	Spratt
Kaptur	Nadler	Stark
Kennedy (MA)	Neal	Stenholm
Kennedy (RI)	Oberstar	Stokes
Kennelly	Obey	Studds
Kildee	Olver	Stupak
Klink	Ortiz	Tejeda
LaFalce	Orton	Thompson
Lantos	Owens	Thornton
Levin	Pallone	Thurman
Lewis (GA)	Pastor	Torres
Lincoln	Payne (NJ)	Torricelli
Lipinski	Payne (VA)	Towns
Lofgren	Pelosi	Velazquez
Lowey	Peterson (FL)	Vento
Maloney	Pickett	Visclosky
Manton	Pomeroy	Ward
Markey	Poshard	Waters
Martinez	Rahall	Watt (NC)
Mascara	Rangel	Waxman
Matsui	Reed	Wilson
McCarthy	Richardson	Wise
McDermott	Rivers	Woolsey
McHale	Roemer	Wyden
McKinney	Roybal-Allard	Wynn
McNulty	Rush	

NOT VOTING—7

Fields (LA)	Tucker	Yates
Houghton	Volkmer	
Rose	Waldholtz	

□ 2132

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

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–344)

The Committee on Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2126) ''making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes,'' having met, after further full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter stricken and inserted by said amendment, insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for military functions administered by the Department of Defense, and for other purposes, namely:*

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $19,946,187,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,008,563,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $5,885,740,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,207,743,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,122,466,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,355,523,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $378,151,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $784,586,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,242,422,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,259,627,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $18,321,965,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,151,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $21,279,425,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: Provided, That of the funds appropriated under this heading, $595,100,000 shall be available only for the liquidation of prior year accumulated operating losses of the Department of the Navy activities included in the Defense Business Operations Fund.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $2,392,522,000.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,326,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $18,561,267,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: Provided, That the Secretary of the Air Force may acquire all right, title, and interest of any party in and to parcels of real property, including improvements thereon, consisting of not more than 92 acres, located near King Salmon Air Force Station for the purpose of conducting a response action in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601–9675) and the Air Force Installation Restoration Program.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $10,388,595,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $28,588,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided, That of the funds appropriated under this heading, $20,000,000 shall be made available only for use in federally owned education facilities located on military installations for the purpose of transferring title of such facilities to the local education agency: Provided further, That of the funds available under this heading, $300,000,000 shall be available only for transfer to the Coast Guard in support of the national security functions of the Coast Guard, while operating in conjunction with and in support of the Navy: Provided further, That funds transferred pursuant to this section are in addition to transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,119,191,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $859,542,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $100,283,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,519,287,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,440,808,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $2,776,221,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; $6,521,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; $1,422,200,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same period as the appropriations of funds to which transferred, as follows:

Operation and Maintenance, Army, $631,900,000;

Operation and Maintenance, Navy, $365,300,000;

Operation and Maintenance, Air Force, $368,000,000; and

Operation and Maintenance, Defense-wide, $57,000,000:

Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad; $15,000,000: Provided, That funds appropriated under this heading shall remain available for obligation until September 30, 1997.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); $50,000,000: Provided, That of the funds available under this heading, $20,000,000 shall be available for training and activities related to the clearing of landmines for humanitarian purposes.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; $300,000,000 to remain available until expended.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,558,805,000, to remain available for obligation until September 30, 1998: Provided, That

not less than nine UH–60L helicopters shall be made available to the Army National Guard for the medical evacuation mission.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $865,555,000, to remain available for obligation until September 30, 1998.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,652,745,000, to remain available for obligation until September 30, 1998.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,110,685,000, to remain available for obligation until September 30, 1998.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 41 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,769,443,000, to remain available for obligation until September 30, 1998.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $4,589,394,000, to remain available for obligation until September 30, 1998.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,166,827,000, to remain available for obligation until September 30, 1998.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $430,053,000, to remain available for obligation until September 30, 1998.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefore, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

For continuation of the SSN–21 attack submarine program, $700,000,000;

NSSN–1 (AP), $704,498,000;

NSSN–2 (AP), $100,000,000;

CVN Refuelings, $221,988,000;

DDG–51 destroyer program, $2,169,257,000;

LHD–1 amphibious assault ship program, $1,300,000,000;

LPD–17 amphibious transport dock ship, $974,000,000;

Fast patrol craft, $9,500,000;

T–AGS–64 multi-purpose oceanographic survey ship, $16,000,000;

LSD–52, $20,000,000; and

For craft, outfitting, post delivery, conversions, and first destination transportation, $428,715,000;

In all: $6,643,958,000, to remain available for obligation until September 30, 2000: Provided, That additional obligations may be incurred after September 30, 2000, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 252 passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,483,581,000, to remain available for obligation until September 30, 1998.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 194 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; $458,947,000, to remain available for obligation until September 30, 1998.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $7,367,983,000, to remain available for obligation until September 30, 1998.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $2,943,931,000, to remain available for obligation until September 30, 1998.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction

prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $338,800,000, to remain available for obligation until September 30, 1998.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 385 passenger motor vehicles for replacement only; the purpose of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $260,000 per vehicle; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $6,284,230,000, to remain available for obligation until September 30, 1998.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 451 passenger motor vehicles, of which 447 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $2,124,379,000, to remain available for obligation until September 30, 1998.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $777,000,000, to remain available for obligation until September 30, 1998: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $4,870,684,000, to remain available for obligation until September 30, 1997.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $8,748,132,000, to remain available for obligation until September 30, 1997: Provided, That of the funds provided in Public Law 103–335, in title IV, under the heading ''Research, Development, Test and Evaluation, Navy'', $5,000,000 shall be made available as a grant only to the Marine and Environmental Research and Training Station (MERTS) for laboratory and other efforts associated with research, development, and other programs of major importance to the Department of Defense: Provided further, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $13,126,567,000, to remain available for obligation until September 30, 1997: Provided, That of the funds made available in this paragraph, $25,000,000 shall be only for development of reusable launch vehicle technologies: Provided further, That not less than $9,500,000 of the funds appropriated in this paragraph shall be made available only for the Joint Seismic Program and the Global Seismographic Network.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $9,411,057,000, to remain available for obligation until September 30, 1997: Provided, That not less than $200,442,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program: Provided further, That the funds made available under the second proviso under this heading in Public Law 103–335 (108 Stat. 2613) shall also be available to cover the reasonable costs of the administration of loan guarantees referred to in that proviso and shall be available to cover such costs of administration and the costs of such loan guarantees until September 30, 1998.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $251,082,000, to remain available for obligation until September 30, 1997.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $22,587,000, to remain available for obligation until September 30, 1997.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; $878,700,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App 1744); $1,024,220,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all ship-board services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That the Secretary of the Navy may obligate not to exceed $110,000,000 from available appropriations to the Navy for the procurement of one additional MPS ship.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $10,226,358,000, of which $9,938,325,000 shall be for Operation and maintenance, of which $288,033,000, to remain available for obligation until September 30, 1998, shall be for Procurement: Provided, That of the funds appropriated under this heading, $14,500,000 shall be made available for obtaining emergency communications services for members of the Armed Forces and their families from the American National Red Cross as authorized by law: Provided further, That the date for implementation of the nationwide managed care military health services system shall be extended to September 30, 1997: Provided further, That of the funds provided under this heading, $3,400,000 is available only to permit private sector or non-Federal physicians, who have used and will use the antibacterial treatment method based upon the excretion of dead decaying spherical bacteria to work in conjunction with the Walter Reed Army Medical Center on a treatment protocol and related studies for Desert Storm Syndrome-affected veterans.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $672,250,000, of which $353,850,000 shall be for Operation and maintenance, $265,000,000 shall be for Procurement to remain available until September 30, 1998, and $53,400,000 shall be for Research, development, test and evaluation to remain available until September 30, 1997.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation;

$688,432,000: Provided, That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $178,226,000, of which $177,226,000 shall be for Operation and maintenance, of which not to exceed $400,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $1,000,000 to remain available until September 30, 1998, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $213,900,000.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $7,500,000, to be derived from the national Security Education Trust Fund, to remain available until expended: Provided, That any individual accepting a scholarship or fellowship from this program agrees to be employed by the Department of Defense or in the Intelligence Community in accordance with Federal employment standards.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account; $90,683,000.

KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION TRUST FUND

For payment to the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, as authorized by law, $25,000,000, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,400,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds and the ''Foreign Currency Fluctuations, Defense'' and ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source: Provided further, That none of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

SEC. 8008. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8009. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other non-institutional health care providers in excess of the amounts allowed in fiscal year 1995 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent (except that the reduction may be waived if the Secretary determines that it would impair adequate access to health care services for beneficiaries). The Secretary shall solicit public comment prior to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the allowable amount.

SEC. 8010. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least thirty days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

UH–60 Blackhawk helicopter;
Apache Longbow helicopter; and
M1A2 tank upgrade.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public

Law 99–239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 1996, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 1997 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1997 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1997.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds provided in this Act shall be available either to return any IOWA Class Battleships to the Naval Register, or to retain the logistical support necessary for support of any IOWA Class Battleships in active service.

SEC. 8014. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 125,000 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual: Provided further, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8015. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8016. None of the funds appropriated for the Department of Defense during the current fiscal year and hereafter shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. 8017. Notwithstanding any other provision of law, during the current fiscal year and hereafter, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any person who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 8018. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: Provided, That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: Provided further, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8019. Funds appropriated for the Department of Defense during the current fiscal year and hereafter shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 8020. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8021. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8022. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

(TRANSFER OF FUNDS)

SEC. 8023. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8024. Of the funds made available by this Act in title III, Procurement, $8,000,000, drawn pro rata from each appropriations account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

SEC. 8025. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8026. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns unless such handguns are the M9 or M11 9mm Department of Defense standard handguns, or (2) offensive handguns except for the Special Operations Forces: Provided, That the foregoing shall not apply to handguns and ammunition for marksmanship competitions.

SEC. 8027. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into

which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense's budget submission for fiscal year 1997 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: Provided further, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: Provided further, That each such Executive Agreement with a NATO member host nation shall be reported to the congressional defense committees, and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8028. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, or M–1911 pistols.

SEC. 8029. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 8030. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8031. None of the funds appropriated during the current fiscal year and hereafter, may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: Provided, That savings that result from this provision are represented as such in future budget proposals.

SEC. 8032. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act: Provided, That funds necessary for the care of animals covered by this contract are allowed.

SEC. 8033. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa: Provided, That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8034. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at any Army Research Laboratory until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

SEC. 8035. No more than $50,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government.

SEC. 8036. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8037. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8038. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8039. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1996 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section in the interest of national security.

SEC. 8040. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8041. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8042. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase ''qualified nonprofit agency for the blind or other severely handicapped'' means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8043. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8044. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriation or fund which incurred such obligations.

SEC. 8045. Of the funds made available in this Act, not less than $25,144,000 shall be available for the Civil Air Patrol, of which $16,704,000 shall be available for Operation and Maintenance.

SEC. 8046. (a) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) LIMITATION ON COMPENSATION.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1996 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

(d) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1996, not more than $1,162,650,000 may be obligated for financing activities of defense FFRDCs: Provided, That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $90,000,000 to reflect the funding ceiling contained in this subsection.

SEC. 8047. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8048. None of the unobligated balances available in the National Defense Stockpile Transaction Fund during the current fiscal year may be obligated or expended to finance any grant or contract to conduct research, development, test and evaluation activities for the development or production of advanced materials, unless amounts for such purposes are specifically appropriated in a subsequent appropriations Act.

SEC. 8049. For the purposes of this Act, the term ''congressional defense committees'' means the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the subcommittee on Defense of the Committee on Appropriations of the Senate, and the subcommittee on National Security of the Committee on Appropriations of the House of Representatives.

SEC. 8050. Notwithstanding any other provision of law, during the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8051. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1996. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8052. Notwithstanding any other provision of law, the Secretary of Defense may, when he considers it in the best interest of the United States, cancel any part of an indebtedness, up to $2,500, that is or was owed to the United States by a member or former member of a uniformed service if such indebtedness, as determined by the Secretary, was incurred in connection with Operation Desert Shield/Storm: Provided, That the amount of an indebtedness previously paid by a member or former member and cancelled under this section shall be refunded to the member.

SEC. 8053. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8054. During the current fiscal year, voluntary separation incentives payable under 10 U.S.C. 1175 may be paid in such amounts as are necessary from the assets of the Voluntary Separation Incentive Fund established by section 1175(h)(1).

SEC. 8055. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8056. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8057. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: Provided, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: Provided further, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8058. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 8059. None of the funds in this or any other Act shall be available for the preparation of studies on—

(a) the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States to Johnston Atoll: Provided, That this prohibition shall not apply to General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99–145: Provided, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8060. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8061. During the current fiscal year, annual payments granted under the provisions of section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–428; 106 Stat. 2714) shall be made from appropriations in this Act which are available for the pay of reserve component personnel.

SEC. 8062. For fiscal year 1996, the total amount appropriated in this Act to fund the Uniformed Services Treatment Facilities program, operated pursuant to section 911 of Public Law 97–99 (42 U.S.C. 248c), shall not exceed $315,000,000.

SEC. 8063. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: Provided, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8064. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8065. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8066. During the current fiscal year, appropriations available for the pay and allowances of active duty members of the Armed Forces shall be available to pay the retired pay which is payable pursuant to section 4403 of Public Law 102–484 (10 U.S.C. 1293 note) under

the terms and conditions provided in section 4403.

SEC. 8067. (a) During the current fiscal year, none of the appropriations or funds available to the Defense Business Operations Fund shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Defense Business Operations Fund if such an item would not have been chargeable to the Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 1997 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1997 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 1997 procurement appropriation and not in the supply management business area or any other area or category of the Defense Business Operations Fund.

SEC. 8068. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: Provided, That this prohibition shall not apply to safety modifications: Provided further, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the United States to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8069. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8070. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1997.

SEC. 8071. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8072. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8073. Notwithstanding any other provision of law, funds appropriated in this Act for the High Performance Computing Modernization Program shall be made available only for the acquisition and sustainment of operations, including maintenance of the supercomputing and related networking capability at (1) the DOD Science and Technology sites under the cognizance of the DDR&E, (2) the DOD Test and Evaluation centers under the Director, Test and Evaluation, OUSD (A&T), and (3) the Ballistic Missile Defense Organization: Provided, That the contracts, contract modifications, or contract options are awarded upon the requirements of the users.

SEC. 8074. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986 and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8075. To the extent authorized in law, the Secretary of Defense shall issue loan guarantees in support of U.S. defense exports not otherwise provided for: Provided, That the total contingent liability of the United States for guarantees issues under the authority of this section may not exceed $15,000,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees on Appropriations, National Security and International Relations in the House of Representatives on the implementation of this program.

SEC. 8076. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8077. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

SEC. 8078. None of the funds provided in this Act may be obligated or expended for the sale of zinc in the National Defense Stockpile if zinc commodity prices decline more than five percent below the London Metals Exchange market price reported on the date of enactment of this Act.

SEC. 8079. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8080. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 1996 until the enactment of the Intelligence Authorization Act for fiscal year 1996.

SEC. 8081. (a) None of the funds made available by this Act may be obligated for design, development, acquisition, or operation of more than 47 Titan IV expendable launch vehicles, or for satellite mission-model planning for a Titan IV requirement beyond 47 vehicles.

(b) $115,226,000 made available in this Act for Research, Development, Test and Evaluation, Air Force, may only be obligated for development of a new family of medium-lift and heavy-lift expendable launch vehicles evolved from existing technologies.

SEC. 8082. None of the funds available to the Department of Defense in this Act may be used to establish additional field operating agencies of any element of the Department during fiscal year 1996, except for field operating agencies funded within the National Foreign Intelligence Program: Provided, That the Secretary of Defense may waive this section by certifying to the House and Senate Committees on Appropriations that the creation of such field operating agencies will reduce either the personnel and/or financial requirements of the Department of Defense.

(RESCISSIONS)

SEC. 8083. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

''Aircraft Procurement, Air Force, 1994/1996'', $53,654,000;

''Missile Procurement, Air Force, 1994/1996'', $16,783,000;

''Weapons Procurement, Navy, 1995/1997'', $14,600,000;

''Shipbuilding and Conversion, Navy, 1995/1999'', $87,700,000;

''Other Procurement, Navy, 1995/1997'', $8,600,000;

''Aircraft Procurement, Air Force, 1995/1997'', $24,000,000;

''Missile Procurement, Air Force, 1995/1997'', $140,978,000;

''Other Procurement, Air Force, 1995/1997'', $180,000,000;

''Research, Development, Test and Evaluation, Army, 1995/1996'', $9,000,000;

''Research, Development, Test and Evaluation, Navy, 1995/1996'', $6,000,000;

''Research, Development, Test and Evaluation, Air Force, 1995/1996'', $7,902,000;

''Research, Development, Test and Evaluation, Defense-Wide, 1995/1996'', $12,000,000.

SEC. 8084. Notwithstanding any other provision of law, for resident classes entering the war colleges after September 30, 1996, the Department of Defense shall require that not less than 20 percent of the total of United States military students at each war college shall be from military departments other than the hosting military department: Provided, That each military department will recognize the attendance at a sister military department war college as the equivalent of attendance at its own war college for promotion and advancement of personnel.

SEC. 8085. None of the funds in this or any other Act may be used to implement the plan to reorganize the regional headquarters and basic

camps structure of the Reserve Officer Training Corps program of the Army until the Comptroller General of the United States has certified to the congressional defense committees that the methodology and evaluation of the potential sites were consistent with the established criteria for the consolidation, that all data used by the Army in the evaluation was accurate and complete, and that the conclusions reached are based upon the total costs of the Army's final plan to establish the Eastern Reserve Officer Training Corps Headquarters at Fort Benning, Georgia: Provided, That all cost, including Military Construction, shall be considered as well as an analysis of the impact of the consolidation on the surrounding communities for all affected installations.

SEC. 8086. None of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of $200,000 per year after July 1, 1996, unless the Office of Federal Procurement Policy establishes in the Federal Acquisition Regulations guidance governing the allowability of individual compensation.

SEC. 8087. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8088. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8089. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602 (a)(2) and (b)(2) of title 10, United States Code.

SEC. 8090. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the General Defense Intelligence Program and the Consolidated Cryptologic Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8091. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1995 level.

(TRANSFER OF FUNDS)

SEC. 8092. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1986/1996'':

SSN–688 attack submarine program, $5,051,000;

CG–47 cruiser program, $2,500,000;

BB battleship reactivation, $4,400,000;

T–AGOS SURTASS ship program, $2,135,000;

LCAC landing craft air cushion program, $700,000;

For craft, outfitting, post delivery, and cost growth, $12,360,000;

Weapons Procurement, Navy, 1994/1996, $30,900,000;

Other Procurement, Navy, 1994/1996, $4,200,000;

Other Procurement, Navy, 1995/1997, $5,000,000;

Aircraft Procurement, Navy, 1994/1996, $2,056,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1986/1996'':

MSH coastal mine hunter program, $69,302,000;

From:

Weapons Procurement, Navy 1994/1996, $5,500,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1987/1996'':

AOE combat support ship program, $5,500,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1988/2001'':

SSN–688 attack submarine program, $1,500,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1988/2001'':

T–ACS auxiliary crane ship program, $1,500,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1989/2000'':

SSN–688 attack submarine program, $23,535,000;

DDG–51 destroyer program, $33,700,000;

T–AO fleet oiler program, $38,969,000;

Other Procurement, Navy, 1995/1997, $3,500,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1989/2000'':

SSN–21 attack submarine program, $65,886,000;

MHC coastal mine hunter program, $30,318,000;

AOE combat support ship program, $3,500,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1990/2002'':

SSN–688 attack submarine program, $1,907,000;

DDG–51 destroyer program, $22,669,000;

For craft, outfitting and post delivery, $3,900,000;

Aircraft Procurement, Navy, 1994/1996, $17,944,000;

Procurement of Ammunition, Navy and Marine Corps, 1995/1997, $5,116,000;

Weapons Procurement, Navy, 1995/1997, $2,000,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1990/2002'':

MHC coastal mine hunter, $9,536,000;

T–AGOS surveillance ship program, $42,000,000;

AOE combat support ship program, $2,000,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1991/2001'':

SSN–21 attack submarine program, $18,330,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1991/2001'':

LHD–1 amphibious assault ship program, $6,178,000;

MHC coastal mine hunter program, $12,152,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1992/1996'':

DDG–51 destroyer program, $5,315,000;

For craft, outfitting, post delivery, and DBOF transfer, $9,675,000;

For escalation, $3,347,000;

Weapons Procurement, Navy, 1995/1997, $7,500,000;

Procurement, Marine Corps, 1995/1997, $378,000;

Other Procurement, Navy, 1995/1997, $355,000;

Aircraft Procurement, Navy 1995/1997, $3,600,000;

Research, Development, Test and Evaluation, Navy, 1995/1996, $5,600,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1992/1996'':

MHC coastal mine hunter program, $35,770,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1993/1997'':

LSD–41 cargo variant ship program, $1,600,000;

For craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, $5,627,000;

Procurement of Ammunition, Navy and Marine Corps, 1995/1997, $1,784,000;

Other Procurement, Navy, 1995/1997, $645,000;

Weapons Procurement, Navy, 1994/1996, $1,963,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1993/1997'':

DDG–51 destroyer program, $7,356,000;

AOE combat support ship program, $2,300,000;

MHC coastal mine hunter program, $1,963,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1994/1998'':

MCS(C) program, $4,819,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1995/1999'':

Nuclear submarine main steam condensor industrial base, $900,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1994/1998'':

LHD program, $5,719,000.

SEC. 8093. The Department shall include, in the operation of TRICARE Regions 7/8, a region-wide wraparound care package that requires providers of residential treatment services to share financial risk through case rate reimbursement, to include planning and individualized wraparound services to prevent recidivism.

SEC. 8094. All refunds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,218,000,000.

SEC. 8096. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8097. Appropriations available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for increasing energy and

water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8098. Funds in the amount of $61,300,000 received during fiscal year 1996 by the Department of the Air Force pursuant to the ''Memorandum of Agreement between the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission,'' signed September 8, 1994, and September 23, 1994, and Attachments A, B, and C to the Memorandum, shall be merged with appropriations available for research, development, test and evaluation and procurement for fiscal year 1996, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract as of the date of enactment of this Act, as well as on the follow-on launch services and program sustaining support contract to be awarded in fiscal year 1996.

SEC. 8099. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8100. Not less than 30 percent of the total inventory, or 60,000 pounds, of the pentaborane currently stored in non-defective containers at Edwards Air Force Base, California, will be retained until the Secretary of Energy certifies to the House and Senate Committees on Appropriations that the Secretary does not intend to use the pentaborane at the Idaho National Engineering Laboratory for: (a) a source of raw material for environmental remediation of high level, liquid radioactive waste, or (b) as a source of raw material for boron drugs for the Boron Neutron Capture Therapy or other medical or industrial applications: Provided, That the Secretary of the Air Force is authorized to dispose of any materials that pose a significant health or safety hazard.

SEC. 8101. The total amount appropriated in title II, III, and IV of this Act is hereby reduced by $30,000,000 for savings through improved management of contractor automatic data processing costs charged through indirect rates on Department of Defense acquisition contracts.

SEC. 8102. (a) Not later than October 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of $5,000,000 be matched to a particular obligation before the disbursement is made.

(b) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under subsection (a) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such subsection to that disbursement.

(c) The Secretary of Defense may waive a requirement for advance matching of a disbursement of the Department of Defense with a particular obligation in the case of (1) a disbursement involving deployed forces, (2) a disbursement for an operation in a war declared by Congress or a national emergency declared by the President or Congress, or (3) a disbursement under any other circumstances for which the waiver is necessary in the national security interests of the United States, as determined by the Secretary and certified by the Secretary to the congressional defense committees.

(d) This section shall not be construed to limit the authority of the Secretary of Defense to require that a disbursement not in excess of the amount applicable under subsection (a) be matched to a particular obligation before the disbursement is made.

SEC. 8103. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8104. None of the funds appropriated in this Act to the Department of the Army may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8105. The Department of Defense shall release all funds appropriated and available for the HAVE GAZE program to the Department of the Air Force for obligation under existing contractual arrangements.

SEC. 8106. None of the funds available to the Department of Defense during fiscal year 1996 may be obligated or expended to support or finance the activities of the Defense Policy Advisory Committee on Trade.

SEC. 8107. Notwithstanding any other provision of law, within the funds available in this Act, the Secretary of the Air Force may enter into agreements to modify leases of housing units being constructed if deemed to be in the best interest of the Department. The housing units shall be assigned, without rental charge, as family housing to members of the armed forces who are eligible for assignment to military family housing.

SEC. 8107A. Notwithstanding any other provision of law, the authorization for the Indiana, Pennsylvania armory project set forth in section 2601 of Public Law 102–484 (division B) shall remain in effect until September 30, 1997.

SEC. 8108. None of the funds appropriated by this Act shall be available to lease or charter a vessel in excess of seventeen months (inclusive of any option periods) to transport fuel or oil for the Department of Defense if the vessel was constructed after October 1, 1995 unless the Secretary of Defense requires that the vessel be constructed in the United States with a double hull under the long-term lease or charter authority provided in section 2401 note of title 10, United States Code: Provided, That this limitation shall not apply to contracts in force on the date of enactment of this Act: Provided further, That by 1997 at least 20 percent of annual leases and charters must be for ships of double hull design constructed after October 1, 1995 if available in numbers sufficient to satisfy this requirement: Provided further, That the Military Sealift Command shall plan to achieve the goal of eliminating single hull ship leases by the year 2015.

SEC. 8109. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop or procure main propulsion engines for the LPD–17 class of ships unless such equipment is powered by a diesel engine manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8110. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop or procure an emergency generator set for the New Attack Submarine unless such equipment is powered by a diesel engine manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8111. None of the funds in this Act may be used to transport military personnel into Edwards Air Force Base for training rotations at the National Training Center after April 15, 1996: Provided, That the Department of Defense shall comply with the recommendations of the fiscal year 1996 Military Construction bill as it pertains to the interim and permanent National Training Center Airhead.

SEC. 8112. The Secretary of Defense and the Secretary of the Army shall reconsider the decision not to include the infantry military occupational specialty among the military skills and specialties for which special pays are provided under the Selected Reserve Incentive Program.

SEC. 8113. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8114. (a) LIMITATION.—Of the funds available under title II under the heading ''FORMER SOVIET UNION THREAT REDUCTION'' for dismantlement and destruction of chemical weapons, not more than $52,000,000 may be obligated or expended for that purpose until the President certifies to Congress the following:

(1) That the United States and Russia have completed a joint laboratory study evaluating the proposal of Russia to neutralize its chemical weapons and the United States agrees with the proposal.

(2) That Russia is in the process of preparing, with the assistance of the United States as necessary, a comprehensive plan to manage the dismantlement and destruction of the Russia chemical weapons stockpile.

(3) That the United States and Russia are committed to resolving outstanding issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

(b) DEFINITIONS.—In this section:

(1) The term ''1989 Wyoming Memorandum of Understanding'' means the Memorandum of Understanding between the Government of the United States of America and the Government of

the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

(2) The term ''1990 Bilateral Destruction Agreement'' means the Agreement between the United States of America and the Union of Soviet Socialist Republics on destruction and nonproduction of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons signed on June 1, 1990.

SEC. 8115. (a) INTERNATIONAL PEACEKEEPING, PEACE ENFORCEMENT, AND HUMANITARIAN ASSISTANCE OPERATIONS.—It is the sense of Congress that in the event of a deployment or participation of United States Armed Forces units in any international peacekeeping, peace enforcement, and humanitarian assistance operation, the President must engage in consultations with the bipartisan leadership of Congress and the congressional committees named in subsection (e) regarding such operation in accordance with subsection (c)(1).

(b) COVERED OPERATIONS.—(1) This section applies to the following:

(A) Any international peacekeeping or peace-enforcement operation that is not underway as of the date of the enactment of this Act and that is authorized by the Security Council of the United Nations under chapter VI or VII of the Charter of the United Nations.

(B) Any other international peacekeeping or peace-enforcement operation that is not underway as of the date of the enactment of this Act.

(C) Any deployment after the date of the enactment of this Act of United States ground forces in the territory of the former Yugoslavia above the level of such forces so deployed as of such date of enactment, other than a deployment involving fewer than 100 personnel.

(D) Except as provided in paragraph (2), any international humanitarian assistance operation.

(2) This section does not apply with respect to—

(A) an international humanitarian assistance operation carried out in response to a disaster; or

(B) any other international humanitarian assistance operation if the President reports to Congress that the estimated cost of such operation is less than $50,000,000.

(c) CONSULTATION WITH CONGRESS.—(1) Consultations under subsection (a) in the case of any operation shall be initiated before the initial deployment of United States Armed Forces units to participate in the operation and, whenever possible, at least 15 days before such deployment. However, if the President determines that the national security so requires, the President may delay the initiation of such consultations until after such initial deployment, but in no case may such consultations be initiated later than 48 hours after such deployment.

(2) Such consultations shall include discussion of all of the following:

(A) The goals of the operation and the mission of any United States Armed Forces units involved in the operation.

(B) The United States interests that will be served by the operation.

(C) The estimated cost of the operation.

(D) The strategy by which the President proposes to fund the operation, including possible supplemental appropriations or payments from international organizations, foreign countries, or other donors.

(E) The extent of involvement of armed forces and other contributions of personnel from other nations.

(F) The anticipated duration and scope of the operation.

(3) Such consultations shall continue on a periodic basis throughout the period of the deployment.

(d) REQUESTS FOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS.—Whenever there is a deployment of United States Armed Forces to perform an international humanitarian, peacekeeping, or peace-enforcement operation, the President should seek emergency supplemental appropriations to meet the incremental costs to the Department of Defense of that deployment not later than 90 days after the date on which such deployment commences.

(e) COMMITTEES TO BE INCLUDED IN CONSULTATIONS.—The committees referred to in subsection (a) are the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 8116. (a) FINDINGS.—The Senate makes the following findings:

(1) The President of France stated on June 13, 1995, that the Republic of France plans to conduct eight nuclear test explosions over the next several months.

(2) The People's Republic of China continues to conduct underground nuclear weapons tests.

(3) The United States, France, Russia, and Great Britain have observed a moratorium on nuclear testing since 1992.

(4) A resumption of testing by the Republic of France could result in the disintegration of the current testing moratorium and a renewal of underground testing by other nuclear weapon states.

(5) A resumption of nuclear testing by the Republic of France raises serious environmental and health concerns.

(6) The United Nations Conference on Disarmament presently is meeting in Geneva, Switzerland, for the purpose of negotiating a Comprehensive Nuclear Test Ban Treaty (CTBT), which would halt permanently the practice of conducting nuclear test explosions.

(7) Continued underground weapons testing by the Republic of France and the People's Republic of China undermines the efforts of the international community to conclude a CTBT by 1996, a goal endorsed by 175 nations, at the recently completed NPT Extension and Review Conference (the conference for the extension and review of the Nuclear Non-Proliferation Treaty).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Republic of France and the People's Republic of China should abide by the current international moratorium on nuclear test explosions and refrain from conducting underground nuclear tests in advance of a Comprehensive Test Ban Treaty.

SEC. 8117. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—(1) This section applies to—

(A) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(B) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8118. None of the funds available to the Department of Defense shall be obligated or expended to make a financial contribution to the United Nations for the cost of an United Nations peacekeeping activity (whether pursuant to assessment or a voluntary contribution) or for payment of any United States arrearage to the United Nations.

SEC. 8119. None of the funds made availabale in this Act may be used to administer any policy that permits the performance of abortions at medical treatment or other facilities of the Department of Defense.

SEC. 8119A. The provision of section 8119 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or that the pregnancy is the result of an act of rape or incest.

SEC. 8120. None of the funds made available in this Act under the heading ''Procurement of Ammunition, Army'' may be obligated or expended for the procurement of munitions unless such acquisition fully complies with the Competition in Contracting Act.

SEC. 8121. None of the funds in this Act may be used to implement any change to the computation of military retired pay as required by law in fiscal year 1995 for military personnel who entered the Service before September 8, 1980.

SEC. 8122. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8123. None of the funds provided in title II of this Act for ''FORMER SOVIET UNION THREAT REDUCTION'' may be obligated or expended to finance housing for any individual when it is made known to the Federal official having authority to obligate or expend such funds that such individual was a member of the military forces of the Soviet Union or that such individual is or was a member of the military forces of the Russian Federation.

SEC. 8124. It is the sense of Congress that none of the funds available to the Department of Defense shall be obligated or expended for the deployment or participation of United States Armed Forces in any peacekeeping operation in Bosnia-Herzegovina, unless such deployment or participation is specifically authorized by a law enacted after the date of enactment of this Act: Provided, That this section shall not apply to operations of the nature and extent conducted by United States Armed Forces in Bosnia-Herzegovina during fiscal year 1995, emergency air rescue operations, the airborne delivery of humanitarian supplies, or the planning and execution of OPLAN 40104 or similar operations to extract UNPROFOR personnel.

SEC. 8125. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $832,000,000 to reflect savings from revised economic assumptions, to be distributed as follows:

Operation and Maintenance, Army, $54,000,000;

Operation and Maintenance, Navy, $80,000,000;

Operation and Maintenance, Marine Corps, $9,000,000;

Operation and Maintenance, Air Force, $51,000,000;

Operation and Maintenance, Defense-Wide, $36,000,000;

Operation and Maintenance, Army Reserve, $4,000,000;

Operation and Maintenance, Navy Reserve, $4,000,000;

Operation and Maintenance, Marine Corps Reserve, $1,000,000;

Operation and Maintenance, Air Force Reserve, $3,000,000;

Operation and Maintenance, Army National Guard, $7,000,000;

Operation and Maintenance, Air National Guard, $7,000,000;

Drug Interdiction and Counter-Drug Activities, Defense, $5,000,000;

Environmental Restoration, Defense, $11,000,000;

Overseas Humanitarian, Disaster, and Civic Aid, $1,000,000;

Former Soviet Union Threat Reduction, $2,000,000;

Defense Health Program, $51,000,000;

Aircraft Procurement, Army, $9,000,000;

Missile Procurement, Army, $5,000,000;

Procurement of Weapons and Tracked Combat Vehicles, Army, $10,000,000;

Procurement of Ammunition, Army, $6,000,000;

Other Procurement, Army, $17,000,000;

Aircraft Procurement, Navy, $29,000,000;

Weapons Procurement, Navy, $13,000,000;

Shipbuilding and Conversion, Navy, $42,000,000;

Other Procurement, Navy, $18,000,000;

Procurement, Marine Corps, $4,000,000;

Aircraft Procurement, Air Force, $50,000,000;

Missile Procurement, Air Force, $29,000,000;

Other Procurement, Air Force, $45,000,000;

Procurement, Defense-Wide, $16,000,000;

Chemical Agents and Munitions Destruction, Defense, $5,000,000;

Research, Development, Test and Evaluation, Army, $20,000,000;

Research, Development, Test and Evaluation, Navy, $50,000,000;

Research, Development, Test and Evaluation, Air Force, $79,000,000;

Research, Development, Test and Evaluation, Defense-Wide, $57,000,000; and

Developmental Test and Evaluation, Defense, $2,000,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

SEC. 8126. Notwithstanding any other provision of law, of the revenue collected by the Defense Business Operations Fund, $117,000,000 shall be made available for obligation and expenditure for termination liability, lease and operational costs for aircraft to accomplish the VC–137 aircraft mission: Provided, That the funds made available pursuant to this section shall remain available until expended.

SEC. 8127. Funds appropriated by this and future Acts under the heading ''Missile Procurement, Air Force'' may be obligated for payment of satellite on-orbit incentives in the fiscal year in which an incentive payment is earned: Provided, That any obligation made pursuant to this section may not be entered into until 30 calendar days in session after the congressional defense committees have been notified that an on-orbit incentive payment has been earned.

SEC. 8128. (a) Not more than a total of $11,000,000 of the funds appropriated under the heading ''Research, Development, Test and Evaluation, Army'', in title IV of Public Law 103–335, and in title IV of this Act, may be made available for support of a NATO Alliance Ground Surveillance (AGS) program based on the Joint Surveillance/Target Attack Radar System (JSTARS).

(b) Not more than a total of $6,450,000 of the funds appropriated under the heading ''Research, Development, Test and Evaluation, Air Force'', in title IV of Public Law 103–335, and in title IV of this Act, may be made available for support of a NATO Alliance Ground Surveillance (AGS) program based on JSTARS.

SEC. 8129. (a) In addition to any other reductions required by this Act, the following funds are hereby reduced from the following accounts in title IV of this Act in the specified amounts:

''Research, Development, Test and Evaluation, Army'', $65,062,000;

''Research, Development, Test and Evaluation, Navy'', $116,909,000;

''Research, Development, Test and Evaluation, Air Force'', $175,386,000; and

''Research, Development, Test and Evaluation, Defense-Wide'', $84,643,000.

(b) The reductions taken pursuant to subsection (a) shall be applied on a pro-rata basis by subproject within each R–1 program element as modified by this Act, except that no reduction may be taken against the funds made available to the Department of Defense for Ballistic Missile Defense.

SEC. 8130. Notwithstanding any other provision of law, fixed and mobile telecommunications support shall be provided by the White House Communications Agency (WHCA) to the United States Secret Service (USSS), without reimbursement, in connection with the Secret Service's duties directly related to the protection of the President or the Vice President or other officer immediately next in order of succession to the office of the President at the White House Security Complex in the Washington, D.C. Metropolitan Area and Camp David, Maryland. For these purposes, the White House Security Complex includes the White House, the White House grounds, the Old Executive Office Building, the New Executive Office Building, the Blair House, the Treasury Building, and the Vice President's Residence at the Naval Observatory.

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

And the Senate agree to the same.

BILL YOUNG,
JOSEPH M. MCDADE,
BOB LIVINGSTON,
JERRY LEWIS,
JOE SKEEN,
DAVE HOBSON,
HENRY BONILLA,
GEORGE R. NETHERCUTT, Jr.,
ERNEST ISTOOK,
JOHN P. MURTHA,
NORMAN D. DICKS,
CHARLES WILSON,
W.G. BILL HEFNER,
MARTIN OLAV SABO,
(except to the agreement regarding abortion funding exception),
Mangers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
KIT BOND,
MITCH MCCONNELL,
CONNIE MACK,
RICHARD C. SHELBY,
JUDD GREGG,
MARK HATFIELD,
DANIEL INOUYE,
J. BENNETT JOHNSTON,
ROBERT BYRD,
PATRICK LEAHY,
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 further conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2126), making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Department of Defense Appropriations Act, 1996, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 104–208 and Senate Report 104–124 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

The conferees agree that for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1996, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P–1 and R–1 budget justification documents as subsequently modified by Congressional action. The following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term ''program, project, and activity'' is defined as the appropriations accounts contained in the Department of Defense Appropriations Act. At the time the President submits his budget for fiscal year 1997, the conferees direct the Department of Defense to transmit to the congressional defense committees a budget justification document to be known as the ''O–1'' which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1997.

TITLE I—MILITARY PERSONNEL

The conferees agree to the following amounts and end strength totals for the Military Personnel accounts as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Active personnel:				
Army	19,721,408	19,884,608	19,776,587	19,946,187

[In thousands of dollars]

	Budget	House	Senate	Conference
Navy	16,930,609	17,006,363	16,979,209	17,008,563
Marine Corps	5,877,740	5,928,340	5,886,540	5,885,740
Air Force	17,108,120	17,294,620	17,156,443	17,207,743
Reserve personnel:				
Army	2,101,366	2,122,566	2,102,466	2,122,466
Navy	1,348,223	1,350,023	1,349,323	1,355,523
Marine Corps	361,751	366,101	364,551	378,151
Air Force	782,761	783,586	783,861	784,586
National Guard personnel:				
Army	3,218,258	3,240,858	3,222,422	3,242,422
Air Force	1,246,427	1,254,827	1,259,627	1,259,627
Total, Military Personnel	68,696,663	69,231,892	68,881,029	69,191,008

OPERATIONS PROVIDE COMFORT/ENHANCED SOUTHERN WATCH

The conference agreement includes $647,100,000, as proposed by the House, for unbudgeted costs associated with Operations Provide Comfort and Enhanced Southern Watch. Of this amount, $77,500,000 is appropriated in Title I, Military Personnel, and $569,600,000 is appropriated in Title II, Operation and Maintenance. The conferees designate these funds as an item of Congressional interest, meaning they can only be used for additional incremental costs of Operations Provide Comfort and Enhanced Southern Watch unless prior approval is granted by the House and Senate Committees on Appropriations through normal reprogramming procedures. In addition, the conferees direct that none of these funds may be obligated or expended unless the costs of these operations are fully submitted in the President's fiscal year 1997 budget request. The conferees direct that funds shall be available for obligation only after submission of the fiscal year 1997 budget request, and only if the request fully funds and details the estimated costs of these operations. The conferees direct the Secretary of Defense to provide a report to the House and Senate Committees on Appropriations by January 30, 1996, on planned obligations and expenditures of these funds.

FORCE STRUCTURE CHANGES

The conferees recommend an increase of $38,500,000 to maintain fiscal year 1995 Primary Authorized Aircraft (PAA) levels in Air National Guard general purpose fighter forces during fiscal year 1996.

The conferees recommend an increase of $34,200,000 to sustain the maritime patrol aircraft force structure at 13 active and 9 reserve squadrons in fiscal year 1996.

The conferees also recommend an increase of $9,600,000 for additional Marine Corps Reserve full-time support, in order to facilitate the Marine Corps Reserve's contingency role and operations.

ARMY PERSONNEL SHORTFALLS

The conferees recommend an increase of $137,000,000 to ''Military Personnel, Army'' to cover unfunded requirements associated with the downsizing of Army forces. Previous congressional limitations on end strength and other Army manpower assumptions have contributed to an increase in the cost of the force since anticipated personnel losses did not occur as planned. The conferees agree this is necessary in order to prevent readiness and quality of life problems during the fiscal year.

MILITARY TECHNICIAN AND MEDICAL PERSONNEL REPROGRAMMING

The conferees direct that the Department of Defense, in the event of sequestration during fiscal year 1996, protect military (civilian) technicians and medical personnel necessary to maintain the current level of medical and Reserve Component operations, from any associated reduction of personnel pay and medical programs (to include CHAMPUS).

BASIC ALLOWANCE FOR QUARTERS

The conferees agree to provide $72,366,000, as proposed by the Senate, for an increase in the Basic Allowance for Quarters, to be effective January 1, 1996.

ACTIVE END STRENGTH

[Fiscal year 1996]

	Budget	Conference	Conference vs. Budget
Army	495,000	495,000	
Navy	428,000	428,340	+340
Marine Corps	174,000	174,000	
Air Force	388,200	388,200	
Total	1,485,200	1,485,540	+340

MILITARY PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Provide Comfort/Enhanced Southern Watch	3,600		3,600
Overseas Station Allowance	139,000	32,000	61,000
Selective Reenlistment Bonus	−1,200		
Basic Allowance for Quarters	12,000	23,179	23,179
Variable Housing Allowance	9,800		
Manpower shortfalls			137,000
Total, Military Personnel, Army	+163,200	+55,179	+224,779

MILITARY PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Aviation Continuation Pay	−1,000		−1,000
Responsibility Pay	−1,146		−1,146
Provide Comfort/Enhanced Southern Watch	25,500		25,500
Overseas Station Allowance	45,000	32,000	24,000
Selective Reenlistment Bonus	−25,000		
Basic Allowance for Quarters	11,600	16,600	16,600
Variable Housing Allowance	20,800		
P–3 Squadron			14,000
Total, Military Personnel, Navy	+75,754	+48,600	+77,954

MILITARY PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Aviation Continuation Pay	−4,400		−4,400
Aviation Career Incentive Pay	−800		−800
Flight Duty Pay	−500		−500
Provide Comfort/Enhanced Southern Watch	45,000		45,000
Overseas Station Allowance	73,000	32,000	44,000
Selective Reenlistment Bonus	−12,000		
Basic Allowance for Quarters	11,000	16,323	16,323
Variable Housing Allowance	10,200		
B–52 Force Structure	65,000		
Total, Military Personnel, Air Force	+186,500	+48,323	+99,623

NATIONAL GUARD AND RESERVE FORCES

The conferees agree to provide $9,142,775,000 in Reserve personnel appropriations, $8,815,232,000 in Operation and maintenance appropriations, and $777,000,000 in the National Guard and Reserve Equipment appropriation. These funds support a Selected Reserve strength of 930,980 as shown below.

RESERVE STRENGTHS

[Fiscal year 1996]

	Budget	Conference	Conference vs. Budget
Selected Reserve:			
Army Reserve	230,000	230,000	
Navy Reserve	98,608	98,877	+269
Marine Corps Reserve	42,000	42,000	
Air Force Reserve	73,969	74,007	+38
Army National Guard	373,000	373,000	
Air National Guard	109,458	112,458	+3,000
Total	927,035	930,342	+3,307
AGR/TARS:			
Army Reserve	11,575	11,575	
Navy Reserve	17,490	17,605	+115
Marine Corps Reserve	2,285	2,559	+274
Air Force Reserve	628	628	
Army National Guard	23,390	23,390	
Air National Guard	9,817	10,066	+249
Total	65,185	65,823	+638
Technicians:			
Army Reserve	6,409	6,630	+221
Air Force Reserve	9,467	9,802	+335
Army National Guard	25,094	25,500	+406
Air National Guard	22,558	23,399	+841
Total	63,528	65,331	+1,803

MILITARY (CIVILIAN) TECHNICIANS

The conferees recommend an increase of $40,500,000 in the Operation and Maintenance accounts of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard for additional military (civilian) technicians. The conferees remain concerned about the significant reduction to military technicians contained in the President's budget request and expect these funds to not be used for any other purpose without a prior approval reprogramming being submitted through normal channels. Additionally, the conferees direct the Department to provide the required number of workyears needed to sustain the levels of military (civilian) technicians as provided in this Act. The conferees also include a general provision (Section 8087) which prohibits reducing the full-time support levels for technicians unless such technicians are a result of a reduction in military force structure. The conferees expect the Department to follow the intent of this provision.

MILITARY PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

	Bu
Aviation Continuation Pay	
Provide Comfort/Enhanced Southern Watch	
Overseas Station Allowance	
Selective Reenlistment Bonus	
Basic Allowance for Quarters	
Variable Housing Allowance	
Total, Military Personnel, Marine Corps	

RESERVE PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Unit Readiness/Training	20,000	.....	20,000
Basic Allowance for Quarters	500	1,100	1,100
Variable Housing Allowance	700	.....	.....
Total, Reserve Personnel, Army	+21,200	+1,100	+21,100

RESERVE PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Basic Allowance for Quarters	700	1,100	1,100
Variable Housing Allowance	1,100	.....	.....
P–3 Squadron	.....	.....	6,200
Total, Reserve Personnel, Navy	+1,800	+1,100	+7,300

RESERVE PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Annual Training/School Tours	4,000	.....	4,000
Basic Allowance for Quarters	150	2,800	2,800
Variable Housing Allowance	200	.....	.....
Increase of Active Reservists	.....	.....	9,600
Total, Reserve Personnel, Marine Corps	+4,350	+2,800	+16,400

RESERVE PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
WC–130 Weather Reconn	725	.....	725
Basic Allowance for Quarters	100	1,100	1,100
Total, Reserve Personnel, Air Force	+825	+1,100	+1,825

NATIONAL GUARD PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
School/Special Training	20,000	.....	20,000
Basic Allowance for Quarters	1,300	4,164	4,164
Variable Housing Allowance	1,300	.....	.....
Total, National Guard Personnel, Army	22,600	4,164	24,164

NATIONAL GUARD PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Tanker Task Force/1st Air Force	7,200	.....	.....
Basic Allowance for Quarters	500	1,200	1,200
Variable Housing Allowance	700	.....	.....
Fighter Force Structure	.....	12,000	12,000
Total, National Guard Personnel, Air Force	8,400	13,200	13,200

SUPPORT OF THE U.S. ANTARCTIC PROGRAM

The conferees agree to continue the Department of Defense support to the U.S. Antarctic Program. However, in light of the Congressional requirement for the National Science and Technology Council to undertake a Government-wide policy review of DoD's role in the Antarctic program no later than March 31, 1996, future Defense involvement in this mission will be reassessed after receipt of that report. The conferees believe that Air National Guard participation in this project is predicated only on full reimbursement by the National Science Foundation and shall not conflict with any other Air National Guard mission.

TITLE II—OPERATION AND MAINTENANCE

A summary of the conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RECAPITULATION				
O & M, ARMY	18,134,736	18,998,131	17,947,229	18,321,965
TRANSFER—STOCKPILE	(50,000)	(50,000)	(50,000)	(50,000)
O & M, NAVY	21,175,710	20,846,710	21,195,301	21,279,425
TRANSFER—STOCKPILE	(50,000)	(50,000)	(50,000)	(50,000)
O & M, MARINE CORPS	2,269,722	2,508,822	2,341,737	2,392,522
O & M, AIR FORCE	18,206,597	18,873,793	18,202,437	18,561,267
TRANSFER—STOCKPILE	(50,000)	(50,000)	(50,000)	(50,000)
O & M, DEFENSEWIDE	10,366,782	9,908,810	9,904,068	10,388,595
O & M, ARMY RESERVE	1,068,591	1,119,191	1,068,312	1,119,191
O & M, NAVY RESERVE	826,042	841,565	826,042	859,542
O & M, MARINE CORPS RESERVE	90,283	102,079	90,283	100,283
O & M, AIR FORCE RESERVE	1,485,947	1,519,287	1,485,947	1,519,287
O & M, ARMY NATIONAL GUARD	2,304,108	2,334,487	2,361,708	2,440,808
O & M, AIR NATIONAL GUARD	2,712,221	2,737,221	2,724,021	2,776,121
NATL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY	.....	.....	.....	.....
COURT OF MILITARY APPEALS, DEFENSE	6,521	6,521	6,521	6,521
ENVIRONMENTAL RESTORATION, DEFENSE	1,622,200	1,422,200	1,487,000	1,422,200
SUMMER OLYMPICS	15,000	15,000	15,000	15,000
SPECIAL OLYMPICS	.....	.....	.....	.....
HUMANITARIAN ASSISTANCE	79,790	.....	60,000	.....
FORMER SOVIET UNION THREAT REDUCTION	371,000	200,000	325,000	300,000
CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING AND PEACE ENFORCEMENT ACTIVITIES FUND	65,000	.....	.....	.....
OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	.....	50,000	.....	50,000
GRAND TOTAL, O & M	80,800,250	81,483,817	79,940,606	81,552,727
TRANSFER	(150,000)	(150,000)	(150,000)	(150,000)
TOTAL FUNDS AVAILABLE, O & M	80,950,250	81,633,817	80,090,606	81,702,727

BUDGET JUSTIFICATION AND EXECUTION MATERIALS

The conferees are encouraged by the steps the Department has taken to improve the Operation and maintenance program justification materials submitted to the Congress. In order to further these efforts, the conferees direct the Department to:

provide the Committees on Appropriations quarterly budget execution reports for all Operation and maintenance accounts for fiscal year 1996. These reports should reflect the O–1 categories used in the budget justification materials. Reports should be submitted within 60 days of the end of the quarter to which they apply, concurrently to the Office of Management and Budget;

provide the Committees on Appropriations quarterly reports describing the execution of real property maintenance programs. These reports should describe those activities specifically and/or generally described by the Congress and should separately identify activity related to barracks renovation. Real Property Maintenance is designated an item of congressional interest; transfers from real property maintenance programs to other activities are subject to prior-notification reprogramming procedures.

The conferees agree that proposed transfers of funds between O–1 budget activity funding categories in excess of $20,000,000 are subject to normal reprogramming procedures. In addition, due to continuing concerns about force readiness and the possible diversion of Operation and maintenance funds, the conferees agree that the Department should provide written notification to the congressional defense committees prior to transfers in excess of $20,000,000 from the following subactivity group categories:

O&M, Army

Operating forces: Combat units; Tactical support; Force related training/special activities; Depot maintenance.

O&M, Navy

Operating forces: Mission and other flight operations; Aircraft depot maintenance; Mission and other ship operations; Ship depot maintenance.

O&M, Marine Corps

Operating forces: Operational forces

O&M, Air Force

Operating forces: Primary combat forces; Primary combat weapons; Air operations training. Mobilization: Airlift operations.

FINANCIAL MANAGEMENT

The conferees are concerned about the state of financial management in the Department of Defense and the measures that may be taken to improve upon past performance. Both the House and Senate reports on the fiscal year 1996 Department of Defense Appropriations Bill recommended several items for the Department's consideration. These items should be merged into a single report due to the Committees on Appropriations

not later than May 31, 1996. The DoD report should address the following issues:

the state of Defense Finance and Accounting Service (DFAS) consolidation and future reorganization plans. Of specific interest are DoD plans concerning establishment of 20 DFAS operating locations;

opportunities for utilizing private sector financial services to meet non-unique departmental requirements such as travel processing, payroll and contract disbursements;

procedural changes designed to improve DoD performance in the areas of unmatched disbursements and negative unliquidated obligations;

the estimated resource requirements to achieve long term improvements of DoD financial management procedures and systems.

REAL PROPERTY MAINTENANCE

The conferees agree with the Senate in providing an additional $322,000,000 for barracks renovation. The conferees have provided a total increase of $700,000,000 to the Real Property Maintenance account.

[In thousands of dollars]

	Barracks renovation	Other RPM	Total additional RPM
Army	100,000	67,000	167,000
Navy	100,000	55,000	155,000
Air Force	100,000	51,000	151,000
Marine Corps	22,000	38,000	60,000
Army National Guard		100,000	100,000
Army Reserve		17,000	17,000
Navy Reserve		20,000	20,000
Marine Corps Reserve		1,500	1,500
Air National Guard		15,000	15,000
Air Force Reserve		13,500	13,500
Total	322,000	378,000	700,000

SECURITY PROGRAMS

The conferees agree to reduce the military departments' security program accounts and the On-Site Inspection Agency. In order to meet emergent requirements stemming from valid treaty obligations, the conferees expect the Department of Defense to submit a reprogramming request subject to normal, prior approval reprogramming procedures.

TRANSPORTATION IMPROVEMENTS

The conferees agree that the Department of Defense should be able to improve the efficiency of the transportation organizations and infrastructure under the control of the U.S. Transportation Command (USTRANSCOM). The conferees direct that the Department of Defense report to the congressional defense committees not later than March 31, 1996, on measures that will be taken to achieve improvements in this area.

INTERNATIONAL MILITARY TRAINING AND EDUCATION

The conferees express their continued support for the International Military Education and Training Program. The conferees note however that this program is funded within international affairs programs and is properly within the jurisdiction of the Subcommittees on Foreign Operations. Therefore, the conferees direct that no funds appropriated in this Act be used for foreign operations costs associated with the International Military Education and Training program.

DEFENSE COMMISSARY ACCESS POLICY

The conferees direct a report be made by the General Accounting Office to the Committee on Appropriations of the Senate and the House of Representatives on any changes in DoD commissary access policy, including providing reservists new or additional privileges, and addressing any resulting financial impact on the commissaries.

MILITARY TRAFFIC MANAGEMENT COMMAND REENGINEERING PROGRAM

The conferees direct the Department of Defense to provide a report on its pilot program to implement commercial business practices and standards of service for its movement of military household goods, to the congressional defense committees by March 1, 1997. This report should fully assess how the pilot program impacts the government's transportation costs as compared to the current program. The conferees expect the Department to fairly evaluate the present program as modified by the removal of government unique terms, conditions and regulations and using simplified procedures. This analysis shall determine whether the proposed reengineering of the current program is economically justified, can achieve a higher level of service and lower claims frequency.

In addition, the conferees direct the Department to report by January 1, 1996, prior to the implementation of any element of the pilot program, on its impact on small businesses resulting from, but not limited to, the application of the Federal Acquisition Regulations, and the requirement of any program elements that are not standard commercial business practices.

OPERATION AND MAINTENANCE, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, ARMY				
BUDGET ACTIVITY 1: OPERATING FORCES:				
LAND FORCES:				
COMBAT UNITS	1,882,069	1,882,069	1,882,069	1,882,069
TACTICAL SUPPORT	1,165,970	1,165,970	1,165,970	1,165,970
THEATER DEFENSE FORCES	178,670	178,670	178,670	178,670
FORCE RELATED TRAINING/SPECIAL ACTIVITIES	1,271,154	1,271,154	1,285,154	1,271,154
FORCE COMMUNICATIONS	73,584	73,584	73,584	73,584
DEPOT MAINTENANCE	861,426	1,065,426	890,426	950,696
JCS EXERCISES	54,467	54,467	54,467	54,467
BASE SUPPORT	3,582,306	3,612,306	3,618,129	3,612,306
LAND OPERATIONS SUPPORT:				
COMBAT DEVELOPMENTS	214,364	214,364	214,364	214,364
UNIFIED COMMANDS	36,937	36,937	36,937	36,937
TOTAL, BUDGET ACTIVITY 1	9,320,947	9,554,947	9,399,770	9,440,217
BUDGET ACTIVITY 2: MOBILIZATION:				
MOBILITY OPERATIONS:				
POMCUS	86,830	86,830	86,830	86,830
STRATEGIC MOBILIZATION	393,923	482,923	388,923	423,923
WAR RESERVE ACTIVITIES	72,166	72,166	72,166	72,166
INDUSTRIAL PREPAREDNESS	143,841	143,841	143,841	143,841
TOTAL, BUDGET ACTIVITY 2	696,760	785,760	691,760	726,760
BUDGET ACTIVITY 3: TRAINING AND RECRUITING:				
ACCESSION TRAINING:				
OFFICER ACQUISITION	58,328	58,328	58,328	58,328
RECRUIT TRAINING	11,228	11,228	11,228	11,228
ONE STATION UNIT TRAINING	17,008	17,008	17,008	17,008
RESERVE OFFICER TRAINING CORPS (ROTC)	109,789	109,789	109,789	109,789
BASE SUPPORT (ACADEMY ONLY)	118,445	118,445	118,445	118,445
BASIC SKILL/ADVANCE TRAINING:				
SPECIALIZED SKILL TRAINING	236,760	302,760	260,760	281,760
FLIGHT TRAINING	218,514	218,514	218,514	218,514
PROFESSIONAL DEVELOPMENT EDUCATION	68,981	68,981	68,981	68,981
TRAINING SUPPORT	375,528	375,528	375,528	375,528
BASE SUPPORT (OTHER TRAINING)	1,160,360	1,160,360	1,171,960	1,160,360
RECRUITING/OTHER TRAINING:				
RECRUITING AND ADVERTISING	211,375	217,875	216,375	216,375
EXAMINING	64,333	64,333	64,333	64,333
OFF-DUTY AND VOLUNTARY EDUCATION	103,812	103,812	103,812	103,812
CIVILIAN EDUCATION AND TRAINING	81,108	81,108	81,108	81,108
JUNIOR ROTC	74,506	74,506	74,506	74,506
BASE SUPPORT (RECRUITING LEASES)	156,020	156,020	156,020	156,020
TOTAL, BUDGET ACTIVITY 3	3,066,095	3,138,595	3,106,695	3,116,095
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES:				
SECURITY PROGRAMS:				
SECURITY PROGRAMS	362,333	362,333	356,333	356,333
LOGISTICS OPERATIONS:				
SERVICEWIDE TRANSPORTATION	542,910	542,910	542,910	542,910
CENTRAL SUPPLY ACTIVITIES	487,281	475,281	487,281	491,031
LOGISTIC SUPPORT ACTIVITIES	299,230	299,230	299,230	299,230
AMMUNITION MANAGEMENT	300,853	300,853	300,853	300,853

[In thousands of dollars]

	Budget	House	Senate	Conference
SERVICEWIDE SUPPORT:				
ADMINISTRATION	275,238	265,238	275,588	275,588
SERVICEWIDE COMMUNICATIONS	686,446	686,446	686,446	686,446
MANPOWER MANAGEMENT	124,676	124,676	124,676	124,676
OTHER PERSONNEL SUPPORT	175,832	169,832	175,832	172,832
OTHER SERVICE SUPPORT	568,225	568,225	571,225	571,225
ARMY CLAIMS ACTIVITIES	173,290	173,290	173,290	173,290
REAL ESTATE MANAGEMENT	86,930	86,930	86,930	86,930
BASE SUPPORT	735,466	759,566	752,816	735,466
PENTAGON RENOVATION TRANSFER			−44,130	−44,130
SUPPORT OF OTHER NATIONS:				
INTERNATIONAL MILITARY HEADQUARTERS	252,778	252,778	252,778	252,778
MISC SUPPORT OF OTHER NATIONS	29,446	29,446	29,446	29,446
TOTAL, BUDGET ACTIVITY 4	5,100,934	5,097,034	5,071,504	5,054,904
CLASSIFIED PROGRAMS UNDISTRIBUTED		3,589	−1,800	4,089
CIVILIAN PERSONNEL UNDERSTRENGTH		−65,000	−67,000	−67,000
FAMILY HOUSING SURVEY & DEFICIT REDUCTION PROGRAM			3,500	3,500
GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND	−50,000	−50,000	−50,000	−50,000
REAL PROPERTY MAINTENANCE		350,000		167,000
FOREIGN CURRENCY FLUCTUATION		173,300		59,300
EDCARS/DSREDS		2,000		2,000
PRINTING EFFICIENCIES		−3,000	−3,000	−3,000
INSPECTOR GENERAL CONSOLIDATION		−12,500		−12,500
REDUCED AUDITS		−10,000	−10,000	−10,000
TRANSPORTATION IMPROVEMENTS		−26,200	−26,200	−26,200
ADMINISTRATIVE TRAVEL SAVINGS			−17,500	−28,500
BARRACKS RENOVATION INITIATIVES			100,000	
AAFES 2ND DESTINATION TRANSPORTATION		−17,500	−17,500	−17,500
PROVIDE COMFORT/ENHANCED SOUTHERN WATCH		87,300		87,300
SUPPLY MANAGEMENT REFORMS		−8,500		−8,500
CIVILIAN PAY			−233,000	−116,000
OPERATIONAL SUPPORT AIRLIFT		−1,694		
TOTAL, OPERATION AND MAINTENANCE, ARMY	18,134,736	18,998,131	17,947,229	18,321,965
TRANSFER	(50,000)	(50,000)	(50,000)	(50,000)
TOTAL FUNDING AVAILABLE	(18,184,736)	(19,048,131)	(17,997,229)	(18,371,965)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
Communications/Electronics Maintenance	39,000
Other Depot Maintenance	66,000
Depot Maintenance Logistics Tail	(15,730)
NTC Interim Airhead	2,000
Base Operations Support	28,000
Budget Activity 2: Mobilization:	
Prepositioning Ships	(5,000)
Prepositioned Materiel, S.W. Asia	16,000
Prepositioned Materiel, Korea	19,000
Budget Activity 3: Training and Recruiting:	
TNET	4,000
Chemical/Biological Defense Training	20,000
Simulation Enhancements	21,000
Recruiting and Advertising	5,000
Budget Activity 4: Administration and Servicewide Activities:	
Security Programs (Arms Control)	(6,000)
Acquisition Reform	(12,000)
Depot Maintenance Logistics Tail	15,750
Waste Water Treatment Planning	350
Personnel Management Efficiencies	(3,000)
Conservation and Ecosystem Management	3,000
Pentagon Renovation Transfer	(44,130)
Other Adjustments:	
Civilian Underexecution	(67,000)
Family Housing Survey/Deficit Reduction Program	3,500
Foreign Currency	59,300
Inspector General Consolidation	(12,500)
Administrative Travel Savings/ Executive Transport	(28,500)
Provide Comfort/Enhanced Southern Watch	87,300
Supply Management Reform	(8,500)
Civilian Personnel Pay	(116,000)

CONVENTIONAL AMMUNITION MAINTENANCE

The conferees direct that of the funds provided for conventional ammunition care and maintenance, the Army shall expend not less than $300,853,000 for this purpose.

NATIONAL PRESTO

The conferees direct that not less than $15,000,000 be made available in the ''Operation and Maintenance, Army'' account only for the remediation of environmental contamination at the National Presto Industries, Inc. site in Eau Claire, Wisconsin. These funds are to be made available only for the implementation and execution of the 1988 agreement between the Department of the Army and National Presto Industries, Inc., within sixty days of the enactment of this Act and without being made subject to any studies, reports or other pre-conditions that would in any way delay or obstruct the obligation and disbursal of the funds. The conferees are satisfied that sufficient studies of this matter already have been done.

LIFE SCIENCES EQUIPMENT LABORATORY

The conferees direct that the Army shall make available $500,000 to the Life Sciences Equipment Laboratory at Kelly AFB, Texas, for work in support of the Joint Task Force—Full Accounting.

FORT WAINWRIGHT EMERGENCY REPAIRS

The conferees agree to provide $8,000,000 of available funds, for emergency repairs for the Fort Wainwright Central Heat and Power Plant.

CONTRACTOR-OPERATED PARTS STORES (COPARS)

The conferees are concerned by the issues raised in a recent GAO study of the COPARS program questioning the methodology used by certain military commanders to justify the use of alternative approaches. The conferees direct the services to suspend all efforts directed toward the elimination of COPARS unless and until economic analyses are approved that clearly show other alternatives to be more cost-effective. Such economic analyses must compare like items of cost (including labor and overhead costs of any COPARS alternative) and must fully address the concerns about earlier analyses cited in the GAO report. To ensure the fairness and objectivity of any such analysis, the conferees direct the Secretary to designate a single point of contact within the Office of the Secretary of Defense for approval of study methodology and any final recommendations.

OPERATION AND MAINTENANCE, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, NAVY				
Budget Activity 1: Operating forces:				
Air operations:				
Mission and other flight operations	1,788,301	1,788,301	1,788,301	1,796,301
Fleet air training	627,871	627,871	642,166	642,166
Intermediate maintenance	68,070	68,070	68,070	68,070
Air operations and safety support	59,060	59,060	59,060	59,060
Aircraft depot maintenance	489,443	539,443	489,443	514,443
Aircraft depot operations support	28,232	28,232	28,232	28,232
Base support	1,205,651	1,233,151	1,217,651	1,205,651

[In thousands of dollars]

	Budget	House	Senate	Conference
Ship operations:				
Mission and other ship operations	1,885,234	1,885,234	1,885,234	1,885,234
Ship operational support and training	462,396	462,396	462,396	462,396
Intermediate maintenance	401,812	401,812	401,812	401,812
Ship depot maintenance	2,261,190	2,331,190	2,411,190	2,411,190
Ship depot operations support	758,320	758,320	758,320	758,320
Base support	1,110,058	1,137,558	1,121,058	1,110,058
Combat operations/support:				
Combat communications	198,415	198,415	198,415	198,415
Electronic warfare	7,396	7,396	7,396	7,396
Space systems and surveillance	153,881	153,881	153,881	153,881
Warfare tactics	138,256	138,256	138,256	138,256
Operational meteorology and oceanography	198,719	198,719	198,719	198,719
Combat support forces	339,888	339,888	339,888	339,888
Equipment maintenance	145,820	145,820	145,820	145,820
Depot operations support	1,127	1,127	1,127	1,127
Base support	398,298	398,298	402,278	398,298
Weapons support:				
Cruise missile	96,656	96,656	96,656	96,656
Fleet ballistic missile	788,463	788,463	788,463	788,463
In-service weapons systems support	25,945	25,945	25,945	25,945
Weapons maintenance	401,879	411,879	401,879	406,879
Base support	111,176	111,176	112,286	111,176
DBOF support	695,100	.....	695,100	595,100
Total, budget activity 1	14,846,657	14,336,557	15,039,042	14,948,952
Budget activity 2: Mobilization:				
Ready reserve and prepositioning forces:				
Ship prepositioning and surge	511,034	511,034	511,034	511,034
Activations/inactivations:				
Aircraft activations/inactivations	7,215	7,215	7,215	7,215
Ship activations/inactivations	472,386	472,386	472,386	472,386
Mobilization preparedness:				
Fleet hospital program	16,162	16,162	16,162	16,162
Industrial readiness	1,917	1,917	1,917	1,917
Coast Guard support	21,514	21,514	21,514	21,514
Total, budget activity 2	1,030,228	1,030,228	1,030,228	1,030,228
Budget activity 3: Training and recruiting:				
Accession training:				
Officer acquisition	66,755	66,755	66,755	66,755
Recruit training	4,667	4,667	4,667	4,667
Reserve Officers Training Corps (ROTC)	64,836	64,836	64,836	64,836
Base support	112,811	112,811	113,311	112,811
Basic skills and advanced training:				
Specialized skill training	212,121	222,121	222,121	222,121
Flight training	273,004	273,004	273,004	273,004
Professional development education	61,214	61,214	61,214	61,214
Training support	125,237	125,237	125,237	125,237
Base support	415,830	415,830	419,980	415,830
Recruiting, and other training and education:				
Recruiting and advertising	122,820	128,820	127,820	127,820
Off-duty and voluntary education	54,970	54,970	54,970	54,970
Civilian education and training	22,223	22,223	22,223	22,223
Junior ROTC	24,382	24,382	24,382	24,382
Base support	822	822	822	822
Total, budget activity 3	1,561,692	1,577,692	1,581,342	1,576,692
Budget activity 4: Admin & servicewide activities:				
Servicewide support:				
Administration	605,287	595,287	605,287	605,287
External relations	21,684	21,684	21,684	21,684
Civilian manpower and person management	63,166	59,166	59,166	61,166
Military manpower and person management	139,864	139,864	139,864	139,864
Other personnel support	395,629	414,229	405,629	395,629
Servicewide communications	261,463	261,463	288,463	288,463
Base support	271,900	271,900	274,600	271,900
Logistics operations and technical support:				
Servicewide transportation	147,132	147,132	147,132	147,132
Planning, engineering and design	249,620	249,620	249,620	249,620
Acquisition and program management	426,404	409,404	426,404	412,904
Air systems support	302,011	302,011	302,011	302,011
Hull, mechanical and electrical support	60,022	60,022	60,022	60,022
Combat/weapons systems	41,632	51,632	41,632	51,632
Space and electronic warfare systems	68,111	68,111	68,111	68,111
Base support	158,334	158,334	158,334	158,334
Pentagon renovation transfer	.....	.....	−33,330	−33,330
Security programs:				
Security Programs	556,805	556,805	549,805	549,805
Base support	10,674	10,674	10,780	10,674
Support of other nations:				
International headquarters and agencies	7,395	7,395	7,395	7,395
Total, budget activity 4	3,787,133	3,784,733	3,784,189	3,768,303
Classified programs undistributed	.....	1,000	5,000	1,150
Civilian pay	.....	.....	−12,800	.....
NSIPS	.....	9,000	.....	9,000
General reduction, national defense stockpile fund	−50,000	−50,000	−50,000	−50,000
Real property maintenance	.....	150,000	.....	155,000
Foreign currency fluctuation	.....	31,900	.....	5,000
Barracks renovation initiative	.....	.....	100,000	.....
Administrative travel savings	.....	.....	−17,500	−28,500
Printing efficiencies	.....	−4,000	−4,000	−4,000
Inspector General consolidation	.....	−20,000	.....	−20,000
Reduced audits	.....	−10,000	−10,000	−10,000
Transportation improvements	.....	−7,200	−7,200	−7,200
Bulk fuel requirements reduction	.....	.....	−200,000	−100,000
Nexcom 2nd destination transportation	.....	−7,500	.....	−7,500
Civilian understrength	.....	−5,000	−33,000	−17,000
Provide comfort/enhanced southern watch	.....	75,300	.....	75,300
Tomahawk missile recertification	.....	−9,000	.....	−9,000
Supply management reforms	.....	−37,000	.....	−37,000
Total, operation and maintenance, Navy	21,175,710	20,846,710	21,195,301	21,279,425
Transfer	(50,000)	(50,000)	(50,000)	(50,000)
Total funding available	(21,225,710)	(20,896,710)	(21,245,301)	(21,329,425)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
P–3 Force Structure	8,000
Pacific Missile Range Facility	14,295
Aircraft Depot Maintenance	25,000
Ship Depot Maintenance Availabilities	150,000
Other Weapon Systems Maintenance	5,000
DBOF Support	(100,000)
Budget Activity 3: Training and Recruiting:	
Recruiting and Advertising	5,000
Budget Activity 4: Administration and Servicewide Activities:	
Personnel Management Efficiencies	(2,000)
Challenge Athena	27,000
Acquisition Reform	(17,000)
Reverse Osmosis Desalinators	3,500
AN–UYQ–70	10,000
Pentagon Renovation Transfer	(33,330)
Security Programs (Arms Control)	(7,000)
Other Adjustments:	
Foreign Currency	5,000
Administrative Travel Savings/Executive Transport	(28,500)
Inspector General Consolidation	(20,000)
Bulk Fuel Reduction	(100,000)
NexCom Second Destination Transportation	(7,500)
Civilian Underexecution	(17,000)
Provide Comfort/Enhanced Southern Watch	75,300
Tomahawk Missile Recertification	(9,000)
Supply Management Reforms	(37,000)

REVERSE OSMOSIS DESALINATORS

The conferees agree to provide $3,500,000 under this heading for the purchase and repair and maintenance of reverse osmosis desalinators. Of this amount, $500,000 is directed to the repair and maintenance of existing Navy desalinators, $1,000,000 is directed for the procurement of new desalinators for the Navy, and the remaining $2,000,000 is directed to Navy procurement of desalinators in support of the Air Force.

ASIA-PACIFIC CENTER FOR SECURITY STUDIES

In their respective bills, the House and Senate have each approved the budget request for the Asia-Pacific Center for Security Studies. The conferees note that the Center was dedicated by the Secretary of Defense in August of this year and it continues to receive strong support from the civilian and military leadership of the Defense Department and other nations. The conferees want to express their support for fully funding the requirements of the Center in 1996 and the future.

CSS HUNLEY

The House recedes from its report language regarding the CSS Hunley.

OPERATION AND MAINTENANCE, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, MARINE CORPS				
BUDGET ACTIVITY 1: OPERATING FORCES:				
EXPEDITIONARY FORCES:				
OPERATIONAL FORCES	334,133	344,133	334,133	344,133
FIELD LOGISTICS	158,299	158,299	158,299	158,299
DEPOT MAINTENANCE	148,574	173,574	148,574	158,574
BASE SUPPORT	903,013	953,013	922,043	945,013
USMC PREPOSITIONING:				
MARITIME PREPOSITIONING	77,416	77,416	96,416	77,416
NORWAY PREPOSITIONING	8,019	8,019	4,019	5,919
TOTAL, BUDGET ACTIVITY 1	1,629,454	1,714,454	1,663,484	1,689,354
BUDGET ACTIVITY 3: TRAINING AND RECRUITING:				
ACCESSION TRAINING:				
RECRUIT TRAINING	7,343	7,343	7,343	7,343
OFFICER ACQUISITION	268	268	268	268
BASE SUPPORT	66,554	66,554	67,219	66,554
BASIC SKILLS AND ADVANCED TRAINING:				
SPECIALIZED SKILLS TRAINING	25,057	35,057	35,057	35,057
FLIGHT TRAINING	165	165	165	165
PROFESSIONAL DEVELOPMENT EDUCATION	5,792	5,792	5,792	5,792
TRAINING SUPPORT	74,964	74,964	74,964	74,964
BASE SUPPORT	69,791	69,791	75,481	69,791
RECRUITING AND OTHER TRAINING EDUCATION:				
RECRUITING AND ADVERTISING	61,037	66,037	65,037	65,037
OFF-DUTY AND VOLUNTARY EDUCATION	11,055	11,055	11,055	11,055
JUNIOR ROTC	7,588	7,588	7,588	7,588
BASE SUPPORT	13,496	13,496	13,626	13,496
TOTAL, BUDGET ACTIVITY 3	343,110	358,110	363,595	357,110
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES:				
SERVICEWIDE SUPPORT:				
LOGISTICS SUPPORT	95,596	95,596	95,596	95,596
SPECIAL SUPPORT	131,023	139,823	131,023	131,023
SERVICEWIDE TRANSPORTATION	31,931	31,931	31,931	31,931
ADMINISTRATION	28,523	28,523	29,523	28,523
BASE SUPPORT	10,085	10,085	10,185	10,085
TOTAL, BUDGET ACTIVITY 4	297,158	305,958	298,258	297,158
CLASSIFIED PROGRAMS			1,000	500
REAL PROPERTY MAINTENANCE		100,000		60,000
FOREIGN CURRENCY FLUCTUATION		9,400		1,000
INCLEMENT WEATHER GEAR		24,000		
TRANSPORTATION IMPROVEMENTS		−3,100	−3,100	−3,100
BARRACKS RENOVATION INITIATIVES			22,000	
ADMINISTRATIVE TRAVEL SAVINGS			−3,500	−9,500
TOTAL, O&M, MARINE CORPS	2,269,722	2,508,822	2,341,737	2,392,522

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
Operating Tempo	10,000
Depot maintenance	10,000
Initial Issue Equipment	16,000
Personnel Support Equipment	25,000
Training Range Environmental Assessment	1,000
Norway Prepositioning	(2,100)
Budget Activity 3: Training and Recruiting:	
Recruiting and Advertising	4,000
Other Adjustments:	
Foreign Currency	1,000
Administrative Travel Savings/Executive Transport	(9,500)

OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, AIR FORCE				
BUDGET ACTIVITY 1: OPERATING FORCES:				
AIR OPERATIONS:				
PRIMARY COMBAT FORCES	2,684,913	2,829,413	2,664,913	2,713,913

[In thousands of dollars]

	Budget	House	Senate	Conference
PRIMARY COMBAT WEAPONS	409,701	389,701	389,701	389,701
COMBAT ENHANCEMENT FORCES	257,139	257,139	257,139	257,139
AIR OPERATIONS TRAINING	647,570	652,470	650,570	655,470
COMBAT COMMUNICATIONS	854,442	854,442	846,542	846,542
BASE SUPPORT	2,407,212	2,456,212	2,431,282	2,407,212
COMBAT RELATED OPERATIONS:				
GLOBAL C³I AND EARLY WARNING	826,526	834,726	826,526	830,526
NAVIGATION/WEATHER SUPPORT	128,374	128,374	128,374	128,374
OTHER COMBAT OPS SUPPORT PROGRAMS	210,481	210,481	210,481	210,481
JCS EXERCISES	41,793	41,793	41,793	41,793
MANAGEMENT/OPERATIONAL HEADQUARTERS	111,914	111,914	111,914	111,914
TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	190,613	190,613	190,613	190,613
SPACE OPERATIONS:				
LAUNCH FACILITIES	254,590	254,590	254,590	254,590
LAUNCH VEHICLES	117,482	117,482	117,482	117,482
SPACE CONTROL SYSTEMS	341,862	341,862	341,862	341,862
SATELLITE SYSTEMS	49,132	49,132	43,832	49,132
OTHER SPACE OPERATIONS	79,989	79,989	79,989	79,989
BASE SUPPORT	402,589	402,589	406,589	402,589
TOTAL, BUDGET ACTIVITY 1	10,016,322	10,202,922	9,994,192	10,029,322
BUDGET ACTIVITY 2: MOBILIZATION:				
MOBILITY OPERATIONS:				
AIRLIFT OPERATIONS	1,544,785	1,526,785	1,524,785	1,533,785
AIRLIFT OPERATIONS C³I	10,961	10,961	10,961	10,961
MOBILIZATION PREPAREDNESS	160,110	160,110	160,110	160,110
PAYMENTS TO TRANSPORTATION BUSINESS AREA	293,027	273,027	273,027	273,027
BASE SUPPORT	514,490	514,490	519,590	514,490
TOTAL, BUDGET ACTIVITY 2	2,523,373	2,485,373	2,488,473	2,492,373
BUDGET ACTIVITY 3: TRAINING AND RECRUITING:				
ACCESSION TRAINING:				
OFFICER ACQUISITION	49,197	49,197	49,197	49,197
RECRUIT TRAINING	3,881	3,881	3,881	3,881
RESERVE OFFICER TRAINING CORPS (ROTC)	39,226	39,226	39,226	39,226
BASE SUPPORT (ACADEMIES ONLY)	91,666	91,666	91,666	91,666
BASIC SKILLS AND ADVANCED TRAINING:				
SPECIALIZED SKILL TRAINING	204,465	214,465	214,465	214,465
FLIGHT TRAINING	336,956	276,956	309,556	326,956
PROFESSIONAL DEVELOPMENT EDUCATION	78,688	78,688	78,688	78,688
TRAINING SUPPORT	65,048	65,048	65,048	65,048
BASE SUPPORT (OTHER TRAINING)	545,451	545,451	550,851	545,451
RECRUITING, AND OTHER TRAINING AND EDUCATION:				
RECRUITING AND ADVERTISING	44,827	50,827	49,827	49,827
EXAMINING	3,122	3,122	3,122	3,122
OFF DUTY AND VOLUNTARY EDUCATION	75,537	86,237	75,537	79,537
CIVILIAN EDUCATION AND TRAINING	77,304	77,304	77,304	77,304
JUNIOR ROTC	25,392	25,392	25,392	25,392
TOTAL, BUDGET ACTIVITY 3	1,640,760	1,607,460	1,633,760	1,649,760
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES:				
LOGISTICS OPERATIONS:				
LOGISTICS OPERATIONS	790,324	754,324	794,224	754,324
TECHNICAL SUPPORT ACTIVITIES	365,535	365,535	365,535	365,535
SERVICEWIDE TRANSPORTATION	234,836	234,836	234,836	234,836
BASE SUPPORT	889,348	889,348	913,648	889,448
SERVICEWIDE ACTIVITIES:				
ADMINISTRATION	118,319	102,819	118,319	112,819
SERVICEWIDE COMMUNICATIONS	318,240	318,240	318,240	318,240
PERSONNEL PROGRAMS	84,766	79,066	84,766	81,766
RESCUE AND RECOVERY SERVICES	40,426	44,826	40,426	44,826
SUBSISTENCE-IN-KIND	48,429	48,429	48,429	48,429
ARMS CONTROL	34,645	34,645	34,645	34,645
OTHER SERVICEWIDE ACTIVITIES	396,155	396,155	396,155	396,155
OTHER PERSONNEL SUPPORT	32,080	32,080	32,080	32,080
CIVIL AIR PATROL CORPORATION	14,704	15,804	16,704	16,704
BASE SUPPORT	248,095	270,295	254,595	248,095
PENTAGON RENOVATION TRANSFER	.....	.....	−32,730	−32,730
SECURITY PROGRAMS:				
SECURITY PROGRAMS	447,218	447,218	439,218	439,218
SUPPORT TO OTHER NATIONS:				
INTERNATIONAL SUPPORT	13,022	13,022	13,022	13,022
TOTAL, BUDGET ACTIVITY 4	4,076,142	4,046,642	4,072,112	3,997,412
CLASSIFIED PROGRAMS UNDISTRIBUTED	.....	2,000	12,700	15,400
SR–71	.....	.....	30,000	30,000
CIVILIAN PERSONNEL UNDERSTRENGTH	.....	−80,000	−30,000	−72,000
INFORMATION TECHNOLOGY	.....	100	.....	.....
GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND	−50,000	−50,000	−50,000	−50,000
REAL PROPERTY MAINTENANCE	.....	320,000	.....	151,000
FOREIGN CURRENCY FLUCTUATION	.....	20,600	.....	7,200
EDCARS/DSREDS	.....	2,000	.....	2,000
INSPECTOR GENERAL CONSOLIDATION	.....	−11,000	.....	−11,000
REDUCED AUDITS	.....	−13,000	−13,000	−13,000
PRINTING EFFICIENCIES	.....	−3,000	−3,000	−3,000
ADMINISTRATIVE TRAVEL SAVINGS	.....	.....	−17,500	−28,500
BARRACKS RENOVATION INITIATIVES	.....	.....	100,000	.....
TRANSPORTATION IMPROVEMENTS	.....	−15,300	−15,300	−15,300
PROVIDE COMFORT/ENHANCED SOUTHERN WATCH	.....	393,200	.....	393,200
SUPPLY MANAGEMENT REFORMS	.....	−13,600	.....	−13,600
OPERATIONAL SUPPORT AIRLIFT	.....	−20,604	.....	.....
TOTAL, O&M, AIR FORCE	18,206,597	18,873,793	18,202,437	18,561,267
TRANSFER	(50,000)	(50,000)	(50,000)	(50,000)
TOTAL FUNDING AVAILABLE	(18,256,597)	(18,923,793)	(18,252,437)	(18,611,267)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:

Air Guard Transfer ..... (6,200)

Excess Funded Carryover ..... (27,000)

Mission Readiness Training 25,200

Precision Weapons 1,000

Spares Funding 36,000

Caribbean Basin Radars 3,000

Simulation Enhancements 4,900

Combat Communications Transfer to R&D ..... (7,900)

Rivet Joint 4,000

Budget Activity 2: Mobilization:

KC–135s 2,000

Excess Funded Carryover ..... (13,000)

Budget Activity 3: Training and Recruiting:

Undergraduate Pilot Training .. (10,000)

Recruiting and Advertising 5,000

Tuition Assistance	4,000
Budget Activity 4: Administration and Servicewide Activities:	
Acquisition Reform	(40,000)
B–1 Maintenance	4,000
CAMS/REMIS	100
STRATCOM	2,500
Administrative Efficiencies	(8,000)
Personnel Management Efficiencies	(3,000)
Rescue and Recovery Programs	4,400
Civil Air Patrol	2,000
Pentagon Renovation Transfer	(32,730)
Security Programs (Arms Control)	(8,000)
Other Adjustments:	
SR–71	30,000
Civilian Underexecution	(72,000)
Foreign Currency	7,200
Inspector General Consolidation	(11,000)
Administrative Travel Savings/Executive Transport	(28,500)
Provide Comfort/Enhanced Southern Watch	393,200
Supply Management Reforms	(13,600)

COUNTERDRUG OPERATIONS

The conferees direct that no more than $8,000,000 of available funds are to be used to relocate USSOUTHCOM radars. These funds are intended to augment counterdrug O&M funding and are not to be counted against the fiscal year 1996 appropriated level for counterdrug O&M activities.

ALTERNATIVE POWER DEMONSTRATION

The conferees agree that the report on the demonstration of alternative power sources for Burnt Mountain should be provided to the Committees on Appropriations by September 30, 1997.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, DEFENSE-WIDE				
BUDGET ACTIVITY 1: OPERATING FORCES:				
JOINT CHIEFS OF STAFF	475,977	537,977	480,977	480,977
SPECIAL OPERATIONS COMMAND	1,018,476	1,018,476	1,018,476	1,019,476
PROVIDE COMFORT/ENHANCED SOUTHERN WATCH				10,100
TOTAL, BUDGET ACTIVITY 1	1,494,453	1,566,553	1,499,453	1,510,553
BUDGET ACTIVITY 2: MOBILIZATION:				
DEFENSE LOGISTICS AGENCY	26,000	26,000	26,000	26,000
WASHINGTON HEADQUARTERS SERVICES	45,438			
TOTAL, BUDGET ACTIVITY 2	71,438	26,000	26,000	26,000
BUDGET ACTIVITY 3: TRAINING AND RECRUITING:				
DEFENSE ACQUISITION UNIVERSITY	112,991	93,991	112,991	101,491
DEFENSE BUSINESS MANAGEMENT UNIVERSITY	19,669	3,969	19,669	19,669
TOTAL, BUDGET ACTIVITY 3	132,660	97,960	132,660	121,160
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES:				
AMERICAN FORCES INFORMATION SERVICE	90,892	90,892	90,892	90,892
CORPORATE INFORMATION MANAGEMENT	127,967	127,967	127,967	127,967
CLASSIFIED AND INTELLIGENCE	3,350,037	3,340,369	3,334,237	3,334,469
DEFENSE CIVILIAN PERSONNEL MANAGEMENT SERVICE	45,631	40,831	45,631	43,231
DEFENSE CONTRACT AUDIT AGENCY	342,926	332,126	342,926	332,126
DEFENSE INVESTIGATIVE SERVICE	201,582	197,682	201,582	199,582
DEFENSE LOGISTICS AGENCY	1,055,996	1,036,696	1,072,996	1,069,696
PROCUREMENT TECHNICAL ASSISTANCE PROGRAM			12,000	
DEFENSE LEGAL SERVICES AGENCY	6,540	6,540	6,540	6,540
DEFENSE MAPPING AGENCY	734,438	695,338	734,438	714,538
DEFENSE NUCLEAR AGENCY	96,105	96,105	96,105	96,105
DEFENSE POW/MIA OFFICE	13,486	13,486	13,486	13,486
FEDERAL ENERGY MANAGEMENT PROGRAM	234,682	120,000	50,000	35,000
DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,292,684	1,168,825	1,293,184	1,306,729
DEFENSE SUPPORT ACTIVITIES	82,562	82,562	82,562	82,562
DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	10,858	10,858	10,858	10,858
JOINT CHIEFS OF STAFF	97,873	97,873	97,873	97,873
OFFICE OF ECONOMIC ADJUSTMENT	59,078	60,578	59,078	60,578
OFFICE OF THE SECRETARY OF DEFENSE	349,291	267,761	324,622	323,922
ON SITE INSPECTION AGENCY	97,987	97,987	85,987	85,987
WASHINGTON HEADQUARTERS SERVICES	308,421	298,821	308,421	298,821
PENTAGON RENOVATION TRANSFER			−50,830	108,020
TOTAL, BUDGET ACTIVITY 4	8,599,036	8,183,297	8,340,555	8,453,982
BUDGET ACTIVITY 6: CAPITAL LEASE:				
DEFENSE BUSINESS MANAGEMENT UNIVERSITY	69,195			
CIVILIAN PAY			−74,400	
CIVILIAN PERSONNEL UNDERSTRENGTH		−60,000	−57,700	−45,000
INFORMATION TECHNOLOGY		112,000		12,000
JOINT MARKET RESEARCH PROGRAM		2,000		2,000
FOREIGN CURRENCY FLUCTUATION		24,200		6,400
IMPACT AID		35,000		35,000
TRANSPORTATION IMPROVEMENTS		−18,200		
TRAVEL RE-ENGINEERING		−10,000	−22,500	−33,500
GENERAL REDUCTION			−40,000	
TRAVEL REDUCTION		−50,000		
FORT ORD BASE REHABILITATION SUPPORT				15,000
COAST GUARD TRANSFER				300,000
TOTAL, O&M, DEFENSE-WIDE	10,366,782	9,908,810	9,804,068	10,388,595

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
Northern Edge	5,000
Seal Delivery Vehicle Team One	1,000
Provide Comfort/Enhanced Southern Watch	10,100
Budget Activity 3: Training and Recruiting:	
DAU/Defense Systems Management College	(11,500)
Budget Activity 4: Administration and Servicewide Activities:	
Defense Civilian Personnel Management Service	(2,400)
Defense Contract Audit Agency	(10,800)
Defense Investigative Service	(2,000)
DLA Acquisition Reform	(10,700)
DLA Security Locks	15,000
DLA Homeless Initiative	(2,600)
DLA Procurement Technical Assistance	12,000
DMA, Minor Equipment	(13,800)
DMA, Internet Access	(600)
DMA, Productivity Improvements	(4,500)
DMA, Personnel Regionalization	(1,000)
Federal Energy Management Program	(199,682)
DoDDS Administrative Overhead	(10,000)
New Parent Support Program	25,600
Relocation Assistance Program	(2,055)
DoDDS Mathematics Teachers Leadership Project	500
Office of Economic Adjustment	1,500
OSD, Mobility Enhancements	41,000
OSD, DFAS Efficiencies	(20,000)
OSD, Management Efficiencies	(32,669)
OSD, Acquisition Reform	(400)
OSD, Staffing Reductions	(6,400)
OSD, Acquisition Program Growth	(4,200)
OSD, Consulting Services Growth	(20,700)

OSD, Joint Recruiting and Advertising Program	10,000
MARC cards	8,000
OSIA (Arms Control)	(12,000)
WHS, Inventory Growth	(9,600)
Pentagon Renovation Transfer	108,020
Other Adjustments:	
Civilian Underexecution	(45,000)
Information Technology	12,000
Joint Market Research Program	2,000
Foreign Currency	6,400
Impact Aid	35,000
Travel Efficiencies/Executive Transport	(33,500)
Fort Ord base rehabilitation support	15,000
Coast Guard Defense Missions	300,000

JOINT ANALYSIS MODEL IMPROVEMENT PROGRAM

The conferees agree that, of the funds provided, $11,200,000 shall be made available for the Joint Analysis Model Improvement Program.

PENTAGON RENOVATION

The conferees direct that the Pentagon renovation funding be consolidated in the ''Operation and Maintenance, Defense-Wide'' account. The conferees have provided a total of $108,020,000 for the Pentagon renovation.

TROOPS TO COPS AND TEACHERS

The Senate included language providing $52,000,000 to continue the Troops to Cops and Troops to Teachers programs. The conferees have deleted this language. The conferees expect the Defense Department to consider using existing resources within this appropriation, if available, to continue these programs.

TRANSITION ASSISTANCE PROGRAM AND RELOCATION ASSISTANCE PROGRAM

The conferees agree to provide $49,300,000 for the Transition Assistance Program and $18,504,000 for the Relocation Assistance Program for fiscal year 1996. However, the conferees are concerned that these programs have become permanent entities, even though they were initiated to provide service members and their families with separation and relocation assistance resulting from the drawdown. At the end of fiscal year 1996, the Department of Defense will have largely completed its downsizing effort. Accordingly, the conferees direct the Department to report to the Defense Committees no later than March 1, 1996, on phasing out these programs, and what, if any residual level of continued resourcing is required.

OPERATION AND MAINTENANCE, ARMY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, ARMY RESERVE				
BUDGET ACTIVITY 1: OPERATING FORCES:				
MISSION OPERATIONS:				
BASE SUPPORT	284,036	284,036	284,036	284,036
DEPOT MAINTENANCE	57,377	57,377	57,377	57,377
RECRUITING AND RETENTION	43,963	43,963	43,963	43,963
TRAINING OPERATIONS	573,414	606,414	573,414	606,414
TOTAL, BUDGET ACTIVITY 1	958,790	991,790	958,790	991,790
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES:				
ADMINISTRATION AND SERVICEWIDE ACTIVITIES:				
INFORMATION MANAGEMENT	17,492	17,492	17,492	17,492
PUBLIC AFFAIRS	423	423	423	423
PERSONNEL ADMINISTRATION	61,941	61,941	61,941	61,941
STAFF MANAGEMENT	29,945	29,945	29,945	29,945
TOTAL, BUDGET ACTIVITY 4	109,801	109,801	109,801	109,801
REAL PROPERTY MAINTENANCE		17,000		17,000
MILITARY/CIVILIAN TECHNICIAN RESTORATION		5,000		5,000
RESERVE COMPONENT AUTOMATION SYSTEM		−4,400		−4,400
TRANSITION BENEFITS			−279	
TOTAL, O&M, ARMY RESERVE	1,068,591	1,119,191	1,068,312	1,119,191

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
Training operations	33,000
Other adjustments:	
Real property maintenance	17,000
Military/civilian technician restoration	5,000
Reserve component automation system	−4,400
Total adjustments	+50,600

OPERATION AND MAINTENANCE, NAVY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, NAVY RESERVE				
Budget activity 1: Operating forces:				
Reserve air operations:				
Mission and other flight operations	291,673	291,673	291,673	291,673
P–3 squadron operations				6,000
Intermediate maintenance	17,813	17,813	17,813	17,813
Air operation and safety support	1,915	1,915	1,915	1,915
Aircraft depot maintenance	49,338	59,338	49,338	54,338
Aircraft depot OPS support	356	356	356	356
Base support	130,854	130,854	130,854	130,854
Reserve Ship operations:				
Mission and other ship operations	60,895	60,895	60,895	60,895
Ship operational support and training	658	658	658	658
Intermediate maintenance	23,990	23,990	23,990	23,990
Ship depot maintenance	70,930	70,930	70,930	70,930
Ship depot operations support	1,467	1,467	1,467	1,467
Reserve combat operations support:				
Combat communications	817	817	817	817
Combat support forces	25,207	25,207	25,207	25,207
Base support	52,410	52,410	52,410	52,410
Reserve weapons support:				
Weapons maintenance	5,641	5,641	5,641	5,641
Total, Budget Activity 1	733,964	743,964	733,964	744,964
Budget Activity 4: Admin & servicewide activities:				
Administration and servicewide activities:				
Administration	8,029	8,029	8,029	8,029
Civilian manpower and personnel management	3,222	3,222	3,222	3,222
Military manpower and personnel management	31,209	31,209	31,209	31,209
Servicewide communications	21,247	21,247	21,247	21,247
Base support	25,723	25,723	25,723	25,723
Combat/Weapons systems	2,648	2,648	2,648	2,648
Total, Budget Activity 4	92,078	92,078	92,078	92,078
Real property maintenance		12,000		20,000
NSIPS		9,000		2,500

[In thousands of dollars]

	Budget	House	Senate	Conference
Operational support airlift		−15,477		
Total, O&M, Navy Reserve	826,042	841,565	826,042	859,542

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
P–3 Squadrons	6,000
Aircraft Depot Maintenance	5,000
Other Adjustments:	
Real Property Maintenance	20,000
NSIPS	2,500
Total Adjustments	+33,500

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE				
BUDGET ACTIVITY 1: OPERATING FORCES:				
MISSION FORCES:				
TRAINING	13,617	14,517	13,617	14,517
OPERATING FORCES	21,237	27,637	21,237	25,637
BASE SUPPORT	18,059	18,059	18,059	18,059
DEPOT MAINTENANCE	2,322	3,722	2,322	3,322
TOTAL, BUDGET ACTIVITY 1	55,235	63,935	55,235	61,535
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES:				
ADMINISTRATION AND SERVICEWIDE ACTIVITIES:				
RECRUITING AND ADVERTISING	7,609	7,609	7,609	7,609
SPECIAL SUPPORT	9,064	9,064	9,064	9,064
SERVICEWIDE TRANSPORTATION	5,381	5,381	5,381	5,381
ADMINISTRATION	6,274	6,274	6,274	6,274
BASE SUPPORT	6,720	11,020	6,720	8,920
TOTAL, BUDGET ACTIVITY 4	35,048	39,348	35,048	37,248
REAL PROPERTY MAINTENANCE		1,500		1,500
OPERATIONAL SUPPORT AIRLIFT		−2,704		
TOTAL, O&M, MARINE CORPS RESERVE	90,283	102,079	90,283	100,283

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
Training	900
Operating Forces	4,400
Depot Maintenance	1,000
Budget Activity 4: Admin & Servicewide Activities:	
Base Support	2,200
Other Adjustments:	
Real Property Maintenance	1,500
Total Adjustments	+10,000

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, AIR FORCE RESERVE				
BUDGET ACTIVITY 1: OPERATING FORCES:				
AIR OPERATIONS:				
AIRCRAFT OPERATIONS	1,103,593	1,115,433	1,103,593	1,115,433
MISSION SUPPORT OPERATIONS	35,073	35,073	35,073	35,073
BASE SUPPORT	282,248	282,248	282,248	282,248
TOTAL, BUDGET ACTIVITY 1	1,420,914	1,432,754	1,420,914	1,432,754
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES:				
ADMINISTRATION AND SERVICEWIDE ACTIVITIES:				
ADMINISTRATION	33,107	33,107	33,107	33,107
MILITARY MANPOWER AND PERSONNEL MANAGEMENT	17,746	17,746	17,746	17,746
RECRUITING AND ADVERTISING	7,743	7,743	7,743	7,743
OTHER PERSONNEL SUPPORT	6,063	6,063	6,063	6,063
AUDIOVISUAL	374	374	374	374
TOTAL, BUDGET ACTIVITY 4	65,033	65,033	65,033	65,033
REAL PROPERTY MAINTENANCE		13,500		13,500
MILITARY/CIVILIAN TECHNICIAN RESTORATION		8,000		8,000
TOTAL, O&M, AIR FORCE RESERVE	1,485,947	1,519,287	1,485,947	1,519,287

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
Aircraft Operations	11,840
Other Adjustments:	
Real Property Maintenance	13,500
Military/Civilian Technician Restoration	8,000
Total Adjustments	+33,340

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD				
BUDGET ACTIVITY 1: OPERATING FORCES:				
MISSION OPERATIONS:				
TRAINING OPERATIONS	1,720,134	1,760,134	1,720,134	1,760,134
RECRUITING AND RETENTION	20,110	20,110	20,110	20,110

[In thousands of dollars]

	Budget	House	Senate	Conference
MEDICAL SUPPORT	19,109	19,109	19,109	19,109
DEPOT MAINTENANCE	100,687	100,687	100,687	100,687
BASE SUPPORT	250,378	250,378	252,978	252,978
TOTAL, BUDGET ACTIVITY 1	2,110,418	2,150,418	2,113,018	2,153,018
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES:				
ADMINISTRATION AND SERVICEWIDE ACTIVITIES:				
INFORMATION MANAGEMENT	59,496	29,396	59,496	44,596
PUBLIC AFFAIRS	1,461	1,461	1,461	1,461
PERSONNEL ADMINISTRATION	89,665	89,665	89,665	89,665
STAFF MANAGEMENT	43,068	43,068	43,068	43,068
TOTAL, BUDGET ACTIVITY 4	193,690	163,590	193,690	178,790
REAL PROPERTY MAINTENANCE		21,000	100,000	100,000
MILITARY/CIVILIAN TECHNICIAN RESTORATION		9,000		9,000
TRANSITION BENEFITS			−45,000	
OPERATIONAL SUPPORT AIRLIFT		−9,521		
TOTAL, O&M, ARMY NATIONAL GUARD	2,304,108	2,334,487	2,361,708	2,440,808

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
Training Operations	40,000
Base Support	2,600
Budget Activity 4: Admin & Servicewide Activities:	
Information Management	−14,900
Other Adjustments:	
Real Property Maintenance	100,000
Military/Civilian Technician Restoration	9,000
Total Adjustments	+136,700

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD				
BUDGET ACTIVITY 1: OPERATING FORCES:				
AIR OPERATIONS:				
AIRCRAFT OPERATIONS	1,977,786	1,979,286	2,005,186	2,006,686
MISSION SUPPORT OPERATIONS	346,687	346,687	246,687	346,687
BASE SUPPORT	361,224	361,224	361,224	361,224
DEPOT MAINTENANCE	18,410	19,910	18,410	19,910
TOTAL, BUDGET ACTIVITY 1	2,704,107	2,707,107	2,731,507	2,734,507
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES:				
SERVICEWIDE ACTIVITIES:				
ADMINISTRATION	3,127	3,127	3,127	3,127
RECRUITING AND ADVERTISING	4,987	4,987	4,987	4,987
TOTAL, BUDGET ACTIVITY 4	8,114	8,114	8,114	8,114
REAL PROPERTY MAINTENANCE		15,000		15,000
MILITARY/CIVILIAN TECHNICIAN RESTORATION		7,000		18,500
TRANSITION BENEFITS			−15,600	
TOTAL, O&M, AIR NATIONAL GUARD	2,712,221	2,737,221	2,724,021	2,776,121

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1: Operating Forces:	
Aircraft Operations	28,900
Depot Maintenance	1,500
Other Adjustments:	
Real Property Maintenance	15,000
Military/Civilian Technician Restoration	18,500
Total Adjustments	+63,900

ENVIRONMENTAL RESTORATION, DEFENSE

The conferees agree to provide $1,422,200,000 for Environmental Restoration, Defense.

ENVIRONMENTAL REMEDIATION

The conferees support the ''relative risk'' approach to environmental remediation and expect the Department to make sure the most hazardous sites receive primary attention. While the conferees believe that all bases—those closing and those remaining open—must meet environmental standards the Department must not let ongoing environmental clean-up efforts preclude reuse opportunities at closing military installations. In these cases, the Department should work aggressively and innovatively with State and local officials to lower clean-up costs and to be sure environmental issues do not make it harder for affected communities to recover from losing a military installation.

SUMMER OLYMPICS

The conference agreement recommends an appropriation of $15,000,000 as proposed by the House and Senate for support of the 1996 Games of the XXVI Olympiad.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

The conferees agree to provide $50,000,000 for these functions of which $20,000,000 is specifically earmarked for training and activities related to the clearing of landmines for humanitarian purposes.

The conferees also agree to the House recommendation to consolidate all funds for humanitarian, disaster, and civil aid into a single account.

FORMER SOVIET UNION THREAT REDUCTION

The conferees agree to provide $300,000,000 for the Former Soviet Union Threat Reduction program, a reduction of $71,000,000 from the budget request. Funding provided at the subprogram level appears in the following table:

[In millions of dollars]

Program	Budget	House	Senate	Conference
Nuclear Arms Reduction	167.5	167.5	167.5	167.5
Defense Enterprise Fund	40	0	0	0
Chemical Weapons Destruction	104	0	104	79
Fissile Material	29	6	29	29
Other	30.5	26.5	24.5	24.5
Total	371	200	325	300

Although no new funds are provided for the Defense Enterprise Fund, the conferees agree that up to $2,000,000 of previously appropriated funds may be expended to administer the continued operation of the Defense Enterprise Fund program currently underway. The conferees have included two general provisions regarding the Former Soviet Union Threat Reduction program involving the limitation on expenditures of funds for the Chemical Weapons Destruction program and a prohibition on providing funds for housing for current or former Soviet military officers.

TITLE III—PROCUREMENT

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
SUMMARY				
ARMY:				
AIRCRAFT	1,223,067	1,468,067	1,498,623	1,558,805
MISSILES	676,430	842,830	846,555	865,555
WEAPONS, TRACKED COMBAT VEHICLES	1,298,986	1,616,964	1,396,264	1,652,745
AMMUNITION	795,015	1,019,315	1,090,891	1,110,685
OTHER	2,256,601	2,570,125	2,760,002	2,769,443
TOTAL, ARMY	6,250,099	7,517,301	7,592,335	7,957,233
NAVY:				
AIRCRAFT	3,886,488	4,310,703	4,897,393	4,589,394
WEAPONS	1,787,121	1,736,211	1,771,421	1,669,827
AMMUNITION	.....	483,779	.....	430,053
SHIPS	5,051,935	5,577,958	7,062,001	6,643,958
OTHER	2,396,080	2,480,670	2,394,260	2,483,581
MARINE CORPS	474,116	480,852	597,139	458,947
TOTAL, NAVY	13,595,740	15,070,173	16,722,214	16,275,760
AIR FORCE:				
AIRCRAFT	6,183,886	7,140,703	7,163,258	7,367,983
MISSILES	3,647,711	3,223,265	3,550,192	2,943,931
AMMUNITION	.....	321,328	.....	338,800
OTHER	6,804,696	6,508,425	6,540,951	6,284,230
TOTAL, AIR FORCE	16,636,293	17,193,721	17,254,401	16,934,944
DEFENSE-WIDE	2,179,917	2,187,085	2,114,824	2,124,379
NATIONAL GUARD AND RESERVE EQUIPMENT	.....	908,125	777,000	777,000
TOTAL PROCUREMENT	38,662,049	42,876,405	44,460,774	44,069,316

JOINT FORCES COMMAND, CONTROL AND COMMUNICATIONS

The conferees understand the importance of interoperability for joint forces in war and peacetime and have provided an additional $103,300,000 to correct critical deficiencies. However, through testimony from the Vice Chairman, Joint Chiefs of Staff, Service Chiefs and Commanders in Chief of the various Unified and Specified Commands, the conferees believe that deficiencies in command, control and communications still exist. The conferees encourage the Secretary of Defense to provide adequate resources for joint interoperability initiatives and will entertain reprogramming action that provides additional funds for this purpose.

AMMUNITION AND MISSILE QUANTITIES

The conferees agree the quantities of missiles and ammunition noted in the following tables are to be considered a floor and direct the Department to buy as many units as appropriated funds will allow. In no case shall the Department buy less than the quantities noted in the table unless the congressional defense committees are informed as to why these levels are unachievable.

AIRCRAFT PROCUREMENT, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
AIRCRAFT PROCUREMENT, ARMY:					
C–XX (MEDIUM RANGE) AIRCRAFT	.....	.....	23,000	4	23,000
UH–60 BLACKHAWK (MYP)	334,880	334,880	302,962	60	334,880
UH–60 BLACKHAWK (MYP) (AP–CY)	.....	75,000	70,000	.....	70,000
GUARDRAIL MODS (TIARA)	48,969	57,969	48,969	.....	57,969
AH–64 MODS	53,596	53,596	50,596	.....	53,596
LONGBOW	341,968	341,968	418,168	.....	418,168
KIOWA WARRIOR	71,334	211,334	196,334	20	211,334
SPARES AND REPAIR PARTS	49,177	49,177	33,351	.....	34,615
AIRCRAFT SURVIVABILITY EQUIPMENT	22,304	43,304	54,404	.....	54,404

AH–64 MODIFICATIONS

The conferees agree to provide the budget request of $53,596,000 for AH–64 modifications. Of this amount, $3,000,000 shall be used to procure additional embedded global positioning/inertial navigation systems for Apache helicopters.

UH–60

The conferees agree with the Senate language regarding enhanced protection systems. However, in view of the conference agreement to fund a multi-year procurement program for the UH–60, the conferees believe that the House-recommended report on helicopter production strategies is not required.

HIGH CAPACITY AIR AMBULANCE

The conferees are deeply concerned by the failure of the Army to address the need for a High Capacity Air Ambulance (HCAA). The Army Surgeon General has stated that this is one of his highest priorities. The conferees direct the Army to seek an appropriate solution and report the results of the planned joint exercise with the Air Force and National Guard by February 15, 1996. The report should include the feasibility of utilizing C–130s for the HCAA fixed wing requirement, the role of the Army and Air National Guard in this mission, and requirements for the UH–60L and or UH–60Q helicopters for the National Guard in order to accomplish the rotary wing portion of this mission. The conferees direct that, of the funds appropriated for UH–60Ls, the first 9 aircraft to be procured within the Aircraft Procurement, Army appropriation will be assigned to the National Guard.

MISSILE PROCUREMENT, ARMY

The conference agreement is as follows:

	Budget	House	Senate	Qty	Conference
MISSILE PROCUREMENT, ARMY:					
HELLFIRE SYS SUMMARY	209,460	249,460	246,685	750	246,685
JAVELIN (AAWS–M) SYSTEM SUMMARY	171,428	210,428	206,928	1,010	206,928
TOW 2 SYSTEM SUMMARY	7,378	7,378	27,378	1,000	12,378
MLRS LAUNCHER SYSTEMS	48,158	64,558	64,558	29	98,558
STINGER MODS	10,095	20,095	10,095	.....	10,095

TOW 2 MISSILES

The conferees agree to provide $12,378,000 for TOW 2 missiles, an increase of $5,000,000 to modify the capstan block of existing TOW 2 missiles.

MULTIPLE LAUNCH ROCKET SYSTEM LAUNCHERS

The conferees agree to provide $98,588,000 for multiple launch rocket system launchers, an increase of $50,400,000 only for the refurbishment of existing launchers which are to be transferred to the National Guard.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
Procurement of W&TCV, Army:					
Armored Gun System (AGS)	141,551	141,551	141,551	26	147,551

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
M1 Abrams Tank Series (MYP)			15,000		3,000
Carrier, MOD	48,067	49,667	48,067		49,667
BFVS Series (MOD)	74,336	74,336	88,336		88,336
Howitzer, MED SP FT 155MM M109A6 (MOD)	220,239	302,039	220,239		302,039
M1 Abrams Tank (MOD)	77,076	46,754	51,754		51,754
Abrams Upgrade Program	340,911	340,911	340,911		450,911
Abrams Upgrade Program (MCR)		110,000			
Production Base Support (TCV-WTCV)	11,619	11,619	4,019		5,500
FAASV		44,000			44,000
Machine Gun, 5.56MM (SAW)		28,500	12,500		28,500
Grenade Launcher, Auto 40MM, MK19–3		20,000	33,900		33,900
M16 Rifle		13,500	6,500		13,500
Medium Machine Gun		6,500	5,900		6,500

TEST EQUIPMENT

The conferees agree to provide $15,000,000 for Direct Support Electronic System Test Sets (DSESTS). The funding is appropriated as follows:

	Conference
Armored Gun System	$6,000,000
Abrams Tank Series	3,000,000
Combat Vehicle Improvement Program (RDT&E,A)	6,000,000

PROCUREMENT OF AMMUNITION, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT OF AMMUNITION, ARMY:					
CTG, 7.62MM, ALL TYPES	2,573	2,573	12,573		7,573
CTG, 25MM, ALL TYPES	35,139	45,139	70,139		70,139
SPECIAL PURPOSE AMMUNITION					6,000
CTG MORTAR 60MM 1/10 PRAC M766		3,600			3,600
CTG MORTAR 81MM PRAC 1/10 RANGE M880		6,600			6,600
CTG MORTAR 120MM SMOKE XM929 W/MO FUZE	47,704	69,704	67,704	44	67,704
CTG ARTY 75MM BLANK M337A1	3,749	3,749		102	1,500
PROJ ARTY 155MM SMOKE WP M825	10,607	10,607	5,132		5,132
PROJ ARTY 155MM SADARM XM898	24,284	24,284	42,284	77	42,284
MINE AT/AP M87 (VOLCANO)			30,000		30,000
DEMOLITION MUNITIONS, ALL TYPES	26,269	26,269	32,269		32,269
PROVISION OF INDUSTRIAL FACILITIES	41,906	66,906	41,906		44,000
LAYAWAY OF INDUSTRIAL FACILITIES	13,663	23,663	13,663		18,663
ARMAMENT RETOOLING & MANUFACTURING SUPPORT (ARMS)			45,000		45,000
CONVENTIONAL AMMO DEMILITARIZATION	96,280	106,280	100,280		100,280

SPECIAL PURPOSE AMMUNITION

The conferees agree to provide $6,000,000 for special purpose ammunition. The increase is to be allocated as follows:

	Conference
7.62 MM (XM993)	$2,000,000
5.56 MM (XM995)	2,000,000
.50 caliber (MK211)	2,000,000

CTG 120 MM HEAT M830A1

The conferees direct the Army to procure 120MM HEAT M830A1 tank rounds with the $15,000,000 appropriated in fiscal year 1994 for AT–4 modifications.

OTHER PROCUREMENT, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
OTHER PROCUREMENT, ARMY:					
HI MOB MULTI-PURP WHLD VEH (HMMWV) (MYP)	57,690	109,690	129,690	546	129,690
FAMILY OF HEAVY TACTICAL VEHICLES (MYP)	596	100,596	125,596		125,596
MEDIUM TRUCK EXTENDED SVC PGM (ESP) (PREVS)			30,000		20,000
NAVSTAR GLOBAL POSITIONING SYSTEM	32,502	50,002	32,502	15,025	50,002
STD THEATER CMD & CONTROL SYS (STACCS)	14,526	14,526	17,826		14,526
SINCGARS FAMILY	310,620	310,620	364,720		364,720
EAC COMMUNICATIONS	5,896	5,896	45,896		45,896
INFORMATION SYSTEMS	64,142	40,142	64,142		52,142
DEFENSE MESSAGE SYSTEM (DMS)	7,963	7,963	10,763		7,963
LOCAL AREA NETWORK (LAN)	61,547	41,547	61,547		51,547
GENERAL DEFENSE INTELL PROG (GDIP)	29,409	24,188	29,409		24,188
ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)	9,886	9,886	16,266		9,886
IEW—GND BASE COMMON SENSORS (TIARA)	46,937	46,937			46,937
JOINT STARS (ARMY) (TIARA)	82,984	99,484	82,984		82,984
NIGHT VISION DEVICES	77,132	77,132	85,132		85,132
ADV FIELD ARTILLERY TACT SYS (AFATDS)	30,897	29,397	30,897	221	29,397
FAAD C2	32,942	40,342	32,942	5	40,342
MANEUVER CONTROL SYSTEM (MCS)	13,808	13,808	18,808	152	18,808
AUTOMATED DATA PROCESSING EQUIP	132,751	130,351	132,751		138,751
RESERVE COMPONENT AUTOMATION SYS (RCAS)	83,174	113,174	83,174		83,174
INTEGRATED FAMILY OF TEST EQUIP (IFTE)	26,449	46,449	26,449		44,949
LAB PETROLEUM MODULAR BASE	2,786	2,786		1	2,786
ITEMS LESS THAN $2.0M (POL)	5,537	5,537	3,237		4,700
COMBAT SUPPORT MEDICAL	14,310	8,810	14,310		14,310
PUSHER TUG, SMALL	3,576	3,576		1	3,576
ITEMS LESS THAN $2.0M (FLOAT/RAIL)	3,602	2,602	3,602		2,602
GENERATORS AND ASSOCIATED EQUIP	13,761	8,761	48,761		13,761
TRAINING DEVICES, NONSYSTEM	71,561	71,561	76,061		76,061
SIMNET/CLOSE COMBAT TACTICAL TRAINER	30,655		30,655		30,655
MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	21,911	14,411	21,911		14,411

NAVSTAR GLOBAL POSITIONING SYSTEM

The conferees agree to provide $32,502,000 for the Navstar Global Positioning System, an increase of $17,500,000 to complete the installation of global positioning systems on all Army active and reserve aircraft. The conferees direct that priority installation be given to the 1/207th Aviation Regiment because of their unique search and rescue mission in remote areas.

JSTARS GROUND STATIONS

The conferees do not agree on the transfer language for JSTARS ground stations from the Army to the Marine Corps. The conferees have provided funds in the Procurement, Marine Corps appropriation for JSTARS ground stations.

AIRCRAFT PROCUREMENT, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
AIRCRAFT PROCUREMENT, NAVY:					
EA–6B/REMFG (ELECTRONIC WARFARE) PROWLER			140,000		
AV–8B (V/STOL) HARRIER	148,163	308,163	229,414	8	229,414

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
F/A–18C/D (FIGHTER) HORNET	609,904	583,204	1,096,869	18	822,669
F/A–18C/D (FIGHTER) HORNET (AP–CY)			86,459		
AH–1W (HELICOPTER) SEA COBRA	10,385	75,000	10,385	6	75,000
T–39N			45,000	17	45,000
EA–6 SERIES			65,000		165,000
F–14 SERIES	59,047	59,047	76,147		107,522
H–1 SERIES	54,530	66,530	71,530		71,530
P–3 SERIES	178,557	217,857	182,557		217,357
TRAINER A/C SERIES	727	45,727	727		727
COMMON ECM EQUIPMENT	4,234	4,234	34,234		34,234
SPARES AND REPAIR PARTS	784,782	784,782	822,912		784,782
COMMON GROUND EQUIPMENT	367,017	397,017	367,017		367,017
AVIATION MULTIYEAR FUND		100,000			

F/A–18C/D HORNET

The conferees agree to provide $822,669,000 for the acquisition of eighteen F/A–18C/D aircraft. The conferees do not agree with the House reduction of funds for procurement of ALR–67(V)3 radar warning receivers.

T–39N

The conferees agree to provide $45,000,000 to purchase 17 T–39N aircraft. The conferees also agree with the House's direction for the Navy to transition to a competitive purchase of services contract for logistical support for the T–39N fleet after aircraft acquisition. However, the conferees direct that this transition should occur at the conclusion of the current T–39N contract, which is due to expire at the end of fiscal year 1998.

EA–6B

The conferees agree to provide $165,000,000 for modifications and improvements to the EA–6B electronic warfare aircraft. The funds are approved for the following purposes: $100,000,000 to modify 20 more aircraft to enable the Navy to support Air Force requirements; $40,000,000 to buy 60 shipsets of Band 9/10 jammer transmitters; and $25,000,000 to buy 30 USQ–113 radio countermeasures sets. The conferees further agree to modify the Senate's direction to use prior year funds for the acquisition of Band 9/10 jammers, which is now not necessary because they have provided sufficient fiscal year 1996 funds to procure these systems. The conferees urge the Navy to buy these systems expeditiously.

P–3 MODIFICATIONS

The conferees agree with the Senate's direction regarding acquisition of the AN/AAQ–22 thermal imaging system and incorporation of that system into the P–3 Antisurface Warfare Improvement Program (AIP).

COMMON ECM EQUIPMENT

The conferees support the use of the LAU–138/A launch rail chaff dispenser system on Navy tactical aircraft as a cost effective means for improving aircrew/aircraft survivability. The conferees direct that these systems be managed as fleet armament equipment pool assets to afford maximum flexibility and cost savings, and that all remaining prior year funds appropriated for these systems be expeditiously applied toward this purpose.

AVIATION MULTIYEAR FUND

The conferees do not agree to provide funds for an Aviation Multiyear Fund as proposed by the House. The Navy is therefore not required to solicit multiyear bids from E–2C, AV–8B, and T–45 manufacturers, although it may do so if circumstances warrant.

WEAPONS PROCUREMENT, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
WEAPONS PROCUREMENT, NAVY:					
TOMAHAWK	161,727	201,727	120,027	164	120,027
AMRAAM	81,691	77,491	77,691	115	77,491
HARPOON	46,368	86,368	46,368	75	86,368
DRONES AND DECOYS			7,000		
TOMAHAWK MODS	684	60,684	684	220	50,000
WEAPONS INDUSTRIAL FACILITIES	13,094	13,094	43,094		43,094
VERTICAL LAUNCHED ASROC (VLA)		14,000			10,000
GENERAL PURPOSE BOMBS	46,142		39,142		
2.75 INCH ROCKETS	14,806		14,806		
MACHINE GUN AMMUNITION	11,469		11,469		
PRACTICE BOMBS	11,195		11,195		
CARTRIDGES & CART ACTUATED DEVICES	17,974		17,974		
AIRCRAFT ESCAPE ROCKETS	10,586		10,586		
AIR EXPENDABLE COUNTERMEASURES	22,828		22,828		
MARINE LOCATION MARKERS	871		871		
JATOS	4,940		4,940		
5 INCH/54 GUN AMMUNITION	21,501		21,501		
CIWS AMMUNITION	93		93		
76MM GUN AMMUNITION	6,432		6,432		
OTHER SHIP GUN AMMUNITION	5,148		5,148		
SMALL ARMS & LANDING PARTY AMMO	5,814		5,814		
PYROTECHNIC AND DEMOLITION	11,253		11,253		
MINE NEUTRALIZATION DEVICES	787		787		
SHIP EXPENDABLE COUNTERMEASURES	8,871		8,871		

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS:					
GENERAL PURPOSE BOMBS		46,142			43,000
2.75 INCH ROCKETS		14,806			14,806
MACHINE GUN AMMUNITION		11,469			11,469
PRACTICE BOMBS		26,195			19,000
CARTRIDGES & CART ACTUATED DEVICES		17,974			17,974
AIRCRAFT ESCAPE ROCKETS		10,586			10,586
AIR EXPENDABLE COUNTERMEASURES		24,828			24,828
MARINE LOCATION MARKERS		871			871
JATOS		4,940			4,940
5 INCH/54 GUN AMMUNITION		51,701			36,000
CIWS AMMUNITION		93			93
76 MM GUN AMMUNITION		6,432			6,432
OTHER SHIP GUN AMMUNITION		10,148			10,148
SMALL ARMS & LANDING PARTY AMMO		5,814			5,814
PYROTECHNIC AND DEMOLITION		11,253			11,253
MINE NEUTRALIZATION DEVICES		787			787
SHIP EXPENDABLE COUNTERMEASURES		8,871			8,871
5.56 MM, ALL TYPES		28,487			28,487
7.62 MM, ALL TYPES		12,082			12,082
.50 CALIBER		66,688			45,000
40 MM, ALL TYPES		3,939			3,939
60 MM HE M888		9,855			9,855
81 MM HE		4,724			4,724
81 MM, HE, M889A1					10,000

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
81 MM SMOKE SCREEN		5,445			5,445
81 MM ILLUMINATION (XM816)		6,700			6,700
120 MM TPCSDS–T M865		8,902			8,902
120 MM TP–T M831		3,314			3,314
155 MM CHG. PROP. RED BAG		32,000			16,000
FUZE, ET, XM762		10,000			10,000
CTG 25 MM, ALL TYPES		6,724			6,724
9 MM ALL TYPES		2,979			2,979
ROCKETS, ALL TYPES		7,034			7,034
AMMO MODERNIZATION		9,611			9,611
GRENADES, ALL TYPES		1,174			1,174
ITEMS LESS THAN $2 MIL		11,211			11,211

5 INCH/54 GUN AMMUNITION

The conferees agree to provide $36,000,000, an increase of $14,499,000 only for 5 inch/54 gun ammunition. Despite Congressional direction to correct the requirements process and provide adequate funding for fleet training ammunition, the Navy has chosen once again to provide insufficient funding. The conferees direct the Secretary of Navy to ensure that adequate funding is provided in subsequent budget requests for fleet training ammunition.

SHIPBUILDING AND CONVERSION, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
SHIPBUILDING & CONVERSION, NAVY:					
SSN–21	1,507,477		700,000	1	700,000
NEW SSN (AP–CY) (NO. 2)			100,000		100,000
ENHANCED SSN CAPABILITY		1,000,000			
DDG–51	2,162,457	2,162,457	3,580,000		2,162,457
DDG–51 ADVANCE PROCUREMENT	6,800	6,800	6,800		6,800
LHD–7 AMPHIBIOUS ASSAULT SHIP (MYP (AP–CY)			1,300,000		1,300,000
LPD–17		974,000		1	974,000
FAST PATROL CRAFT		9,500			9,500
T–AGS 64		70,000			16,000
LSD–52 SELF DEFENSE					20,000
OUTFITTING	144,791	134,791	144,791		134,791
POST DELIVERY	174,991	164,991	174,991		164,991

DDG–51

The conferees agree to provide $2,169,257,000 for the purchase of three DDG–51 class destroyers. The conferees believe contracting for three ships will generate increased economies of scale and provide stability for the Navy and the shipbuilding industrial base.

LPD–17 RCS ENGINEERING SUPPORT

The conferees note that as a result of the Base Realignment and Closure decisions, the Navy has reorganized and consolidated its Radio Communications Systems (RCS) engineering, production, testing, integration and training support activities. In assigning RCS engineering support workload for the LPD–17 class of ships, the conferees expect that the Navy will assign such workload to the most appropriate facility.

T–AGS–64

The conferees agree to provide $16,000,000 for advance procurement for a T–AGS–64 multi-purpose oceanographic survey ship.

LSD–52

The conferees agree to provide $20,000,000 as recommended by the House for one additional SSDS MK–1 unit which the conferees direct be installed on LSD–52 during its construction prior to delivery of this vessel to the fleet.

SHIP COST ADJUSTMENT

The conferees do not agree to the House proposal to modify the ship cost adjustment process by eliminating specific designations in the bill, providing new transfer authority, and providing reprogramming limitations. The conferees also do not agree to the House requirement to include ship cost adjustments in the annual omnibus reprogramming process.

Within the ship cost adjustment implemented in section 8091 of the Act, the conferees have allocated funds for potential settlement of claims on the AOE class of ships. This action is taken solely to facilitate the Navy's ability to implement a settlement, should one be reached.

OTHER PROCUREMENT, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
OTHER PROCUREMENT, NAVY:					
ELEC SUSPENDED GYRO NAVIGATOR	4,108		4,108		
OTHER NAVIGATION EQUIPMENT	17,688	27,688	14,119		27,688
MINESWEEPING EQUIPMENT	12,985	6,985	12,985		6,985
HM&E ITEMS UNDER $2 MILLION	43,389	33,389	39,629		33,389
FLEET MODERNIZATION PROGRAM		3,000			3,000
RADAR SUPPORT	466	14,466	466		14,466
SURFACE ELECTRO-OPTICAL SYSTEM	3,542	9,542	3,542		9,542
SURFACE SONAR SUPPORT EQUIPMENT	9,349	9,349	19,609		19,609
AN/SQQ–89 SURF ASW COMBAT SYSTEM	30,297	30,297	25,297		25,297
SSN ACOUSTICS	42,269	33,269	42,269		42,269
SSTD	13,751	11,051	13,751		13,751
C–3 COUNTERMEASURES	9,540	24,540	9,540		24,540
NAVY TACTICAL DATA SYSTEM	301	12,301	301		12,301
ID SYSTEMS	10,202	9,702	10,202		9,702
SHIPBOARD TACTICAL COMMUNICATIONS	6,635	12,935	6,635		12,935
SATCOM SHIP TERMINALS	98,099	98,099	112,499		112,499
SECURE DATA SYSTEM	8,636	8,636	6,037		6,037
AN/SSQ–36 (BT)		200			200
AN/SSQ–62 (DICASS)		4,090			4,090
AN/SSQ–110 (EER)		21,910			21,910
WEAPONS RANGE SUPPORT EQUIPMENT	40,280	38,080	50,030		48,830
LAMPS MK III SHIPBOARD EQUIPMENT	17,914	16,714	17,914		16,714
DARP			4,500		
RAM GMLS	50,037	39,337	72,937		50,037
SHIP SELF DEFENSE SYSTEM	15,643	35,643	15,643		15,643
SURFACE TOMAHAWK SUPPORT EQUIPMENT	71,293	71,293	51,293		61,293
ANTI-SHIP MISSILE DECOY SYSTEM	15,199	2,599	15,199		2,599
FLEET MINE SUPPORT EQUIPMENT	4,452	4,452	6,152		6,152
FORKLIFT TRUCKS	3,750	3,750	1,750		1,750
COMPUTER ACQUISITION PROGRAM (NSIPS)					13,000
SAFETY AND SURVIVABILITY ITEMS		20,000			10,000
SPARES AND REPAIR PARTS	210,213	210,213	170,713		190,213

HM&E ITEMS UNDER $2,000,000

The conferees agree to provide $33,389,000 for ''HM&E Items Under $2,000,000'', a reduction of $10,000,000. This decrease, which is applied against the Surface Ship Support Equipment portion, includes a reduction of $3,760,000 against the Gaseous Nitrogen Generator subproject.

FLEET MODERNIZATION

The conferees agree to provide $3,000,000 for procurement of propeller shaft composite

fairwaters to be backfit on CG 47 class cruisers during overhaul.

RADAR SUPPORT

The conferees agree to provide $14,466,000 for the Radar Support program, an increase of $14,000,000. The increase includes $9,000,000 for the AN/BPS–16 submarine radar and $5,000,000 for the AN/SPA–25G Radar Display program.

SURFACE SONAR WINDOWS AND DOMES

The conferees agree to provide $6,000,000 for procurement of replacement sonar rubber domes and windows, provision of safety-related field service repair and change-out of this equipment, and product improvements to increase durability and service life.

WEAPONS RANGE SUPPORT EQUIPMENT

The conferees agree to provide $48,830,000, an increase of $8,550,000, for Weapons Range Support Equipment program. The net increase includes a decrease of $1,200,000 for the Electronic Warfare Response Monitor subprogram and an increase of $9,750,000 as proposed by the Senate.

SURFACE TOMAHAWK SUPPORT EQUIPMENT

The conferees agree to provide $61,293,000 for the Surface Tomahawk Support Equipment program, a reduction of $10,000,000. The reduction is against the Afloat Planning System (APS) subprogram. The conferees are concerned that the Navy does not currently have an operational doctrine for the tactical use of Tomahawk cruise missiles by ship commanders. Furthermore, the conferees question the need to deploy APS on all carriers in light of the Challenge Athena satellite communications project.

AN/SPS–48E RADAR

The conferees direct that the funds previously appropriated for Pulse Doppler Mod Kits for AN/SPS–48E radars be released to the Navy. The modification of the radar will significantly improve its operational effectiveness when operating in littoral waters and therefore will improve the entire surface fleet's tactical situation awareness when it is incorporated into the Cooperative Engagement Capability. Given the vital link between these two programs, the conferees further direct that management and execution of the upgrade to the AN/SPS–48E radar program be conducted by the Program Executive Officer for Theater Air Defense.

HF LINK 11 DATA TERMINALS

The conferees agree to the Senate language directing the evaluation and selection of the AN/USQ–125 and the AN/USQ–120V radio communication link. However, the conferees direct that the selection of the objective system is to be no later than 30 days after the enactment of this Act.

PROCUREMENT, MARINE CORPS

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT, MARINE CORPS:					
5.56 MM, ALL TYPES	28,487		28,487		
7.62 MM, ALL TYPES	2,082		12,082		
.50 CALIBER	8,588		19,060		
40 MM, ALL TYPES	3,939		3,939		
60 MM HE M888	9,855		9,855		
81 MM HE	4,724		11,724		
81 MM, HE, M–889A1			17,000		
81 MM SMOKE SCREEN	5,445		5,445		
120 MM TPCSDS–T M865	8,902		8,902		
120 MM TP–T M831	3,314		3,314		
CTG 25 MM, ALL TYPES	6,724		6,724		
9 MM ALL TYPES	2,979		2,979		
GRENADES, ALL TYPES	474		474		
ROCKETS, ALL TYPES	7,034		7,034		
AMMO MODERNIZATION	9,611		9,611		
ITEMS LESS THAN $2 MIL	8,711		17,262		
MODIFICATION KITS (TRKD VEH)	3,273	15,573	17,773		15,573
HAWK MOD	3,040	4,688	3,040		3,040
MANPACK RADIOS AND EQUIP	9,735	12,735	9,735		12,735
MULTI-SERV ADF FIELD ART TACTICAL DATA SYS	12,140	23,140	23,140	188	12,140
INTELLIGENCE SUPPORT EQUIPMENT	6,283	18,783	6,283		35,283
NIGHT VISION EQUIPMENT	2,283	2,283	4,283		4,283
LIGHT RECON VEHICLE		2,000			
TRAILERS	4,932	10,439	10,432		10,432
MODIFICATION KITS	6,496	7,496	6,496		7,496
ITEMS LESS THAN $2 MIL	75	1,975	75		75
PRECISION GUNNERY TRAINING SYSTEM		5,900			5,900
M240 MACHINE GUN MODS		2,200			
ASSET TRACKING LOGISTICS SYSTEM		17,850			
LIGHTWEIGHT COMPUTER UNITS		3,800			

INTELLIGENCE SUPPORT EQUIPMENT

The conferees agree to provide $35,283,000 for intelligence support equipment, an increase of $29,000,000. Of the increase, $16,500,000 is only for two JSTARS ground stations and $12,500,000 is only for Commander's Tactical Terminals.

RIGHT HAND DRIVE VEHICLES

The conferees have reviewed the implementation of Public Law 100–370, which amended title 10 U.S.C. (2253) to limit the amount available for purchase of right hand drive vehicles to $12,000. The conferees agree that this limitation should only apply to the purchase of passenger sedans manufactured outside of the United States. Further, this limitation does not affect the use of any right hand drive vehicle provided as part of the local contribution towards the basing of U.S. forces in the Host Nation.

AIRCRAFT PROCUREMENT, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
AIRCRAFT PROCUREMENT, AIR FORCE:					
B–1B (MYP)	56,336	56,336	143,336		56,336
B–2A (MYP)	279,921	772,921	279,921		772,921
F–15E		250,000	311,210	6	311,210
F–15E ADV PROC			50,190		50,190
F–16 C/D (MYP)		50,000	159,400	6	159,400
F–16 C/D ADV PROC			15,400		
C–17 (MYP)	2,402,491	2,402,491	2,412,491	8	2,412,491
C–17 (MYP) (AP–CY)			180,000		
WC–130			221,167	3	132,700
STRATEGIC AIRLIFT	183,757	183,757	75,000		183,757
JPATS	54,968	44,968	54,968	3	54,968
E–8B	394,634	394,634	371,334	2	377,434
B–1B	75,383	82,593	76,283		68,483
B–52	4,908	24,908	4,908		4,908
F–117	47,660	47,660	44,060		47,660
A–10	79,424	79,424	33,324		41,024
F–15	79,488	78,288	63,688		78,288
F–16	118,606	118,606	118,606		120,606
C–5	45,431	51,631	45,431		51,631
C–130	84,399	94,399	88,399		94,399
C–135	142,764	334,764	251,264		238,764
DARP MODS		79,000	48,000		53,000
SPARES AND REPAIR PARTS	603,619	581,719	572,781		586,281
COMMON AGE	216,048	212,510	223,248		212,510
F–15 POST PRODUCTION SUPPORT	13,955		13,955		6,978
F–16 POST PRODUCTION SUPPORT	194,672	94,672	158,572		126,622
OTHER PRODUCTION CHARGES	167,676	167,676	188,576		187,676
DARP SUPPORT EQUIPMENT	194,374	194,374	214,374		194,374

STRATEGIC AIRLIFT

The conferees agree to provide $183,757,000 for strategic airlift, the amount of the budget request. It is the conferees' belief that the Defense Acquisition Board's upcoming decision on the optimal composition of the airlift fleet will require the continued production of C–17 aircraft. The conferees therefore direct that from the amount of funding provided for strategic airlift the Department of Defense must give first priority to fully funding advance procurement for continued production of C–17 aircraft in fiscal year 1997.

B–1B MODIFICATIONS

The conferees agree to provide $68,483,000 for B–1B modifications, a decrease of $6,900,000 to the budget request. The amount provided by the conferees includes a decrease of $14,100,000 from cost savings for miscellaneous modifications and an increase of $7,200,000 for reliability and maintainability improvements identified during the B–1B operational readiness assessment. The conferees also agree with the Senate's reporting requirement about expanding the B–1B conventional mission upgrade program.

A–10

The conferees agree to provide $41,024,000, a decrease of $38,400,000 to the budget request for A–10 modifications. The deleted funds are excess to program requirements for fiscal year 1996.

F–15 MODIFICATIONS

The conferees agree to provide $78,288,000, a decrease of $1,200,000 to the budget request for F–15 modifications. The conferees agree with the House reduction of funds for installation of landing gear wiring switch kits. The conferees do not agree with the Senate reduction of funds for a fighter data link modification. In restoring the $15,800,000 deleted by the Senate, the conferees direct that $9,000,000 may only be used to acquire Joint Tactical Information Distribution System (JTIDS) class II terminals for one squadron of F–15 aircraft. The remaining $6,800,000 is available only for the Multifunctional Information Distribution System (MIDS) variant project.

The Under Secretary of Defense (Acquisition and Technology) has informed the conferees of the Defense Department's recent decision to meet the F–15 fighter data link (FDL) requirements through the MIDS program. The conferees understand that the Department intends full and open competition for FDL production. The conferees direct the Under Secretary to assure the congressional defense committees in writing that the use of MIDS architecture and software will not place U.S. companies at a competitive disadvantage. This assurance is required before release of the formal Request for Proposal for the F–15 fighter data link.

F–16 MODIFICATIONS

The conferees agree to provide $120,606,000 for F–16 modifications, an increase of $2,000,000 to the budget request. The additional funding provided is only for initial acquisition of 600 gallon fuel tanks for destructive testing, evaluation and limited operational use.

C–130 MODIFICATIONS

The conferees agree to provide $94,399,000 for C–130 modifications, an increase of $10,000,000 to the budget request. Of the additional funding provided by the conferees, $6,000,000 is only for threat defensive systems, and $4,000,000 is only for acquisition of AN/AAQ–22 thermal imaging systems for 10 Air Force Reserve HC–130 aircraft, as recommended by the Senate.

C–135 MODIFICATIONS

The conferees agree to provide $238,764,000, for C–135 modifications, an increase of $96,000,000 to the budget request. The additional funding provided by the conferees is only for continued reengining of the Air Guard and Reserve KC–135 tanker fleet. The conferees have provided sufficient funding for four reengining kits.

DARP MODIFICATIONS

The conferees agree to provide $53,000,000 for Defense Airborne Reconnaissance Program (DARP) modifications, an increase of $53,000,000 to the budget request. Of the additional funding provided by the conferees, $48,000,000 is only for the acquisition of two RC–135 reengining kits and $5,000,000 is only for costs associated with the refurbishment of the SR–71 aircraft.

AIRCRAFT SPARE AND REPAIR PARTS

The conferees agree to provide $586,281,000 for aircraft spare and repair parts, a decrease of $17,338,000 to the budget request. The amount of funding provided by the conferees includes a decrease of $21,900,000 for C–17 spares, a decrease of $8,938,000 for T–1 spares and an increase of $13,500,000 for F100–229 engine spares.

ELECTRONIC WARFARE FORCE STRUCTURE

The conferees strongly agree with Senate report language with respect to retaining at least 12 EF–111A Raven jammer aircraft in the primary aircraft inventory through fiscal year 1999, and with the Senate directed reporting requirements.

MISSILE PROCUREMENT, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
MISSILE PROCUREMENT, AIR FORCE:					
HAVE NAP		39,000	38,000		38,000
AMRAAM	190,672	178,366	182,672	291	182,672
TARGET DRONES	39,150	36,150	39,150	88	36,150
CONVENTIONAL ALCM		27,200		100	15,000
GLOBAL POSITIONING (MYP)	136,060	136,060	118,660	4	126,060
GLOBAL POSITIONING (MYP) (AP–CY)	38,412		33,412		33,412
SPACE BOOSTERS	464,953	459,953	405,903		433,853
MEDIUM LAUNCH VEHICLE	150,929	150,929	147,765	4	150,929
DEF METEOROLOGICAL SAT PROG	29,265	29,265	26,876		29,265
DEFENSE SUPPORT PROGRAM (MYP)	102,911	67,011	61,375		67,011
SPECIAL PROGRAMS	1,605,765	1,483,565	1,573,765		1,210,765
2.75 INCH ROCKET MOTOR	10,402		10,402		
2.75 INCH ROCKET HEAD SIGNATURE	1,993		1,993		
ITEMS LESS THAN $2,000,000	950		950		
5.56 MM	5,534		5,534		
CARTRIDGE CHAFF RR–180	10,030		10,030		
CARTRIDGE CHAFF RR–188	1,192		1,192		
ITEMS LESS THAN $2,000,000	5,162		5,162		
MK–82 INERT/BDU–50	8,253		8,253		
TIMER ACTUATOR FIN FUZE	6,242		6,242		
BOMB PRACTICE 25 POUND	5,928		5,928		
MK–84 BOMB-EMPTY	9,261		9,261		
SENSOR FUZED WEAPON	165,447		165,447		
CBU–89 GATOR INERT	6,531		6,531		
ITEMS LESS THAN $2,000,000	1,500		1,500		
FLARE, IR MJU–7B	21,859		21,859		
MJU–23 FLARE	6,483		6,483		
MJU–10B	7,204		7,204		
M–206 CARTRIDGE FLARE	11,250		11,250		
INITIAL SPARES	621		621		
REPLENISHMENT SPARES	2,329		2,329		
MODIFICATIONS	2,340		2,340		
ITEMS LESS THAN $2,000,000	11,289		11,289		
M–16 A2 RIFLE	5,048		5,048		5,048

SPACE BOOSTERS

The conferees agree to provide $433,853,000 for the procurement of the Titan IV heavy lift space booster, a decrease of $31,100,000 to the budget request. The recommendation makes the following reductions: $20,000,000 for no longer needed relocation costs; $6,100,000 for unadjudicated claims; $5,000,000 from contractor consolidation savings.

PROCUREMENT OF AMMUNITION, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
PROCUREMENT OF AMMUNITION, AIR FORCE:					
2.75 INCH ROCKET MOTOR		10,402		30,000	10,402
2.75″ ROCKET HEAD SIGNATURE		1,993		24,320	1,993
ITEMS LESS THAN $2,000,000		950			950
5.56 MM		5,534		13,835	5,534
30 MM TRAINING		14,480		1,360	7,000
CARTRIDGE CHAFF RR–180		10,030		720	10,030

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
CARTRIDGE CHAFF RR–188		1,192		903	1,192
ITEMS LESS THAN $2,000,000		5,162			5,162
MK–82 INERT/BDU–50		8,253		12,586	8,253
TIMER ACTUATOR FIN FUZE		6,242		10,000	6,242
BOMB PRACTICE 25 POUND		5,928		400,000	5,926
MK–84 BOMB EMPTY		9,261		3,718	9,261
SENSOR FUZED WEAPON		165,447		500	165,447
CBU–89 GATOR INERT		6,531		236	6,531
CBU (COMBINED EFFECTS MUNITIONS)					30,000
ITEMS LESS THAN $2,000,000					1,500
FLARE, IR MJU–7B		21,859		945,049	21,859
MJU–23 FLARE		6,483		7,426	6,483
MJU–10B		7,204		110,436	7,204
M–206 CARTRIDGE FLARE		11,250		331,564	11,250
INITIAL SPARES		621			621
REPLENISHMENT SPARES		2,329			2,329
MODIFICATIONS		2,340			2,340
ITEMS LESS THAN $2,000,000		11,289			11,289
M–16 A2 RIFLE		5,048			

OTHER PROCUREMENT, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
OTHER PROCUREMENT, AIR FORCE:					
CBU–87 (COMBINED EFFECTS MUNITION)			30,000		
ARMORED SEDAN	202	202	260	1	260
MODIFICATIONS	200	200	3,500		1,000
ITEMS LESS THAN $2,000,000	2,352	14,176	2,352		14,176
THEATER AIR CONTROL SYS IMPROVEMENT	32,345	32,345	27,745		27,745
WEATHER OBSERV/FORCAST	7,103	7,103	13,803		13,803
DEFENSE SUPPORT PROGRAM	36,909	36,909	11,909		36,909
STRATEGIC COMMAND AND CONTROL	67,596	67,596	58,095		58,095
AUTOMATIC DATA PROCESSING EQUIP	23,958	32,458	23,958		23,958
BASE LEVEL DATA AUTO PROGRAM	26,851	26,851	38,451		35,151
BASE INFORMATION INFRASTRUCTURE	73,138	56,538	56,385		56,385
MILSATCOM	43,362	43,362	13,207		43,362
COMM ELECT MODS	20,424	9,724	20,424		9,724
MOBILITY EQUIPMENT	17,670	31,770	29,570		29,570
WARTIME HOST NATION SUPPORT	1,699	1,699			
INTELLIGENCE PRODUCTION ACTIVITY	67,928	69,128	61,228		69,128
SELECTED ACTIVITIES	5,409,357	5,117,657	5,189,357		4,904,257

ITEMS LESS THAN $2,000,000

The conferees agree to provide $14,176,000 for ''Items Less Than $2,000,000'', an increase of $11,874,000. The increase is provided only for those items identified by the Air Force as shortfalls.

AIR COMBAT MEASUREMENT INSTRUMENTATION SYSTEM

In fiscal year 1995, Congress authorized $25,000,000 to upgrade the only Air National Guard Combat Readiness Training Center (CRTC) which lacks a modernized Air Combat Measurement Instrumentation System. That CRTC has access to unencumbered air space, a pilot training resource which is increasingly scarce. The conferees note that following the submission of the fiscal year 1996 request, the Air Force developed a less costly plan to provide the needed instrumentation capability for $12,200,000. The conferees encourage the Defense Department to seek ways, including reprogramming, to promptly fund this plan within existing funds.

PROCUREMENT, DEFENSE-WIDE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Qty	Conference
PROCUREMENT, DEFENSE-WIDE:					
DARP	179,307	161,975	179,307		161,575
DEFENSE INFORMATION INFRASTRUCTURE	54,234	58,734	54,234		58,734
CLASSIFIED PROGRAMS	844,903	858,903	766,403		763,190
SHIPBUILDING:					
PC, CYCLONE CLASS				1	20,000
MK V SPECIAL OPERATIONS CRAFT (MK V SOC)	19,501	19,501	37,201	4	37,201
OTHER PROCUREMENT PROGRAMS:					
SPECIAL WARFARE EQUIPMENT	11,776	11,776	7,483		7,483
LIGHT STRIKE VEHICLE		6,000			6,000

DEFENSE AIRBORNE RECONNAISSANCE PROGRAM

The conferees agree to provide $161,575,000 for procurement for the Defense Airborne Reconnaissance Program (DARP), a decrease of $17,732,000 to the budget request. The conferees support the Army's identified need for a short range unmanned air vehicle (UAV), but remain concerned with the continuing problems associated with the Hunter program. As a result, the conferees have denied funding for marinization of the Hunter UAV and direct that the remaining fiscal year 1996 funds provided for Hunter not be obligated until the Appropriations Committees receive the results of the Defense Acquisition Board's review of the program. This review should include all options for fulfilling the Army's UAV requirement. The conferees further direct that use of these funds for any other purpose is to be handled through normal reprogramming procedures.

PATROL CRAFT—CYCLONE CLASS

The conferees agree to provide $20,000,000 for the procurement of one additional PC–Cyclone class operations patrol craft/vessel to continue to meet force requirements.

NATURAL GAS VEHICLES

The conferees recommend the Department develop an implementation plan and a demonstration effort based on the 1993 Navy study which specified natural gas vehicles as the vehicle of choice for achieving significant emission reductions on military bases.

NATIONAL GUARD AND RESERVE EQUIPMENT

The conferees agree to provide $777,000,000 for National Guard and Reserve Equipment as proposed by the Senate instead of $980,125,000 as proposed by the House.

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
NATIONAL GUARD & RESERVE EQUIPMENT					
RESERVE EQUIPMENT					
ARMY RESERVE:					
MISCELLANEOUS EQUIPMENT			90,000		90,000
TACTICAL VEHICLES		52,000			
NIGHT VISION EQUIPMENT		2,500			

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
ENGINEER EQUIPMENT		20,000			
VARI-REACH LIFT TRUCKS		4,500			
MK–19 GRENADE LAUNCHERS		2,000			
MEDICAL EQUIPMENT		2,000			
3000 GPH ROWPU		3,000			
130T FLOATING CRANE		6,000			
PUSHER BOAT		5,000			
5 KW LIGHT TOWER		5,000			
LASER LEVELING SYSTEMS		4,000			
AUTOMATIC BUILDING MACHINES		3,000			
NAVY RESERVE:					
MISCELLANEOUS EQUIPMENT		33,300	40,000		40,000
F/A–18 UPGRADES		48,000			
MIUW TSQ–108		40,000			
MARINE CORPS RESERVE:					
MISCELLANEOUS EQUIPMENT		30,525	50,000		50,000
CBT. VEHICLE TRAINER		3,800			
CH–53 HELICOPTERS		50,000			
DIGITAL COMMAND & CONTROL NETWORK		4,300			
COMM COMPANY EQUIPMENT		5,000			
UH–1N NAV/FLIR UPGRADES		5,000			
AIR FORCE RESERVE:					
MISCELLANEOUS EQUIPMENT		30,300	40,000		40,000
C–130H		135,600			
NATIONAL GUARD EQUIPMENT					
ARMY NATIONAL GUARD:					
MISCELLANEOUS EQUIPMENT		15,000	100,000		100,000
TACTICAL TRUCK NEW PROCUREMENT		10,000			
TACTICAL TRUCK SLEP (5 TON)		10,000			
TACTICAL TRUCK SLEP (2½ TON)		10,000			
M109 ACE		10,000			
IFTE		10,000			
NIGHT VISION EQUIPMENT		10,000			
CHEM/BIO EQUIPMENT		5,000			
AH–1 (C-NITE)		10,000			
FADEC		10,000			
AH–64 COMBAT MISSION SIMULATOR		15,000			
UH–1 SLEP		10,000			
AH–1 BORE SIGHT EQUIPMENT		5,000			
AIR NATIONAL GUARD:					
MISCELLANEOUS EQUIPMENT			57,000		57,000
F–16 220E ENGINES		10,000			
C–130H		203,400			
AIRLIFT DEFENSIVE SYSTEMS		10,000			
AIRLIFT REPLACEMENT RADAR		6,800			
C–130 MODS		15,000			
AUTOMATIC BUILDING MACHINES		2,000			
F–16 RADAR WARNING RECEIVERS		36,200			
DOD:					
MISC EQUIPMENT (GUARD & RESERVE AIRCRAFT)			400,000		400,000

The conferees agree to the Senate provision which requires the Chiefs of the Reserve and National Guard components to prepare and submit a modernization priority assessment for their respective Reserve and National Guard components and have established 30 days after the enactment of the Act as the deadline for this submission.

MISCELLANEOUS EQUIPMENT

The conferees concur with the Senate position that the Reserves and National Guard should exercise control of funds provided for their modernization in this account with priority consideration for miscellaneous equipment appropriations given to the following items:

Avenger, heavy truck modernization, radar warning receivers, laser leveling systems, AH–64 combat mission simulators, automatic building machines, HMMWVs, UH–60 Upgrades, F–18 upgrades, 2½ ton truck ESP, UH–1 Huey SLEP, AH–1 (C-NITE), M–9 ACE, night vision equipment, IFTE, external fuel tanks, AN/AQS–14 airborne mine countermeasures trainer, MIUW vans, modular airborne fire fighting systems, AH–1 borsighting devices, FADEC for UH–1 and CH–47, C–9 upgrades, small arms simulators, HC–130N conversions, M–915/916 heavy dump trucks, 5–ton flatbed trailers, SQQ–T1 trainer, KC–135 re-engining, UH–60Q helicopter upgrades, driver's night viewers, unmanned aerial vehicles, heavy equipment transport system, C–12 and C–20 aircraft, CT–39 Navy/Marine Corps replacement aircraft, SINCGARS radios, Medium Truck SLEP, and M109A5 Howitzer upgrades.

The conferees also agree that while they have established a separate aircraft account, other aircraft may be purchased from the miscellaneous equipment account at the discretion of the Reserve and National Guard component chiefs.

NATIONAL GUARD AND RESERVE AIRCRAFT

The conferees agree to provide $400,000,000 for the acquisition of aircraft to support Reserve and National Guard missions and agree that the following aircraft shall be purchased:

C–130 H for the Air Force Reserve and Air National Guard (10)	$339,000,000
CH–53E for the Marine Corps Reserve (2)	50,000,000
C–26 for the National Guard (2)	11,000,000

INFORMATION TECHNOLOGY RESOURCES

The conference agreement is as follows:

[In thousands of dollars]

Appropriations and Programs	House	Senate	Conference
Operation and Maintenance, Army:			
EDCARS/DSREDS	2,000	0	2,000
Operation and Maintenance, Navy:			
NSIPS	9,000	0	2,500
Operation and Maintenance, Air Force:			
Base Support	889,348	913,648	889,448
(CAMS)	(0)	(+500)	(+500)
(TICARRS)	(0)	(+10,000)	(+10,000)
(BLSM)	(0)	(0)	(−10,400)
Note: Conferees agree to House recommendations on CAMS, TICARRS, and BLSM but have made the funding adjustments in the Base Support line rather than in the line proposed by the House.			
Information Technology	0	100	0
EDCARS/DSREDS	2,000	0	2,000
Operation and Maintenance, Defensewide:			
Information Technology	112,000	0	12,000
(JLSC)	(+100,000)	(0)	(0)
(DISA COOP)	(+12,000)	(0)	(+12,000)
Operation and Maintenance, Army Reserve:			
RCAS	−4,000	0	−4,000
Operation and Maintenance, Navy Reserve:			
NSIPS	9,000	0	2,500
Operation and Maintenance, Army National Guard:			
Information Management	29,396	59,456	44,556
(RCAS)	(−33,500)	(0)	(−18,300)
(Distance Learning)	(+3,400)	(0)	(+3,400)
Other Procurement, Army:			
Automated Data Processing Equipment	130,151	132,751	138,751

[In thousands of dollars]

Appropriations and Programs	House	Senate	Conference
(Distance Learning)	(+9,600)	(0)	(+6,000)
(General Reduction)	(−12,000)	(0)	(0)
RCAS	113,134	83,174	83,174
Other Procurement, Navy:			
NSIPS	0	0	13,000
Other Procurement, Air Force:			
Automatic Data Processing Equipment	32,458	23,958	23,958
(CAMS)	(+4,000)	(0)	(0)
(Equipment Management System)	(+4,500)	(0)	(0)
Base Level Data Automation	26,851	38,451	35,151
(CMOS)	(0)	(+3,250)	(0)
(REMIS)	(0)	(+8,300)	(+8,300)
Operation and Maintenance, Defense Wide:			
Defense Information Infrastructure	58,734	54,234	58,734
(DISA COOP)	(+4,500)	(0)	(+4,500)
Research, Development, Test, and Evaluation, Air Force:			
Advanced Computing Technology	36,305	11,005	36,305
(BLSM transfer from O&M)	(+10,400)	(0)	(+10,400)
(IMDS)	(+15,200)	(0)	(+15,200)

JOINT LOGISTICS SYSTEMS CENTER

The conferees do not agree to the House proposal to provide an additional $100,000,000 in the Operation and Maintenance, Defense-wide appropriation for the Joint Logistics Systems Center (JLSC). The conferees recognize that there is the potential for significant cost savings from effective logistics systems modernization, and believe that JLSC and its programs should remain a top priority. A September, 1995 report to the House Appropriations Committee by the Committee's Surveys and Investigations Staff, however, indicates that the JLSC is not properly organized to accomplish the redesign of the Department of Defense's logistics systems. The conferees direct that not more than half of the funds requested in the budget and appropriated for JLSC may be obligated until the Secretary of Defense has taken appropriate action to correct JLSC's organizational deficiencies and has designated the Air Force as the executive agency for the JLSC, which will remain the responsibility of the Deputy Undersecretary of Defense (Logistics) and will remain located at Wright-Patterson Air Force Base. The conferees further direct that the Secretary of Defense provide a report to the congressional defense committees by February 1, 1996 which explains his plan for improving the management of the Joint Logistics Systems Center, including improved levels of management, technical, contracting, and acquisition support.

NAVY STANDARD INTEGRATED PERSONNEL SYSTEM

The conferees have provided $18,000,000 as recommended by the House for the Navy Standard Integrated Personnel System (NSIPS). The additional funding is only for NSIPS as directed in House Report 104–208, page 134, except that $13,000,000 is appropriated in Other Procurement, Navy; $2,500,000 in Operation and Maintenance, Navy Reserve; and $2,500,000 in Operation and Maintenance, Navy. The conferees concur with the Department's plan to use a joint working group to define the functional and technical requirements for a standard military personnel management system. The conferees believe that parallel development of NSIPS is critical and direct the Navy, the Under Secretary of Defense for Personnel and Readiness, and the Assistant Secretary of Defense for C^3I to continue NSIPS development and implementation as a joint Naval Reserve and active team project which will include the core capabilities required to support joint requirements for the objective DOD field level data collection personnel system. The conferees concur with the Department's decision to designate the Navy as executive agent for prototyping and testing these field level applications or core capabilities and the Air Force as the executive agent for the database.

The conferees are aware of Navy needs to also continue to consolidate and integrate its headquarters personnel systems. The House previously directed that the Navy Military Personnel Distribution System (NMPD) central design authority (CDA) be assigned to the Enlisted Personnel Management Center (EPMAC) to assure the most efficient and cost effective development and maintenance of this system. The conferees understand that the Military Assignment, Selection, and Transfer System (MAST) has been conceived to modernize Naval personnel management by combining legacy systems and allowing these systems to operate in a more cost effective and client friendly environment. EPMAC has been identified as the technical expert possessing the expertise required to meet the development demands of MAST and NMPD systems. The conferees direct the Navy to assign CDA responsibilities, implementation, and funding functions to EMPAC for the MAST and NMPD systems by January, 1996, and that the transfer of the NMPD system to EPMAC be completed by September, 1996. The conferees direct the Navy to allocate the required funding to EPMAC in support of the MAST and NMPD system development to include hardware, software, and personnel requirements.

The conferees concur with the House direction that the Department of the Navy place the collocated Naval Telecommunications and Communications Station (NTCS) functions and operations under the operational control and command of the Naval Reserve Information Systems Office, except that this direction shall only apply to the Central Design Agency functions and its related support functions and civilian personnel. The conferees direct that these functions continue to be supported through the Defense Business Operations Fund.

OTHER DEFENSE AGENCIES

The conferees concur with the House direction provided in House Report 104–208, pages 136–137 regarding DISA megacenter outsourcing. The conferees are adamant that the reporting requirements and directions provided in the House report be followed by the Department of Defense. While the conferees may be able to support outsourcing some non-essential military functions and services prior to the completion of recommended base closing and realignment consolidations, the conferees expect the reporting requirements contained in the House report to occur first along with proper Congressional committee oversight.

The conferees concur with the House National Security Committee efforts urging the Department of Defense to privatize or outsource non-essential military services such functions as civilian payroll and payroll-and-accounting for nonappropriated instrumentality functions. However, the conferees recommend the Department also look to franchising for these and other similar services from other Federal agencies that already provide similar, cost effective services. In this regard, the conferees urge the Department to proceed with the recommendation made in the statement of the managers accompanying the fiscal year 1995 Defense Appropriations Act to initiate a prototype for using the National Finance Center cross servicing functions, in conjunction with existing DFAS and private operations in the area, for some financial management and personnel services at DOD as recommended by Military Department Comptrollers in January, 1994.

RESERVE COMPONENT AUTOMATION SYSTEM

The Army has spent eighteen years and close to a billion dollars without successfully providing modern computer technology to its Reserve Component. For the first time in the RCAS program's history, there now appears to be general consensus between the active Army, the National Guard, the Army Reserve, the Office of the Secretary of Defense, and the Congress on its future direction based on the restructure proposed by the Chief of the National Guard Bureau. Given this apparent consensus, there is no longer the need for legislation to accomplish the goals set out by the Congress for this program. The conferees therefore do not agree to retain bill language as proposed by the House. This action should not be construed as a diminution of Congressional support for RCAS, a Congressional authorization to change the program responsibilities of the Chief of the National Guard Bureau, or an invitation to the Army to change the program architecture to parallel or merge with active Army computer modernization programs. The funding provided in this Act is available solely to implement the restructured RCAS program as proposed by the Chief of the National Guard Bureau, endorsed by the Office of the Secretary of Defense in a formal Major Automated Information Systems Review Council, and recently presented to the Congress. All RCAS funds are hereby designated to be of special Congressional interest, any other use of which would require approval by the Congress through the formal reprogramming process; this would include the use of RCAS funds to modernize active Army systems or to finance codevelopment of new systems. The conferees agree to the certification requirements by the Assistant Secretary of Defense for Reserve Affairs in the House report.

For many years, the Congress has denied the use of government furnished equipment and software in the RCAS system primarily because the Army would not identify it in advance to the Congress. The Chief of the National Guard Bureau has proposed the limited use of government furnished software in the restructured program. The Army has touted for many years the large amount of government furnished software that potentially could be used in RCAS. However, of

the 16 existing Army information systems that will be examined for reuse in RCAS during fiscal year 1996, the Guard Bureau indicates that not even one is likely to have more than 14 percent of the software available for reuse. Many of these are also very old systems. The conferees wish to assure that software reuse is not done simply for its own sake or solely to satisfy the technical community. The conferees impose no restrictions on the use of government furnished software in the restructured program, but direct that the Program Executive Office for RCAS certify each time it tasks the RCAS contractor to use a significant amount of government furnished software that such action is the most cost-effective approach.

Finally, for many years the Congress had a very tight restriction in law prohibiting the purchase of interim equipment outside of the RCAS program. The Reserve Components have recently disclosed that there are 12,000 modern computers which are available for the restructured program. The conferees direct the Inspector General of the Defense Department to conduct an investigation on how the Reserve Component was able to obtain such a large number of computers, whether any of these acquisitions violated law, and/or if anti-deficiency violations occurred.

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RECAPITULATION				
RDTE, ARMY	4,444,175	4,742,150	4,639,131	4,870,684
RDTE, NAVY	8,204,530	8,715,481	8,282,051	8,748,132
RDTE, AIR FORCE	12,598,439	13,110,335	13,087,389	13,126,567
RDTE, DEFENSE-WIDE	8,802,881	9,029,666	9,196,784	9,411,057
DEVELOPMENTAL TEST AND EVALUATION	259,341	259,341	246,082	251,082
OPERATIONAL TEST AND EVALUATION	22,587	22,587	22,587	22,587
GRAND TOTAL, RDTE	34,331,953	35,879,560	35,474,024	36,430,109
CATEGORY RECAP				
BASIC RESEARCH	974,025	953,625	916,592	935,964
EXPLORATORY DEVELOPMENT	2,722,753	2,855,416	2,836,736	2,907,381
ADVANCED DEVELOPMENT	3,693,547	3,318,907	3,370,626	3,624,055
DEMONSTRATION AND VALIDATION	2,664,245	3,018,253	2,780,156	2,983,101
ENGINEERING & MANUFACTURING DEVELOPMENT	8,239,924	8,602,411	8,599,378	8,579,080
RDT&E MANAGEMENT SUPPORT	3,119,546	3,103,818	3,112,963	3,130,779
OPERATIONAL SYSTEMS DEVELOPMENT	10,235,821	10,732,599	10,589,899	10,955,133
OTHER	2,682,092	3,294,531	3,267,674	3,314,616
TOTAL	34,331,953	35,879,560	35,474,024	36,430,109

SPECIAL INTEREST ITEMS

The conferees agree with the direction in the House report with respect to the identification and treatment of Congressional interest items and further direct that these requirements be imposed with respect to items so identified in the Senate report and in this Statement of the Managers.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL, ARMY:				
DEFENSE RESEARCH SCIENCES	127,565	127,565	128,240	128,240
UNIVERSITY AND INDUSTRY RESEARCH CENTERS	62,715	62,715	39,016	49,779
SENSORS AND ELECTRONIC SURVIVABILITY	21,918	27,918	21,918	27,918
AVIATION TECHNOLOGY	20,381	20,381	18,470	18,470
MISSILE TECHNOLOGY	17,985	17,985	12,740	17,985
MODELING AND SIMULATION	23,770	23,770	20,526	20,526
BALLISTICS TECHNOLOGY	28,126	39,126	25,976	33,976
ELECTRONICS AND ELECTRONIC DEVICES	17,525	19,025	20,525	22,025
HUMAN FACTORS ENGINEERING TECHNOLOGY	12,534	20,034	12,534	16,034
ENVIRONMENTAL QUALITY TECHNOLOGY	21,304	21,304	26,704	26,704
COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	15,726	15,726	13,578	13,578
MEDICAL TECHNOLOGY	56,658	58,658	63,311	65,311
LOGISTICS ADVANCED TECHNOLOGY	10,569	13,669	5,607	8,707
MEDICAL ADVANCED TECHNOLOGY	11,760	88,760	18,535	95,535
AVIATION ADVANCED TECHNOLOGY	48,593	59,093	48,593	56,593
WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	18,518	21,518	21,649	27,518
COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	30,616	31,616	23,842	28,171
COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	16,922	16,922	28,922	28,922
TRACTOR HIKE	14,588	31,588	14,588	24,588
GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHNOLOGY	39,824	39,824	38,324	38,324
MISSILE AND ROCKET ADVANCED TECHNOLOGY	123,913	126,413	108,913	118,913
LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	18,820	18,820	24,820	24,820
NIGHT VISION ADVANCED TECHNOLOGY	37,969	37,969	33,803	33,803
ADVANCED TACTICAL COMPUTER SCIENCE AND TECHNOLOGY	33,989	33,989	28,952	28,952
TRACTOR DUMP	15,025	15,025	.....	.....
ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (DEM/VAL)	2,985	30,785	2,985	23,985
ARTILLERY PROPELLANT DEVELOPMENT	10,946	30,546	21,646	21,946
ARMORED SYSTEM MODERNIZATION—ADV DEV	201,513	201,513	176,513	191,513
TACTICAL ELECTRONIC SUPPORT SYSTEMS—ADV DEV	2,937	5,937	2,937	5,937
SOLDIER SUPPORT AND SURVIVABILITY	33,848	33,848	7,913	7,913
AVIATION—ADV DEV	8,430	14,430	8,430	14,430
WEAPONS AND MUNITIONS—ADV DEV	.....	.....	1,000	1,000
COMANCHE	199,103	199,103	373,103	299,103
ADVANCED MISSILE SYSTEM-HEAVY	995	995	.....	995
MEDIUM TACTICAL VEHICLES	.....	.....	1,500	1,500
JAVELIN	.....	2,000	.....	1,000
LANDMINE WARFARE	31,028	31,028	15,628	31,028
HEAVY TACTICAL VEHICLES	.....	2,745	.....	2,745
ADVANCED COMMAND AND CONTROL VEHICLE (AC2V)	18,238	18,238	13,776	18,238
LIGHT TACTICAL WHEELED VEHICLES	2,187	4,187	7,187	4,187
ARMORED SYSTEMS MODERNIZATION (ASM)-ENG, DEV	38,465	43,825	40,065	40,065
ENGINEER MOBILITY EQUIPMENT DEVELOPMENT	21,831	35,984	24,431	24,431
NON-SYSTEM TRAINING DEVICES—ENG DEV	55,303	55,303	50,703	52,303
TACTICAL SURVEILLANCE SYSTEM—ENG DEV	.....	3,100	3,000	3,000
AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	22,030	22,030	20,830	20,830
AUTOMATIC TEST EQUIPMENT DEVELOPMENT	5,437	15,437	5,437	15,437
TRACTOR BAT	193,303	200,303	193,303	200,303
JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM	18,771	18,771	28,271	28,271
WEAPONS AND MUNITIONS—ENG DEV	15,928	17,528	16,428	18,028
NON-COOPERATIVE TARGET RECOGNITION—ENG DEV	30,466	30,466	14,139	22,466
RAND ARROYO CENTER	21,872	21,872	16,872	18,872
DOD HIGH ENERGY LASER TEST FACILITY	3,000	24,808	35,000	35,000
PROGRAMWIDE ACTIVITIES	63,649	63,649	59,400	63,649
TECHNICAL INFORMATION ACTIVITIES	16,401	16,401	13,837	13,837
MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	6,903	6,903	18,103	18,103
ENVIRONMENTAL COMPLIANCE	66,101	66,101	68,101	68,101
BASE OPERATIONS—RDT&E	329,978	329,978	319,478	319,478
MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	8,766	8,766	15,766	15,766
MLRS PRODUCT IMPROVEMENT PROGRAM	68,786	68,786	72,586	72,586
ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	39,422	39,422	.....	36,422
COMBAT VEHICLE IMPROVEMENT PROGRAMS	197,669	198,978	202,694	215,003

[In thousands of dollars]

	Budget	House	Senate	Conference
MANEUVER CONTROL SYSTEM	38,327	51,327		51,327
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	3,012	4,112	3,012	4,112
DIGITIZATION	88,567	88,567		100,867
MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	17,069	26,869	68,869	64,869
OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	57,949	57,949	65,499	65,499
END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES		17,776	23,776	28,776
TASK FORCE XXI			184,456	
TASK FORCE XXI SOLDIER				30,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
University and Industry Research Centers	62,715	62,715	39,016	49,779
Electromechanics and hypervelocity physics			−1,390	
Automotive Technology				+2,000
Federated Labs			−22,309	−14,936
Ballistics Technology	28,126	39,216	25,976	33,976
Electric gun technology		+9,000		+7,000
Electrothermal-chemical (ETC) tech		+2,000		+1,000
Self Protection System			−2,150	−2,150
Electronics and Electronic Devices	17,525	19,025	20,525	22,025
Battery maintainer system		+1,500		+1,500
Adv nonmetallic rechargeable battery			+1,000	+1,000
Low cost reusable alkaline batteries for Sincgars			+1,000	+1,000
''AA'' zinc air battery for military application			+1,000	+1,000
Human Factors Engineering Technology	12,534	20,034	12,534	16,034
Medteams		+4,000		
Rural Health		+3,500		+3,500
Medical Technology	56,658	58,658	63,311	65,311
Dengue fever			+1,000	+1,000
Nutrition Research			+1,775	+1,775
Medteams			+3,878	+3,878
Wound Healing		+2,000		+2,000
Logistics Advanced Technology	10,569	13,669	5,607	8,707
Soldier Survivability			−4,962	−4,962
Ammunition logistics		+3,100		+3,100
Medical Advanced Technology	11,760	88,760	18,535	95,535
Nutrition research			+1,775	+1,775
Tissue replacement			+5,000	+5,000
Breast cancer		+75,000		+75,000
Blood analyzer		+2,000		+2,000
Aviation Advanced Technology	48,593	59,093	48,593	56,593
Chinook helicopter SLEP		+4,000		+4,000
Starstreak evaluation [Note: The conferees agree to Senate language regarding the Starstreak funding strategy.]		+6,500		+4,000
Weapons and Munitions Advanced Tech	18,518	21,518	21,649	27,518
Precision guided mortar munition			+6,000	+6,000
Large footprint sensor evaluation			−2,869	
XM–982 [Note: The conferees direct the Army to assess the potential for accelerating the XM–982 program and report findings to the congressional defense committees no later than January 15, 1996.]		+2,000		+2,000
Electro-Rheological Fluid Recoil System		+1,000		+1,000
Combat Vehicle and Automotive Advanced Tech	30,616	31,616	23,842	28,171
Armored vehicle self protection program [Note: The conferees direct that the additional funds are only for the development of a tank system capable of close in detection and destruction of high velocity, low front-end radar cross-section threats such as KE rounds.]		+1,000		+1,000
Active protection concept			−3,329	
Composites for future military vehicles			−3,445	−3,445
Missile and Rocket Advanced Technology	123,913	126,413	108,913	118,913
EFOG–M			−15,000	−7,500
Low cost autonomous attack submunition		+2,500		+2,500
Army Missile Defense Systems Integration (Dem/Val)	2,985	30,785	2,985	23,985
THEL		+5,000		
Nautilus laser		+5,000		
Battlefield integration center		+17,800		+21,000
Artillery Propellant Development	10,946	30,546	21,646	21,946
Unicharge		+19,600	+10,700	+11,000
Armored System Modernization—Adv Dev	201,513	201,513	176,513	191,513
FARV Adv development			−25,000	−10,000
Comanche [Note: The conferees do not agree to House language regarding testing at Patuxent River.]	199,103	199,103	373,103	299,103
Non-System Training Devices—Eng Dev	55,303	55,303	50,703	52,303
FSCATT phase 1			−3,000	−3,000
STRICOM and Naval air warfare ctr training			−1,600	
Weapons and Munitions—Eng Dev	15,928	17,528	16,428	18,028
XM 931 (120MM Practice)		+1,600		+1,600
Universal brackets for MK19 grenade launchers			+500	+500
Non-Cooperative Target Recognition—Eng Dev	30,466	30,466	14,139	22,466
Low cost BCIS study			−1,091	
BCIS hardware build			−15,236	−8,000
Base operations—RDT&E [Note: The conferees direct that no part of the reduction may be assessed against personnel.]	329,978	329,978	319,478	319,478
Combat Vehicle Improvement Program	197,669	198,978	202,694	215,003
Abrams Improvement system enhancement package			−5,000	
Abrams Improvement GEN II FLIR/testing			−5,000	−5,000
Tractor Dump			+15,025	+15,025
Abrams transfer		+1,309		+1,309
Test equipment				+6,000
Digitization	88,567	88,567		100,867
EXFOR modernization			+4,000	+4,000
AWE—Warrior Focus			+500	+500
AWE—JWID			+1,500	+1,500
ASAS connectivity for TF XXI			+3,300	+3,300
TF XXI radios and displays			+5,000	+5,000
Prior year carryover			−2,000	−2,000
Missile/Air Defense Product Improvement	17,069	26,869	68,869	64,869
Stinger Block II		+9,800	+9,800	+9,800
Avenger PIP			+3,000	+3,000
Starstreak evaluation			+4,000	
Patriot anti-cruise missile upgrade			+35,000	+35,000
Other Missile Product Improvement Programs	57,949	57,949	65,499	65,499
Hydra-70 PIP [Note: The conferees direct increase is only for a competitive product improvement program for the Hydra-70 rocket.]			+10,000	+10,000
Support and Management costs			−2,450	−2,450
Industrial Preparedness Activities		17,776	23,776	28,776
Transfer		+17,776	+17,776	+17,776
PAN fibers			+4,000	+4,000
Non-metallic rechargeable battery			+2,000	+2,000
Instrumented Factory for Gears (INFAC)				+5,000

UNIVERSITY AND INDUSTRY RESEARCH CENTERS

The conferees have provided $49,779,000. Included in this amount is $22,847,000 for the Army's new federated labs program. The conferees direct that these funds may only be used to initiate the three federated lab programs which the Army determines are most important to its needs.

The conferees are concerned that the Army's plan to enter into long term agreements could limit its ability to respond to new ideas and changes in the defense industry. Therefore, the conferees direct that the Army shall not enter into any federated lab agreement or contract which provides for the non-competitive continuation of a federated lab for more than five years. The conferees further direct that the Assistant Secretary of the Army for Research, Development and Acquisition provide a report identifying the three fiscal year 1996 federated labs, the participants, the allocation of funds, the management structure, and the planned research program by March 1, 1996 to the congressional defense committees.

EW DEVELOPMENT

The conferees understand that funds are included in the budget request for the development of an electronic protection system and encourage the Army to obligate up to $10,300,000 in fiscal year 1996 for the SHORT-STOP project.

MEDICAL ADVANCED TECHNOLOGY

The conferees agree to provide $75,000,000 for the Army's peer reviewed breast cancer research program. The conferees expect the Army to provide special emphasis to research that addresses the specific needs of military beneficiaries.

AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE

The conferees provided $2,000,000 in fiscal year 1995 for the evaluation of the Air Defense Alerting Device (ADAD). The conferees direct the Department of Defense to release the fiscal year 1995 funds appropriated for ADAD and proceed with testing.

TASK FORCE XXI SOLDIER

The conferees agree to provide $30,000,000 for a new project, Task Force XXI Soldier, to accelerate the development of integrated, modular equipment designed for the individual soldier. The Army's strategy to develop and field the interim Land Warrior system and then immediately begin production of the objective GEN II Soldier system appears to be an inefficient allocation of resources. The conferees believe that accelerating the GEN II soldier program will eliminate the need for an interim system allowing the Army to field a more capable system at an earlier date. Therefore, the conferees have consolidated funds from the existing programs to accelerate the GEN II Soldier program and provided additional funds to continue only the Land Warrior efforts necessary to support the objective program. The conferees direct the Assistant Secretary of the Army for Research, Development and Acquisition to provide a report defining a revised acquisition strategy to the congressional defense committees by March 1, 1996.

AIRBORNE RECONNAISSANCE LOW

The conferees understand that upgrading the Airborne Reconnaissance Low (ARL) aircraft with the RAH–66 Comanche engine will significantly enhance operational capabilities and reduce support costs. Although no funds were requested in the fiscal year 1996 budget, the conferees encourage the Army to pursue upgrading the ARL engine in fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL NAVY:				
DEFENSE RESEARCH SCIENCES	385,917	385,917	373,917	373,917
SURFACE/AEROSPACE SURVEILLANCE AND WEAPONS TECHNOLOGY	32,658	36,658	30,658	34,658
SURFACE SHIP TECHNOLOGY	36,786	46,786	37,860	62,860
AIRCRAFT TECHNOLOGY	22,238	24,738	28,238	30,738
READINESS, TRAINING, AND ENVIRONMENTAL QUALITY TECHNOLOGY	40,511	45,311	42,511	49,211
MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	74,849	77,849	71,849	78,349
UNDERSEA SURVEILLANCE WEAPON TECHNOLOGY	51,182	51,182	56,982	56,982
MINE COUNTERMEASURES, MINING AND SPECIAL WARFARE	43,384	51,384	43,384	48,384
OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY	45,526	60,526	49,476	58,376
AIR SYSTEMS AND WEAPONS ADVANCED TECHNOLOGY	17,082	71,082	26,082	71,082
MEDICAL DEVELOPMENT	27,754	62,754	27,754	65,754
ENVIRONMENTAL QUALITY AND LOGISTICS ADVANCED TECHNOLOGY	21,504	33,504	25,004	25,004
UNDERSEA WARFARE ADVANCED TECHNOLOGY	51,816	51,816	45,170	48,493
SHALLOW WATER MCM DEMOS	50,958	25,000	46,565	40,958
ADVANCED TECHNOLOGY TRANSITION	96,825	78,000	89,325	81,000
AIR/OCEAN TACTICAL APPLICATIONS	16,621	19,821	16,621	19,821
AVIATION SURVIVABILITY	7,477	16,377	7,477	16,377
SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	54,527	56,177	54,527	56,177
ADVANCED SUBMARINE COMBAT SYSTEMS DEVELOPMENT	21,281	28,181	21,281	28,181
CARRIER SYSTEMS DEVELOPMENT	16,164	16,164	9,226	12,764
NON-ACOUSTIC ANTI SUBMARINE WARFARE (ASW)	.....	.....	10,000	10,000
ADVANCED SUBMARINE SYSTEM DEVELOPMENT	35,748	55,748	35,748	55,748
SUBMARINE TACTICAL WARFARE SYSTEMS	5,070	8,570	5,070	8,570
SHIP CONCEPT ADVANCED DESIGN	16,736	53,736	16,736	53,736
ADVANCED SURFACE MACHINERY SYSTEMS	39,156	39,156	67,094	82,864
MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	46,733	46,733	46,733	50,933
RETRACT MAPLE	82,932	90,932	82,932	87,932
LINK PLUMERIA	17,879	21,579	17,879	21,579
RETRACT ELM	32,561	32,561	31,561	31,561
SHIP SELF DEFENSE	245,620	365,120	245,620	332,620
GUN WEAPON SYSTEM TECHNOLOGY	12,028	37,028	31,028	34,028
JOINT ADVANCED STRIKE TECHNOLOGY—DEM/VAL	149,295	143,795	123,272	83,795
ASW AND OTHER HELO DEVELOPMENT	91,803	80,175	99,636	89,636
AV–8B AIRCRAFT—ENG DEV	11,309	26,909	11,309	26,909
S–3 WEAPON SYSTEM IMPROVEMENT	12,872	27,872	12,872	12,872
P–3 MODERNIZATION PROGRAM	1,945	16,945	1,945	16,945
TACTICAL COMMAND SYSTEM	27,389	27,389	24,750	24,750
V–22A	762,548	762,548	757,548	757,548
AIR CREW SYSTEMS DEVELOPMENT	9,788	17,688	9,788	17,688
EW DEVELOPMENT	87,440	87,440	97,440	97,440
AEGIS COMBAT SYSTEM ENGINEERING	105,683	89,883	94,683	94,683
STANDARD MISSILE IMPROVEMENTS	8,572	2,572	18,572	18,572
AIRBORNE MCM	42,226	42,226	30,468	34,468
ENHANCED MODULAR SIGNAL PROCESSOR	8,342	14,842	8,342	14,842
SUBMARINE COMBAT SYSTEM	43,302	37,151	43,302	43,302
SUBMARINE TACTICAL WARFARE SYSTEM	38,479	20,487	38,479	38,479
NAVY TACTICAL COMPUTER RESOURCES	5,499	15,499	5,499	15,499
UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS	40,517	43,517	94,517	53,517
SHIP SELF DEFENSE	165,997	201,997	179,297	207,297
NAVIGATION/ID SYSTEM	56,472	56,472	51,104	54,104
DISTRIBUTED SURVEILLANCE SYSTEM	93,507	93,507	93,507	103,507
STUDIES AND ANALYSIS SUPPORT—NAVY	9,281	7,000	7,781	7,000
MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	20,371	12,000	18,422	18,422
STRATEGIC TECHNICAL SUPPORT	3,584	3,000	3,584	3,000
TEST AND EVALUATION SUPPORT	245,911	247,911	237,911	239,911
STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	39,511	39,511	36,609	36,609
F/A–18 SQUADRONS	919,484	923,984	919,484	923,984
E–2 SQUADRONS	52,965	52,965	52,965	62,965
TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	141,440	176,440	141,440	170,440
INTEGRATED SURVEILLANCE SYSTEM	16,440	32,640	16,440	32,640
CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	48,058	51,058	65,058	68,058
F–14 UPGRADE	44,490	44,490	44,490	19,115
MARINE CORPS COMBAT SERVICES SUPPORT	3,915	6,915	3,915	7,415
SATELLITE COMMUNICATIONS	38,472	38,472	43,472	38,472
INDUSTRIAL PREPAREDNESS	.....	88,000	41,251	88,000
CLASSIFIED PROGRAMS	539,680	579,680	545,480	585,480
GENERAL REDUCTION, UNIVERSITY LABS	.....	−10,000	.....	−10,000
FREE ELECTRON LASER PROGRAM	.....	9,000	.....	9,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Surface/Aerospace Surveillance and Weapons Technology	32,658	36,658	30,658	34,658
Long Range Projectile		+2,000		+2,000
IPHTET/Rocket Propulsion		+2,000		+2,000
Theater Defense			−2,000	−2,000
Surface Ship Technology	36,786	46,786	37,860	62,860
Submarine Technology		+10,000		+10,000
Submarine Signature Control/ Structural Systems/ Power and Automation/ and Maneuvering and Seakeeping			−4,926	−4,926
Power Electronic Building Blocks			+6,000	+6,000
Curved Plate Technology				+15,000
ITEM for Embedded Test Procedures			(1,000)	(1,000)
ITEM for Prototype Advanced Maintenance			(1,000)	(1,000)
Aircraft Technology	22,238	24,738	28,238	30,738
Helmet mounted displays		+2,500		+2,500
Vectored thrust ducted propeller technology			+6,000	+6,000
Readiness, Training, and Environmental Quality Technology	40,511	45,311	42,511	49,211
Aircrew chemical-biological protection		+4,800		+4,800
MERTS			+2,000	+3,900
Materials, Electronics, and Computer Technology	74,849	77,849	71,849	78,349
Embedded sensors		+3,000		+3,000
C-band telemetry/data link systems			−3,000	−3,000
Distributed Manufacturing Demonstration Project				+3,500
Mine Countermeasures, Mining and Special Warfare	43,384	51,384	43,384	48,384
RAMICS		+8,000		+5,000
Oceanographic and Atmospheric Technology	45,526	60,526	49,476	58,376
Oceanographic research		+10,000		+10,100
Mapping, charting, geodesy			+3,700	+0
PM–10			+250	+250
POAM–II		+5,000		+2,500
Medical Development	27,754	62,754	27,754	65,754
Bone marrow		+24,000		+24,000
Prostate cancer [Note: The conferees direct that the prostate cancer funds are to continue the ongoing Army research program, in collaboration with the Navy.]		+7,500		+7,500
DOD head injury		+1,000		+1,000
Blood storage		+1,000		+1,000
Naval Biodynamics Laboratory [Note: The conferees agree to provide $3,000,000 only for the Naval Biodynamics Laboratory (NBDL). These funds are to maintain the level of effort at NBDL so that the lab, facilities, equipment, and records (including data bases) can be transferred, effective October, 1996, to a participating facility which is an integral part of the Gulf Coast Region Maritime Technology Center.]		+1,500		+3,000
Undersea Warfare Advanced Technology	51,816	51,816	45,170	48,493
Shallow water surveillance advanced technology—littoral warfare advanced development			−6,646	−3,323
Shallow Water MCM Demonstrations	50,958	25,000	46,565	40,958
Budget growth		−25,958		−10,000
Advanced airborne target designator			−1,400	
C^4I technology			−1,468	
Surface surveillance, target acquisition and fire control			−1,525	
Advanced Technology Transition	96,825	78,000	89,325	81,000
Budget growth		−18,825		−18,825
Tactical aircraft directed IR countermeasures			−5,500	
Dual mission advanced missile airframe			−5,000	
SLICE			+3,000	+3,000
Carrier Systems Development	16,164	16,164	9,226	12,764
Zonal electric distribution system			−2,000	
Aviation weapons information systems			−1,538	
Multi-threat magazine protection system			−1,700	−1,700
Integrated catapult/ski-jump			−1,700	−1,700
Advanced Surface Machinery Systems	39,156	39,156	67,094	82,864
ICR			+27,938	+41,008
ICR statutory allocation			(45,458)	(0)
Standard monitoring control system [Note: Conferees agree to provide an additional $2.7 million, a total of $6.2 million, for the standard monitoring control system.]				+2,700
Marine Corps Ground Combat/Support System	46,733	46,733	46,733	50,933
Light weight 155mm howitzer				+4,200
Ship Self Defense	245,620	365,120	245,620	332,620
NRL P–3		+26,500		+26,500
Fleet P–3		+11,500		+11,500
E–2 CEC		+8,000		+5,500
Patriot/THAAD/CORPSAM CEC		+20,000		+5,000
Hawk CEC		+15,000		+3,000
AWACS CEC		+10,000		+11,000
National sensors CEC		+4,000		+4,000
FACT high definition systems		+4,500		+4,500
Multisensor fusion (St. Inigoes)		+4,000		
AN/UYQ–70		+16,000		+16,000
Gun Weapon System Technology	12,028	37,028	31,028	34,028
Naval surface fire support		+25,000	+19,000	+22,000
Joint Advanced Strike Technology—Dem/Val	149,295	143,795	123,272	83,795
General reduction		−25,500	−51,023	−65,500
Engine competition		+20,000		
A/F–117X [Note: Conferees direct that no reduction be made to the $7 million budgeted and appropriated for alternate engine activities.]			+25,000	
ASW and Other Helicopter Development	91,803	80,175	99,636	89,636
AH–1W		−11,628	−11,628	−11,628
ALFS			−2,167	−2,167
4BW/4BH			+21,628	+11,628
AV–8B	11,309	26,909	11,309	26,909
Engineering and manufacturing development		+15,600		+15,600
S–3 Weapon System Improvement	12,872	27,872	12,872	12,872
Gray Wolf		+15,000		
P–3 Modernization Program	1,945	16,945	1,945	16,945
AIP		+12,000		+12,000
Stores management		+3,000		+3,000
Airborne Mine Countermeasures	42,226	42,226	30,468	34,468
Airborne laser mine detection system [Note: $18,262,000 is available only for Magic Lantern.]			−11,758	−7,758
Unguided Conventional Air Launched Weapons	40,517	43,517	94,517	53,517
SLAM–ER		+3,000		+3,000
SLAM on Air Force platforms			+54,000	+10,000
Ship Self-Defense	165,997	201,997	179,297	207,297
Test ship		+7,900		+7,900
QRCC		+2,500		+2,500
ESM		+4,500		+4,500
IRST		+9,500	+9,500	+9,500
SPQ–9		+4,800		+4,800
ESSM		+6,800	−8,200	
Multi-sensor integration			+4,000	+4,100
NULKA			+8,000	+8,000
Distributed Surveillance System	93,507	93,507	93,507	103,507
FDS—Deployable [Note: Conferees agree to provide $10 million for refurbishment of an existing FDS–D and for procurement of additional spare clusters.]				+10,000
Studies and Analysis Support—Navy	9,281	7,000	7,781	7,000
Growth		−2,281		−781
CVLA			−1,500	−1,500
Test and Evaluation Support	245,911	247,911	237,911	239,911
NDI safety/survivability		+2,000		+2,000
Program reduction [Note: Conferees direct that no part of the general reduction shall be assessed against personnel.]			−8,000	−8,000
F/A–18 Squadrons	919,484	923,984	919,484	923,984
BOL chaff [Note: $4.5 million is only to integrate BOL chaff on F/A–18C/D series aircraft		+4,500		+4,500

[In thousands of dollars]

	Budget	House	Senate	Conference
E–2 Squadrons	52,965	52,965	52,965	62,965
E–2 Radar Modernization Program				+10,000
Tomahawk and Tomahawk Mission Planning Center	141,440	176,440	141,440	170,440
Tomahawk Block IV		+25,000		+25,000
Joint targeting testbed [Note: $4 million for testbed is only for studies.]		+10,000		+4,000
Consolidated Training Systems Development	+48,058	+51,058	+65,058	+68,058
Outboard trainer		+3,000		+3,000
PMRF shallow water range			+17,000	+17,000
F–14 Upgrade	44,490	44,490	44,490	19,115
JDAM integration				−25,375
Marine Corps Combat Services Support	3,915	6,915	3,915	7,415
All terrain vehicle		+3,000		
Medium tactical vehicle replacement [Note: Conferees direct that funds for the medium tactical vehicle replacement may only be used for the cargo variant.]				+3,500
Satellite Communications	38,472	38,472	43,472	38,472
Commercial direct broadcast [Note: Conferees do not agree to the Senate language on the global broadcast service.]			+5,000	
Industrial Preparedness		88,000	41,251	88,000
Transfer		+41,251	+41,251	+41,251
Generic increase		+36,749		+36,749
Electro-optics [Note: The conference agreement includes $10 million to continue a multi-year effort in partnership with U.S. manufacturers to develop advanced electro-optic manufacturing technologies aimed at developing lower cost and technologically superior U.S. weaponry. This program was authorized in the 1996 House National Defense Authorization bill.]		+10,000		+10,000

SHIP SELF-DEFENSE

The conferees do not agree to the House bill language on ship self-defense programs, as there is now agreement between the Congress and the Defense Department on the direction of the affected programs. This action should not be construed as a diminution of Congressional support for achieving robust self-defense capabilities on Navy ships, particularly on the LPD–17 class, as soon as possible.

SURFACE SHIP TECHNOLOGY

The conferees believe recent efforts to develop state-of-the-art curved plate technology for constructing large double hull tankers hold promise to significantly reduce construction costs and provide an improved level of safety and performance for Navy tanker vessels. The conference agreement includes $15,000,000 only to complete the development, design, construction and testing of full scale prototype equipment essential to evaluating and deploying this technology. Funds are to be used for detailed design and construction of full scale prototype equipment for curved plate panel forming, coating, subassembly and final welding.

OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY

The conferees agree to provide $10,000,000 for oceanographic research as recommended by the House. These funds are available only for collaborative research for the continued development, integration and application of cost-effective underwater multisensing systems (physical, chemical, optical, and acoustic) and unmanned underwater vehicles for continental shelf oceanographic measurements for mine countermeasures and other oceanographic applications, both fundamental and applied. These funds are to continue the project explained in House report 103–254, whose focus is on in-situ oceanographic sensors, fusion of multiple sensors, reconfigurability, interoperability to achieve low cost, reduced size and flexible payload/platform systems, adaptive capabilities for extended deployments, and navigation by self-convergent approaches using onboard sensors and intelligent control.

JOINT ADVANCED STRIKE TECHNOLOGY

Due to a recent restructure of the JAST program, there is now $131,000,000 in the fiscal year 1996 budget that is for work to be accomplished in fiscal year 1997. Such work should be budgeted in that year. The conferees agree to this reduction in the Navy and Air Force accounts, and direct that the Office of the Secretary of Defense ensure that the fiscal year 1997 budget to Congress includes a restoration of these funds.

F/A–18 SQUADRONS

The conferees agree to provide an additional $4,500,000 only for BOL chaff as recommended by the House. These funds are only to complete certification of the BOL chaff system on the F/A–18C/D series aircraft.

E–2 SQUADRONS

The conferees have provided an increase of $10,000,000 only to support evaluation of technologies for an E–2 radar modernization program (RMP). The conferees support an expansion of current development and test efforts at a site which permits elevated testing of an ADS–18S antenna and is involved with evaluation of space time adaptive processing (STAP) algorithms. Based on analysis and testing completed to date, the Navy has concluded that upgrades to the E–2 can provide substantial warfighting improvements in a littoral environment. The conferees direct that the additional funds shall only be available for radar development work, antenna testing and site enhancements in conjunction with ongoing efforts.

LCAC SERVICE LIFE EXTENSION PROGRAM

The conferees agree to provide $37,000,000 as recommended by the House for advanced planning and engineering of a Landing Craft Air Cushion (LCAC) service life extension program. The program will include component improvements and structural modifications to reduce maintenance costs, meet increased lift requirements, and restore growth margins. Modifications will be incorporated into the last craft during production and into existing fleet craft beginning in fiscal year 1996 as an expansion of the current corrosion control effort.

INTERCOOLED RECUPERATIVE GAS TURBINE ENGINE

The conferees agree to provide $41,008,000 for the continued development of the Intercooled Recuperative (ICR) gas turbine engine. This includes the amount requested in the budget and additional funds for the recuperator recovery plan and the U.S. test site.

NAVY RANGE SUPPORT SHIP

In the process of restructuring its fleet of oceanographic research vessels, the Navy recently decided that the Kaimalino would not be part of the future Navy oceanographic fleet. The conferees are aware of a plan for the Pacific Missile Range Facility (PMRF) to acquire the Kaimalino to support operational training needs as well as research and development programs, such as Navy Upper and Lower Tier Patriot, and THAAD. The conferees believe this would be an effective use of the Kaimalino. The conferees direct the Navy to review PMRF's request and to report to the Committees on Appropriations prior to taking any other action on the ship. The conferees further direct that the reuse of the Kaimalino shall have no effect on other ships in the Navy's oceanographic fleet.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL AF:				
DEFENSE RESEARCH SCIENCES	239,893	254,393	230,478	239,978
MATERIALS	74,534	71,000,	74,534	74,534
AEROSPACE FLIGHT DYNAMICS	66,268	62,768	60,799	63,100
HUMAN SYSTEMS TECHNOLOGY	90,311	86,911	75,311	86,911
AEROSPACE PROPULSION	78,592	81,592	72,070	75,070
AEROSPACE AVIONICS	74,256	74,256	66,601	68,500
HYPERSONIC TECHNOLOGY PROGRAM	19,900	19,900	16,900	19,900
ADVANCED WEAPONS	124,446	130,446	130,746	136,746
COMMAND CONTROL AND COMMUNICATIONS	98,477	96,477	98,477	96,477
ADVANCED MATERIALS FOR WEAPON SYSTEMS	23,283	25,283	28,283	30,283
CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	18,953	21,953	18,953	21,953
ADVANCED AVIONICS INTEGRATION	20,421	17,621	20,421	17,621
EW TECHNOLOGY	25,079	20,079	25,079	22,579
SPACE AND MISSILE ROCKET PROPULSION	15,203	20,203	15,203	20,203
BALLISTIC MISSILE TECHNOLOGY	3,085	8,785	8,085	8,785
ADVANCED SPACECRAFT TECHNOLOGY	32,627	83,627	52,627	78,627
CONVENTIONAL WEAPONS TECHNOLOGY	31,637	34,137	31,637	34,137
ADVANCED RADIATION TECHNOLOGY	47,919	47,919	74,919	74,919
CIVIL AND ENVIRONMENTAL ENGINEERING TECHNOLOGY	9,835	7,835	9,835	8,835
ADVANCED COMPUTING TECHNOLOGY	11,005	36,605	11,005	36,605
POLAR SATCOM			68,331	58,000
NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATE	23,861	18,861	13,861	18,861

[In thousands of dollars]

	Budget	House	Senate	Conference
SPACE BASED INFRARED ARCHITECTURE (SBIR)—DEM/VAL	130,744	230,744	265,744	265,744
JOINT ADVANCED STRIKE TECHNOLOGY—DEM/VAL	151,186	125,686	85,258	85,686
INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	20,265	20,265	31,765	31,765
B–1B	173,838	197,438	187,438	202,438
C–17 PROGRAM	85,753	85,753	42,353	73,803
F–22 EMD	2,138,718	2,338,718	2,338,718	2,238,718
NIGHT/PRECISION ATTACK	8,708	8,708	20,708	20,708
SPACE BASED INFRARED ARCHITECTURE (SBIR)—EMD	152,219	152,219	162,119	172,219
MILSTAR LDR/MDR SATELLITE COMMUNICATIONS	649,666	649,666	591,666	577,666
JOINT STANDOFF WEAPONS SYSTEMS	44,025	44,025	40,802	44,025
COMPUTER RESOURCE TECHNOLOGY TRANSITION (CRTT)	2,166	2,166	20,366	9,166
JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	169,702	189,702	162,202	182,202
SPACE TEST PROGRAM	57,710	57,710	39,572	47,000
THREAT SIMULATOR DEVELOPMENT	53,377	53,377	65,877	58,877
NAVIGATION/RADAR/SLED TRACK TEST SUPPORT	.....	3,000	.....	3,000
TEST AND EVALUATION SUPPORT	454,067	444,167	430,167	434,167
ENVIRONMENTAL CONSERVATION	14,169	4,169	14,169	4,169
ROCKET SYSTEMS LAUNCH PROGRAM (RSLP)	5,949	5,949	22,749	22,749
BASE OPERATIONS—RDT&E	117,083	120,683	126,983	123,983
AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	103,700	101,730	135,200	133,230
B–52 SQUADRONS	16,505	16,505	25,505	21,005
F–16 SQUADRONS	175,600	175,600	177,600	175,600
F–15E SQUADRONS	171,337	171,337	169,237	171,337
MANNED DESTRUCTIVE SUPPRESSION	2,908	2,908	10,908	10,908
JASSM	.....	.....	50,000	25,000
ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	42,311	50,311	37,211	47,311
THEATER BATTLE MANAGEMENT (TBM) C^4I	24,813	29,813	24,813	29,813
ADVANCED SYSTEMS IMPROVEMENTS	105,548	105,548	105,548	63,748
THEATER MISSILE DEFENSES	25,102	25,102	53,102	25,102
SATELLITE CONTROL NETWORK	89,717	82,717	84,617	84,617
TITAN SPACE LAUNCH VEHICLES	140,514	140,514	135,514	135,514
NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL S)	26,921	26,921	25,921	25,921
NCMC—TW/AA SYSTEM	60,897	60,897	68,797	68,797
SPACETRACK	35,583	35,583	57,883	58,383
DEFENSE SUPPORT PROGRAM	43,672	43,672	37,441	37,441
NUDET DETECTION SYSTEM	16,227	13,277	16,277	13,277
INDUSTRIAL PREPAREDNESS	.....	53,332	60,932	60,932
CLASSIFIED PROGRAMS	3,203,479	3,310,979	3,249,279	3,339,129

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense Research Sciences	239,893	254,393	230,478	239,978
Center for Astronomical Adaptive Optics	.....	+5,000	+5,000	+5,000
Joint Seismic Research	.....	+9,500	.....	+9,500
Program Reduction	.....	.....	−14,415	−14,415
Aerospace Flight Dynamics	66,268	62,768	60,799	63,100
Aeromechanics	.....	.....	−5,469	−3,168
Aerospace Propulsion	78,592	81,592	72,070	75,070
Thermally Stable Jet Fuels	.....	+3,000	.....	+3,000
Program Reduction	.....	.....	−6,522	−6,522
Advanced Weapons	124,446	130,446	130,746	136,746
Rocket Propulsion Technology	.....	+6,000	.....	+6,000
High Frequency Active Auroral Research	.....	.....	+5,000	+5,000
AEOS Spectrograph	.....	.....	+1,300	+1,300
Advanced Materials for Weapon Systems	22,283	25,283	28,283	30,283
Infrared Signature Control	.....	+2,000	.....	+2,000
Metal Fatigue Monitoring Technology	.....	.....	+5,000	+5,000
Advanced Spacecraft Technology	32,627	83,627	52,627	78,627
Reusable Launch Vehicle Technology	.....	+50,000	.....	+25,000
Miniature Threat Reporting System	.....	+1,000	.....	+1,000
Microsat	.....	.....	+20,000	+20,000
B–1B	173,838	197,438	187,438	202,438
JDAM Integration	.....	+7,000	+7,000	+7,000
ECM Risk Reduction	.....	+6,600	+6,600	+6,600
PGM	.....	+10,000	.....	+15,000
SBIR–EMD	152,219	152,219	162,119	172,219
Other Procurement Transfer	.....	.....	+9,900	+20,000
Computer Resource Tech Transition	2,166	2,166	20,366	9,166
Software Design for Reliability and Reuse	.....	.....	+3,000	+5,000
CARDS	.....	.....	.....	+2,000
IMDS	.....	.....	+15,200	.....
Joint Surveillance/Target Attack Radar	169,702	189,702	162,202	182,202
REA	.....	.....	−12,000	−12,000
NATO JSTARS Project Office	.....	.....	+4,500	+4,500
Data Link/Dissemination Technologies	.....	+20,000	.....	+20,000
Aircraft Engine Component Improvement Program	103,700	101,730	135,200	133,200
B–2	.....	−1,970	.....	−1,970
RC–135 Re-engining NRE	.....	.....	+31,500	+31,500
Threat Simulator Development	53,377	53,377	65,877	58,877
ECIT Infrastructure	.....	.....	−3,100	−3,100
REDCAP	.....	.....	+15,600	+8,600
Test and Evaluation Support	454,067	444,167	430,167	434,167
AF T&E Transfer	.....	−9,900	−9,900	−9,900
Program Reduction [Note: The conferees direct that no part of the reduction may be assessed against personnel.]	.....	.....	−14,000	−10,000
Base Operations—RDT&E	117,083	120,683	126,983	123,983
Test and Evaluation Transfer	.....	+9,900	+9,900	+9,900
Growth Reduction	.....	−6,300	.....	−3,000
Satellite Control Network [Note: The conferees direct the Air Force to use unobligated fiscal year 1995 funds allocated for special projects to fund fiscal year 1996 general program requirements.]	89,717	82,717	84,617	84,617
Space Track	35,583	35,583	57,883	58,383
Air Force Maui Optical Station	.....	.....	+5,300	+5,300
Advanced Electro-Optical System (AEOS)	.....	.....	+17,000	+17,000
AEOS Site Characterization	.....	.....	.....	+500
Defense Support Program [Note: The conferees direct that the reduction shall only be assessed against engineering change orders and management support.]	43,672	43,672	37,441	37,441

SPACE BASED INFRARED ARCHITECTURE—DEM/VAL

The conferees agree to provide $265,744,000 for the demonstration/validation stage of the space based infrared architecture program, an increase of $135,000,000 to the budget request. The conferees have agreed to provide the additional $135,000,000 to accelerate development of the space missile tracking system (SMTS), formerly known as Brilliant Eyes. The additional funds provided for the program shall be used only for efforts identified jointly by both the Ballistic Missile Defense Organization and the Air Force to accelerate the deployment of SMTS.

B–1B

The conferees agree to provide $202,438,000 for the B–1B upgrade program, an increase of $28,600,000 to the budget request. The additional funding includes an increase of $7,000,000 for B–1B JDAM integration, an increase of $6,600,000 for ECM risk reduction

activities, and $15,000,000 for efforts to equip the bomber with precision guided munitions, including the B–1B virtual umbilical demonstration (BVUD). The conferees agree that none of the funding used for BVUD may be obligated until the Commander of the Air Combat Command and the Air Force Director of Operational Requirements certify to the appropriations committees that (a) a documented requirement for BVUD exists; and (b) that BVUD will be incorporated as part of the B–1B conventional upgrade program.

The conferees also direct that the Commander of the Air Force Operational Test and Evaluation Center provide a report no later than March 15, 1996 on the test and evaluation plan for BVUD and other precision guided munitions demonstrations. Finally the conferees direct the Department of the Air Force to consider other available alternatives to providing precision guided capability for the Mk–82 munition with the additional funding provided.

C–17

The conferees agree to provide $73,803,000 for continued development of the C–17 advanced transport aircraft, a decrease of $11,950,000 to the budget request. The conferees direct that these funds be allocated as follows: flight test support, $17,850,000; T–1 refurbishment, $11,700,000; aircraft structural integrity, $11,000,000; mission support, $10,900,000; aircraft armor, $5,000,000; flight test hours, $4,000,000; automatic communications processor; $4,000,000; station-keeping equipment, $1,300,000; passenger oxygen mask improvements, $1,000,000; enhanced aeromedical litters, $1,000,000; cargo compartment heating, $600,000; troop seats, $553,000; GPS integrity monitoring, $500,000; airlift defensive system survivability study, $400,000; signature reduction study, $400,000.

The conferees agree with Senate's direction regarding crew armor.

SENSOR FUZED WEAPON PRODUCT IMPROVEMENT

The House and Senate both included $10,000,000 in their respective bills to begin a product improvement program for the Sensor Fuzed Weapon (SFW). The conferees direct the Air Force to program those funds required in the outyears to complete development of these improvements. Currently programmed SFW production funds shall not be used as a source for the required development funds. The conferees strongly urge the Air Force to begin this development as soon as possible and to examine ways to streamline and shorten the effort.

The conferees also agree with the Senate requirement for a reevaluation, to be submitted no later than May 1, 1996, of total inventory needs for smart munitions.

JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM

The conferees agree to reduce the budget request for Joint Surveillance/Target Attack Radar System (JSTARS) procurement by $17,200,000 and for development by $12,000,000. The conferees agree to add $4,500,000 in development funds for the NATO Alliance Ground Surveillance (AGS) program and to add $20,000,000 in development funds for data link/dissemination technologies. An amount of $6,100,000 in procurement funds is available only to pay over and above expenses for repair actions during aircraft refurbishment. The conferees direct the Air Force to report to the Committees on Appropriations no later than 30 days after the enactment of this Act as to how the reductions have been allocated. If necessary to accommodate the impact of these reductions, the Air Force is encouraged to submit a reprogramming request in a timely manner.

The conferees agree with the Senate requirements regarding the AGS program.

B–52 SQUADRONS

The conferees agree to provide $21,005,000 for B–52 development, an increase of $4,500,000 to the budget request. The additional funding is only for integration of the AGM–130 munition onto B–52 bombers. The conferees direct that not more than $1,000,000 may be obligated until the Secretary of the Air Force certifies that there is a validated operational requirement for the weapon and reports to the Committees on Appropriations about the annual and total costs, schedule, technical risks, and operational considerations of such integration.

JOINT-AIR-TO-SURFACE STANDOFF MISSILE

The conferees agree to provide $25,000,000 to initiate the Joint-Air-to-Surface Standoff Missile (JASSM) program. The conferees agree to the Senate requirements regarding a report and a cost and operational effectiveness analysis. However, the Senate proposed obligation restrictions are not required. The required report is due no later than June 1, 1996.

THREAT SIMULATOR DEVELOPMENT

The conferees direct that none of the funds available for the Real-Time Electromagnetic Digitally Controlled Analyzer and Processor (REDCAP) may be used to fund any activities which would produce permanent improvements which could not be relocated in accordance with the Base Realignment and Closure (BRAC) decision to move this facility.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL DEFWIDE:				
DEFENSE RESEARCH SCIENCES	89,732	84,732	86,332	81,332
UNIVERSITY RESEARCH INITIATIVES	236,165	221,165	231,165	231,165
FOCUSED RESEARCH INITIATIVES	14,009	9,009	.....	9,009
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	23,947	28,547	23,947	28,547
COUNTERPROLIFERATION SUPPORT	9,952	14,452	9,952	14,452
MEDICAL FREE ELECTRON LASER	13,258	13,258	26,258	26,258
LINCOLN LABORATORY RESEARCH PROGRAM	19,903	10,000	19,903	12,903
COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY	403,875	402,876	372,525	392,325
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	60,665	84,165	58,515	68,515
TACTICAL TECHNOLOGY	113,168	132,168	117,718	130,718
INTEGRATED COMMAND AND CONTROL TECHNOLOGY	48,000	50,000	48,000	50,000
MATERIALS AND ELECTRONICS TECHNOLOGY	226,045	236,045	235,145	248,145
DEFENSE NUCLEAR AGENCY	219,003	231,703	237,003	237,703
DEFENSE HEALTH RESEARCH AND DEVELOPMENT	.....	.....	120,000	20,000
NATIONAL MISSILE DEFENSE—DEM/VAL	370,621	820,621	670,621	745,621
CORPS SURFACE-TO-AIR MISSILE—TMD—DEM/VAL	30,442	20,442	.....	20,442
SUPPORT TECHNOLOGIES/FOLLOW-ON TECHNOLOGIES—ADVANCE	79,387	79,387	149,387	129,387
OTHER THEATER MISSILE DEFENSE/FOLLOW-ON TMD ACTIVITIES	460,470	423,470	475,470	438,470
BALLISTIC MISSILE DEFENSE RDT&E PROGRAM MANAGEMENT	185,542	165,542	155,542	155,542
PATRIOT PAC–3 THEATER MISSILE DEFENSE ACQUISITION—EM	247,921	247,921	352,421	352,421
THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM—TMD—EMD	.....	50,000	.....	.....
NAVY LOWER TIER ACQUISITION EMD	237,473	282,473	282,473	97,473
NAVY LOWER TIER ACQUISITION DEM/VAL	.....	.....	.....	185,000
COUNTERTERROR TECHNICAL SUPPORT	12,044	24,044	12,044	18,244
COUNTERPROLIFERATION SUPPORT—ADV DEV	55,331	55,331	65,331	65,331
ASAT PROGRAM	.....	.....	30,000	30,000
JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	16,799	16,799	21,799	21,799
EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGIES	618,005	671,006	576,405	613,705
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEV	25,684	38,284	21,686	35,684
ADVANCED SUBMARINE TECHNOLOGY	7,473	30,473	13,973	30,473
DEFENSE REINVESTMENT	500,000	.....	238,000	195,000
STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	58,435	58,155	58,435	58,155
JOINT TECHNOLOGY INSERTION PROGRAM	4,976	4,976	.....	3,476
CALS INITIATIVE	6,545	6,545	25,745	25,745
COOPERATIVE DOD/VA MEDICAL RESEARCH	.....	.....	25,000	25,000
ADVANCED ELECTRONICS TECHNOLOGIES	419,863	434,863	388,718	422,660
SEMICONDUCTOR MANUFACTURING TECHNOLOGY	89,554	.....	89,554	39,000
MARITIME TECHNOLOGY	49,657	63,957	49,657	49,657
ELECTRIC VEHICLES	.....	.....	15,000	15,000
ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS	63,251	32,251	59,851	38,609
HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	89,682	89,682	119,682	119,682
INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	7,007	7,007	.....	.....
JOINT ADVANCED STRIKE TECHNOLOGY—DEM/VAL	30,675	30,675	18,775	30,675
JOINT ROBOTICS PROGRAM	17,382	22,382	23,115	22,382
ADVANCED SENSOR APPLICATIONS PROGRAM	25,923	35,923	25,923	25,923
NATO RESEARCH AND DEVELOPMENT	45,642	.....	28,500	23,500
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL	32,461	36,861	29,661	34,061
CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	95,324	107,324	91,617	91,617
GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	16,800	16,800	12,300	12,300
TECHNICAL STUDIES, SUPPORT AND ANALYSIS	39,302	24,302	24,372	34,302
TECHNICAL ASSISTANCE	4,927	4,927	.....	.....
SMALL BUSINESS INNOVATIVE RESEARCH ADMINISTRATION	1,574	1,574	.....	1,574
DEFENSE SUPPORT ACTIVITIES	14,752	14,752	17,752	17,752

[In thousands of dollars]

	Budget	House	Senate	Conference
COUNTERDRUG INTELLIGENCE SUPPORT			7,000	7,000
INDUSTRIAL PREPAREDNESS			7,007	7,007
INFORMATION SYSTEMS SECURITY PROGRAM	23,884	23,884	17,414	17,414
DMA MAPPING, CHARTING, AND GEODESY (MC&G) PRODUCTIONS	80,131	80,131	92,745	74,745
DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	515,148	612,048	391,148	604,448
C^3I INTELLIGENCE PROGRAMS	7,907	7,907	9,907	9,907
SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	13,288	14,788	19,288	15,788
SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	101,602	105,602	109,895	112,395
CLASSIFIED PROGRAMS	1,194,090	1,188,421	1,227,090	1,225,601

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense Research Sciences	89,732	84,732	86,332	81,332
Authorization adjustments		−5,000		−5,000
Material Sciences—Bioremediation			−3,400	−3,400
University Research Initiatives	236,165	221,165	231,165	231,165
Authorization adjustment			−15,000	
Combat readiness research			+10,000	+10,000
DEPSCOR		+20,000	(20,000)	+20,000
Reduction		−35,000		−35,000
Focused Research Initiatives [Note: The conferees agree to provide $9,009,000 for Focused Research Initiatives. The conferees agree that priority should be given to new materials research and continuing programs already initiated in conjunction with the National Medical Technology Testbed.]	14,009	9,009		9,009
Program reduction or deferral			−14,009	
Computing Systems and Communications Technology	403,875	402,875	372,525	392,325
Planning and decision aids			−3,200	
Human computer interaction			−6,100	
Evoluntary design of complex software			−4,000	
High Performance Computing Defense Info enterprise			−24,800	
Defensive Information Warfare			−5,000	−5,000
Interoperative Intelligent Metacomputing Testbed			+8,000	+8,000
[Note: The conferees agree with the Senate direction and further direct that the facility be located in close proximity to the Department of Defense headquarters and ARPA.]				
Asset Source for Software Engineering Technology			+3,750	+3,750
Nuclear Monitoring Technology		+11,000		+11,000
Software Managers Network		+10,000		+6,000
Natural Language Text		+5,000		+5,000
Global Broadcast Service		+8,000		+8,000
Seismic Monitoring Research		−10,000		
High Performance Computing		−25,000		−35,000
Program Reduction				−13,300
Chemical and Biological Defense Program	60,665	84,165	58,515	68,515
House Authorization Increase		+23,500		+10,000
Non medical chem/bio defense and gen/investment			−2,150	−2,150
Tactical Technology	113,168	132,168	117,718	130,718
Tactical Landing System		+7,000	+6,450	+6,450
Multiple Object Tracking Sensor System		+7,000		+7,000
Simulation Based Design		+5,000		+5,000
Naval Warfare Technology			−4,000	−3,000
Aglie Warrior			−4,900	−4,900
Center of Excellence for Research in Ocean Sciences			+7,000	+7,000
Integrated Command and Control Technology	48,000	50,000	48,000	50,000
Digital Camera		+2,000		+2,000
Field Emission Display [Note: The conferees agree that $5,000,000 is to be made available only for plasma enhanced chemical vapor deposition equipment and for development of manufacturing systems in a cluster tool format specifically tailored for field emission display (FED) production.]				(5,000)
Materials and electronics technology	226,045	236,045	235,145	248,145
High Temperature Superconducting Materials		+10,000		+10,000
LSTAT		(4,000)	(3,000)	(3,000)
Joint LSTAT requirement		(500)	(500)	(500)
Materials and Processing Technology			−8,900	−4,900
Military Medical/Trauma Care Technology				
2–D Ultrasound			−3,500	−1,000
Healthcare and Information infrastructure			−3,000	−3,000
Thermal Diamond Management			+14,500	+11,000
Cryogenic Electronics			+10,000	+10,000
Defense Nuclear Agency	219,003	231,703	237,003	237,703
High Power Microwave Technology		+4,700	+4,000	+4,700
Counterterrorist Explosive Research		+4,000		+4,000
Radiation Hardened Electronics		(15,000)		(15,000)
Environmental Pollutants			(5,000)	(5,000)
Thermionics			+10,000	+10,000
Defense Health Research and Development			120,000	20,000
Breast Cancer Research			+100,000	
AIDS Research			+20,000	+20,000
Other Theater Missile Defense/Follow-on TMD Activities	460,470	423,470	475,470	438,470
Reduction		−37,0000		−37,000
UAV/Boost Phase Interceptor			+15,000	+15,000
Kauai Test Facility			(3,000)	(3,000)
Counterterror Technical Support	12,044	24,044	12,044	18,244
Pulsed Fast Neutron Analysis		+12,000		+6,200
Experimental Evaluation of Major Innovative Tech	618,005	671,005	576,405	613,705
MOBA			−9,500	−9,500
Command and Control Info Systems			−11,100	−11,100
Guidance Tech—Sharpshooter			−13,700	−13,700
Advanced Simulation: Synthetic Theater of War			−3,000	−1,000
Advanced Simulator Technologies			−9,700	−5,000
Critical Mobile Targets			−10,000	−10,000
Pacific Disaster Center			+6,000	+6,000
Two Megawatt direct fuel cell powerplant			+9,400	+7,000
Shallow Water ASW		+5,000		+5,000
Classified Programs		+35,000		+10,000
Small Satellites		+1,000		+1,000
Safety and Survivability		+2,000		+2,000
GEOSAR		+10,000		+10,000
Crown Royal				+5,000
Strategic Packaging for Single Multi-Chip Modules [Note: The conferees agree to provide $2,000,000 only for Strategic Packaging for Single and Multi-chip Modules.]				(2,000)
Deep ocean relocation of coastal and harbor sediments [Note: The conferees agree to provide $2,500,000 only for the continuted study of deep ocean relocation of coastal and harbor sediments leading to a demonstration and validation of viable relocation and environmental monitoring technology.]				(2,500)
Large Millimeter Wave Telescope			(3,000)	(3,000)
Chemical and Biological Defense Program—Advanced Development	25,684	38,284	21,688	35,684
House Increase		+12,600		+10,000
Chem/bio defense advanced tech demo			−3,998	
Advanced Submarine Technology [Note: $7,000,000 of submarine technology is for project M.]	7,473	30,473	13,973	30,473
Submarine Technology		+23,000		+20,000
Active Structural Control			+3,000	+3,000
Integrated, passive, topographic navigation			+3,500	+0
Cooperative DoD/VA Medical Research			25,000	25,000
Core Program			+20,000	+20,000

[In thousands of dollars]

	Budget	House	Senate	Conference
Spinal/Brain research [Note: The conferees agree to provide $5,000,000 to complete the efforts initiated in 1992 for the Department of Defense Military Medical Personnel Collaborative Spinal Cord Injury, Paralysis, Neuroscience Research, Education and Training Center.]			+5,000	+5,000
Advanced Electronics Technologies	419,863	434,863	388,718	422,660
Focus Hope/U.S. Japan Management Training			−23,642	
CALS/Electronic Resource Centers			−6,000	
Manufacturing Technology Applications—Advanced Multimissile Manufacturing			−10,000	−10,000
Electronic Module Technology: Rapid acquisition of application specific signal processors technology base efforts			−3,100	−3,100
High Density Microwave Packaging			−9,100	−2,100
Microwave and Analog Front End Technology			−14,300	−7,000
Seamless High Off-Chip Conductivity			+10,000	+10,000
Institute for Advanced Flexible Manufacturing			+4,000	+4,000
Advanced Lithography			+20,997	+20,997
U.S. Japan—Management Training		−10,000		−10,000
Advanced Lithography		+25,000		
DMA mapping, charting, geodesy production	80,131	80,131	92,745	74,745
Support and management			−5,386	−5,386
Classified			+18,000	
Defense Airborne Reconnaissance Program	515,148	612,048	391,148	604,448
Tier II UAV	19,950	45,250	19,950	45,250
Tier III–UAV	48,000	83,000	48,000	66,000
Maneuver UAV	36,800	16,800	36,800	26,800
U–2 Sensor Upgrades			20,000	15,000
U–2 Defensive Systems			13,000	10,000
U–2 General Upgrades		15,000		
MSAG		12,000		8,000
E/O Framing Sensor		8,000		7,000
High Data Rate Laser Com		5,000		5,000
Common Imagery Ground System	33,833	49,833	38,833	44,833
Special Operations Advanced Technology Development	13,288	14,788	19,288	15,788
Integrated Bridge		+1,500		+1,500
Millimeter Wave			+1,000	+1,000
Crown Royal			+5,000	
Special Operations Tactical Systems Development	101,602	105,602	109,895	112,395
Advanced Seal Delivery System			+4,000	+4,000
SOF surface craft—Navy Boat program			+4,293	+4,293
Lightweight Strike Vehicle		+1,500		
Full Authority Digital Electronic Control		+2,500		+2,500

HISTORICALLY BLACK COLLEGES AND OTHER MINORITY INSTITUTIONS

The Department is encouraged to continue its support of minority institutions, including Hispanic serving institutions, through academic collaborations for research and education related to science and technology, relevant to the Department's mission.

COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY

The conferees agree to provide $8,000,000 for a Global Broadcast Service (GBS) as recommended by the House. The conferees also agree to the House language directing that the GBS initiative is to be managed by the Under Secretary of Defense for Acquisition and Technology (USD (A&T)). The conferees do not agree to the House language directing that the $8,000,000 is to be released to the Navy for a near-term GBS pilot program. Instead, the conferees believe that the GBS program must address the needs of all of the services and direct the USD (A&T) to compete the acquisition of both the near-term and objective GBS. After the competition is completed, the Under Secretary of Defense (Comptroller) is to certify to the defense committees that $8,000,000 has been released to the service chosen as executive agent to conduct the near-term GBS pilot program. The conferees do agree to the House language directing the USD (A&T) to provide to the defense committees a long-term master architecture. Additionally, the conferees direct that the USD (A&T) provide a comparison of cost, schedule, technical risk and operational considerations for several potential GBS host spacecraft including UFO follow-on, Milstar, DSCS, classified, and commercial satellites with the master architecture.

ADVANCED ELECTRONICS TECHNOLOGIES

The conferees agree with the House report concerning the ECRC program and also direct the Department to enter into a five-year contract with each of the two system integrators, the National ECRC and CAMP, who will continue to manage their respective sites.

The conferees commend ARPA for recent advancements in low-cost dense plasma focus x-ray source technology and 0.18 micron synchrotron-based x-ray technology. The conferees urge ARPA to continue efforts in the point source area and direct the Agency to allocate $11,000,000 to fund an integrated point source x-ray lithography system based on these latest x-ray source and stepper developments. This research should target defense related applications such as the production of Microwave Monolithic Integrated Circuit (MMIC) chips for military uses, including missile seekers, digital battlefield systems and F–22 radar modules.

ELECTRONIC COMBAT MASTER PLAN

The conferees direct the Secretary of Defense to develop and provide to the congressional defense committees, no later than March 31, 1996, an Electronic Combat Master Plan to establish an optimum infrastructure for electronic combat assets.

STRATEGIC TARGET SYSTEM (STARS)

The conferees agree to provide $10,000,000, the budget amount, only to continue planning, preparation and actual conduct of STARS flight tests. The conferees direct that BMDO take no actions to terminate or place the STARS program in a caretaker status.

NAVAL THEATER BALLISTIC MISSILE DEFENSE

The conferees believe that the Navy's area wide (Lower Tier) and theater wide (Upper Tier) programs should be deployed as rapidly as possible. The Navy's current plan to build on existing ship platforms, the Aegis system, proven launch systems, and the operational Standard missile family has resulted in a cost effective, technically capable and manageable program that is planned to produce a user operational capability (UOES) Upper Tier system not later than FY 1999 with an initial operational capability (IOC) by 2001. The conferees are committed to a rapid and actual deployment of an effective sea-based missile defense system. The conferees direct the Department to place highest priority on proceeding with a development program that achieves deployment of the Navy Upper Tier system by the planned 2001 IOC. The conferees endorse the Navy Theater Wide system as a core TMD program and endorse fully funding the core program in the 5-year defense plan. The conferees direct that not less than $200,442,000 shall be spent on Navy Upper Tier and not less than $282,473,000 on Navy Lower Tier for research and development activities. Funding allocations through BMDO to the Navy for these programs should proceed expeditiously.

TIER II UNMANNED AIR VEHICLE

The conferees agree to provide $45,250,000 for the Tier II (Predator) unmanned air vehicle program, an increase of $25,300,000 to the budget request. The conferees also agree that the additional funding provided shall only be used for attrition replacement air vehicles and shall not be used to marinize the Predator air vehicle.

RIVET JOINT RE-ENGINING

The conferees have provided $79,000,000 solely for the purpose of initiation of re-engining the Rivet Joint fleet. The conferees direct that future funding for this project be included in budget submissions for fiscal year 1997 and beyond, thus ensuring completion of this project in an expeditious and cost effective manner.

USH–42 MISSION RECORDER

The conferees agree that from funding provided in fiscal year 1996 for the Defense Airborne Reconnaissance Program, $10,000,000 may be used for the planned product improvement that will result in a low cost, lightweight, high capacity, digital version of the Navy's USH–42 recorder/reproducer suitable for a wide range of applications in reconnaissance and surveillance platforms.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
DIRECTOR OF TEST & EVAL DEFENSE:				
CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	119,714	119,714	109,714	114,714

[In thousands of dollars]

	Budget	House	Senate	Conference
FOREIGN COMPARATIVE TESTING	34,062	34,062	32,453	32,453
DEVELOPMENT TEST AND EVALUATION	105,565	105,565	103,915	103,915

TITLE V—REVOLVING AND MANAGEMENT FUNDS

The conferees agree to the following amounts for Revolving and Management Funds program:

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense Business Operations Fund	878,700	1,573,800	1,178,700	878,700
National Defense Sealift Fund	974,220	974,220	1,024,220	1,024,220
Total, Revolving and Management Funds	1,852,920	2,548,020	2,202,920	1,902,920

DEFENSE BUSINESS OPERATIONS FUND

The conferees agree to provide $878,700,000 for the Defense Business Operations Fund.

NATIONAL DEFENSE SEALIFT FUND

The conferees agree to provide $1,024,220,000 for the National Defense Sealift Fund.

MARITIME PREPOSITIONING SHIPS

The legislative authority in this Act to procure an additional Maritime Prepositioning Ship for up to $110,000,000 may not be used until a notification has been provided at least 30 days in advance of release of a RFP under this authority to the congressional defense committees on the Department of the Navy's intent to use the authority and on identification and justification of proposed financing sources.

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

The conferees agree to the following amounts for Other Department of Defense programs:

[In thousands of dollars]

	Budget	House	Senate	Conference
Defense Health	10,153,558	10,205,158	10,196,558	10,226,358
Chemical Agents and Munitions Destruction	746,698	746,698	631,698	672,250
Drug Interdiction Defense	680,432	688,432	680,432	688,432
Office of the Inspector General	139,226	178,226	139,226	178,226
Total, Other Department of Defense Programs	11,719,914	11,818,514	11,647,914	11,765,266

DEFENSE HEALTH PROGRAM

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Medical Programs, O&M	9,865,525	9,917,125	9,908,525	9,938,325
PACMEDNET		+16,000	+11,000	+11,000
Beaumont Army Medical Center Computer Support		+1,500		+1,500
Currency Fluctuation		+8,100		+6,900
Breast Cancer		+25,000		+25,000
American Red Cross		+1,000	+14,500	+14,500
Desert Storm Syndrome				+3,400
USTF			−15,900	
Telemedicine			+22,900	
Ongoing Initiatives:				
Brown Tree Snake			+1,000	+1,000
Military Nursing			+5,000	+5,000
Pacific Island Referral Project			+2,500	+2,500
USUHS Graduate School of Nursing			+2,000	+2,000

BREAST CANCER

The conferees have provided an increase of $100,000,000 only for breast cancer. The conferees have provided $75,000,000 to continue the Army's peer-reviewed research program. In addition, the conferees have provided $25,000,000 to the Department for: increased recruitment, training and education for military cancer specialists; diagnostic equipment and improved detection technologies, such as digital mammography; and prevention and education efforts for the military community.

TRICARE IMPLEMENTATION

The conferees commend the significant progress of the Department of Defense in moving toward a nation-wide managed health care system for the military, known as TRICARE. Existing law mandates that the TRICARE system be implemented by September 30, 1996, and the Department has attempted to meet this deadline. Unfortunately, complications with the issuance and implementation of these large, complex, competitively bid contracts, have caused significant problems and associated delays. The conferees are concerned that the Department has accelerated the process in order to meet this statutory deadline. The conferees understand the Department is fully committed to the full implementation of TRICARE, as well as a standard health benefit for all military beneficiaries, but believe that the Department, the offerors, and the beneficiaries would greatly benefit from additional time in meeting the complex requirements of TRICARE. Therefore, the conferees agree to extend the deadline for implementation of the TRICARE managed care system by one year.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

The conferees remain committed to the continuation of the Uniformed Services University of the Health Sciences (USUHS) at its current level and direct that, within funds made available to the Defense Health program, the amount provided for USUHS shall fully fund the programs and functions of the University at existing levels.

UNCOMPENSATED HEALTH CARE

The conferees reiterate their longstanding request for DoD Health Affairs to provide data documenting the cost of uncompensated care. The conferees note provision of trauma care provides DoD physicians and other trauma team members with training essential for their wartime performance and hence has provided sufficient funds to DoD Health Affairs in this and past appropriations to cover the estimated costs incurred in the provision of uncompensated care.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Quantity	Conference
CHEM AGENTS & MUNITIONS DESTRUCTION, DEF:					
CHEM DEMILITARIZATION—PROC	299,448	299,448	224,448		265,000
CHEM DEMILITARIZATION—O&M	393,850	393,850	353,850		353,850

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conferees agree to provide $688,432,000 as proposed by the House instead of $680,432,000 as proposed by the Senate. The conference agreement is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Military Personnel	152,787	152,787	152,787	152,787
O&M	422,633	441,633	442,633	440,088
South Com Radars	20,282	21,782	20,282	20,282
Community Outreach	8,236	0	8,236	0
CARIBROC Comms	206	1,356	206	206
Gulf States CI	2,059	3,900	2,059	6,059
Southwest Border Info System	4,000	5,545	4,000	4,000
Civil Air Patrol	2,224	3,424	2,224	3,424
Procurement	48,659	57,659	48,659	59,204
Southwest Border Info System	5,265	6,265	5,265	7,810
Classified Program	.....	8,000	.....	8,000
RDT&E	36,353	36,353	36,353	36,353
Total, Drug Interdiction	680,432	688,432	680,432	688,432

The conferees agree to provide $4,000,000 above the budget to the Gulf States Counterdrug Initiative, and direct that $2,000,000 be provided for the Command, Control, Communications and Computer Network and $2,000,000 for the Regional Counterdrug Training Academy.

The conferees have deleted bill language which provided $5,000,000 for the conversion of surplus Department of Defense helicopters by State and local governments for use in counterdrug activities and agree that funding may be requested in annual plans submitted by individual states.

The conferees agree that, if authorized, up to $3,000,000 in available funds may be used to continue the Community Outreach pilot program.

The conferees agree that, in accordance with normal reprogramming procedures, up to $25,000,000 in available funds may be used to procure low-energy/backscatter x-ray equipment.

OFFICE OF THE INSPECTOR GENERAL

The conferees agree to provide $178,226,000 for the Office of the Inspector General. Of this amount, $177,226,000 shall be for operation and maintenance activities and $1,000,000 for procurement.

TITLE VII—RELATED AGENCIES

[In Thousands of Dollars]

	Request	House	Senate	Conference
Central Intelligence Agency Retirement and Disability System Fund	213,900	213,900	213,900	213,900
Intelligence Community Management Account	93,283	75,683	93,283	90,683
National Security Education Trust Fund	15,000	15,000	7,500	7,500
Kaho'olawe Island Conveyance and Environmental Restoration Trust Fund	.....	.....	25,000	25,000

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

ENVIRONMENTAL TASK FORCE

The conferees have provided $15,000,000 to support the activities of the task force. Of this amount, $5,000,000 is to be used to continue joint United States/Russian efforts in this area.

NATIONAL SECURITY EDUCATION TRUST FUND

The conferees direct the Director of Central Intelligence, in coordination with the NSETF Board, to establish criteria and procedures to ensure that all individuals accepting fellowships or scholarships from this fund meet qualifications for employment by the Department of Defense or Intelligence Community. The conferees further direct that any recipient must be engaged in a course of study that is an identified critical shortage within the Department of Defense or the Intelligence Community. Upon meeting these requirements, the recipient must agree to serve at least two years with the Department of Defense or the Intelligence Community or reimburse the U.S. Treasury for the total costs of the scholarship or fellowship.

TITLE VIII—GENERAL PROVISIONS

The conference agreement incorporates general provisions of the House and Senate versions of the bill which were not amended. Those general provisions that were amended in conference follow:

The conferees included a general provision (Section 8005) which amends House language on transfer authority to $2.4 billion.

The conferees included a general provision (Section 8010) which amends Senate language that defines the congressional defense committees.

The conferees included a general provision (Section 8028) which amends House language to prohibit the demilitarization of certain types of surplus firearms.

The conferees included a general provision (Section 8045) which amends Senate language which earmarks funds for the Civil Air Patrol.

The conferees retained a Senate provision (Section 8046) concerning Federally Funded Research and Development Centers (FFRDCs).The conferees direct that the restrictions on consultants only shall apply to the use of consulting services for specific projects undertaken by an FFRDC as part of its core mission responsibilities to meet sponsor requirements.The restrictions do not apply to administration and management functions necessary to operate an FFRDC as an organizational entity.

The conferees included a general provision (Section 8062) which amends Senate language that limits payment to Uniformed Services Treatment Facilities to $315,000,000.

The conferees included a general provision (Section 8063) which amends House language concerning limitations on U.S. support for NATO headquarters operations.

The conferees included a general provision (Section 8065) which amends House language that maintains an expense/investment threshold of $100,000.

The conferees included a general provision (Section 8073) which amends House language concerning the supercomputing capability at various Department of Defense sites.

The conferees included a general provision (Section 8082) which amends House language concerning the establishment of field operating agencies.

The conferees included a general provision (Section 8083) which amends Senate language concerning rescission of funds from various Procurement and Research and Development programs.

RESCISSION OF FUNDS

The conferees agree to rescind excess prior year funds, as presented in the following table:

	House	Senate	Conference
FISCAL YEAR 1993			
PROCUREMENT OF AMMUNITION, ARMY:			
Armament and retooling manufacturing support initiative	0	−15,000,000	0
Subtotal	0	−15,000,000	0
Total fiscal year 1993	0	−15,000,000	0
FISCAL YEAR 1994			
AIRCRAFT PROCUREMENT, AIR FORCE:			
F–16 production termination	0	−49,854,000	−49,854,000
F–111 claims	0	−3,800,000	−3,800,000
Subtotal	0	−53,654,000	−53,654,000
MISSILE PROCUREMENT, AIR FORCE:			
GPS on-orbit incentive	0	0	−16,783,000
Subtotal	0	0	−16,783,000
RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY:			
Triservice standoff attack missile	0	−242,000	0
Subtotal	0	−242,000	0
RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY:			
Triservice standoff attack missile	0	−4,416,000	0
Subtotal	0	−4,416,000	0
RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE:			
Triservice standoff attack missile	0	−46,589,000	0
Subtotal	0	−46,589,000	0
Total fiscal year 1994	0	−104,901,000	−70,437,000
FISCAL YEAR 1995			
WEAPONS PROCUREMENT, NAVY:			
Tomahawk contract savings	0	0	−10,000,000
Harpoon contract savings	0	0	−2,400,000
Ordnance support equipment	0	0	−2,200,000
Subtotal	0	0	−14,600,000
SHIPBUILDING AND CONVERSION, NAVY:			
Outfitting	0	0	−55,000,000
Post delivery (craft outfitting, post delivery)	0	0	−32,700,000
Subtotal	0	0	−87,700,000
OTHER PROCUREMENT, NAVY:			
Forklift trucks	0	−2,000,000	−2,000,000
Other supply support equipment	0	−1,500,000	−1,500,000
Secure data	0	−2,600,000	−2,600,000
Nucalts	0	000	−2,500,000
Subtotal	0	−8,600,000	−8,600,000

	House	Senate	Conference
AIRCRAFT PROCUREMENT, AIR FORCE:			
A–10 modifications	0	−46,400,000	−17,500,000
F–111 claims	0	−6,700,000	−6,500,000
Subtotal	0	−53,100,000	−24,000,000
MISSILE PROCUREMENT, AIR FORCE:			
Classified programs	0	0	−120,000,000
GPS on-orbit incentive	0	0	−20,978,000
Subtotal	0	0	−140,978,000
OTHER PROCUREMENT, AIR FORCE:			
Classified programs	0	0	−180,000,000
Subtotal	0	0	−180,000,000
RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY:			
Triservice standoff attack missile	0	−11,156,000	−9,000,000
Subtotal	0	−11,156,000	−9,000,000
RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY:			
Triservice standoff attack missile	0	−10,150,000	0
F–14/JDAM	0	0	−6,000,000
Subtotal	0	−10,150,000	−6,000,000
RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE:			
Outboard electronic warfare simulator	0	−6,000,000	−6,000,000
Triservice standoff attack missile	0	−9,767,000	−1,902,000
Subtotal	0	−15,767,000	−7,902,000
RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE:			
Maritime Technology Office	.....	.....	
(Ship Self Defense)	0	0	−12,000,000
Subtotal	0	0	−12,000,000
Total fiscal year 1995	0	−98,773,000	−490,780,000
Grand total	0	218,674,000	−561,217,000

The conferees included a general provision (Section 8086) which amends House language that limits executive compensation to $200,000 per year.

The conferees included a general provision (Section 8088) which amends Senate language prohibiting the obligation or expenditure of any funds provided in this Act for aid to the Government of North Korea.

The conferees included a general provision (Section 8092) which amends Senate language that reallocates funds to cover unanticipated shipbuilding cost increases.

The conferees included a general provision (Section 8099) which amends Senate language concerning ball and roller bearings manufactured in the United States.

The conferees included a general provision (Section 8100) which amends Senate language to allow for storage and disposal of pentaborane.

The conferees included a general provision (Section 8102) which amends Senate language that directs the Department of Defense to match disbursement to obligations before the disbursement is made.

The conferees included a general provision (Section 8104) which amends House language that prohibits procurement of 120mm mortars or mortar ammunition manufactured outside the United States.

The conferees included a new provision (Section 8107) that allows the Air Force to modify leases for certain family housing units. The conferees direct the Secretary of the Air Force to provide a report to the House and Senate Committees on Appropriations 30 days prior to the obligation or expenditure of any funds pursuant to Section 8107. This report shall indicate those proposed accounts or programs that will provide the source of funds to finance modification of such leases, and the amount to be obtained from each account or program.

The conferees included a new provision (Section 8107A) that extends authorization set forth in Section 2601 of Public Law 102–484 (division B) until September 30, 1997.

The conferees included a general provision (Section 8108) which amends House language concerning the lease or charter of double hull ships by the Military Sealift Command.

The conferees included a general provision (Section 8111) which amends House language pertaining to the National Training Center, and the interim and permanent rotational airhead.

The conferees included a general provision (Section 8115) which amends House language concerning international peacekeeping, peace enforcement, and humanitarian assistance operations.

The conferees included a general provision (Section 8117) which amends House language regarding the transfer of defense articles and services.

The conferees included a general provision (Section 8119) which amends House language on abortion and also included a new general provision (Section 8119A) which provides certain exceptions for abortions.

The conferees included a general provision (Section 8122) which is intended to ensure that no taxpayer funds be used to pay for special executive bonuses triggered by corporate mergers. The conferees direct the Department to promptly revise its policies and regulations to make it absolutely clear no taxpayer funds shall be used to reimburse any contractor for special executive bonuses or any other special retention incentive payments for executives triggered by a corporate merger, acquisition, or any other change in corporate control.

The conferees included a new general provision (Section 8124) concerning the participation of U.S. forces in any operation in Bosnia-Herzegovina.

The conferees included a new general provision (Section 8125) which reduces the appropriation accounts in the Act by $832,000,000 to reflect savings from revised economic assumptions.

The Executive Branch Mid Session Review of the budget revised the inflation estimate on which the fiscal year 1996 budget was based downward from its original assumptions. This downward revision results in overall savings to the Department of Defense and the reduction in this provision reflects those savings.

The conferees included a new general provision (Section 8126) which makes funds available from the Defense Business Operations Fund for termination liability for the VC–137 replacement aircraft.

The conferees included a new general provision (Section 8127) which allows funds to be obligated for payment of satellite on-orbit incentives.

The conferees included a new general provision (Section 8128) which makes funds available for support of a NATO Alliance Ground Surveillance program based on the Joint Surveillance/Target Attack Radar System.

The conferees included a new general provision (Section 8129) which reduces the funding provided in Title IV, Research, Development, Test and Evaluation, by $442,000,000, in order to achieve savings in overhead and improve management efficiencies. This reduction is to be applied on a pro-rata basis by subproject within each R–1 program element as modified by this Act, except no reduction may be taken against funds made available to the Department of Defense for Ballistic Missile Defense.

The conferees included a new provision (Section 8130) that allows the Department of Defense White House Communications Agency to provide communications support to the U.S. Secret Service.

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	$241,553,071,000
Budget estimates of new (obligational) authority, fiscal year 1996	236,344,017,000
House bill, fiscal year 1996	243,997,500,000
Senate bill, fiscal year 1996	242,683,841,000
Conference agreement, fiscal year 1996	243,251,297,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	+1,698,226,000
Budget estimates of new (obligational) authority, fiscal year 1996	+6,907,280,000
House bill, fiscal year 1996	−746,203,000
Senate bill, fiscal year 1996	+567,456,000

BILL YOUNG,
JOSEPH M. MCDADE,
BOB LIVINGSTON,
JERRY LEWIS,
JOE SKEEN,
DAVE HOBSON,
HENRY BONILLA,
GEORGE R. NETHERCUTT, Jr.,
ERNEST ISTOOK,
JOHN P. MURTHA,
NORMAN D. DICKS,
CHARLES WILSON,
W.G. BILL HEFNER,
MARTIN OLAV SABO (except to the agreement regarding abortion funding exceptions),

Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
KIT BOND,
MITCH MCCONNELL,
CONNIE MACK,
RICHARD C. SHELBY,
JUDD GREGG,
MARK HATFIELD,
DANIEL INOUYE,
J. BENNETT JOHNSTON,
ROBERT BYRD,
PATRICK LEAHY,

Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 440, NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

Mr. SHUSTER submitted the following conference report and statement on the Senate bill (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

CONFERENCE REPORT (H. REPT. 104–345)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 440),

to amend title 23, United States Code, to provide for the designation of the National Highway System, 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; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Highway System Designation Act of 1995''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.

TITLE I—NATIONAL HIGHWAY SYSTEM

Sec. 101. National highway system designation.

TITLE II—TRANSPORTATION FUNDING FLEXIBILITY

Sec. 201. Findings and purposes.
Sec. 202. Funding restoration.
Sec. 203. Rescissions.
Sec. 204. State unobligated balance flexibility.
Sec. 205. Relief from mandates.
Sec. 206. Definitions.

TITLE III—MISCELLANEOUS HIGHWAY PROVISIONS

Sec. 301. Traffic monitoring, management, and control on NHS.
Sec. 302. Transferability of apportionments.
Sec. 303. Quality improvement.
Sec. 304. Design criteria for the national highway system.
Sec. 305. Applicability of transportation conformity requirements.
Sec. 306. Motorist call boxes.
Sec. 307. Quality through competition.
Sec. 308. Limitation on advance construction.
Sec. 309. Preventive maintenance.
Sec. 310. Federal share.
Sec. 311. Eligibility of bond and other debt instrument financing for reimbursement as construction expenses.
Sec. 312. Vehicle weight and longer combination vehicles exemptions.
Sec. 313. Toll roads.
Sec. 314. Scenic byways.
Sec. 315. Applicability of certain requirements to third party sellers.
Sec. 316. Streamlining for transportation enhancement projects.
Sec. 317. Metropolitan planning for highway projects.
Sec. 318. Non-Federal share for certain toll bridge projects.
Sec. 319. Congestion mitigation and air quality improvement program.
Sec. 320. Operation of motor vehicles by intoxicated minors.
Sec. 321. Utilization of the private sector for surveying and mapping services.
Sec. 322. Donations of funds, materials, or services for federally assisted projects.
Sec. 323. Discovery and admission as evidence of certain reports and surveys.
Sec. 324. Alcohol-impaired driving countermeasures.
Sec. 325. References to Committee on Transportation and Infrastructure.
Sec. 326. Public transit vehicles exemption.
Sec. 327. Use of recycled paving material.
Sec. 328. Roadside barrier technology.
Sec. 329. Corrections to miscellaneous authorizations.
Sec. 330. Corrections to high cost bridge projects.
Sec. 331. Corrections to congestion relief projects.
Sec. 332. High priority corridors.
Sec. 333. Corrections to rural access projects.
Sec. 334. Corrections to urban access and mobility projects.
Sec. 335. Corrections to innovative projects.
Sec. 336. Corrections to intermodal projects.
Sec. 337. National recreational trails.
Sec. 338. Intelligent transportation systems.
Sec. 339. Eligibility.
Sec. 340. Miscellaneous corrections to Surface Transportation and Uniform Relocation Assistance Act of 1987.
Sec. 341. Accessibility of over-the-road buses to individuals with disabilities.
Sec. 342. Alcohol and controlled substances testing.
Sec. 343. National driver register.
Sec. 344. Commercial motor vehicle safety pilot program.
Sec. 345. Exemptions from requirements relating to commercial motor vehicles and their operators.
Sec. 346. Winter home heating oil delivery State flexibility program.
Sec. 347. Safety report.
Sec. 348. Moratorium on certain emissions testing requirements.
Sec. 349. Roads on Federal lands.
Sec. 350. State infrastructure bank pilot program.
Sec. 351. Railroad-highway grade crossing safety.
Sec. 352. Collection of bridge tolls.
Sec. 353. Traffic control.
Sec. 354. Public use of rest areas.
Sec. 355. Safety belt use law requirements for New Hampshire and Maine.
Sec. 356. Orange County, California, toll roads.
Sec. 357. Compilation of title 23, United States Code.
Sec. 358. Safety research initiatives.
Sec. 359. Miscellaneous studies.

TITLE IV—WOODROW WILSON MEMORIAL BRIDGE

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Purposes.
Sec. 404. Definitions.
Sec. 405. Establishment of authority.
Sec. 406. Government of authority.
Sec. 407. Ownership of bridge.
Sec. 408. Project planning.
Sec. 409. Additional powers and responsibilities of authority.
Sec. 410. Funding.
Sec. 411. Availability of prior authorizations.

SEC. 2. SECRETARY DEFINED.

In this Act, the term ''Secretary'' means the Secretary of Transportation.

TITLE I—NATIONAL HIGHWAY SYSTEM

SEC. 101. NATIONAL HIGHWAY SYSTEM DESIGNATION.

(a) IN GENERAL.—Section 103(b) of title 23, United States Code, is amended by adding at the end the following:

''(5) DESIGNATION OF NHS.—The National Highway System as submitted by the Secretary of Transportation on the map entitled 'Official Submission, National Highway System, Federal Highway Administration', and dated November 13, 1995, is hereby designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

''(6) MODIFICATIONS TO NHS.—

''(A) IN GENERAL.—Subject to paragraph (7), the Secretary may make modifications to the National Highway System that are proposed by a State or that are proposed by the State and revised by the Secretary if the Secretary determines that each of the modifications—

''(i) meets the criteria established for the National Highway System under this title; and

''(ii) enhances the national transportation characteristics of the National Highway System.

''(B) COOPERATION.—In proposing modifications under this paragraph, a State shall cooperate with local and regional officials. In urbanized areas, the local officials shall act through the metropolitan planning organizations designated for such areas under section 134.

''(7) TRANSITIONAL RULES FOR INTERMODAL CONNECTORS.—

''(A) REQUIRED SUBMISSION.—Not later than 180 days after the date of the enactment of the National Highway System Designation Act of 1995, the Secretary shall submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives modifications to the National Highway System that are proposed by a State or that are proposed by the State and revised by the Secretary and that consist of connectors to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, and rail and other intermodal transportation facilities.

''(B) COOPERATION.—Paragraph (6)(B) shall apply to modifications proposed by a State under this paragraph.

''(C) ELIGIBILITY.—

''(i) INITIAL APPROVAL BY LAW.—Modifications proposed under subparagraph (A) may take effect only if a law has been enacted approving such modifications.

''(ii) INTERIM ELIGIBILITY.—Notwithstanding clause (i), a project to construct a connector to an intermodal transportation facility described in subparagraph (A) shall be eligible for funds apportioned under section 104(b)(1) for the National Highway System if the Secretary finds that the project is consistent with criteria developed by the Secretary for construction of such connectors.

''(iii) PERIOD OF ELIGIBILITY.—A project which is eligible under clause (ii) for funds apportioned under section 104(b)(1) shall remain eligible for such funds pursuant to clause (ii) only until the date of the enactment of a law described in clause (i).

''(D) MODIFICATIONS AFTER INITIAL APPROVAL.—After the date of the enactment of a law described in subparagraph (C)(i), a modification consisting of a connector to an intermodal transportation facility described in subparagraph (A) may be made in accordance with paragraph (6).

''(8) CONGRESSIONAL HIGH PRIORITY CORRIDORS.—Upon the completion of feasibility studies, the Secretary shall add to the National Highway System any congressional high priority corridor or any segment thereof established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031–2037) which was not identified on the National Highway System designated by paragraph (5).''.

(b) CONFORMING AMENDMENTS.—Section 103(b)(3) of such title is amended—

(1) in subparagraph (C) by striking ''For purposes of proposing highways for designation to the National Highway System, the'' and inserting ''The''; and

(2) in subparagraph (D)—

(A) by striking ''In proposing highways for designation to the National Highway System, the'' and inserting ''The''; and

(B) by inserting after ''mileage'' the following: ''on the National Highway System''.

TITLE II—TRANSPORTATION FUNDING FLEXIBILITY

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares that—

(1) Federal infrastructure spending on transportation is critical to the efficient movement of goods and people in the United States;

(2) section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1921) has been estimated to result in fiscal year 1996 transportation spending being reduced by as much as $2,700,000,000;

(3) such section 1003(c) will result in a reduction of critical funds to States from the Highway Trust Fund; and

(4) the funding reduction will have adverse effects on the national economy and the predictability of funding for the Nation's highway system and impede interstate commerce.

(b) PURPOSES.—The purposes of this title are—

(1) to make the program categories in the Federal-aid highway program more flexible so that States may fund high-priority projects in fiscal year 1996;

(2) to reallocate funds from certain programs during fiscal year 1996 so that the States will be able to continue their core transportation infrastructure programs;

(3) to ensure the equitable distribution of funds to urbanized areas with a population over 200,000 in a manner consistent with the Intermodal Surface Transportation Efficiency Act of 1991; and

(4) to suspend certain penalties that would be imposed on the States.

SEC. 202. FUNDING RESTORATION.

(a) IN GENERAL.—Not later than the 10th day following the date of the enactment of this Act and on October 1, 1997, or as soon as possible thereafter, the Secretary shall allocate among the States the amounts made available, as a result of section 203, to carry out this section for fiscal years 1996 and 1997, respectively, for projects eligible for assistance under chapter 1 of title 23, United States Code.

(b) ALLOCATION FORMULA.—Funds made available to carry out this section shall be allocated among the States in accordance with the following table:

States:	Allocation Percentages
Alabama	1.80
Alaska	1.20
Arizona	1.43
Arkansas	1.42
California	9.17
Colorado	1.27
Connecticut	1.74
Delaware	0.39
District of Columbia	0.52
Florida	4.04
Georgia	2.92
Hawaii	0.54
Idaho	0.70
Illinois	3.88
Indiana	2.18
Iowa	1.27
Kansas	1.13
Kentucky	1.53
Louisiana	1.52
Maine	0.65
Maryland	1.68
Massachusetts	4.11
Michigan	2.75
Minnesota	1.69
Mississippi	1.11
Missouri	2.28
Montana	0.93
Nebraska	0.79
Nevada	0.69
New Hampshire	0.48
New Jersey	2.86
New Mexico	1.02
New York	5.35
North Carolina	2.62
North Dakota	0.64
Ohio	3.64
Oklahoma	1.36
Oregon	1.23
Pennsylvania	4.93
Rhode Island	0.56
South Carolina	1.42
South Dakota	0.69
Tennessee	2.00
Texas	6.21
Utah	0.73
Vermont	0.43
Virginia	2.28
Washington	2.05
West Virginia	1.15
Wisconsin	1.90
Wyoming	0.65
Puerto Rico	0.46
Territories	0.01.

(c) EFFECT OF ALLOCATIONS.—Funds distributed to States under subsection (b) shall not affect calculations to determine allocations to States under section 157 of title 23, United States Code, and sections 1013(c), 1015(a), and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note).

(d) APPLICABILITY OF CHAPTER 1 OF TITLE 23.—Notwithstanding any other provision of law, funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code. Such funds shall be available for obligation for the fiscal year for which such amounts are made available plus the 3 succeeding fiscal years. Obligation limitations for Federal-aid highways and highway safety construction programs established by the Intermodal Surface Transportation Efficiency Act of 1991 and subsequent laws shall apply to obligations made under this section.

(e) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—

(1) GENERAL RULE.—The amount determined by application of the percentage determined under paragraph (2) to funds allocated to a State under this section for a fiscal year shall be obligated in urbanized areas of the State with an urbanized population of over 200,000 under section 133(d)(3) of title 23, United States Code.

(2) PERCENTAGE.—The percentage referred to in paragraph (1) is the percentage determined by dividing—

(A) the total amount of the reduction in funds that would have been attributed under section 133(d)(3) of title 23, United States Code, to urbanized areas of the State with an urbanized population of over 200,000 for fiscal year 1996 as a result of the application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1921); by

(B) the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to the State, and that would have been apportioned to the State, as a result of the application of such section 1003(c).

(f) LIMITATION ON PLANNING EXPENDITURES.—One-half of 1 percent of amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out the requirements of section 134 of title 23, United States Code (relating to transportation planning). One and ½ percent of the amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out activities referred to in section 307(c) of such title.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section $266,522,436 for fiscal year 1996 and $155,000,000 for fiscal year 1997. Such funds shall not be subject to an administrative deduction under section 104(a) of title 23, United States Code.

(h) TERRITORIES DEFINED.—In this section, the term ''territories'' means the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 203. RESCISSIONS.

(a) RESCISSIONS.—Effective on the date of the enactment of this Act and after any necessary reductions are made under section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1921), the following unobligated balances available on such date of enactment, of funds made available for the following provisions are hereby rescinded:

(1) $78,994 made available by section 131(c) of the Surface Transportation Assistance Act of 1982 (96 Stat. 2120).

(2) $798,701 made available by section 131(j) of the Surface Transportation Assistance Act of 1982 (96 Stat. 2123).

(3) $942,249 made available by section 149(a)(66) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 185).

(4) $52,834 made available by section 149(a)(95) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 195).

(5) $909,131 made available by section 149(a)(99) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 195).

(6) $797,800 made available by section 149(a)(100) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 195).

(7) $2 made available by section 149(c)(3) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201).

(8) $24,706,878 made available by section 1012(b)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1938).

(9) $15,401,107 made available by section 1003(a)(7) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919).

(10) $113,834,740, or such greater amount as may be necessary to ensure that the aggregate of amounts rescinded by this subsection and amounts reduced by the amendments made by subsection (b) is equal to the amount authorized to be appropriated by section 202(g) for fiscal year 1996, deducted by the Secretary under section 104(a) of title 23, United States Code.

(b) REDUCTIONS IN AUTHORIZED AMOUNTS.—

(1) MAGNETIC LEVITATION.—Section 1036(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1986) is amended—

(A) in subparagraph (A) by inserting ''and'' after ''1994,'';

(B) in subparagraph (A) by striking '', $125,000,000'' and all that follows through ''1997''; and

(C) in subparagraph (B) by striking ''1996, and 1997'' and inserting ''and 1996''.

(2) HIGHWAY SAFETY PROGRAMS.—Section 2005(1) of such Act (105 Stat. 2079) is amended—

(A) by striking ''and'' the first place it appears and inserting a comma; and

(B) by striking ''1996, and 1997'' and inserting ''and 1996, and $146,000,000 for fiscal year 1997''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on the later of the date of the enactment of this Act or as soon as possible after the date on which authorized funds for fiscal

year 1996 are reduced as a result of application of section 1003(c) of such Act.

(c) CONGESTION PRICING PILOT PROGRAM TRANSFERS.—After the date on which authorized funds for fiscal year 1996 are reduced as a result of application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991, the amounts made available for fiscal years 1996 and 1997 to carry out section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1938) shall be available to carry out projects under section 202 of this Act.

SEC. 204. STATE UNOBLIGATED BALANCE FLEXIBILITY.

(a) REDUCTION IN FEDERAL FUNDING.—

(1) NOTIFICATION OF STATES.—On the date of the enactment of this Act, or as soon as possible thereafter, the Secretary shall notify each State of the total amount of the reduction in authorized funds for fiscal year 1996 that would have been allocated to such State, and that would have been apportioned to such State, as a result of application of section 1003(c) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) EXCLUSION OF CERTAIN FUNDING.—In determining the amount of any reduction under paragraph (1), the Secretary shall deduct the amount allocated to each State in fiscal year 1996 to carry out projects under section 202 of this Act.

(b) UNOBLIGATED BALANCE FLEXIBILITY.—Upon request of a State, the Secretary shall make available to carry out projects eligible for assistance under chapter 1 of title 23, United States Code, in fiscal year 1996 an amount not to exceed the amount determined under subsection (a) for the State. Such funds shall be made available from authorized funds that were allocated or apportioned to such State and were not obligated as of September 30, 1995. The State shall designate on or before the 30th day following the date of the enactment of this Act, or as soon as possible thereafter, which of such authorized funds are to be made available under this section to carry out such projects. The Secretary shall make available, before the 45th day following such date of enactment or as soon as possible thereafter, funds designated under the preceding sentence to the State.

(c) SPECIAL RULES.—

(1) URBANIZED AREAS OF OVER 200,000.—Funds that were apportioned to the State under section 104(b)(3) of title 23, United States Code, and attributed to urbanized areas of a State with an urbanized population of over 200,000 under section 133(d)(3) of such title may be designated by the State under subsection (b) only if the metropolitan planning organization designated for such area concurs, in writing, with such designation.

(2) CONGESTION MITIGATION AND AIR QUALITY AND SURFACE TRANSPORTATION PROGRAM TRANSPORTATION ENHANCEMENT ACTIVITIES BALANCES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), States may not designate under subsection (b) CMAQ and STP transportation enhancement funds.

(B) EXCEPTION FOR INSUFFICIENT FUNDING AVAILABILITY.—If the Secretary determines—

(i) that there is not sufficient funding available to pay the Federal share of the cost of a project in fiscal year 1996 from funds apportioned or allocated to a State under title 23, United States Code, and title I of the Intermodal Surface Transportation Efficiency Act of 1991 and available for carrying out projects of the same category as such project, and

(ii) that the State has utilized all flexibility and transferability available to it under title 23, United States Code, and this section with respect to such project,

the State may designate in fiscal year 1996 under subsection (b) CMAQ and STP transportation enhancement funds apportioned or allocated to the State and not obligated as of the date of the enactment of this Act to carry out such project.

(C) CMAQ AND STP TRANSPORTATION ENHANCEMENT FUNDS DEFINED.—In this paragraph, the term ''CMAQ and STP transportation enhancement funds'' means—

(i) funds apportioned under section 104(b)(2) of title 23, United States Code; and

(ii) funds apportioned under section 104(b)(3) of such title and available only for transportation enhancement activities under section 133(d)(3) of such title.

(3) INTERSTATE CONSTRUCTION BALANCES.—A State may not designate under subsection (b) more than ⅓ of funds apportioned or allocated to the State for Interstate construction and not obligated as of the date of the enactment of this Act.

(d) APPLICABILITY OF CHAPTER 1 OF TITLE 23.—Notwithstanding any other provision of law, amounts designated under subsection (b) shall be made available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code. Such amounts shall be available for obligation for the same period for which such amounts were originally made available for obligation. Obligation limitations for Federal-aid highways and highway safety construction programs established by the Intermodal Surface Transportation Efficiency Act of 1991 and subsequent laws shall apply to obligations made under this section.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect calculations under section 157 of title 23, United States Code, and sections 1002(e), 1013(c), 1015(a), and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991.

(f) STATE.—In this section and section 202, the term ''State'' has the meaning such term has under section 401 of title 23, United States Code.

SEC. 205. RELIEF FROM MANDATES.

(a) SUSPENSION OF MANAGEMENT SYSTEMS.—Section 303 of title 23, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

''(c) STATE ELECTION.—A State may elect, at any time, not to implement, in whole or in part, 1 or more of the management systems required under this section. The Secretary may not impose any sanction on, or withhold any benefit from, a State on the basis of such an election.''; and

(2) in subsection (f)—

(A) by striking ''(f) ANNUAL REPORT.—Not'' and inserting the following:

''(f) REPORTS.—

''(1) ANNUAL REPORTS.—Not'';

(B) by moving the remainder of the text of paragraph (1), as designated by subparagraph (A) of this paragraph, 2 ems to the right; and

(C) by adding at the end the following:

''(2) REPORT ON IMPLEMENTATION.—Not later than October 1, 1996, the Comptroller General, in consultation with States, shall transmit to Congress a report on the management systems under this section, including recommendations as to whether, to what extent, and how the management systems should be implemented.''.

(b) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—Section 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 1987–1990) is amended by striking subsection (d).

(c) METRIC REQUIREMENTS.—

(1) PLACEMENT AND MODIFICATION OF SIGNS.—The Secretary shall not require the States to expend any Federal or State funds to construct, erect, or otherwise place or to modify any sign relating to a speed limit, distance, or other measurement on a highway for the purpose of having such sign establish such speed limit, distance, or other measurement using the metric system.

(2) OTHER ACTIONS.—Before September 30, 2000, the Secretary shall not require that any State use or plan to use the metric system with respect to designing or advertising, or preparing plans, specifications, estimates, or other documents, for a Federal-aid highway project eligible for assistance under title 23, United States Code.

(3) DEFINITIONS.—In this subsection, the following definitions apply:

(A) HIGHWAY.—The term ''highway'' has the meaning such term has under section 101 of title 23, United States Code.

(B) METRIC SYSTEM.—The term ''metric system'' has the meaning the term ''metric system of measurement'' has under section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c).

(d) REPEAL OF NATIONAL MAXIMUM SPEED LIMIT COMPLIANCE PROGRAM.—

(1) IN GENERAL.—Title 23, United States Code, is amended—

(A) in section 141 by striking subsection (a) and redesignating subsections (b) through (d) as subsections (a) through (c), respectively; and

(B) by striking section 154.

(2) CONFORMING AMENDMENT.—The analysis to chapter 1 of such title is amended by striking the item relating to section 154.

(3) APPLICABILITY.—The amendments made by paragraph (1) shall be applicable to a State on the 10th day following the date of the enactment of this Act; except that if the legislature of a State is not in session on such date of enactment and the chief executive officer of the State declares, before such 10th day, that the legislature is not in session and that the State prefers an applicability date for such amendments that is after the date on which the legislature will convene, such amendments shall be applicable to the State on the 60th day following the date on which the legislature next convenes.

(e) ELIMINATION OF PENALTY FOR NONCOMPLIANCE FOR MOTORCYCLE HELMETS.—Effective September 30, 1995, section 153(h) of title 23, United States Code, is amended by striking ''a law described in subsection (a)(1) and'' each place it appears.

SEC. 206. DEFINITIONS.

In this title, the following definitions apply:

(1) AUTHORIZED FUNDS.—The term ''authorized funds'' means funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out title 23, United States Code (other than sections 402 and 410) and the Intermodal Surface Transportation Efficiency Act of 1991 and subject to an obligation limitation.

(2) URBANIZED AREA.—The term ''urbanized area'' has the meaning such term has under section 101(a) of title 23, United States Code.

TITLE III—MISCELLANEOUS HIGHWAY PROVISIONS

SEC. 301. TRAFFIC MONITORING, MANAGEMENT, AND CONTROL ON NHS.

(a) ELIGIBILITY.—Section 103(i) of title 23, United States Code, is amended by striking paragraph (8) and inserting the following:

''(8) Capital and operating costs for traffic monitoring, management, and control facilities and programs.''.

(b) DEFINITIONS.—Section 101(a) of such title is amended—

(1) in the undesignated paragraph relating to the term ''project'' by inserting before the period at the end the following: ''or any other undertaking eligible for assistance under this title''; and

(2) by striking the undesignated paragraph relating to the term ''startup costs for traffic management and control'' and inserting the following:

''The term 'operating costs for traffic monitoring, management, and control' includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.''.

SEC. 302. TRANSFERABILITY OF APPORTIONMENTS.

The third sentence of section 104(g) of title 23, United States Code, is amended by striking ''40 percent'' and inserting ''50 percent''.

SEC. 303. QUALITY IMPROVEMENT.

(a) LIFE-CYCLE COST ANALYSIS.—Section 106 of title 23, United States Code, is amended by adding at the end the following:

''(e) LIFE-CYCLE COST ANALYSIS.—

''(1) ESTABLISHMENT.—The Secretary shall establish a program to require States to conduct an analysis of the life-cycle costs of each usable project segment on the National Highway System with a cost of $25,000,000 or more.

''(2) ANALYSIS OF THE LIFE-CYCLE COSTS DEFINED.—In this subsection, the term 'analysis of the life-cycle costs' means a process for evaluating the total economic worth of a usable project segment by analyzing initial costs and discounted future costs, such as maintenance, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project segment.''.

(b) VALUE ENGINEERING.—Such section is further amended by adding at the end the following:

''(f) VALUE ENGINEERING FOR NHS.—

''(1) REQUIREMENT.—The Secretary shall establish a program to require States to carry out a value engineering analysis for all projects on the National Highway System with an estimated total cost of $25,000,000 or more.

''(2) VALUE ENGINEERING DEFINED.—In this subsection, the term 'value engineering analysis' means a systematic process of review and analysis of a project during its design phase by a multidisciplined team of persons not involved in the project in order to provide suggestions for reducing the total cost of the project and providing a project of equal or better quality. Such suggestions may include combining or eliminating otherwise inefficient or expensive parts of the original proposed design for the project and total redesign of the proposed project using different technologies, materials, or methods so as to accomplish the original purpose of the project.''.

SEC. 304. DESIGN CRITERIA FOR THE NATIONAL HIGHWAY SYSTEM.

Section 109 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary shall ensure that the plans and specifications for each proposed highway project under this chapter provide for a facility that will—

''(1) adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance; and

''(2) be designed and constructed in accordance with criteria best suited to accomplish the objectives described in paragraph (1) and to conform to the particular needs of each locality.'';

(2) by striking subsection (c) and inserting the following:

''(c) DESIGN CRITERIA FOR NATIONAL HIGHWAY SYSTEM.—

''(1) IN GENERAL.—A design for new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, or rehabilitation of a highway on the National Highway System (other than a highway also on the Interstate System) may take into account, in addition to the criteria described in subsection (a)—

''(A) the constructed and natural environment of the area;

''(B) the environmental, scenic, aesthetic, historic, community, and preservation impacts of the activity; and

''(C) access for other modes of transportation.

''(2) DEVELOPMENT OF CRITERIA.—The Secretary, in cooperation with State highway departments, may develop criteria to implement paragraph (1). In developing criteria under this paragraph, the Secretary shall consider the results of the committee process of the American Association of State Highway and Transportation Officials as used in adopting and publishing 'A Policy on Geometric Design of Highways and Streets', including comments submitted by interested parties as part of such process.''; and

(3) by striking subsection (q) and inserting the following:

''(q) SCENIC AND HISTORIC VALUES.—Notwithstanding subsections (b) and (c), the Secretary may approve a project for the National Highway System if the project is designed to—

''(1) allow for the preservation of environmental, scenic, or historic values;

''(2) ensure safe use of the facility; and

''(3) comply with subsection (a).''.

SEC. 305. APPLICABILITY OF TRANSPORTATION CONFORMITY REQUIREMENTS.

(a) HIGHWAY CONSTRUCTION.—Section 109(j) of title 23, United States Code, is amended by striking ''plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended.'' and inserting the following: ''plan for—

''(1) the implementation of a national ambient air quality standard for each pollutant for which an area is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

''(2) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area for the standard and that is required to develop a maintenance plan under section 175A of the Clean Air Act (42 U.S.C. 7505a).''.

(b) CLEAN AIR ACT REQUIREMENTS.—Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by adding at the end the following:

''(5) APPLICABILITY.—This subsection shall apply only with respect to—

''(A) a nonattainment area and each pollutant for which the area is designated as a nonattainment area; and

''(B) an area that was designated as a nonattainment area but that was later redesignated by the Administrator as an attainment area and that is required to develop a maintenance plan under section 175A with respect to the specific pollutant for which the area was designated nonattainment.''.

SEC. 306. MOTORIST CALL BOXES.

Section 111 of title 23, United States Code, is amended by adding at the end the following:

''(c) MOTORIST CALL BOXES.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a State may permit the placement of motorist call boxes on rights-of-way of the National Highway System. Such motorist call boxes may include the identification and sponsorship logos of such call boxes.

''(2) SPONSORSHIP LOGOS.—

''(A) APPROVAL BY STATE AND LOCAL AGENCIES.—All call box installations displaying sponsorship logos under this subsection shall be approved by the highway agencies having jurisdiction of the highway on which they are located.

''(B) SIZE ON BOX.—A sponsorship logo may be placed on the call box in a dimension not to exceed the size of the call box or a total dimension in excess of 12 inches by 18 inches.

''(C) SIZE ON IDENTIFICATION SIGN.—Sponsorship logos in a dimension not to exceed 12 inches by 30 inches may be displayed on a call box identification sign affixed to the call box post.

''(D) SPACING OF SIGNS.—Sponsorship logos affixed to an identification sign on a call box post may be located on the rights-of-way at intervals not more frequently than 1 per every 5 miles.

''(E) DISTRIBUTION THROUGHOUT STATE.—Within a State, at least 20 percent of the call boxes displaying sponsorship logos shall be located on highways outside of urbanized areas with a population greater than 50,000.

''(3) NONSAFETY HAZARDS.—The call boxes and their location, posts, foundations, and mountings shall be consistent with requirements of the Manual on Uniform Traffic Control Devices or any requirements deemed necessary by the Secretary to assure that the call boxes shall not be a safety hazard to motorists.''.

SEC. 307. QUALITY THROUGH COMPETITION.

(a) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 112(b)(2) of title 23, United States Code, is amended by adding at the end the following:

''(C) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal Acquisition Regulations of part 31 of title 48, Code of Federal Regulations.

''(D) INDIRECT COST RATES.—Instead of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal Acquisition Regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute.

''(E) APPLICATION OF RATES.—Once a firm's indirect cost rates are accepted under this paragraph, the recipient of the funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind.

''(F) PRENOTIFICATION; CONFIDENTIALITY OF DATA.—A recipient of funds requesting or using the cost and rate data described in subparagraph (E) shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this paragraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

''(G) STATE OPTION.—Subparagraphs (C), (D), (E), and (F) shall take effect 1 year after the date of the enactment of this subparagraph; except that if a State, during such 1-year period, adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraphs shall not apply with respect to the State. If the Secretary determines that the legislature of the State

did not convene and adjourn a full regular session during such 1-year period, the Secretary may extend such 1-year period until the adjournment of the next regular session of the legislature.''.

(b) REPEAL OF PILOT PROGRAM.—Section 1092 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 112 note; 105 Stat. 2024) is repealed.

SEC. 308. LIMITATION ON ADVANCE CONSTRUCTION.

Section 115(d) of title 23, United States Code, is amended to read as follows:

''(d) INCLUSION IN TRANSPORTATION IMPROVEMENT PROGRAM.—The Secretary may approve an application for a project under this section only if the project is included in the transportation improvement program of the State developed under section 135(f).''.

SEC. 309. PREVENTIVE MAINTENANCE.

Section 116 of title 23, United States Code, is amended by adding at the end the following:

''(d) PREVENTIVE MAINTENANCE.—A preventive maintenance activity shall be eligible for Federal assistance under this title if the State demonstrates to the satisfaction of the Secretary that the activity is a cost-effective means of extending the useful life of a Federal-aid highway.''.

SEC. 310. FEDERAL SHARE.

(a) SAFETY REST AREAS.—Section 120(c) of title 23, United States Code, is amended—

(1) by inserting ''safety rest areas,'' after ''signalization,''; and

(2) by adding at the end the following: ''In this subsection, the term 'safety rest area' means an area where motor vehicle operators can park their vehicles and rest, where food, fuel, and lodging services are not available, and that is located on a segment of highway with respect to which the Secretary determines there is a shortage of public and private areas at which motor vehicle operators can park their vehicles and rest.''.

(b) BICYCLE TRANSPORTATION FACILITIES AND PEDESTRIAN WALKWAYS.—Section 217(f) of such title is amended by striking ''80 percent'' and inserting ''determined in accordance with section 120(b)''.

(c) ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS.—Section 1021(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 120 note), as amended by section 417 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (106 Stat. 1565), is amended—

(1) by striking ''and'' at the end of clause (2) and inserting ''or''; and

(2) in clause (3) by striking ''section 143 of title 23'' and inserting ''a project for construction, reconstruction, or improvement of a development highway under section 143 of such title on a Federal-aid system (other than the Interstate System), as such system was described in section 103 of such title on the day before the date of the enactment of this Act''.

(d) NORTHWEST ARKANSAS REGIONAL AIRPORT CONNECTOR.—Notwithstanding any other provision of law, the Federal share of the cost of the project to construct a highway to the Northwest Arkansas Regional Airport from United States Route 71 in Arkansas shall be 95 percent.

SEC. 311. ELIGIBILITY OF BOND AND OTHER DEBT INSTRUMENT FINANCING FOR REIMBURSEMENT AS CONSTRUCTION EXPENSES.

(a) IN GENERAL.—Section 122 of title 23, United States Code, is amended to read as follows:

''§ 122. Payments to States for bond and other debt instrument financing

''(a) DEFINITION OF ELIGIBLE DEBT FINANCING INSTRUMENT.—In this section, the term 'eligible debt financing instrument' means a bond or other debt financing instrument, including a note, certificate, mortgage, or lease agreement, issued by a State or political subdivision of a State or a public authority, the proceeds of which are used for an eligible project under this title.

''(b) FEDERAL REIMBURSEMENT.—Subject to subsections (c) and (d), the Secretary may reimburse a State for expenses and costs incurred by the State or a political subdivision of the State and reimburse a public authority for expenses and costs incurred by the public authority for—

''(1) interest payments under an eligible debt financing instrument;

''(2) the retirement of principal of an eligible debt financing instrument;

''(3) the cost of the issuance of an eligible debt financing instrument;

''(4) the cost of insurance for an eligible debt financing instrument; and

''(5) any other cost incidental to the sale of an eligible debt financing instrument (as determined by the Secretary).

''(c) CONDITIONS ON PAYMENT.—The Secretary may reimburse a State or public authority under subsection (b) with respect to a project funded by an eligible debt financing instrument after the State or public authority has complied with this title with respect to the project to the extent and in the manner that would be required if payment were to be made under section 121.

''(d) FEDERAL SHARE.—The Federal share of the cost of a project payable under this section shall not exceed the Federal share of the cost of the project as determined under section 120.

''(e) STATUTORY CONSTRUCTION.—Notwithstanding any other provision of law, the eligibility of an eligible debt financing instrument for reimbursement under subsection (b) shall not—

''(1) constitute a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest on the eligible debt financing instrument; or

''(2) create any right of a third party against the United States for payment under the eligible debt financing instrument.''.

(b) DEFINITION OF CONSTRUCTION.—The first sentence of the undesignated paragraph relating to the term ''construction'' of section 101(a) of such title is amended by inserting ''bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments,'' after ''highway, including''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 122 and inserting the following:

''122. Payments to States for bond and other debt instrument financing.''.

SEC. 312. VEHICLE WEIGHT AND LONGER COMBINATION VEHICLES EXEMPTIONS.

(a) SIOUX CITY, IOWA.—

(1) VEHICLE WEIGHT LIMITATIONS.—The proviso in the second sentence of section 127(a) of title 23, United States Code, is amended by striking ''except for those'' and inserting the following: ''except for vehicles using Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or vehicles using Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska, and except for those''.

(2) LONGER COMBINATION VEHICLES.—Section 127(d)(1) of such title is amended by adding at the end the following:

''(F) IOWA.—In addition to vehicles that the State of Iowa may continue to allow to be operated under subparagraph (A), the State may allow longer combination vehicles that were not in actual operation on June 1, 1991, to be operated on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska.''.

(3) PROPERTY-CARRYING UNIT LIMITATION.—Section 31112(c) of title 49, United States Code, is amended—

(A) in the subsection heading by striking ''AND ALASKA'' and inserting ''ALASKA, AND IOWA'';

(B) by striking ''and'' at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(D) by adding at the end the following:

''(4) Iowa may allow the operation on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or on Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska of commercial motor vehicle combinations with trailer length, semitrailer length, and property-carrying unit length allowed by law or regulation and in actual lawful operation on a regular or periodic basis (including continued seasonal operation) in South Dakota or Nebraska, respectively, before June 2, 1991.''.

(b) APPLICABILITY OF CERTAIN VEHICLE WEIGHT LIMITATIONS IN WISCONSIN.—Section 127 of such title is amended by adding at the end the following:

''(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a), the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the 104-mile portion with respect to the operation of any vehicle that could legally operate on the 104-mile portion before the date of the enactment of this subsection.''.

SEC. 313. TOLL ROADS.

(a) FEDERAL SHARE FOR HIGHWAYS, BRIDGES, AND TUNNELS.—Section 129(a)(5) of title 23, United States Code, is amended to read as follows:

''(5) LIMITATION ON FEDERAL SHARE.—The Federal share payable for a project described in paragraph (1) shall be a percentage determined by the State but not to exceed 80 percent.''.

(b) LOAN PROGRAM.—Section 129(a)(7) of title 23, United States Code, is amended to read as follows:

''(7) LOANS.—

''(A) IN GENERAL.—A State may loan to a public or private entity constructing or proposing to construct under this section a toll facility or non-toll facility with a dedicated revenue source an amount equal to all or part of the Federal share of the cost of the project if the project has a revenue source specifically dedicated to it. Dedicated revenue sources for non-toll facilities include excise taxes, sales taxes, motor vehicle use fees, tax on real property, tax increment financing, and such other dedicated revenue sources as the Secretary determines appropriate.

''(B) COMPLIANCE WITH FEDERAL LAWS.—As a condition of receiving a loan under this paragraph, the public or private entity that receives the loan shall ensure that the project will be carried out in accordance with this title and any other applicable Federal law, including any applicable provision of a Federal environmental law.

''(C) SUBORDINATION OF DEBT.—The amount of any loan received for a project under this

paragraph may be subordinated to any other debt financing for the project.

''(D) OBLIGATION OF FUNDS LOANED.—Funds loaned under this paragraph may only be obligated for projects under this paragraph.

''(E) REPAYMENT.—The repayment of a loan made under this paragraph shall commence not later than 5 years after date on which the facility that is the subject of the loan is open to traffic.

''(F) TERM OF LOAN.—The term of a loan made under this paragraph shall not exceed 30 years from the date on which the loan funds are obligated.

''(G) INTEREST.—A loan made under this paragraph shall bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible.

''(H) REUSE OF FUNDS.—Amounts repaid to a State from a loan made under this paragraph may be obligated—

''(i) for any purpose for which the loan funds were available under this title; and

''(ii) for the purchase of insurance or for use as a capital reserve for other forms of credit enhancement for project debt in order to improve credit market access or to lower interest rates for projects eligible for assistance under this title.

''(I) GUIDELINES.—The Secretary shall establish procedures and guidelines for making loans under this paragraph.''.

(c) FERRY BOATS AND TERMINAL FACILITIES.—Section 129(c)(5) of such title is amended—

(1) by inserting before the period at the end of the first sentence the following: ''or between a point in a State and a point in the Dominion of Canada''; and

(2) in the second sentence—

(A) by striking ''Hawaii and'' and inserting ''Hawaii,''; and

(B) by inserting after ''Puerto Rico'' the following: '', operations between a point in a State and a point in the Dominion of Canada,''.

(d) TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.—For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled ''An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa'', approved March 18, 1938 (52 Stat. 110), shall be treated as if the agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified in accordance with section 129(a)(6) of such title.

(e) COLLECTION OF TOLLS TO FINANCE CERTAIN ENVIRONMENTAL PROJECTS IN FLORIDA.—Notwithstanding section 129(a) of title 23, United States Code, on request of the Governor of the State of Florida, the Secretary shall modify the agreement entered into with the transportation department of the State under section 129(a)(3) of such title to permit the collection of tolls to liquidate such indebtedness as may be incurred to finance any cost associated with a feature of an environmental project that is carried out under State law and approved by the Secretary of the Interior.

SEC. 314. SCENIC BYWAYS.

Section 131(s) of title 23, United Sates Code, is amended by adding at the end the following: ''In designating a scenic byway for purposes of this section and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity.''.

SEC. 315. APPLICABILITY OF CERTAIN REQUIREMENTS TO THIRD PARTY SELLERS.

Section 133(d) of title 23, United States Code, is amended by adding at the end the following:

''(5) APPLICABILITY OF CERTAIN REQUIREMENTS TO THIRD PARTY SELLERS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in the case of a transportation enhancement activity funded from the allocation required under paragraph (2), if real property or an interest in real property is to be acquired from a qualified organization exclusively for conservation purposes (as determined under section 170(h) of the Internal Revenue Code of 1986), the organization shall be considered to be the owner of the property for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

''(B) FEDERAL APPROVAL PRIOR TO INVOLVEMENT OF QUALIFIED ORGANIZATION.—If Federal approval of the acquisition of the real property or interest predates the involvement of a qualified organization described in subparagraph (A) in the acquisition of the property, the organization shall be considered to be an acquiring agency or person as described in section 24.101(a)(2) of title 49, Code of Federal Regulations, for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

''(C) ACQUISITIONS ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—If a qualified organization described in subparagraph (A) has contracted with a State highway department or other recipient of Federal funds to acquire the real property or interest on behalf of the recipient, the organization shall be considered to be an agent of the recipient for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.''.

SEC. 316. STREAMLINING FOR TRANSPORTATION ENHANCEMENT PROJECTS.

Section 133(e) of title 23, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ''(3) PAYMENTS.—The'' and inserting the following:

''(3) PAYMENTS.—

''(A) IN GENERAL.— Except as provided in subparagraph (B), the'';

(B) by moving the remainder of the text of subparagraph (A), as designated by subparagraph (A) of this paragraph, 2 ems to the right; and

(C) by adding at the end the following:

''(B) ADVANCE PAYMENT OPTION FOR TRANSPORTATION ENHANCEMENT ACTIVITIES.—

''(i) IN GENERAL.—The Secretary may advance funds to the State for transportation enhancement activities funded from the allocation required by subsection (d)(2) for a fiscal year if the Secretary certifies for the fiscal year that the State has authorized and uses a process for the selection of transportation enhancement projects that involves representatives of affected public entities, and private citizens, with expertise related to transportation enhancement activities.

''(ii) LIMITATION ON AMOUNTS.—Amounts advanced under this subparagraph shall be limited to such amounts as are necessary to make prompt payments for project costs.

''(iii) EFFECT ON OTHER REQUIREMENTS.—This subparagraph shall not exempt a State from other requirements of this title relating to the surface transportation program.''; and

(2) by adding at the end the following:

''(5) TRANSPORTATION ENHANCEMENT ACTIVITIES.—

''(A) CATEGORICAL EXCLUSIONS.—To the extent appropriate, the Secretary shall develop categorical exclusions from the requirement that an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) be prepared for transportation enhancement activities funded from the allocation required by subsection (d)(2).

''(B) NATIONWIDE PROGRAMMATIC AGREEMENT.—The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.), shall develop a nationwide programmatic agreement governing the review of transportation enhancement activities funded from the allocation required by subsection (d)(2), in accordance with—

''(i) section 106 of such Act (16 U.S.C. 470f); and

''(ii) the regulations of the Advisory Council on Historic Preservation.''.

SEC. 317. METROPOLITAN PLANNING FOR HIGHWAY PROJECTS.

Section 134(f) of title 23, United States Code, is amended by adding at the end the following:

''(16) Recreational travel and tourism.''.

SEC. 318. NON-FEDERAL SHARE FOR CERTAIN TOLL BRIDGE PROJECTS.

Section 144(l) of title 23, United States Code, is amended by adding at the end the following: ''Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.''.

SEC. 319. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) AREAS ELIGIBLE FOR FUNDS.—

(1) IN GENERAL.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(A) by inserting ''if the project or program is for an area in the State that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994 and'' after ''program'' the second place it appears; and

(B) in paragraph (1)(A) by striking ''contribute'' and all that follows through ''; or'' and inserting the following: ''contribute to—

''(i) the attainment of a national ambient air quality standard; or

''(ii) the maintenance of a national ambient air quality standard in an area that was designated as a nonattainment area but that was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or''.

(2) APPORTIONMENT.—Section 104(b)(2) of such title is amended—

(A) in the second sentence, by striking ''is a nonattainment area (as defined in the Clean Air Act) for ozone'' and inserting ''was a nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) for ozone during any part of fiscal year 1994''; and

(B) in the third sentence—

(i) by striking ''is also'' and inserting ''was also''; and

(ii) by inserting ''during any part of fiscal year 1994'' after ''monoxide''.

(b) TRAFFIC MONITORING, MANAGEMENT, AND CONTROL FACILITIES AND PROGRAMS.—The

first sentence of section 149(b) of title 23, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following:

''(4) to establish or operate a traffic monitoring, management, and control facility or program if the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that the facility or program is likely to contribute to the attainment of a national ambient air quality standard; or''.

(c) EFFECT OF LIMITATION ON APPORTIONMENT.—Notwithstanding any other provision of law, for each of fiscal years 1996 and 1997, the amendments made by subsection (a) shall not affect any apportionment adjustments under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943).

SEC. 320. OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 161. Operation of motor vehicles by intoxicated minors

''(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

''(1) FISCAL YEAR 1999.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5)(B) of section 104(b) on October 1, 1998, if the State does not meet the requirement of paragraph (3) on that date.

''(2) THEREAFTER.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5)(B) of section 104(b) on October 1, 1999, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date.

''(3) REQUIREMENT.—A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that considers an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle in the State to be driving while intoxicated or driving under the influence of alcohol.

''(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

''(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

''(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2000.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2000, shall remain available until the end of the third fiscal –year following the fiscal year for which the funds are authorized to be appropriated.

''(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2000.—No funds withheld under this section from apportionment to any State after September 30, 2000, shall be available for apportionment to the State.

''(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

''(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned. Sums not obligated at the end of that period shall lapse.

''(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), the funds shall lapse.''.

(b) CONFORMING AMENDMENT.—The analysis of such chapter is amended by adding at the end the following:

''161. Operation of motor vehicles by intoxicated minors.''.

SEC. 321. UTILIZATION OF THE PRIVATE SECTOR FOR SURVEYING AND MAPPING SERVICES.

Section 306 of title 23, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In''; and

(2) by adding at the end the following:

''(b) GUIDANCE.—The Secretary shall issue guidance to encourage States to utilize, to the maximum extent practicable, private sector sources for surveying and mapping services for projects under this title. In carrying out this subsection, the Secretary shall recommend appropriate roles for State and private mapping and surveying activities, including—

''(1) preparation of standards and specifications;

''(2) research in surveying and mapping instrumentation and procedures and technology transfer to the private sector;

''(3) providing technical guidance, coordination, and administration of State surveying and mapping activities; and

''(4) recommending methods for increasing the use by the States of private sector sources for surveying and mapping activities.''.

SEC. 322. DONATIONS OF FUNDS, MATERIALS, OR SERVICES FOR FEDERALLY ASSISTED PROJECTS.

Section 323 of title 23, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, OR SERVICES.—Nothing in this title or any other law shall prevent a person from offering to donate funds, materials, or services in connection with a project eligible for assistance under this title. In the case of such a project with respect to which the Federal Government and the State share in paying the cost, any donated funds, or the fair market value of any donated materials or services, that are accepted and incorporated into the project by the State highway department shall be credited against the State share.''.

SEC. 323. DISCOVERY AND ADMISSION AS EVIDENCE OF CERTAIN REPORTS AND SURVEYS.

Section 409 of title 23, United States Code, is amended by inserting ''or collected'' after ''compiled''.

SEC. 324. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

(a) TECHNICAL AMENDMENT.—Section 410(d)(1)(E) of title 23, United States Code, is amended by striking ''the date of enactment of this section'' and inserting ''December 18, 1991''.

(b) BASIC GRANT ELIGIBILITY.—Section 410(d) of such title is amended—

(1) in paragraph (3)—

(A) by inserting ''(A)'' after ''(3)''; and

(B) by adding at the end the following:

''(B) A State shall be treated as having met the requirement of this paragraph if—

''(i) the State provides to the Secretary a written certification that the highest court of the State has issued a decision indicating that implementation of subparagraph (A) would constitute a violation of the constitution of the State; and

''(ii) the State demonstrates to the satisfaction of the Secretary that—

''(I) the alcohol fatal crash involvement rate in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such rate are available; and

''(II) the alcohol fatal crash involvement rate in the State has been lower than the average such rate for all States in each of such calendar years.''; and

(2) by adding at the end the following:

''(7) Any individual under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated or driving under the influence of alcohol.''.

(c) SUPPLEMENTAL GRANTS.—Section 410(f) of such title is amended by striking paragraph (1) and redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively.

SEC. 325. REFERENCES TO COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.

(a) RAILWAY-HIGHWAY CROSSINGS REPORT.—The third sentence of section 130(g) of title 23, United States Code, is amended by striking ''Committee on Public Works and Transportation'' and inserting ''Committee on Transportation and Infrastructure''.

(b) HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION REPORT.—Section 144(i)(1) of such title is amended by striking ''Committee on Public Works and Transportation'' and inserting ''Committee on Transportation and Infrastructure''.

(c) HAZARD ELIMINATION REPORT.—The third sentence of section 152(g) of such title is amended by striking ''Committee on Public Works and Transportation'' and inserting ''Committee on Transportation and Infrastructure''.

(d) RESEARCH REPORTS.—Subsections (d)(5), (e)(11), and (h) of section 307 of such title are each amended by striking ''Committee on Public Works and Transportation'' and inserting ''Committee on Transportation and Infrastructure''.

(e) CONGESTION PRICING PILOT PROGRAM REPORT.—Section 1012(b)(5) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking ''Committee on Public Works and Transportation'' and inserting ''Committee on Transportation and Infrastructure''.

(f) MOTOR FUEL TAX ENFORCEMENT REPORT.—Section 1040(d)(1) of such Act (23 U.S.C. 101 note; 105 Stat. 1992) is amended by striking ''Committee on Public Works and Transportation'' and inserting ''Committee on Transportation and Infrastructure''.

(g) ALLOCATION FORMULA STUDY.—Section 1098(b) of such Act (23 U.S.C. 104 note; 105 Stat. 2025) is amended by striking ''these committees as they'' and inserting ''the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives as the committees''.

(h) NATIONAL RECREATIONAL TRAILS REPORT.—Section 1303(i) of such Act (16 U.S.C. 1262(i)) is amended by striking ''Committee on Public Works and Transportation'' and inserting ''Committee on Transportation and Infrastructure''.

SEC. 326. PUBLIC TRANSIT VEHICLES EXEMPTION.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended—

(1) by striking ''2-year'' the first place it appears and all that follows through ''Act,'' and inserting ''period beginning on October 6, 1992, and ending on the date on which Federal-aid highway and transit programs are reauthorized after the date of the enactment of the National Highway System Designation Act of 1995,''; and

(2) by striking the second sentence.

SEC. 327. USE OF RECYCLED PAVING MATERIAL.

Section 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 1987–1990), as amended by section 205(b) of this Act, is amended—

(1) by inserting before subsection (e) the following:

''(d) ASPHALT PAVEMENT CONTAINING RECYCLED RUBBER.—

''(1) CRUMB RUBBER MODIFIER RESEARCH.—Not later than 180 days after the date of the enactment of the National Highway System Designation Act of 1995, the Secretary shall develop testing procedures and conduct research to develop performance grade classifications, in accordance with the strategic highway research program carried out under section 307(d) of title 23, United States Code, for crumb rubber modifier binders. The testing procedures and performance grade classifications should be developed in consultation with representatives of the crumb rubber modifier industry and other interested parties (including the asphalt paving industry) with experience in the development of the procedures and classifications.

''(2) CRUMB RUBBER MODIFIER PROGRAM DEVELOPMENT.—

''(A) IN GENERAL.—The Secretary may make grants to States to develop programs to use crumb rubber from scrap tires to modify asphalt pavements.

''(B) USE OF GRANT FUNDS.—Grant funds made available to States under this paragraph shall be used—

''(i) to develop mix designs for crumb rubber modified asphalt pavements;

''(ii) for the placement and evaluation of crumb rubber modified asphalt pavement field tests; and

''(iii) for the expansion of State crumb rubber modifier programs in existence on the date the grant is made available.''; and

(2) in subsection (e) by striking paragraph (1) and inserting the following:

''(1) the term 'asphalt pavement containing recycled rubber' means any mixture of asphalt and crumb rubber derived from whole scrap tires, such that the physical properties of the asphalt are modified through the mixture, for use in pavement maintenance, rehabilitation, or construction applications; and''.

SEC. 328. ROADSIDE BARRIER TECHNOLOGY.

Section 1058 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note; 105 Stat. 2003) is amended—

(1) in subsection (a)—

(A) by striking ''median'' and inserting ''or temporary crashworthy''; and

(B) by inserting ''crashworthy'' after ''innovative''; and

(2) in subsection (c)—

(A) in the subsection heading by inserting ''CRASHWORTHY'' after ''INNOVATIVE'';

(B) by inserting ''crashworthy'' after ''innovative'';

(C) by striking ''median'';

(D) by inserting ''or guiderail'' after ''guardrail''; and

(E) by inserting before the period at the end the following: '', and that meets or surpasses the requirements of the National Cooperative Highway Research Program 350 for longitudinal barriers''.

SEC. 329. CORRECTIONS TO MISCELLANEOUS AUTHORIZATIONS.

(a) GOWANUS EXPRESSWAY CORRIDOR, NEW YORK.—Section 1069(ee) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2011) is amended by adding at the end the following: ''In carrying out such improvements, the State of New York shall consider the economic and social impacts of the project on the neighboring community.''.

(b) NEW YORK CITY, NEW YORK.—Section 1069(gg) of such Act (105 Stat. 2011) is amended to read as follows:

''(gg) INTERMODAL FACILITIES, NEW YORK.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $150,000,000 for fiscal years beginning after September 30, 1995, for—

''(A) design and construction of the Whitehall Street Ferry Terminals in New York, New York;

''(B) completion of construction of the Oak Point Link in the Harlem River in New York, New York;

''(C) engineering, design, and construction activities to permit the James A. Farley Post Office in New York, New York, to be used as an intermodal transportation facility and commercial center; and

''(D) necessary improvements to and redevelopment of Pennsylvania Station and associated service buildings in New York, New York.

Such sums shall remain available until expended.

''(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

''(A) not to exceed $50,000,000 may be used to carry out paragraph (1)(A); and

''(B) not to exceed $10,000,000 may be used to carry out paragraph (1)(B).''.

SEC. 330. CORRECTIONS TO HIGH COST BRIDGE PROJECTS.

The table contained in section 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027–2028) is amended—

(1) in item number 2, relating to Eugene, Oregon—

(A) by striking ''Construction'' and inserting ''Design, right-of-way acquisition, and construction''; and

(B) by inserting '', including pedestrian, bicycle, and vehicle approach roadways, intersections, signalization, and structural bridge changes, and related structures between East Broadway and Oakway Road'' after ''Bridge'';

(2) in item 5, relating to Gloucester Point, Virginia, by inserting after ''York River'' the following: ''and for repair, strengthening, and rehabilitation of the existing bridge''; and

(3) in item 10, relating to Shakopee, Minnesota, by inserting ''project, including the bypass of'' after ''replacement''.

SEC. 331. CORRECTIONS TO CONGESTION RELIEF PROJECTS.

The table contained in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2029–2031) is amended—

(1) in item 1, relating to Long Beach, California, by striking ''HOV Lanes on'' and inserting ''downtown Long Beach access ramps into the southern terminus of'';

(2) in item 10, relating to San Diego, California, by striking ''1 block of Cut and Cover Tunnel on Rt. 15'' and inserting ''bridge decking on Route 15'';

(3) in item 23, relating to Tucson, Arizona, by inserting '', of which a total of $3,609,620 shall be available for the project authorized by item 74 of the table contained in section 1106(b)'' after ''in Tucson, Arizona'';

(4) in item 38, relating to New York, New York, by striking ''Construction'' and all that follows through ''Bypass'' and inserting the following: ''Whitehall Street ferry terminals''; and

(5) in item 43, relating to West Virginia, by striking ''Coal Fields'' and inserting ''Coalfields''.

SEC. 332. HIGH PRIORITY CORRIDORS.

(a) IDENTIFICATION OF HIGH PRIORITY CORRIDORS.—

(1) IN GENERAL.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

(A) by inserting before the period at the end of paragraph (3) the following: ''commencing on the Atlantic Coast in the Hampton Roads area going westward across Virginia to the vicinity of Lynchburg, Virginia, continuing west to serve Roanoke and then to a West Virginia corridor centered around Beckley to Welch as part of the Coalfields Expressway described in section 1069(v), then to Williamson sharing a common corridor with the I–73/74 Corridor (referred to in item 12 of the table contained in subsection (f)), then to a Kentucky Corridor centered on the cities of Pikeville, Jenkins, Hazard, London, Somerset, Columbia, Bowling Green, Hopkinsville, Benton, and Paducah, into Illinois, and into Missouri and exiting western Missouri and moving westward across southern Kansas'';

(B) by striking paragraph (5) and inserting the following:

''(5)(A) I–73/74 North-South Corridor from Charleston, South Carolina, through Winston-Salem, North Carolina, to Portsmouth, Ohio, to Cincinnati, Ohio, to termini at Detroit, Michigan and Sault Ste. Marie, Michigan. The Sault Ste. Marie terminus shall be reached via a corridor connecting Adrian, Jackson, Lansing, Mount Pleasant, and Grayling, Michigan.

''(B)(i) In the Commonwealth of Virginia, the Corridor shall generally follow—

''(I) United States Route 220 from the Virginia-North Carolina border to I–581 south of Roanoke;

''(II) I–581 to I–81 in the vicinity of Roanoke;

''(III) I–81 to the proposed highway to demonstrate intelligent transportation systems authorized by item 29 of the table in section 1107(b) in the vicinity of Christiansburg to United States Route 460 in the vicinity of Blacksburg; and

''(IV) United States Route 460 to the West Virginia State line.

''(ii) In the States of West Virginia, Kentucky, and Ohio, the Corridor shall generally follow—

''(I) United States Route 460 from the West Virginia State line to United States Route 52 at Bluefield, West Virginia; and

''(II) United States Route 52 to United States Route 23 at Portsmouth, Ohio.

''(iii) In the States of North Carolina and South Carolina, the Corridor shall generally follow—

''(I) in the case of I–73—

''(aa) United States Route 220 from the Virginia State line to State Route 68 in the vicinity of Greensboro;

''(bb) State Route 68 to I–40;

''(cc) I–40 to United States Route 220 in Greensboro;

''(dd) United States Route 220 to United States Route 1 near Rockingham;

''(ee) United States Route 1 to the South Carolina State line; and

''(ff) South Carolina State line to Charleston, South Carolina; and

''(II) in the case of I–74—

''(aa) I–77 from Bluefield, West Virginia, to the junction of I–77 and the United States Route 52 connector in Surry County, North Carolina;

''(bb) the I–77/United States Route 52 connector to United States Route 52 south of Mount Airy, North Carolina;

''(cc) United States Route 52 to United States Route 311 in Winston-Salem, North Carolina;

''(dd) United States Route 311 to United States Route 220 in the vicinity of Randleman, North Carolina.

''(ee) United States Route 220 to United States Route 74 near Rockingham;

''(ff) United States Route 74 to United States Route 76 near Whiteville;

''(gg) United States Route 74/76 to the South Carolina State line in Brunswick County; and

''(hh) South Carolina State line to Charleston, South Carolina.'';

(C) in paragraph (18)—

(i) by striking ''and'';

(ii) by inserting ''Mississippi, Arkansas,'' after ''Tennessee,'';

(iii) by inserting after ''Texas'' the following: '', and to the Lower Rio Grande Valley at the border between the United States and Mexico; and

(iv) by inserting before the period at the end the following: '', and to include the Corpus Christi Northside Highway and Rail Corridor from the existing intersection of United States Route 77 and Interstate Route 37 to United States Route 181, including FM511 from United States Route 77 to the Port of Brownsville''; and

(D) by adding at the end the following:

''(22) The Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate 10, Los Angeles, California.

''(23) The Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa, to Minneapolis, Minnesota, to Duluth, Minnesota.

''(24) The Dalton Highway from Deadhorse, Alaska to Fairbanks, Alaska.

''(25) State Route 168 (South Battlefield Boulevard), Virginia, from the Great Bridge Bypass to the North Carolina State line.

''(26) The CANAMEX Corridor from Nogales, Arizona, through Las Vegas, Nevada, to Salt Lake City, Utah, to Idaho Falls, Idaho, to Montana, to the Canadian Border as follows:

''(A) In the State of Arizona, the CANAMEX Corridor shall generally follow—

''(i) I–19 from Nogales to Tucson;

''(ii) I–10 from Tucson to Phoenix; and

''(iii) United States Route 93 in the vicinity of Phoenix to the Nevada Border.

''(B) In the State of Nevada, the CANAMEX Corridor shall follow—

''(i) United States Route 93 from the Arizona Border to Las Vegas; and

''(ii) I–15 from Las Vegas to the Utah Border.

''(C) From the Utah Border through Montana to the Canadian Border, the CANAMEX Corridor shall follow I–15.

''(27) The Camino Real Corridor from El Paso, Texas, to Denver, Colorado, as follows:

''(A) In the State of Texas, the Camino Real Corridor shall generally follow—

''(i) arterials from the international ports of entry to I–10 in El Paso County; and

''(ii) I–10 from El Paso County to the New Mexico border.

''(B) In the State of New Mexico, the Camino Real Corridor shall generally follow—

''(i) I–10 from the Texas Border to Las Cruces; and

''(ii) I–25 from Las Cruces to the Colorado Border.

''(C) In the State of Colorado, the Camino Real Corridor shall generally follow I–25 from the New Mexico border to Denver continuing to the Wyoming border.

''(D) In the State of Wyoming, the Camino Real Corridor shall generally follow—

''(i) I–25 north to join with I–90 at Buffalo; and

''(ii) I–90 to the Montana border.

''(E) In the State of Montana, the Camino Real Corridor shall generally follow—

''(i) I–90 to Billings; and

''(ii) Montana Route 3, United States Route 12, United States Route 191, United States Route 87, to I–15 at Great Falls; and

''(iii) I–15 from Great Falls to the Canadian border.

''(28) The Birmingham Northern Beltline beginning at I–59 in the vicinity of Trussville, Alabama, and traversing westwardly intersecting with United States Route 75, United States Route 79, and United States Route 31; continuing southwestwardly intersecting United States Route 78 and terminating at I–59 with the I–459 interchange.

''(29) The Coalfields Expressway beginning at Beckley, West Virginia, to Pound, Virginia, generally following the corridor defined as State Routes 54, 97, 10, 16, and 83.''.

(2) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Section 1105(e) of such Act (105 Stat. 2033) is amended by adding at the end the following:

''(5) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—

''(A) IN GENERAL.—The portions of the routes referred to in clauses (i), (ii), and (iii) of subsection (c)(5)(B), in subsection (c)(9), and in subsections (c)(18) and (c)(20) that are not a part of the Interstate System are designated as future parts of the Interstate System. Any segment of such routes shall become a part of the Interstate System at such time as the Secretary determines that the segment—

''(i) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

''(ii) connects to an existing Interstate System segment.

The portion of the route referred to in subsection (c)(9) is designated as Interstate Route I–99.

''(B) TREATMENT OF SEGMENTS.—Subject to subparagraph (C), segments designated as part of the Interstate System by this paragraph and the mileage of such segments shall be treated in the manner described in the last 2 sentences of section 139(a) of title 23, United States Code.

''(C) USE OF FUNDS.—

''(i) GENERAL RULE.—Funds apportioned under section 104(b)(5)(A) of title 23, United States Code, may be used on a project to construct a portion of a route referred to in this paragraph to standards set forth in section 109(b) of such title if the State determines that the project for which the funds were originally apportioned is unreasonably delayed or no longer viable.

''(ii) LIMITATION.—If funds apportioned under section 104(b)(5)(A) of title 23, United States Code, for completing a segment of the Interstate System are used on a project pursuant to this subparagraph, no interstate construction funds may be made available, after the date of the enactment of this paragraph, for construction of such segment.

(b) FEASIBILITY STUDIES.—

(1) EVACUATION ROUTES FOR LOUISIANA COASTAL AREAS.—Section 1105(e)(2) of such Act (105 Stat. 2033) is amended by adding at the end the following: ''A feasibility study may be conducted under this paragraph to identify routes that will expedite future emergency evacuations of coastal areas of Louisiana.''.

(2) EAST-WEST TRANSAMERICA CORRIDOR.—With amounts available to the Secretary under section 1105(h) of the Intermodal Surface Transportation Efficiency Act of 1991, the Secretary in cooperation with the States of Virginia and West Virginia shall conduct a study to determine the feasibility of establishing a route for the East-West Transamerica Corridor (designated pursuant to section 1105(c)(3) of such Act) from Beckley, West Virginia, utilizing a corridor entering Virginia near the city of Covington then moving south from the Allegheny Highlands to serve Roanoke and continuing east to Lynchburg. From there such route would continue across Virginia to the Hampton Roads area.

(c) CORRECTIONS TO PROJECTS.—The table contained in section 1105(f) of such Act (105 Stat. 2033–2035) is amended—

(1) in item 1, relating to Pennsylvania, by inserting after ''For'' the following: ''the segment described in item 6 of this table and up to $11,000,000 for'';

(2) in item 2, relating to Alabama, Georgia, Mississippi, Tennessee, by inserting after ''Rt. 72'' the following: ''and up to $1,500,000 from the State of Alabama's share of the project for modification of the Keller Memorial Bridge in Decatur, Alabama, to a pedestrian structure'';

(3) in item 21, relating to Louisiana, by inserting after ''Shreveport, Louisiana'' insert the following: '', and up to $6,000,000 for surface transportation projects in Louisiana, including $4,500,000 for the I–10 and I–610 project in Jefferson Parish, Louisiana, in the corridor between the St. Charles Parish line and Tulane Avenue, $500,000 for noise analysis and safety abatement measures or barriers along the Lakeview section of I–610 in New Orleans, and $1,000,000 for 3 highway studies (including $250,000 for a study to widen United States Route 84/Louisiana Route 6 traversing north Louisiana, $250,000 for a study to widen Louisiana Route 42 from United States Route 61 to Louisiana Route 44 and extend to I–10 in East Ascension Parish, and $500,000 for a study to connect I–20 on both sides of the Ouachita River)''; and

(4) in item 26, relating to Indiana, Kentucky, Tennessee, by striking ''Newberry'' and inserting ''Evansville''.

(d) COALFIELDS EXPRESSWAY DESCRIPTION.—The first sentence of section 1069(v) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2010) is amended by striking ''93'' and inserting the following: ''83, and from the West Virginia-Virginia State line generally following Route 83 to Pound, Virginia.''.

SEC. 333. CORRECTIONS TO RURAL ACCESS PROJECTS.

The table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037–2042) is amended—

(1) in item 18, relating to Louisiana, by inserting after ''in Louisiana'' the following: ''and for Zachary Taylor Parkway, Alexandria to Bogalusa, Louisiana, to I-59 in Mississippi not to exceed $1,000,000'';

(2) in item 34, relating to Illinois, by striking ''Resurfacing'' and all that follows through ''Omaha'' and inserting ''Bel-Air Road improvement from south of Carmi to State Route 141 in southeastern White County'';

(3) in item 52, relating to Bedford Springs, Pennsylvania, by striking ''and Huntington'' and inserting ''Franklin, and Huntingdon'';

(4) in item 61, relating to Lubbock, Texas, by striking ''with Interstate 20'' and inserting ''with Interstate 10 through Interstate 20

and Interstate 27 north of Amarillo to the border between Texas and Oklahoma'';

(5) in item 71, relating to Chautauqua County, New York, by inserting ''and other improvements'' after ''expressway lanes'';

(6) in item 75, relating to Pennsylvania, by striking ''Widen'' and all that follows through ''lanes'' and inserting ''Road improvements on a 14-mile segment of United States Route 15 in Lycoming County, Pennsylvania'';

(7) in item 93, relating to New Mexico, by striking ''Raton-Clayton Rd., Clayton, New Mexico'' and inserting ''United States Route 64/87 from Raton, New Mexico, through Clayton to the border between Texas and New Mexico''; and

(8) in item 111, relating to Parker County, Texas—

(A) by striking ''Parker County'' and inserting ''Parker and Tarrant Counties''; and

(B) by striking ''to four-'' and inserting ''in Tarrant County to freeway standards and in Parker County to a 4-''.

SEC. 334. CORRECTIONS TO URBAN ACCESS AND MOBILITY PROJECTS.

The table contained in section 1106(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2043–2047) is amended—

(1) in item 9, relating to New York, New York, by inserting after ''NY'' the following: '', $4,440,398, and redevelopment of the James A. Farley Post Office, Pennsylvania Station, and associated service buildings into an intermodal transportation facility and commercial center, $11,159,602'';

(2) in item 13, relating to Joliet, Illinois, by striking ''and construction and interchange at Houbolt Road and I–80'';

(3) in item 36, relating to Compton, California, by striking ''For a grade'' and all that follows through ''Corridor'' and inserting ''For grade separations and other improvements in the city of Compton, California''; and

(4) in item 52, relating to Chicago, Illinois, by striking ''Right-of-way'' and all that follows through ''Connector)'' and inserting ''Reconstruct the Michigan Avenue viaduct''.

SEC. 335. CORRECTIONS TO INNOVATIVE PROJECTS.

The table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2048–2059) is amended—

(1) in item 10, relating to Atlanta, Georgia, by striking ''(IVHS)'' and inserting ''(ITS)'';

(2) in item 19, relating to Water Street, Pennsylvania—

(A) by striking ''Water Street,''; and

(B) by inserting '', or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania'' after ''Pennsylvania'' the second place it appears;

(3) in item 20, relating to Holidaysburg, Pennsylvania—

(A) by striking ''Holidaysburg,'' the first place it appears; and

(B) by inserting '', or other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon as selected by the State of Pennsylvania'' after ''Pennsylvania'' the second place it appears;

(4) in item 24, relating to Pennsylvania, by inserting after ''line'' the following: ''and for the purchase, rehabilitation, and improvement of any similar existing facility within a 150-mile radius of such project, as selected by the State of Pennsylvania'';

(5) in item 29, relating to Blacksburg, Virginia—

(A) by inserting ''methods of facilitating public and private participation in'' after ''demonstrate''; and

(B) by striking ''intelligent/vehicle highway systems'' and inserting ''intelligent transportation systems'';

(6) in item 35, relating to Alabama, by striking ''to bypass'' and all that follows through ''I–85'' and inserting ''beginning on United States Route 80 west of Montgomery, Alabama, and connecting to I–65 south of Montgomery and I–85 east of Montgomery'';

(7) in item 49, relating to Suffolk County, New York, by inserting after ''perimeters'' the following: ''and provide funds to the towns of Brookhaven, Riverhead, Smithtown, East Hampton, Southold, Shelter Island, and Southampton for the purchase of vehicles to meet the transportation needs of the elderly and persons with disabilities'';

(8) in item 52, relating to Pennsylvania, by striking ''2'' and all that follows through ''Pennsylvania'' and inserting ''or rehabilitate (or both) highway and transportation infrastructure projects within 30 miles of I–81 or I–80 in northeastern Pennsylvania'';

(9) in item 61, relating to Mojave, California—

(A) by striking ''Mojave'' and inserting ''Victorville''; and

(B) by inserting ''Mojave'' after ''reconstruct'';

(10) in item 68, relating to Portland/S. Portland, Maine—

(A) by striking ''Portland/S. Portland,''; and

(B) by inserting after ''Bridge'' the following: ''and improvements to the Carlton Bridge in Bath-Woolworth'';

(11) in item 76, relating to Tennessee—

(A) by inserting ''Improved access to'' before ''I–81'';

(B) by striking ''Interchange''; and

(C) by inserting after ''Tennessee'' the second place it appears the following: ''via improvements at I–181/Eastern Star Road and I–81/Kendrick Creek Road'';

(12) in item 100, relating to Arkansas, by striking ''Thornton'' and inserting ''Little Rock'';

(13) in item 113, relating to Durham County, North Carolina, by inserting after ''Route 147'' the following: '', including the interchange at I–85'';

(14) in item 114, relating to Corpus Christi to Angleton, Texas, by striking ''Construct new multi-lane freeway'' and inserting ''Construct a 4-lane divided highway'';

(15) in item 162, relating to New York, New York, by inserting after ''paint'' the following: '', $40,000,000, and James A. Farley Post Office, Pennsylvania Station, and associated service buildings: redevelopment, $15,000,000'';

(16) in item 193, relating to Corning, New York, by inserting ''and other improvements'' after ''expressway lanes''; and

(17) in item 196, relating to Orlando, Florida—

(A) by striking ''Orlando,''; and

(B) by striking ''Land'' and all that follows through ''project'' and inserting ''One or more regionally significant, intercity ground transportation projects''.

SEC. 336. CORRECTIONS TO INTERMODAL PROJECTS.

The table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2060–2063) is amended—

(1) in item 9, relating to E. Haven/Wallingford, Connecticut—

(A) by striking ''for $8.8 million'';

(B) by striking ''for $2.4 million''; and

(C) by striking ''for $0.7 million'';

(2) in item 12, relating to Buffalo, New York, by inserting after ''Project'' the following: ''and the Crossroads Arena Project'';

(3) in item 31, relating to Los Angeles, California, by striking ''To improve ground access from Sepulveda Blvd. to Los Angeles, California'' and inserting the following: ''For the Los Angeles International Airport central terminal ramp access project, $3,500,000; for the widening of Aviation Boulevard south of Imperial Highway, $3,500,000; for the widening of Aviation Boulevard north of Imperial Highway, $1,000,000; and for transportation systems management improvements in the vicinity of the Sepulveda Boulevard/Los Angeles International Airport tunnel, $950,000'';

(4) in item 33, relating to Orange County, New York, strike ''Stuart Airport Interchange Project'' and insert ''Stewart Airport interchange projects''; and

(5) in item 38, relating to Provo, Utah, strike ''South'' and all that follows through ''Airport'' and insert ''East-West Connector from United States Route 89–189''.

SEC. 337. NATIONAL RECREATIONAL TRAILS.

(a) STATE ELIGIBILITY.—Section 1302(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261(c)) is amended—

(1) by striking ''Act'' each place it appears and inserting ''part'';

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(3) by adding at the end the following:

''(3) FEDERAL SHARE.—

''(A) PRIOR TO FISCAL YEAR 2001.—Prior to October 1, 2000, the Federal share of the cost of a project under this section shall be 50 percent.

''(B) FISCAL YEAR 2001 AND THEREAFTER.—For fiscal year 2001 and each fiscal year thereafter, a State shall be eligible to receive moneys under this part for a fiscal year only if the State agrees to expend from non-Federal sources for carrying out projects under this part an amount equal to 20 percent of the amount received by the State under this part in that fiscal year.''.

(b) ADMINISTRATIVE COSTS.—Section 1302(d)(1) of such Act (16 U.S.C. 1261(d)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

''(D) contracting for services with other land management agencies; and''.

(c) ENVIRONMENTAL MITIGATION.—

(1) IN GENERAL.—Section 1302(e) of such Act (16 U.S.C. 1261(e)) is amended—

(A) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (6), (7), (8), and (9), respectively; and

(B) by inserting after paragraph (4) the following:

''(5) ENVIRONMENTAL MITIGATION.—

''(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

''(B) GUIDANCE.—A recreational trail advisory board satisfying the requirements of subsection (c)(2)(A) shall issue guidance to a State for the purposes of implementing subparagraph (A).

(2) CONFORMING AMENDMENT.—Section 1302(e)(4) of such Act (16 U.S.C. 1261(e)(4)) is amended by striking ''paragraphs (6) and (8)(B)'' and inserting ''paragraphs (7) and (9)(B)''.

(d) RETURN OF MONEYS NOT EXPENDED.—Section 1302(e)(9)(B) of such Act, as redesignated by subsection (c)(1)(A), is amended—

(1) by inserting ''the State'' before ''may be exempted''; and

(2) by striking ''and expended or committed'' and all that follows before the period.

(e) ADVISORY COMMITTEE.—

(1) IN GENERAL.—Section 1303(b) of such Act (16 U.S.C. 1262(b)) is amended—

(A) by striking ''11 members'' and inserting ''12 members'';

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) 1 member appointed by the Secretary representing individuals with disabilities;''.

(2) CONFORMING AMENDMENT.—Section 1303(c) of such Act (16 U.S.C. 1262(c)) is amended by striking ''subsection (b)(2)'' and inserting ''subsection (b)(3)''.

(f) FUNDING.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (j); and

(2) by inserting after subsection (g) the following:

''(h) NATIONAL RECREATIONAL TRAILS FUNDING.—In addition to funds made available from the National Recreational Trails Trust Fund, the Secretary shall obligate, from administrative funds (contract authority) deducted under subsection (a), to carry out section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) $15,000,000 for each of fiscal years 1996 and 1997.''.

SEC. 338. INTELLIGENT TRANSPORTATION SYSTEMS.

(a) IMPROVED COLLABORATION IN INTELLIGENT TRANSPORTATION SYSTEMS RESEARCH AND DEVELOPMENT.—Section 6054 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 307 note; 105 Stat. 2191–2192) is amended by adding at the end the following:

''(e) COLLABORATIVE RESEARCH AND DEVELOPMENT.—In carrying out this part, the Secretary may carry out collaborative research and development in accordance with section 307(a)(2) of title 23, United States Code.''.

(b) TIME LIMIT FOR OBLIGATION OF FUNDS FOR INTELLIGENT TRANSPORTATION SYSTEMS PROJECTS.—Section 6058 of such Act (23 U.S.C. 307 note; 105 Stat. 2194–2195) is amended—

(1) in subsection (e) by striking ''until expended'' and inserting ''for obligation in accordance with this section''; and

(2) by adding at the end the following:

''(f) OBLIGATION OF FUNDS.—

''(1) IN GENERAL.—Funds made available pursuant to subsections (a) and (b) on or after the date of the enactment of this subsection and other funds made available on or after that date to carry out specific intelligent transportation systems projects shall be obligated not later than the last day of the fiscal year following the fiscal year for which the funds are made available. Funds made available pursuant to subsections (a) and (b) before such date of enactment shall remain available until expended.

''(2) REALLOCATION OF FUNDS.—If funds described in paragraph (1) are not obligated by the date described in the paragraph, the Secretary may make the funds available to carry out any other project with respect to which funds may be made available under subsection (a) or (b).''.

(c) CONFORMING AMENDMENTS.—

(1) FINDINGS.—Section 6009(a)(6) of such Act (23 U.S.C. 307 note; 105 Stat. 2176) is amended by striking ''intelligent vehicle highway systems'' and inserting ''intelligent transportation systems''.

(2) INTELLIGENT TRANSPORTATION SYSTEMS GENERALLY.—Part B of title VI of such Act (23 U.S.C. 307 note) is amended—

(A) by striking the part heading and inserting the following:

''PART B—INTELLIGENT TRANSPORTATION SYSTEMS'';

(B) in section 6051 by striking ''Intelligent Vehicle-Highway Systems'' and inserting ''Intelligent Transportation Systems'';

(C) by striking ''intelligent vehicle-highway systems'' each place it appears and inserting ''intelligent transportation systems'';

(D) in section 6054(a)(2)(A) by striking ''intelligent vehicle-highway'' and inserting ''intelligent transportation systems'';

(E) in the subsection heading for section 6054(b) by striking ''INTELLIGENT VEHICLE-HIGHWAY SYSTEMS'' and inserting ''INTELLIGENT TRANSPORTATION SYSTEMS'';

(F) in the subsection heading for section 6056(a) by striking ''IVHS'' and inserting ''ITS'';

(G) in the subsection heading for each of subsections (a) and (b) of section 6058 by striking ''IVHS'' and inserting ''ITS''; and

(H) in the paragraph heading for section 6059(1) by striking ''IVHS'' and inserting ''ITS''.

(3) DOT APPROPRIATIONS ACT.—Section 310(c)(3) of the Department of Transportation and Related Agencies Appropriations Act, 1995 (23 U.S.C. 104 note; 108 Stat. 2489–2490) is amended by striking ''intelligent vehicle highway systems'' and inserting ''intelligent transportation systems''.

(4) HAZMAT.—Section 109(a) of the Hazardous Materials Transportation Authorization Act of 1994 (23 U.S.C. 307 note) is amended—

(A) by striking ''Intelligent Vehicle-Highway Systems'' each place it appears and inserting ''Intelligent Transportation Systems''; and

(B) by striking ''intelligent vehicle-highway system'' and inserting ''intelligent transportation system''.

(5) UNIVERSITY RESEARCH INSTITUTE.—Section 5316(d) of title 49, United States Code, is amended—

(A) in the subsection heading by striking ''INTELLIGENT VEHICLE-HIGHWAY'' and inserting ''INTELLIGENT TRANSPORTATION''; and

(B) by striking ''intelligent vehicle-highway'' each place it appears and inserting ''intelligent transportation''.

SEC. 339. ELIGIBILITY.

(a) PENNSYLVANIA TURNPIKE AND I–95.—

(1) RECONSTRUCTION AND WIDENING.—The project authorized by section 162 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2136) shall include reconstruction and widening to 6 lanes of existing Interstate Route 95 and of the Pennsylvania Turnpike from United States Route 1 to the junction with the New Jersey Turnpike, including the structure over the Delaware River.

(2) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share payable on account of the project referred to in paragraph (1), including the additional through roadway and bridge travel lanes, shall be 90 percent of the cost of the project.

(3) TOLLS.—Notwithstanding section 301 of title 23, United States Code, the project for construction of an interchange between the Pennsylvania Turnpike and Interstate Route 95, including the widening of the Pennsylvania Turnpike, shall be treated as a reconstruction project described in section 129(a)(1)(B) of such title and tolls may be continued on all traffic on the Pennsylvania Turnpike between United States Route 1 and the New Jersey Turnpike.

(b) TYPE II NOISE BARRIERS.—

(1) GENERAL RULE.—No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers (as defined by section 772.5(i) of title 23, Code of Federal Regulations) pursuant to subsections (h) and (i) of section 109 of title 23, United States Code, if such barriers were not part of a project approved by the Secretary before the date of the enactment of this Act.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to construction of Type II noise barriers along lands that were developed or were under substantial construction before approval of the acquisition of the rights-of-ways for, or construction of, the existing highway.

(c) ROUTE SEGMENTS IN WYOMING.—

(1) IN GENERAL.—The Secretary shall cooperate with the State of Wyoming in monitoring the changes in growth along, and traffic patterns of, the route segments in Wyoming described in paragraph (2), for the purpose of future consideration of the addition of the route segments to the National Highway System in accordance with section 103(b)(6) of title 23, United States Code.

(2) ROUTE SEGMENTS.—The route segments referred to in paragraph (1) are—

(A) United States Route 191 from Rock Springs to Hoback Junction;

(B) United States Route 16 from Worland to Interstate Route 90; and

(C) Wyoming Route 59 from Douglas to Gillette.

(d) ORANGE STREET BRIDGE, MISSOULA, MONTANA.—Notwithstanding section 149 of title 23, United States Code, or any other provision of law, a project to construct new capacity for the Orange Street Bridge in Missoula, Montana, shall be eligible for funding under the congestion mitigation and air quality improvement program established under such section.

(e) NATIONAL RAILROAD PASSENGER CORPORATION LINE.—The improvements to, or adjacent to, the main line of the National Railroad Passenger Corporation between milepost 190.23 at Central Falls, Rhode Island, and milepost 168.53 at Davisville, Rhode Island, that are necessary to support the rail movement of freight shall be eligible for funds apportioned under sections 103(e)(4), 104(b)(2), and 104(b)(3) of title 23, United States Code.

(f) POCONO NORTHEAST RAILWAY COMPANY LINE.—The improvements to the former Pocono Northeast Railway Company freight rail line by the Luzerne County Redevelopment Authority that are necessary to support the rail movement of freight shall be eligible for funds apportioned under sections 104(b)(2) and 104(b)(3) of title 23, United States Code.

(g) BRIGHTMAN STREET BRIDGE, FALL RIVER HARBOR, MASSACHUSETTS.—Notwithstanding any other provision of law, the Brightman Street Bridge in Fall River Harbor, Massachusetts, may be reconstructed to result in a clear channel width of less than 300 feet.

(h) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA.—The project for navigation at Great Bridge, Virginia, Highway 168, over the Atlantic Intracoastal Waterway in Chesapeake, Virginia: Report of the Chief of Engineers, dated July 1, 1994, at a total cost of $23,680,000, with an estimated Federal cost of $20,341,000 and an estimated non-Federal cost of $3,339,000. The city of Chesapeake shall assume full ownership of the replacement bridge to be constructed under the project, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(i) FEDERAL LANDS HIGHWAYS PROGRAM.—Notwithstanding section 101(a) of title 23, United States Code, and the requirements of

sections 202 and 204 of such title, the highway projects described in section 149(a)(62) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191), section 1 of Public Law 100–211 (101 Stat. 1442), and Public Law 99–647 (100 Stat. 3625) and projects on State Highway 488 within the Great Basin National Park, Nevada, and United States Route 93 from Somers to Whitefish, Montana, shall be eligible for assistance under sections 202 and 204 of such title. Any funds allocated for fiscal year 1996 and thereafter for such projects as a result of enactment of this subsection shall not affect the apportionment adjustments made under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991.

(j) ALAMEDA TRANSPORTATION CORRIDOR, CALIFORNIA.—Funds apportioned to the State of California under section 104(b)(1) of title 23, United States Code, for the National Highway System may be obligated for construction of, and operational improvements for, grade separation projects for the Alameda Transportation Corridor along Alameda Street from the entrance to the ports of Los Angeles and Long Beach to Interstate Route 10, Los Angeles, California. The Federal share of the costs of such projects shall be determined in accordance with section 120(b) of such title.

SEC. 340. MISCELLANEOUS CORRECTIONS TO SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987.

(a) 34TH STREET CORRIDOR PROJECT IN MOORHEAD, MINNESOTA.—Section 149(a)(5)(A) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181), relating to Minnesota, is amended—

(1) by striking ''and'' at the end of clause (i); and

(2) by inserting ''and (iii) a safety overpass,'' after ''interchange,''.

(b) CALIFORNIA.—Section 149(a)(69) of such Act (101 Stat. 191), relating to Burbank-Glendale-Pasadena Airport, California, is amended—

(1) by striking ''highway'';

(2) by striking ''and construction of terminal and parking facilities at such airport''; and

(3) by striking ''by making'' and all that follows through the period at the end of the second sentence and inserting the following: ''by preparing a feasibility study and conducting preliminary engineering, design, and construction of a link between such airport and the commuter rail system that is being developed by the Los Angeles County Metropolitan Transportation Authority.''.

(c) PENNSYLVANIA.—Section 149(a)(74) of such Act (101 Stat. 192) is amended—

(1) by striking ''CHAMBERSBURG, PENNSYLVANIA'' in the paragraph heading and inserting ''PENNSYLVANIA''; and

(2) by inserting before the period at the end the following: ''and other projects in the counties of Bedford, Blair, Centre, Franklin, and Huntingdon, Pennsylvania''.

(d) LOUISIANA.—

(1) RURAL ACCESS PROJECT.—Section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194) is amended—

(A) by striking ''WEST CALCASIEU PARISH, LOUISIANA'' and inserting ''LOUISIANA''; and

(B) by inserting before the period at the end the following: ''and construction of roads and a bridge to provide access to the Rose Bluff industrial area, Lake Charles, Louisiana''.

(2) I–10 EXIT RAMP AND OTHER PROJECTS.—Section 149(a)(89) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194) is amended—

(A) by inserting ''AND LAKE CHARLES'' after ''LAFAYETTE'' in the paragraph heading; and

(B) by inserting before the period at the end the following: ''and, of amounts made available to carry out this paragraph, may use up to $456,022 to carry out a comprehensive transportation and land use plan for Lafayette, Louisiana, $1,000,000 to carry out a project to construct an exit ramp from the eastbound side of Interstate Route 10 to Ryan Street in Lake Charles, Louisiana, and $269,661 to carry out projects described in paragraph (90)''.

(3) CONTRABAND BRIDGE.—Section 149(a)(90) of such Act (101 Stat. 194) is amended—

(A) by inserting ''AND LAKE CHARLES'' after ''LAFAYETTE'' in the paragraph heading; and

(B) by inserting before the period at the end ''and a project to construct the Contraband Bridge portion of the Nelson Access Road Project''.

(e) MARYLAND.—Section 149(a)(92) of such Act (101 Stat. 194) is amended—

(1) by striking ''UNITED STATES ROUTE 48'' in the paragraph heading and inserting ''WASHINGTON AND FREDERICK COUNTIES''; and

(2) by inserting ''and to construct an interchange between Interstate Route 70 and Interstate Route 270 in Frederick County, Maryland'' after ''Mountain Road''.

(f) NORTH DAKOTA.—Of funds remaining available for obligation under sections 149(a)(111)(C), 149(a)(111)(E), 149(a)(111)(J), 149(a)(111)(K), 149(a)(111)(L), 149(a)(111)(M), and 149(a)(112) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, $217,440 shall be made available for the repair of County Road 8 west of Lawton, Ramsey County, North Dakota. The remainder of such funds shall be made available to the North Dakota department of transportation for flood prevention and repair activities on North Dakota county roads on a Federal-aid system that are threatened by flooding (as determined by the North Dakota department of transportation).

SEC. 341. ACCESSIBILITY OF OVER-THE-ROAD BUSES TO INDIVIDUALS WITH DISABILITIES.

Section 306(a)(2)(B)(iii) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12186(a)(2)(B)(iii)) is amended—

(1) in subclause (I) by striking ''7 years after the date of the enactment of this Act'' and inserting ''3 years after the date of issuance of final regulations under clause (ii)''; and

(2) in subclause (II) by striking ''6 years after such date of enactment'' and inserting ''2 years after the date of issuance of such final regulations''.

SEC. 342. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

(a) MASS TRANSIT TESTING.—Section 5331(b) of title 49, United States Code, is amended by striking the subsection designation and all that follows through paragraph (1)(A) and inserting the following:

''(b) TESTING PROGRAM FOR MASS TRANSPORTATION EMPLOYEES.—(1)(A) In the interest of mass transportation safety, the Secretary shall prescribe regulations that establish a program requiring mass transportation operations that receive financial assistance under section 5307, 5309, or 5311 of this title or section 103(e)(4) of title 23 to conduct preemployment, reasonable suspicion, random, and post-accident testing of mass transportation employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation, and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such operations to conduct preemployment testing of such employees for the use of alcohol.''.

(b) RAILROAD TESTING.—Section 20140(b)(1)(A) of title 49, United States Code, is amended to read as follows:

''(A) a railroad carrier to conduct preemployment, reasonable suspicion, random, and post-accident testing of all railroad employees responsible for safety-sensitive functions (as decided by the Secretary) for the use of a controlled substance in violation of law or a United States Government regulation, and to conduct reasonable suspicion, random, and post-accident testing of such employees for the use of alcohol in violation of law or a United States Government regulation; the regulations shall permit such railroad carriers to conduct preemployment testing of such employees for the use of alcohol; and''.

(c) MOTOR CARRIER TESTING.—Section 31306(b) of such title is amended by striking the subsection designation and all that follows through paragraph (1)(A) and inserting the following:

''(b) TESTING PROGRAM FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES.—(1)(A) In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations that establish a program requiring motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of a controlled substance in violation of law or a United States Government regulation and to conduct reasonable suspicion, random, and post-accident testing of such operators for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.''.

(d) AVIATION TESTING.—

(1) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—Section 45102(a) of title 49, United States Code, is amended by striking the subsection designation and all that follows through paragraph (1) and inserting the following:

''(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—(1) In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crew members, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of a controlled substance in violation of law or a United States Government regulation; and to conduct reasonable suspicion, random, and post-accident testing of airmen, crew members, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit air carriers and foreign air carriers to conduct preemployment testing of airmen, crew members, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol.''.

(2) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—Section 45102(b) of title 49, United States Code, is amended by striking the subsection designation and all that follows through paragraph (1) and inserting the following:

''(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—(1) The Administrator shall establish a program of

preemployment, reasonable suspicion, random, and post-accident testing for the use of a controlled substance in violation of law or a United States Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions and shall establish a program of reasonable suspicion, random, and post-accident testing for the use of alcohol in violation of law or a United States Government regulation for such employees. The Administrator may establish a program of preemployment testing for the use of alcohol for such employees.''.

SEC. 343. NATIONAL DRIVER REGISTER.

Section 30308(a) of title 49, United States Code, is amended by striking ''and $2,550,000 for fiscal year 1995'' and inserting ''and $2,550,000 for each of fiscal years 1995 and 1996''.

SEC. 344. COMMERCIAL MOTOR VEHICLE SAFETY PILOT PROGRAM.

Section 31136(e) of title 49, United States Code, is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''After'';

(2) by indenting paragraph (1), as designated by paragraph (1) of this section, and moving that paragraph 2 ems to the right; and

(3) by adding at the end the following:

''(2) COMMERCIAL MOTOR VEHICLE SAFETY PILOT PROGRAM.—

''(A) IN GENERAL.—Not later than the 270th day following the date of the enactment of this paragraph, the Secretary shall implement a commercial motor vehicle regulatory relief and safety pilot program (hereinafter in this paragraph referred to as the 'program') to grant and to monitor exemptions from the provisions of this section and sections 504 and 31502. The program shall provide that the Secretary, within 120 days after receiving an application for participation in the program from an employer, shall determine whether to exempt some or all of the eligible vehicles operated by the applicant, and some or all of the drivers of such vehicles employed by the applicant, from some or all of the regulations prescribed under this section and sections 504 and 31502—

''(i) if the applicant has a satisfactory safety rating issued by the Secretary or meets criteria established by the Secretary pursuant to subparagraph (J) instead of such rating; and

''(ii) if the applicant and the Secretary enter into an agreement that provides that the applicant while participating in the program—

''(I) shall operate safely;

''(II) shall provide the Secretary with accident and nonconfidential insurance-related information relevant to the safety performance of the applicant and vehicles and drivers of the applicant subject to the program;

''(III) shall use in the program only drivers with good safety records in the preceding 36 months and who maintain such good safety records while in the program; and

''(IV) shall implement such safety management controls as the Secretary (in cooperation with the applicant) determines are necessary to carry out the objectives of this subsection.

''(B) SAFETY MANAGEMENT CONTROLS.—Safety management controls implemented by participants in the program shall be designed to achieve a level of operational safety equal to or greater than that resulting from compliance with the regulations prescribed under this section and sections 504 and 31502.

''(C) PAPERWORK BURDEN TO BE MINIMIZED.—The Secretary shall ensure that participants in the program are subject to a minimum of paperwork and regulatory burdens necessary to ensure compliance with the requirements of the program.

''(D) ENCOURAGEMENT OF ADVANCED TECHNOLOGY.—The Secretary shall encourage participants in the program to use such advanced technologies as may be necessary to ensure compliance with the requirements of the program.

''(E) APPROVAL FACTORS.—In approving applicants for participation in the program, the Secretary shall—

''(i) ensure that the participants represent a broad cross-section of fleet size and drivers of eligible vehicles; and

''(ii) ensure participation by qualified applicants, except to the extent limited by resources of the Secretary that are necessary to permit effective monitoring under subparagraph (G).

''(F) MODIFICATIONS TO REFLECT CHANGES IN REGULATIONS.—If there is a material change in the regulations prescribed under this section or section 504 or 31502, the Secretary shall require each participant in the program to modify the safety management controls applicable to such participant, and the agreement provided for in subparagraph (A)(ii), to the extent necessary to reflect the material change.

''(G) MONITORING.—The Secretary and participants in the program shall monitor periodically the safety of vehicles and drivers subject to the program.

''(H) TERMINATION OF PARTICIPATION.—A participant shall participate in the program until—

''(i) the Secretary finds that—

''(I) the participant has exceeded the average ratio of preventable accidents to vehicle miles traveled for a period of 12 months for eligible vehicles;

''(II) the participant has failed to comply with the requirements established by the Secretary for participation in the program (including applicable safety management controls); or

''(III) continued participation in the program is not in the public interest; or

''(ii) the participant voluntarily withdraws from the program.

''(I) EMERGENCIES.—The Secretary may suspend or modify participation in the program in case of emergency.

''(J) GUIDELINES.—

''(i) IN GENERAL.—Not later than the 270th day following the date of the enactment of this paragraph, the Secretary, after notice and opportunity for comment, shall establish criteria and define any terms necessary for implementing the program consistent with this section. In establishing the criteria, the Secretary may consider to what extent and under what conditions safety management controls may substitute, in whole or in part, for compliance with some or all of the regulations prescribed under this section and sections 504 and 31502.

''(ii) LIMITATION.—Notwithstanding clause (i), the program shall take effect on or before the 270th day following the date of the enactment of this paragraph. If the rulemaking described in clause (i) is not completed on or before such 270th day, the Secretary shall issue interim criteria, consistent with this section, pending the completion of the rulemaking described in this subsection.

''(K) ELIGIBLE VEHICLES.—For purposes of this subsection, the term 'eligible vehicle' means a commercial motor vehicle with a gross vehicle weight rating of at least 10,001 pounds, but not more than 26,000 pounds, other than a vehicle—

''(i) designed to transport more than 15 passengers, including the driver; or

''(ii) used in transporting material found by the Secretary to be hazardous under section 5103 and transported in a quantity requiring placarding under the regulations issued under such section.

''(3) REVIEW OF REGULATIONS.—Based in part on the information and experience obtained from the program, the Secretary shall conduct a zero-based review of the need for, and the costs and benefits of, all regulations prescribed under this section and sections 504 and 31502 to determine whether and to what extent such regulations should apply to eligible vehicles. The review shall focus on the appropriate level of safety that is in the public interest and the paperwork and regulatory burdens of such regulations as the regulations apply to employers and employees that use such vehicles. The Secretary shall complete the review by the last day of the 3-year period beginning on the date of the enactment of this paragraph. Upon completion of the review, the Secretary shall, after notice and an opportunity for public comment, grant such exemptions or modify or repeal existing regulations to the extent appropriate.''.

SEC. 345. EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS.

(a) EXEMPTIONS.—

(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies and is during the planting and harvesting seasons within such State, as determined by the State.

(2) TRANSPORTATION AND OPERATION OF GROUND WATER WELL DRILLING RIGS.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation and operation of a ground water well drilling rig, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

(3) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation of construction materials and equipment, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

(4) DRIVERS OF UTILITY SERVICE VEHICLES.—Such regulations shall, in the case of a driver of a utility service vehicle, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

(5) SNOW AND ICE REMOVAL.—A State may waive the requirements of chapter 313 of title 49, United States Code, with respect to a vehicle that is being operated within the boundaries of an eligible unit of local government by an employee of such unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting. Such waiver authority shall only apply in a case where the employee is needed to operate the vehicle because the employee of the eligible unit of local government who ordinarily operates the vehicle and who has a commercial drivers license is unable to operate the vehicle or is in need of additional assistance due to a snow emergency.

(b) PREEMPTION.—Nothing contained in this section shall require the preemption of State laws and regulations concerning the safe operation of commercial motor vehicles as the result of exemptions from Federal requirements provided under this section.

(c) REVIEW BY THE SECRETARY.—The Secretary may conduct a rulemaking proceeding to determine whether granting any exemption provided by subsection (a) (other than paragraph (2)) is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles. If, at any time as a result of such a proceeding, the Secretary determines that granting such exemption would not be in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles, the Secretary may prevent the exemption from going into effect, modify the exemption, or revoke the exemption. The Secretary may develop a program to monitor the exemption, including agreements with carriers to permit the Secretary to examine insurance information maintained by an insurer on a carrier.

(d) REPORT.—The Secretary shall monitor the commercial motor vehicle safety performance of drivers of vehicles that are subject to an exemption under this section. If the Secretary determines that public safety has been adversely affected by an exemption granted under this section, the Secretary shall report to Congress on the determination.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) 7 OR 8 CONSECUTIVE DAYS.—The term ''7 or 8 consecutive days'' means the period of 7 or 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

(2) 24-HOUR PERIOD.—The term ''24-hour period'' means any 24 consecutive hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

(3) GROUND WATER WELL DRILLING RIG.—The term ''ground water well drilling rig'' means any vehicle, machine, tractor, trailer, semitrailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

(4) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—The term ''transportation of construction materials and equipment'' means the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (a construction site between initial mobilization of equipment and materials to the site to the final completion of the construction project) within a 50 air mile radius of the normal work reporting location of the driver. This paragraph does not apply to the transportation of material found by the Secretary to be hazardous under section 5103 of title 49, United States Code, in a quantity requiring placarding under regulations issued to carry out such section.

(5) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term ''eligible unit of local government'' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law which has a total population of 3,000 individuals or less.

(6) UTILITY SERVICE VEHICLE.—The term ''utility service vehicle'' means any commercial motor vehicle—

(A) used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

(B) while engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(C) except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

(f) EFFECTIVE DATE.—Subsection (a) of this section shall take effect on the 180th day following the date of the enactment of this Act; except that paragraphs (1) and (2) of subsection (a) shall take effect on such date of enactment.

SEC. 346. WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM.

(a) IN GENERAL.—After notice and opportunity for comment, the Secretary shall develop and implement a pilot program for the purpose of evaluating waivers of the regulations issued by the Secretary pursuant to sections 31136 and 31502 of title 49, United States Code, relating to maximum on-duty time, and sections 31102 and 31104(j) of such title, relating to the Motor Carrier Safety Assistance Program, to permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum on-duty time for drivers of motor vehicles making intrastate home heating oil deliveries that occur within 100 air miles of a central terminal or distribution point of the delivery of such oil. The Secretary may approve up to 5 States to participate in the pilot program during the winter heating season in the 6-month period beginning on November 1, 1996.

(b) APPROVAL CRITERIA.—The Secretary shall select States to participate in the pilot program upon approval of applications submitted by States to the Secretary. The Secretary shall act on a State's application within 30 days after the date of its submission. The Secretary may only approve an application of a State under this section if the Secretary finds, at a minimum, that—

(1) a substantial number of the citizens of the State rely on home heating oil for heat during winter months;

(2) current maximum on-duty time regulations may endanger the welfare of these citizens by impeding timely deliveries of home heating oil;

(3) the State will ensure an equal to or greater level of safety with respect to home heating oil deliveries than the level of safety resulting from compliance with the regulations referred to in subsection (a);

(4) the State will monitor the safety of home heating oil deliveries while participating in the program;

(5) employers of deliverers of home heating oil that will be covered by the program will agree to make all safety data developed from the pilot program available to the State and to the Secretary;

(6) the State will only permit employers of deliverers of home heating oil with satisfactory safety records to be covered by the program; and

(7) the State will comply with such other criteria as the Secretary determines are necessary to implement the program consistent with this section.

(c) PARTICIPATION IN PROGRAM.—Upon approval of an application of a State under this section, the Secretary shall permit the State to participate in the pilot program for an initial period of 15 days during the winter heating season of the State (as determined by the Governor and the Secretary). If, after the last day of such 15-day period, the Secretary finds that a State's continued participation in the program is consistent with this section and has resulted in no significant adverse impact on public safety and is in the public interest, the Secretary shall extend the State's participation in the program for periods of up to 30 additional days during such heating season.

(d) SUSPENSION FROM PROGRAM.—The Secretary may suspend a State's participation in the pilot program at any time if the Secretary finds—

(1) that the State has not complied with any of the criteria for participation in the program under this section;

(2) that a State's participation in the program has caused a significant adverse impact on public safety and is not in the public interest; or

(3) the existence of an emergency.

(e) REVIEW BY SECRETARY.—Within 90 days after the completion of the pilot program, the Secretary shall initiate a rulemaking to determine, based in part on the results of the program, whether to—

(1) permit a State to grant waivers of the regulations referred to in subsection (a) to motor carriers transporting home heating oil within the borders of the State, subject to such conditions as the Secretary may impose, if the Secretary determines that such waivers by the State meet the conditions in section 31136(e) of title 49, United States Code; or

(2) amend the regulations referred to in subsection (a) as may be necessary to provide flexibility to motor carriers delivering home heating oil during winter periods of peak demand.

(f) DEFINITION.—In this section, the term ''7 or 8 consecutive days'' has the meaning such term has under section 345 of this Act.

SEC. 347. SAFETY REPORT.

Not later than September 30, 1997, the Secretary, in cooperation with any State which raises any speed limit in such State to a level above the level permitted under section 154 of title 23, United States Code, as such section was in effect on September 15, 1995, shall prepare and submit to Congress a study of—

(1) the costs to such State of deaths and injuries resulting from motor vehicle crashes; and

(2) the benefits associated with the repeal of the national maximum speed limit.

SEC. 348. MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the ''Administrator'') shall not require adoption or implementation by a State of a test-only I/M240 enhanced vehicle inspection and maintenance program as a means of compliance with section 182 or 187 of the Clean Air Act (42 U.S.C. 7511a; 7512a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance with such section.

(b) LIMITATION ON PLAN DISAPPROVAL.—The Administrator shall not disapprove or apply an automatic discount to a State implementation plan revision under section 182 or 187 of the Clean Air Act (42 U.S.C. 7511a; 7512a) on the basis of a policy, regulation, or guidance providing for a discount of emissions credits because the inspection and maintenance program in such plan revision is decentralized or a test-and-repair program.

(c) EMISSIONS REDUCTION CREDITS.—

(1) STATE PLAN REVISION; APPROVAL.—Within 120 days of the date of the enactment of

this subsection, a State may submit an implementation plan revision proposing an interim inspection and maintenance program under section 182 or 187 of the Clean Air Act (42 U.S.C. 7511a; 7512a). The Administrator shall approve the program based on the full amount of credits proposed by the State for each element of the program if the proposed credits reflect good faith estimates by the State and the revision is otherwise in compliance with such Act. If, within such 120-day period, the State submits to the Administrator proposed revisions to the implementation plan, has all of the statutory authority necessary to implement the revisions, and has proposed a regulation to make the revisions, the Administrator may approve the revisions without regard to whether or not such regulation has been issued as a final regulation by the State.

(2) EXPIRATION OF INTERIM APPROVAL.—The interim approval shall expire on the earlier of (A) the last day of the 18-month period beginning on the date of the interim approval, or (B) the date of final approval. The interim approval may not be extended.

(3) FINAL APPROVAL.—The Administrator shall grant final approval of the revision based on the credits proposed by the State during or after the period of interim approval if data collected on the operation of the State program demonstrates that the credits are appropriate and the revision is otherwise in compliance with the Clean Air Act.

(4) BASIS OF APPROVAL; NO AUTOMATIC DISCOUNT.—Any determination with respect to interim or full approval shall be based on the elements of the program and shall not apply any automatic discount because the program is decentralized or a test-and-repair program.

SEC. 349. ROADS ON FEDERAL LANDS.

(a) MORATORIUM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no agency of the Federal Government may take any action to prepare, promulgate, or implement any rule or regulation addressing rights-of-way authorized pursuant to section 2477 of the Revised Statutes (43 U.S.C. 932), as such section was in effect before October 21, 1976.

(2) SUNSET.—This subsection shall not be effective after September 30, 1996.

(b) REQUIREMENT OF TRANSFER OF COUNTY ROAD CORRIDORS.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) COUNTY ROAD CORRIDOR.—The term ''county road corridor'' means a corridor that is comprised of—

(i) a Shenandoah county road; and

(ii) land contiguous to the road that is selected by the Secretary of the Interior, in consultation with the Governor of the State of Virginia, such that the width of the corridor is 50 feet.

(B) SHENANDOAH COUNTY ROAD.—The term ''Shenandoah county road'' means the portion of any of the following roads that is located in the Shenandoah National Park and that has been in general use as a public roadway prior to the date of the enactment of this Act:

(i) Madison County Route 600.

(ii) Rockingham County Route 624.

(iii) Rockingham County Route 625.

(iv) Rockingham County Route 626.

(v) Warren County Route 604.

(vi) Page County Route 759.

(vii) Page County Route 611.

(viii) Page County Route 682.

(ix) Page County Route 662.

(x) Augusta County Route 611.

(xi) Augusta County Route 619.

(xii) Albemarle County Route 614.

(xiii) Augusta County Route 661.

(xiv) Rockingham County Route 663.

(xv) Rockingham County Route 659.

(xvi) Page County Route 669.

(xvii) Rockingham County Route 661.

(xviii) Criser Road (to the town of Front Royal).

(xix) The Government-owned parcel connecting Criser Road to the Warren County School Board parcel.

(2) PURPOSE.—The purpose of this subsection is to permit the State of Virginia to maintain and provide for safe public use of certain roads that the State donated to the United States at the time of the establishment of Shenandoah National Park.

(3) TRANSFER.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer to the State of Virginia, without consideration or reimbursement, all right, title, and interest of the United States in and to each county road corridor.

(4) REVERSION.—A transfer under paragraph (3) shall be subject to the condition that if at any time a county road corridor is withdrawn from general use as a public roadway, all right, title, and interest in the county road corridor shall revert to the United States.

SEC. 350. STATE INFRASTRUCTURE BANK PILOT PROGRAM.

(a) IN GENERAL.—

(1) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary may enter into cooperative agreements with not to exceed 10 States for the establishment of State infrastructure banks and multistate infrastructure banks for making loans and providing other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

(2) INTERSTATE COMPACTS.—Congress grants consent to 2 or more of the States, entering into a cooperative agreement under paragraph (1) with the Secretary for the establishment of a multistate infrastructure bank, to enter into an interstate compact establishing such bank in accordance with this section.

(b) FUNDING.—

(1) SEPARATE ACCOUNTS.—An infrastructure bank established under this section shall maintain a separate highway account for Federal funds contributed to the bank under paragraph (2) and a separate transit account for Federal funds contributed to the bank under paragraph (3). No Federal funds contributed or credited to an account of an infrastructure bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

(2) HIGHWAY ACCOUNT.—Notwithstanding any other provision of law, the Secretary may allow, subject to subsection (g)(1), a State entering into a cooperative agreement under this section to contribute not to exceed—

(A) 10 percent of the funds apportioned to the State for each of fiscal years 1996 and 1997 under each of sections 104(b)(1), 104(b)(3), 104(b)(5)(B), 144, and 160 of title 23, United States Code, and section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991; and

(B) 10 percent of the funds allocated to the State for each of such fiscal years under each of section 157 of such title and section 1013(c) of such Act;

into the highway account of the infrastructure bank established by the State. Federal funds contributed to such account under this paragraph shall constitute for purposes of this section a capitalization grant for the highway account of the infrastructure bank.

(3) TRANSIT ACCOUNT.—Notwithstanding any other provision of law, the Secretary may allow, subject to subsection (g)(1), a State entering into a cooperative agreement under this section, and any other Federal transit grant recipient, to contribute not to exceed 10 percent of the funds made available to the State or other Federal transit grant recipient in each of fiscal years 1996 and 1997 for capital projects under sections 5307, 5309, and 5311 of title 49, United States Code, into the transit account of the infrastructure bank established by the State. Federal funds contributed to such account under this paragraph shall constitute for purposes of this section a capitalization grant for the transit account of the infrastructure bank.

(4) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds that are apportioned or allocated to a State under section 104(b)(3) or 160 of title 23, United States Code, or under section 1013(c) or 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 and attributed to urbanized areas of a State with an urbanized population of over 200,000 under section 133(d)(3) of such title may be used to provide assistance with respect to a project only if the metropolitan planning organization designated for such area concurs, in writing, with the provision of such assistance.

(c) FORMS OF ASSISTANCE FROM INFRASTRUCTURE BANKS.—An infrastructure bank established under this section may make loans or provide other assistance to a public or private entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project. Initial assistance provided with respect to a project from Federal funds contributed to an infrastructure bank under this section may not be made in the form of a grant.

(d) QUALIFYING PROJECTS.—Federal funds in the highway account of an infrastructure bank established under this section may be used only to provide assistance with respect to construction of Federal-aid highways. Federal funds in the transit account of such bank may be used only to provide assistance with respect to capital projects.

(e) INFRASTRUCTURE BANK REQUIREMENTS.—In order to establish an infrastructure bank under this section, each State establishing the bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 25 percent of the amount of each capitalization grant made to the State and contributed to the bank; except that if the contribution is into the highway account of the bank and the State has a lower non-Federal share under section 120(b) of title 23, United States Code, such percentage shall be adjusted by the Secretary to correspond with such lower non-Federal share;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(4) provide that the repayment of a loan or other assistance from an account of the bank under this section shall be consistent with

the repayment provisions of section 129(a)(7) of title 23, United States Code, except to the extent the Secretary determines that such provisions are not consistent with this section;

(5) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(6) ensure that repayment of any loan from the bank will commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later;

(7) ensure that the term for repaying any loan will not exceed 30 years after the date of the first payment on the loan under paragraph (6); and

(8) require the bank to make an annual report to the Secretary on its status no later than September 30, 1996, and September 30, 1997, and to make such other reports as the Secretary may require by guidelines.

(f) LIMITATION ON REPAYMENTS.—Notwithstanding any other provision of law, the repayment of a loan or other assistance provided from an infrastructure bank under this section may not be credited towards the non-Federal share of the cost of any project.

(g) SECRETARIAL REQUIREMENTS.—In administering this section, the Secretary shall—

(1) ensure that Federal disbursements shall be at a rate consistent with historic rates for the Federal-aid highway program and the Federal transit program, respectively;

(2) issue guidelines to ensure that all requirements of title 23, United States Code, or title 49, United States Code, that would otherwise apply to funds made available under such title and projects assisted with such funds apply to—

(A) funds made available under such title and contributed to an infrastructure bank established under this section; and

(B) projects assisted by the bank through the use of such funds;

except to the extent that the Secretary determines that any requirement of such title is not consistent with the objectives of this section; and

(3) specify procedures and guidelines for establishing, operating, and providing assistance from the bank.

(h) UNITED STATES NOT OBLIGATED.—The contribution of Federal funds into an infrastructure bank established under this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States for payment solely by virtue of the contribution. Any security or debt financing instrument issued by the infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

(i) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 of title 31, United States Code, shall not apply to funds contributed under this section.

(j) PROGRAM ADMINISTRATION.—For each of fiscal years 1996 and 1997, a State may expend not to exceed 2 percent of the Federal funds contributed to an infrastructure bank established by the State under this section to pay the reasonable costs of administering the bank.

(k) SECRETARIAL REVIEW.—The Secretary shall review the financial condition of each infrastructure bank established under this section and transmit to Congress a report on the results of such review not later than March 1, 1997. In addition, the report shall contain—

(1) an evaluation of the pilot program conducted under this section and the ability of such program to increase public investment and attract non-Federal capital; and

(2) recommendations of the Secretary as to whether the program should be expanded or made a part of the Federal-aid highway and transit programs.

(l) DEFINITIONS.—In this section, the following definitions apply:

(1) CAPITAL PROJECT.—The term ''capital project'' has the meaning such term has under section 5302 of title 49, United States Code.

(2) CONSTRUCTION; FEDERAL-AID HIGHWAY.—The terms ''construction'' and ''Federal-aid highway'' have the meanings such terms have under section 101 of title 23, United States Code.

(3) OTHER ASSISTANCE.—The term ''other assistance'' includes any use of funds in an infrastructure bank—

(A) to provide credit enhancements;

(B) to serve as a capital reserve for bond or debt instrument financing;

(C) to subsidize interest rates;

(D) to ensure the issuance of letters of credit and credit instruments;

(E) to finance purchase and lease agreements with respect to transit projects;

(F) to provide bond or debt financing instrument security; and

(G) to provide other forms of debt financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which such assistance is being provided.

(4) STATE.—The term ''State'' has the meaning such term has under section 101 of title 23, United States Code.

SEC. 351. RAILROAD-HIGHWAY GRADE CROSSING SAFETY.

(a) INTELLIGENT TRANSPORTATION SYSTEMS.—In implementing the Intelligent Transportation Systems Act of 1991 (23 U.S.C. 307 note; 105 Stat. 2189–2195), the Secretary shall ensure that the national intelligent transportation systems program addresses, in a comprehensive and coordinated manner, the use of intelligent transportation technologies to promote safety at railroad-highway grade crossings. The Secretary shall ensure that 2 or more operational tests funded under such Act are designed to promote highway traffic safety and railroad safety.

(b) SAFETY ENFORCEMENT.—

(1) COOPERATION BETWEEN FEDERAL AND STATE AGENCIES.—The National Highway Traffic Safety Administration and the Office of Motor Carriers within the Federal Highway Administration shall cooperate and work, on a continuing basis, with the National Association of Governors' Highway Safety Representatives, the Commercial Vehicle Safety Alliance, and Operation Lifesaver, Inc., to improve compliance with and enforcement of laws and regulations pertaining to railroad-highway grade crossings.

(2) REPORT.—Not later than June 1, 1998, the Secretary shall submit to Congress a report indicating—

(A) how the Department of Transportation worked with the entities referred to paragraph (1) to improve the awareness of the highway and commercial vehicle safety and law enforcement communities of regulations and safety challenges at railroad-highway grade crossings; and

(B) how resources are being allocated to better address these challenges and enforce such regulations.

(c) FEDERAL-STATE PARTNERSHIP.—

(1) STATEMENT OF POLICY.—

(A) HAZARDS TO SAFETY.—Certain railroad-highway grade crossings present inherent hazards to the safety of railroad operations and to the safety of persons using those crossings. It is in the public interest—

(i) to promote grade crossing safety and reduce risk at high risk railroad-highway grade crossings; and

(ii) to reduce the number of grade crossings while maintaining the reasonable mobility of the American people and their property, including emergency access.

(B) EFFECTIVE PROGRAMS.—Effective programs to reduce the number of unneeded and unsafe railroad-highway grade crossings require the partnership of Federal, State, and local officials and agencies, and affected railroads.

(C) HIGHWAY PLANNING.—Promotion of a balanced national transportation system requires that highway planning specifically take into consideration grade crossing safety.

(2) PARTNERSHIP AND OVERSIGHT.—The Secretary shall encourage each State to make progress toward achievement of the purposes of this subsection.

SEC. 352. COLLECTION OF BRIDGE TOLLS.

Notwithstanding any other provision of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

SEC. 353. TRAFFIC CONTROL.

(a) SIGNS.—Traffic control signs referred to in the experimental project conducted in the State of Oregon in December 1991 shall be deemed to comply with the requirements of section 2B–4 of the Manual on Uniform Traffic Control Devices of the Department of Transportation.

(b) STRIPES.—Notwithstanding any other provision of law, a red, white, and blue center line in the Main Street of Bristol, Rhode Island, shall be deemed to comply with the requirements of section 3B–1 of the Manual on Uniform Traffic Control Devices of the Department of Transportation.

SEC. 354. PUBLIC USE OF REST AREAS.

Notwithstanding section 111 of title 23, United States Code, or any project agreement under such section, the Secretary shall permit the conversion of any safety rest area adjacent to Interstate Route 95 within the State of Rhode Island that was closed as of May 1, 1995, to use as a motor vehicle emissions testing facility. At the option of the State, vehicles shall be permitted to enter and exit any such testing facility directly from Interstate Route 95.

SEC. 355. SAFETY BELT USE LAW REQUIREMENTS FOR NEW HAMPSHIRE AND MAINE.

(a) IN GENERAL.—For purposes of this section and section 153 of title 23, United States Code, the States of New Hampshire and Maine shall each be treated as having in effect a State law described in subsection (a)(2) of such section and as having achieved a rate of compliance with the State law required by subsections (f)(2) and (f)(3) of such section upon certification by the Secretary that the State has achieved—

(1) a safety belt use rate in each of fiscal years 1995 and 1996, of not less than 50 percent; and

(2) a safety belt use rate in each fiscal year thereafter of not less than the national average safety belt use rate, as determined by the Secretary.

(b) RETROACTIVE APPLICABILITY.—

(1) EFFECTIVE DATE.—Subsection (a) shall take effect September 30, 1995.

(2) TREATMENT OF CONTINUANCE OF SAFETY BELT USE LAW.—If the State of New Hampshire or Maine continues in effect a law described in subsection (a)(2) of section 153 of title 23, United States Code, within 60 days after the date of the enactment of this section, the State shall be treated, for purposes of this section and such section, as having in

effect a State law described in such subsection on September 30, 1995.

(c) RESERVATION OF APPORTIONMENT PENDING CERTIFICATION.—If, at any time in a fiscal year beginning after September 30, 1994, the State of New Hampshire or Maine does not have in effect a law described in subsection (a)(2) of section 153 of title 23, United States Code, the Secretary shall reserve 3 percent of the funds to be apportioned to the State for the succeeding fiscal year, under each of subsections (b)(1), (b)(2), and (b)(3) of section 104 of such title, if the Secretary has not certified, in accordance with subsection (a) of this section, that the State has achieved the applicable safety belt use rate.

(d) EFFECT ON NONCERTIFICATION.—If, at the end of the fiscal year in which the funds are reserved under subsection (c), the Secretary has not certified, in accordance with subsection (a), that the State of New Hampshire or Maine achieved the applicable safety belt use rate, the Secretary shall transfer the funds reserved from the State under subsection (c) to the apportionment of the State under section 402 of title 23, United States Code.

SEC. 356. ORANGE COUNTY, CALIFORNIA, TOLL ROADS.

(a) MODIFICATION OF AGREEMENT.—The Secretary shall enter into an agreement modifying the agreement entered into pursuant to section 339 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (106 Stat. 1552) to conform such agreement to the provisions of section 336 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (108 Stat. 2495).

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to change the amount of the appropriation made by section 339 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (106 Stat. 1552), and the line of credit provided for shall not exceed an amount supported by such appropriation.

(c) HIGHER INTEREST RATE.—In implementing sections 336 and 339 referred to in subsection (a), the Secretary may enter into an agreement requiring an interest rate that is higher than the rate specified in such sections.

SEC. 357. COMPILATION OF TITLE 23, UNITED STATES CODE.

(a) LEGISLATIVE PROPOSAL.—The Secretary shall, by March 31, 1997, prepare and submit to Congress a draft legislative proposal of necessary technical and conforming amendments to title 23, United States Code, and related laws.

(b) CONFORMING REPEAL.—Section 1066 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2006) is repealed.

SEC. 358. SAFETY RESEARCH INITIATIVES.

(a) OLDER DRIVERS AND OTHER SPECIAL DRIVER GROUPS.—

(1) STUDY.—The Secretary shall conduct a study of technologies and practices to improve the driving performance of older drivers and other special driver groups.

(2) DEMONSTRATION ACTIVITIES.—In conducting the study under paragraph (1), the Secretary shall undertake demonstration activities that incorporate and build upon gerontology research related to the study of the normal aging process. The Secretary shall initially implement such activities in those States that have the highest population of aging citizens for whom driving a motor vehicle is their primary mobility mode.

(3) COOPERATIVE AGREEMENT.—The Secretary shall conduct the study under paragraph (1) by entering into a cooperative agreement with an institution that has demonstrated competencies in gerontological research, population demographics, human factors related to transportation, and advanced technology applied to transportation.

(b) WORK ZONE SAFETY.—In carrying out the work zone safety program under section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 401 note; 105 Stat. 2001), the Secretary shall utilize a variety of methods to increase safety at highway construction sites, including each of the following:

(1) Conducting conferences to explore new techniques and stimulate dialogue for improving work zone safety.

(2) Establishing a national clearinghouse to assemble and disseminate, by electronic and other means, information relating to the improvement of work zone safety.

(3) Conducting a national promotional campaign in cooperation with the States to provide timely, site-specific information to motorists when construction workers are actually present.

(4) Encouraging the use of enforceable speed limits in work zones.

(5) Developing training programs for work site designers and construction workers to promote safe work zone practices.

(6) Encouraging the use of unit price bid items in contracts for traffic control devices and implementation of traffic control plans.

(c) RADIO AND MICROWAVE TECHNOLOGY FOR MOTOR VEHICLE SAFETY WARNING SYSTEM.—

(1) STUDY.—The Secretary, in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration, shall conduct a study to develop and evaluate radio and microwave technology for a motor vehicle safety warning system in furtherance of safety in all types of motor vehicles.

(2) EQUIPMENT.—Equipment developed under the study shall be directed toward, but not limited to, advance warning to operators of all types of motor vehicles of—

(A) temporary obstructions in a highway;

(B) poor visibility and highway surface conditions caused by adverse weather; and

(C) movement of emergency vehicles.

(3) SAFETY APPLICATIONS.—In conducting the study, the Secretary shall determine whether the technology described in this subsection has other appropriate safety applications.

(d) EFFECTIVENESS OF DRUNK DRIVING LAWS.—The Secretary shall conduct a study to evaluate the effectiveness on reducing drunk driving and appropriateness of laws enacted in the States which allow a health care provider who treats an individual involved in a vehicular accident to report the blood alcohol level, if known, of such individual to the local law enforcement agency which has jurisdiction over the accident site if the blood alcohol concentration level exceeds the maximum level permitted under State law.

SEC. 359. MISCELLANEOUS STUDIES.

(a) PAN AMERICAN HIGHWAY.—

(1) STUDY.—The Secretary shall conduct a study on the adequacy of and the need for improvements to the Pan American Highway.

(2) ELEMENTS.—The study shall include, at a minimum, the following elements:

(A) Findings on the benefits of constructing a highway at Darien Gap, Panama and Colombia.

(B) Recommendations for a self-financing arrangement for completion and maintenance of the Pan American Highway.

(C) Recommendations for establishing a Pan American highway authority to monitor financing, construction, maintenance, and operations of the Pan American Highway.

(D) Findings on the benefits to trade and prosperity of a more efficient Pan American Highway.

(E) Findings on the benefits to United States industry resulting from the use of United States technology and equipment in construction of improvements to the Pan American Highway.

(F) Findings on environmental considerations, including environmental considerations relating to Darien Gap.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(b) HIGHWAY SIGNS FOR NATIONAL HIGHWAY SYSTEM.—

(1) STUDY.—The Secretary shall conduct a study to determine the cost, need, and efficacy of establishing a highway sign for identifying routes on the National Highway System. In conducting the study, the Secretary shall make a determination concerning whether to identify National Highway System route numbers.

(2) REPORT.—Not later than March 1, 1997, the Secretary shall transmit to Congress a report on the results of the study.

(c) COMPLIANCE WITH BUY AMERICAN ACT.—

(1) STUDY.—The Secretary shall conduct a study on compliance with the Buy American Act (41 U.S.C. 10a–10c) with respect to contracts entered into using amounts made available from the Highway Trust Fund.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(d) MAGNETIC LEVITATION.—

(1) STUDY.—The Secretary shall conduct a study evaluating the near-term applications of magnetic levitation ground transportation technology in the United States, with particular emphasis in identifying projects which would warrant immediate application of such technology. The study shall also evaluate the use of innovative financial techniques for the construction and operation of such projects.

(2) ELEMENTS.—The study shall be undertaken in consultation with a committee of 8 persons chosen by the Secretary with appropriate backgrounds in magnetic levitation transportation, design and construction, public and private finance, and infrastructure policy disciplines. The chairperson of the committee shall be elected by the members.

(3) REPORT.—Not later than September 30, 1996, the Secretary shall transmit to the President and Congress a report on the results of the study.

TITLE IV—WOODROW WILSON MEMORIAL BRIDGE

SEC. 401. SHORT TITLE.

This title may be cited as the ''Woodrow Wilson Memorial Bridge Authority Act of 1995''.

SEC. 402. FINDINGS.

Congress finds that—

(1) traffic congestion imposes serious economic burdens on the metropolitan Washington, D.C., area, costing each commuter an estimated $1,000 per year;

(2) the volume of traffic in the metropolitan Washington, D.C., area is expected to increase by more than 70 percent between 1990 and 2020;

(3) the deterioration of the Woodrow Wilson Memorial Bridge and the growing population of the metropolitan Washington, D.C., area contribute significantly to traffic congestion;

(4) the Bridge serves as a vital link in the Interstate System and in the Northeast corridor;

(5) identifying alternative methods for maintaining this vital link of the Interstate System is critical to addressing the traffic congestion of the area;

(6) the Bridge is—

(A) the only drawbridge in the metropolitan Washington, D.C., area on the Interstate System;

(B) the only segment of the Capital Beltway with only 6 lanes; and

(C) the only segment of the Capital Beltway with a remaining expected life of less than 10 years;

(7) the Bridge is the only part of the Interstate System owned by the Federal Government;

(8)(A) the Bridge was constructed by the Federal Government;

(B) prior to the date of the enactment of this Act, the Federal Government has contributed 100 percent of the cost of building and rehabilitating the Bridge; and

(C) the Federal Government has a continuing responsibility to fund future costs associated with the upgrading of the Interstate Route 95 crossing, including the rehabilitation and reconstruction of the Bridge;

(9) the Woodrow Wilson Memorial Bridge Coordination Committee is undertaking planning studies pertaining to the Bridge, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable Federal laws;

(10) the transfer of ownership of the Bridge to a regional entity under the terms and conditions described in this title would foster regional transportation planning efforts to identify solutions to the growing problem of traffic congestion on and around the Bridge;

(11) any material change to the Bridge must take into account the interests of nearby communities, the commuting public, Federal, State, and local government organizations, and other affected groups; and

(12) a commission of congressional, State, and local officials and transportation representatives has recommended to the Secretary that the Bridge be transferred to an independent authority to be established by the Capital Region jurisdictions.

SEC. 403. PURPOSES.

The purposes of this title are—

(1) to grant consent to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to establish by interstate agreement or compact the Woodrow Wilson Memorial Bridge Authority;

(2) to authorize the transfer of ownership of the Woodrow Wilson Memorial Bridge to the Authority for the purposes of owning, constructing, maintaining, and operating a bridge or tunnel or a bridge and tunnel project across the Potomac River; and

(3) to direct the Secretary to continue working with the parties that comprise the Woodrow Wilson Memorial Bridge Coordination Committee to complete all planning, preliminary engineering and design, environmental studies and documentation, and final engineering, and to submit a proposed agreement to Congress by October 1, 1996, that specifies the selected alternative, implementation schedule, and costs of the Project and the Federal share of the costs of the activities to be carried out as part of the Project.

SEC. 404. DEFINITIONS.

In this title, the following definitions apply:

(1) AUTHORITY.—The term ''Authority'' means the Woodrow Wilson Memorial Bridge Authority established under section 405.

(2) BOARD.—The term ''Board'' means the board of directors of the Authority established under section 406.

(3) BRIDGE.—The term ''Bridge'' means the Woodrow Wilson Memorial Bridge across the Potomac River, including approaches thereto.

(4) CAPITAL REGION JURISDICTION.—The term ''Capital Region jurisdiction'' means—

(A) the Commonwealth of Virginia;

(B) the State of Maryland; and

(C) the District of Columbia.

(5) PROJECT.—The term ''Project'' means the upgrading of the Interstate Route 95 Potomac River crossing, consistent with the selected alternative to be determined under section 407. Such term shall include ongoing short-term rehabilitation and repairs to the Bridge and may include 1 or more of the following:

(A) Construction of a new bridge or bridges in the vicinity of the Bridge.

(B) Construction of a tunnel in the vicinity of the Bridge.

(C) Long-term rehabilitation or reconstruction of the Bridge.

(D) Work necessary to provide rights-of-way for a rail or bus transit facility or bus or high occupancy vehicle lanes in connection with an activity described in subparagraph (A), (B), or (C).

(E) Work on Interstate Route 95 approaching the Bridge and other approach roadways if necessitated by an activity described in subparagraph (A), (B), or (C).

(F) Construction or acquisition of any building, improvement, addition, extension, replacement, appurtenance, land, interest in land, water right, air right, machinery, equipment, furnishing, landscaping, easement, utility, approach, roadway, or other facility that is necessary or desirable in connection with or incidental to a facility described in subparagraph (A), (B), or (C).

(6) SIGNATORY.—The term ''Signatory'' means any political jurisdiction that enters into the interstate agreement or compact that establishes the Authority.

(7) WOODROW WILSON MEMORIAL BRIDGE COORDINATION COMMITTEE.—The term ''Woodrow Wilson Memorial Bridge Coordination Committee'' means the Woodrow Wilson Memorial Bridge Coordination Committee established and chaired by the Federal Highway Administration and comprised of representatives of Federal, State, and local governments.

SEC. 405. ESTABLISHMENT OF AUTHORITY.

(a) CONSENT TO INTERSTATE AGREEMENT.—Congress grants consent to the Capital Region jurisdictions to enter into an interstate agreement or compact to establish the Authority and to designate the governance, powers, and duties of the Authority. The Authority shall be a non-Federal entity designated by the interstate agreement or compact.

(b) ESTABLISHMENT OF AUTHORITY.—

(1) IN GENERAL.—Upon execution of the interstate agreement or compact described in subsection (a) and an agreement between the Secretary and the Signatories as to the Federal share of the cost of the Project and the terms and conditions related to the timing of the transfer of the Bridge to the Authority as provided in section 407(c), the Authority shall be considered to be established for purposes of subsection (c)—.

(2) GENERAL POWERS.—The Authority shall be a body corporate and politic, and an instrumentality of each of the Capital Region jurisdictions, having the powers and jurisdiction described in this title and such additional powers as are conferred on the Authority by the Capital Region jurisdictions, to the extent that the additional powers are consistent with this title.

(c) PURPOSES OF AUTHORITY.—The Authority shall be established—

(1) to assume ownership of the Bridge; and

(2) to undertake the Project.

SEC. 406. GOVERNMENT OF AUTHORITY.

(a) IN GENERAL.—The Authority shall be governed in accordance with this section and with the terms of any interstate agreement or compact relating to the Authority that is consistent with this title.

(b) BOARD.—The Authority shall be governed by a board of directors consisting of not more than 12 members appointed by the Capital Region jurisdictions and 1 member appointed by the Secretary.

(c) QUALIFICATIONS.—At least 2 members of the Board shall be elected officials each of whom represents a political subdivision that has jurisdiction over the area at an end of the Project crossing.

(d) FAILURE TO APPOINT.—The failure of a Capital Region jurisdiction to appoint 1 or more members of the Board shall not impair the establishment of the Authority if the condition of the establishment described in section 405(b)(1) has been met.

(e) PERSONAL LIABILITY OF MEMBERS.—A member of the Board, including any nonvoting member, shall not be personally liable for—

(1) any action taken in his or her capacity as a member of the Board; or

(2) any note, bond, or other financial obligation of the Authority.

(f) RESIDENCY REQUIREMENT.—Each member of the Board shall reside within a Capital Region jurisdiction.

SEC. 407. OWNERSHIP OF BRIDGE.

(a) CONVEYANCE BY SECRETARY.—

(1) IN GENERAL.—After execution of the agreement under subsection (c), the Secretary shall convey to the Authority all right, title, and interest of the United States in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the Project. Except as provided in paragraph (2), upon conveyance by the Secretary, the Authority shall accept the right, title, and interest in and to the Bridge and all duties and responsibilities associated with the Bridge.

(2) INTERIM RESPONSIBILITIES.—Until such time as the Project is constructed and operational, the conveyance under paragraph (1) shall not—

(A) relieve the Capital Region jurisdictions of the sole and exclusive responsibility to maintain and operate the Bridge; or

(B) relieve the Secretary of the responsibility to rehabilitate the Bridge or to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and all other requirements applicable with respect to the Bridge.

(b) TRANSFERS OF JURISDICTION.—For the purpose of making the conveyance under subsection (a), the Secretary of the Interior and the head of any other Federal department or agency that has jurisdiction over land under or adjacent to the Bridge shall transfer such jurisdiction to the Secretary.

(c) AGREEMENT.—

(1) IN GENERAL.—The agreement referred to in subsection (a) is an agreement concerning the Project that is executed in accordance with this subsection.

(2) SUBMISSION TO CONGRESS.—Not later than October 1, 1996, the Secretary shall submit to Congress a proposed agreement between the Secretary and the Signatories that specifies—

(A) the selected alternative, implementation schedule, and costs of the Project;

(B) the Federal share of the costs of the activities to be carried out as part of the Project, including, at a minimum, a 100 percent Federal share of—

(i) the cost of the continuing rehabilitation of the Bridge until such time as the Project is constructed and operational;

(ii) an amount, as determined by the Woodrow Wilson Memorial Bridge Coordination Committee, equivalent to the cost of replacing the Bridge with a comparable modern bridge designed according to current engineering standards; and

(iii) the cost of planning, preliminary engineering and design, environmental studies and documentation, and final engineering for the Project; and

(C) the Federal share of the cost of activities to be carried out as part of the project after September 30, 1997, will be reduced by amounts expended by the United States for activities (other than environmental studies and documentation) described in subparagraph (B)(iii) in fiscal years 1996 and 1997.

(3) APPROVAL AND EXECUTION OF AGREEMENT.—After the enactment of a Federal law approving an agreement described in paragraph (2), the Secretary may execute the agreement.

SEC. 408. PROJECT PLANNING.

The Secretary shall work with the Woodrow Wilson Memorial Bridge Coordination Committee, or with the Authority consistent with the purpose of the Authority, to complete, at the earliest possible date, planning, preliminary engineering and design, environmental studies and documentation, and final engineering for the Project, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable Federal laws.

SEC. 409. ADDITIONAL POWERS AND RESPONSIBILITIES OF AUTHORITY.

In addition to the powers and responsibilities of the Authority under the other provisions of this title and under any interstate agreement or compact relating to the Authority that is consistent with this title, the Authority shall have all powers necessary and appropriate to carry out the duties of the Authority, including the power—

(1) to adopt and amend any bylaw that is necessary for the regulation of the affairs of the Authority and the conduct of the business of the Authority;

(2) to adopt and amend any regulation that is necessary to carry out the powers of the Authority;

(3) subject to section 407(a)(2), to plan, establish, finance, operate, develop, construct, enlarge, maintain, equip, or protect the facilities of the Project;

(4) to employ, in the discretion of the Authority, such personnel and agents as may be necessary to carry out the purposes of the Authority (including consulting engineers, attorneys, accountants, construction and financial experts, superintendents, and managers) and to fix the compensation and benefits of the employees and agents, except that—

(A) an employee of the Authority shall not engage in an activity described in section 7116(b)(7) of title 5, United States Code, with respect to the Authority; and

(B) an employment agreement entered into by the Authority shall contain an explicit prohibition against an activity described in subparagraph (A) with respect to the Authority by an employee covered by the agreement;

(5) to acquire personal and real property (including land lying under water and riparian rights), or any easement or other interest in real property, by purchase, lease, gift, transfer, or exchange;

(6) to exercise such powers of eminent domain in the Capital Region jurisdictions as are conferred on the Authority by the Signatories, in the exercise of the powers and the performance of the duties of the Authority;

(7) to apply for and accept any property, material, service, payment, appropriation, grant, gift, loan, advance, or other fund that is transferred or made available to the Authority by the Federal Government or by any other public or private entity or individual;

(8) to borrow money on a short-term basis and issue notes of the Authority for the borrowing payable on such terms and conditions as the Board considers advisable, and to issue long-term or short-term bonds in the discretion of the Authority for any purpose consistent with this title, which notes and bonds—

(A) shall not constitute a debt of the United States (or any political subdivision of the United States), or a general obligation of a Capital Region jurisdiction (or any political subdivision of a Capital Region jurisdiction), unless consented to by the jurisdiction or political subdivision; and

(B) may be secured solely by the general revenues of the Authority, or solely by the income and revenues of the Bridge or a new crossing of the Potomac River constructed as part of the Project, or by other revenues in the discretion of the Authority;

(9) to fix, revise, charge, and collect any reasonable toll or other charge;

(10) to enter into any contract or agreement necessary or appropriate to the performance of the duties of the Authority or the proper operation of the Bridge or a new crossing of the Potomac River constructed as part of the Project;

(11) to make any payment necessary to reimburse a local political subdivision having jurisdiction over an area where the Bridge or a new crossing of the Potomac River is situated for any extraordinary law enforcement cost incurred by the subdivision in connection with the Authority facility;

(12) to enter into partnerships or grant concessions between the public and private sectors for the purpose of—

(A) financing, constructing, maintaining, improving, or operating the Bridge or a new crossing of the Potomac River constructed as part of the Project; or

(B) fostering development of a new transportation technology;

(13) to obtain any necessary Federal authorization, permit, or approval for the construction, repair, maintenance, or operation of the Bridge or a new crossing of the Potomac River constructed as part of the Project;

(14) to adopt an official seal and alter the seal, as the Board considers appropriate;

(15) to appoint 1 or more advisory committees;

(16) to sue and be sued in the name of the Authority;

(17) to carry out or contract with other entities to carry out such maintenance of traffic activities during construction of the Project as is considered necessary by the Authority to properly manage traffic and minimize congestion, such as public information campaigns, improvements designed to encourage appropriate use of alternative routes, use of high occupancy vehicles and transit services, and deployment and operation of intelligent transportation technologies; and

(18) to carry out any activity necessary or appropriate to the exercise of the powers or performance of the duties of the Authority under this title and under any interstate agreement or compact relating to the Authority that is consistent with this title, if the activity is coordinated and consistent with the transportation planning process implemented by the metropolitan planning organization for the Washington, District of Columbia, metropolitan area under section 134 of title 23, United States Code, and section 5303 of title 49, United States Code.

SEC. 410. FUNDING.

Section 104 of title 23, United States Code, as amended by section 337(f) of this Act, is amended by inserting before subsection (j), as redesignated by such section 337(f), the following:

''(i) WOODROW WILSON MEMORIAL BRIDGE.—

''(1) EXPENDITURE.—From any available administrative funds deducted under subsection (a), the Secretary shall obligate such sums as are necessary for each of fiscal years 1996 and 1997 for the rehabilitation of the Woodrow Wilson Memorial Bridge and for environmental studies and documentation, planning, preliminary engineering and design, and final engineering for a new crossing of the Potomac River as part of the Project, as defined by section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

''(2) FEDERAL SHARE.—The Federal share of the cost of any project funded with amounts expended under paragraph (1) shall be 100 percent.''.

SEC. 411. AVAILABILITY OF PRIOR AUTHORIZATIONS.

In addition to the funds made available under section 104(i) of title 23, United States Code, any funds made available for the rehabilitation of the Bridge under sections 1069(i) and 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2009 and 2028) shall continue to be available after the conveyance under section 407(a) of the Bridge, in accordance with the terms under which the funds were made available under such sections 1069(i) and 1103(b).

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

BUD SHUSTER,
BILL CLINGER,
THOMAS E. PETRI,
BILL EMERSON,
RAY LAHOOD,
JAMES L. OBERSTAR,
NICK RAHALL,
ROBERT A. BORSKI,

As additional conferees for the consideration of secs. 105 and 141 of the Senate bill, and sec. 320 of the House amendment, and modifications committed to conference:

TOM BLILEY,
MICHAEL BILIRAKIS,
JOE BARTON,
JAMES GREENWOOD,
JOHN D. DINGELL,

As additional conferees for the consideration of sec. 157 of the Senate bill, and modifications committed to conference:

DON YOUNG,
JAMES V. HANSEN,

Managers on the Part of the House.

JOHN WARNER,
JOHN H. CHAFEE,
BOB SMITH,
DIRK KEMPTHORNE,
MAX BAUCUS,
D.P. MOYNIHAN,
HARRY REID,
LARRY PRESSLER,
TRENT LOTT,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House

amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

PURPOSE

The purpose of this legislation is to designate the National Highway System, consisting the National System of Interstate and Defense Highways and those principal arterial roads that are essential for interstate and regional commerce and travel, national defense, intermodal transfer facilities, and trade. This legislation also amends current surface transportation law to provide greater flexibility to the States and to reduce certain administrative burdens. Title II of the legislation provides relief to States due to the impact of Section 1003(c) of the Intermodal Surface Transportation Efficiency Act. Title III makes technical and minor policy clarifications to current Federal-aid highway and safety programs. Title IV establishes a Regional Interstate Transportation Authority to own, construct, maintain, and operate a new crossing of the Potomac River on Interstate 495 at the current location of the Woodrow Wilson Memorial Bridge.

BACKGROUND AND NEED

NATIONAL HIGHWAY SYSTEM

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) requires Congress to designate the National Highway System (NHS) by September 30, 1995. The purpose of the National Highway System, as stated in ISTEA, is ''to provide an interconnected system of principal arterial routes which will serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations; meet national defense requirements; and serve interstate and regional traffic.''

The Secretary of Transportation has transmitted to Congress a system map of routes to be included in the final NHS. The NHS as designated is comprised of approximately 160,955 miles, 75 percent of which are rural roads, and 25 percent of which are urban roads.

According to the Federal Highway Administration (FHWA), the NHS carries over 40 percent of the nation's highway traffic and 70 percent of its truck freight traffic. The NHS represents 4 percent of the nation's 4 million miles of public roads.

The NHS is needed more than ever because of America's reliance on its transportation system. Over 90 percent of the U.S. population lives within 5 miles of an NHS road. Nearly 90 percent of U.S. counties have NHS mileage running through them. These counties account for 99 percent of all manufacturing jobs, 97 percent of the mining jobs, and 93 percent of all farming jobs.

The NHS approved in this Conference report is the result of a process involving extensive consultations between FHWA, the States and metropolitan planning organizations. FHWA and the States cooperatively developed the system based on criteria of efficiency, connectivity, and equity among the States. State and local officials were actively involved in the process, especially in the identification of routes.

The FHWA determined that traffic volume, service to destination points, and interstate, intrastate, and interregional connectivity were useful indicators of efficiency. These indicators became the analytical criteria for including individual routes in the illustrative system. Another key element that the FHWA considered was the mileage distribution among the States between urban and rural areas.

With the illustrative NHS as a starting point, the States submitted to the FHWA their recommended systems based on assigned urban and rural mileage targets. The FHWA then worked with the States to finalize the system. On December 9, 1993, the Secretary transmitted to Congress a proposed NHS based on its review of, and adjustments to, the State route submissions.

Section 1006(c) of ISTEA also required the States to complete a functional reclassification of all public roads and streets and required the Secretary of Transportation to use the functional roads classification in preparing the NHS. Reclassification was important for the NHS designation process because it identified roads eligible for designation as NHS routes. Under ISTEA, only principal arterials are eligible as NHS routes, unless they are part of STRAHNET.

Cooperation among the States over many years had resulted in generally recognized interstate and interregional routes that connected across State borders. In cases where inconsistencies existed, FHWA consulted with the States and made determinations of routes to be included based on consideration such as traffic volume, connectivity and service to destinations as well as inclusion of routes in existing State long range plans.

TITLE I—NATIONAL HIGHWAY SYSTEM

Senate bill

The Senate bill approves the most recent National Highway System (NHS), submitted to Congress by the Secretary of Transportation. The Senate bill provides that the Secretary may at the request of a State add a new route segment to the NHS or delete an existing route segment and any connection to the route segment, as long as the segment or connection is within the jurisdiction of the requesting State and the total mileage of the NHS, including any route segment or connection proposed to be added, does not exceed 165,000 miles. The provision also specifies that if a State requests a modification to the NHS as adopted by Congress, the State must work in cooperation with local officials. This cooperative process between the State and local officials will be carried out under the existing transportation planning activities for metropolitan areas and the statewide planning process established under ISTEA. The Senate bill provides that Congress will not approve or disapprove any modifications made to the NHS subsequent to enactment of this legislation. The Secretary should instead work in cooperation with the State and local officials in considering modifications.

House amendment

The House amendment approves the most recent NHS submitted to Congress by the Secretary. The provision requires that future modifications must be approved by Congress. Not later than 180 days after the enactment of the NHS bill, the Secretary shall submit to Congress the proposed modifications to the National Highway System, including connections to intermodal transportation facilities and upon completion of feasibility studies, the routings of high priority corridors not already on the NHS. The House provision makes connections to intermodal facilities that are consistent with the Secretary's criteria eligible to receive NHS funds until Congress modifies the NHS to include connections to intermodal facilities. The House amendment continues current law as to total mileage allowed on the NHS. The mileage of highways on the NHS shall not exceed 155,000 miles; except that the Secretary may increase or decrease the maximum mileage by not more than 15 percent.

Conference substitute

The Conference substitute incorporates selected provisions of the Senate bill with selected provisions of the House amendment. Future modifications (other than intermodal connectors) to the NHS will be approved by the Secretary and will not require Congressional approval. The Conference substitute continues current law on the total mileage of highways allowed on the NHS. The Conference substitute allows for a one time Congressional approval for intermodal connectors. When approving future connectors, the Secretary, in considering whether a facility is a major facility, is to recognize the significance of the intermodal terminal within a State or any plans that the States, Metropolitan Planning Organizations (MPOs) or others may have for improving the access to the intermodal terminal.

A connector that is determined to be significant by the State, MPOs and local officials, and proposed to be included in the NHS, is to be given priority consideration by the Secretary.

Intermodal connectors on the NHS are eligible for NHS funds. No additional Federal designs or performance standards or funding set asides are to be applied to NHS connectors.

After this one time approval, future intermodal connectors will be approved by the Secretary, not Congress. The Conference substitute adopts the House provision on interim eligibility of NHS funds for intermodal connectors prior to approval of the connectors by the Congress.

TITLE II—TRANSPORTATION FUNDING FLEXIBILITY

Senate bill

The Senate bill contains no comparable provision regarding section 1003(c) of ISTEA.

The Senate bill contains several provisions that provide States relief from Federal mandates.

Section 117 of the Senate bill strikes the current provision requiring States to certify they are implementing the management systems and related penalty provisions and inserts a new provision that gives States the option to elect not to implement one or more of the systems or parts thereof. The Secretary is still required to issue regulations and submit annual reports to Congress on the status of implementation of the systems and is required to issue an additional report with recommendations on whether, and to what extent, the systems should be implemented.

Section 106 repeals the requirements and penalty provisions for the use of crumb rubber in asphalt pavement.

Section 120 provides that, notwithstanding any requirements of the Metric Conversion Act of 1975, no State is required to erect or modify any highway signs that establish speed limit, distance, or other measurements using the metric system. Section 120 enables States to request a waiver, until September 30, 2000, of any requirement that a State use or plan to use the metric system with respect to designing, preparing plans, specifications and estimates, advertising, or taking any other action with respect to Federal-aid highway projects or activities.

Section 115 of the Senate bill repeals the national maximum speed limit for non-commercial motor vehicles.

Section 142 repeals the penalty for non-compliance for motorcycle helmets.

House amendment

The House amendment contains several provisions that provide additional funding and flexibility to the States to remediate the 13 percent reduction in FY96 budget authority forced by section 1003(c) of ISTEA.

Section 203 creates a State High Priority Project Restoration Program for fiscal years 1996 and 1997 and sets out the eligibility use of such funds. Funds may be spent on any purpose eligible under title 23. This program redistributes funds from rescissions of previously apportioned or allocated budget authority.

It provides that there are authorized to be appropriated, out of the Highway Trust Fund, (other than the Mass Transit Account), to carry out this section $321,420,595 for fiscal year 1996 and $155,000,000 for fiscal year 1997. These funds are derived from rescissions of budget authority previously made available.

Section 204 rescinds funds from previously authorized projects that are no longer viable and from unobligated balances of funds derived from the Highway Trust Fund and reduces the authorized funding levels for certain programs funded from the Highway Trust Fund for fiscal years 1996 and 1997. It provides that certain funds made available for fiscal years 1996 and 1997, shall be transferred to carry out section 203.

Section 205 provides States additional flexibility to spend some of their unobligated balances on their highest surface transportation priorities in an amount equal to the net amount of the reduction in budget authority each State shall receive as a result of section 1003(c). In determining the net amount of each State's reduction, the Secretary shall deduct the amounts allocated to each State in fiscal year 1996 pursuant to the High Priority Project Restoration Program in section 203 of this Act, and any amounts made available to the States pursuant to Section 157(a)(4)(B)(iii) of title 23.

Subsection (c) of this section directs that funds allocated to urbanized areas with a population of over 200,000 shall be obligated in such areas unless the Metropolitan Planning Organization designated in such area concurs that the State may transfer such funds out of such urbanized area. Subsection (d) permits a State to designate for transfer up to one-third of funds apportioned or allocated to the State for Interstate Construction and not obligated as of September 30, 1995. Subsection (e) provides that unobligated balances of funds apportioned to the States under the Congestion Mitigation and Air Quality Program (CMAQ) may be transferred by a State under section 203 but such funds must be obligated in non-attainment areas as defined by the Clean Air Act.

Subsection (f) provides that the funds made available to carry out this section shall be available for obligation for four fiscal years and shall be subject to the provisions of title 23.

Section 206 clarifies the method of distribution of funds made available under the minimum allocation program in fiscal years 1996 and 1997. It provides that if the amounts authorized to be made available for minimum allocation exceed the amounts required to be distributed by ISTEA to the States under the minimum allocation program, then any additional amounts shall be distributed first to each State in such amount as may be necessary so that such State receives the full amount of minimum allocation that would have been allocated to such State without the application of section 1003(c). If any excess funds remain, then the excess funds would next be distributed to each State in the amount necessary for each State to receive the full amount authorized for projects authorized in ISTEA that would have been allocated without the application of section 1003(c). If any excess remain after this distribution, then such funds shall be allocated to each State in the final ISTEA percentages.

The House amendment also contains several provisions that provide the States relief from Federal mandates.

Section 207 repeals the crumb rubber mandate and directs the Secretary not to penalize States for failure to implement management systems during FY96.

Section 324 of the House amendment prohibits the Secretary from requiring the States to expend Federal or State funds to construct, modify or erect or otherwise place any sign relating to distance, or other measurements to establish the use of the metric system on highways signs before September 30, 1997.

Section 348 repeals the national maximum speed limit and all related enforcement requirements for all motor vehicles.

Section 349 is identical to the Senate provisions that repeals the penalty for noncompliance for motorcycle helmets.

Conference substitute

The Conference substitute modifies the House bill related to section 1003(c) of ISTEA. The House provision to create a State High Priority Project Restoration Program is eliminated. The Conference substitute modifies the rescissions of previously apportioned or allocated budget authority. As a result of the modifications, $153,000,000 is provided in FY96 and 97 for distribution to all States.

The Conference substitute also modifies the House unobligated balance flexibility provisions. A State may not designate unobligated CMAQ or STP Transportation Enhancement funds for uses under this section, unless the Secretary determines that there would not otherwise be sufficient funding available to pay the Federal share of a project in FY96 and that the State has exhausted all flexibility and transferability to it under this section for such project.

The House recedes to the Senate on the provisions relating to the suspension of management systems.

The Conference substitute adopts the repeal of crumb rubber requirements and penalties.

The Conference substitute adopts the Senate provision on metric requirements and signs, as modified.

The Senate recedes to the House provision repealing the national maximum speed limit with a modification to provide that the Federal repeal takes effect 10 days after the date of enactment. During this period, a Governor may provide a period of time for the state legislature to meet the consider whether to revise the state law regarding speed limits. If the Governor does not take action, the provision takes effect 10 days after the date of enactment of this Act.

The conference substitute adopts the identical provision that repeals the penalty for noncompliance for motorcycle helmets and ensures that it is effective September 30, 1995. No State is to be penalized for lack of a motorcycle helmet law in FY96. States shall be permitted to return to highway construction accounts any funds that were transferred to Section 402 safety programs as a result of the Section 153 penalty for FY96.

States experiencing significant rail safety problems are urged to continue obligating these funds for railway-highway grade crossing improvement and hazard elimination project as provided under section 130 of title 23.

The Secretary, in consultation with the State of California, is urged to give priority consideration to a project to add one north bound lane from the I–15 Route 58 interchange to East Main Street on I–15. The Secretary and State of California are encouraged to use unobligated balances and the flexibility granted by this Act for design and construction of this project.

TITLE III—MISCELLANEOUS HIGHWAY PROVISIONS

TRAFFIC MONITORING, MANAGEMENT, AND CONTROL ON NHS

Senate bill

The Senate provision makes capital and operating costs for traffic monitoring, management, and control facilities and programs eligible for NHS funds.

House amendment

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with a modification to amend section 101(a) of title 23 for the definition of ''project'' by adding ''and any other undertaking eligible for assistance under this title,'' to conform the definition of project to ISTEA eligibility.

TRANSFERABILITY OF APPORTIONMENTS

Senate bill

This section increases the percentage of Highway Bridge Replacement and Rehabilitation Program (HBRRP) apportionments that a State may transfer to its NHS or Surface Transportation (STP) program from 40 to 60 percent.

House amendment

No comparable House provision.

Conference substitute

The Conference substitute modifies the Senate provision to permit a State to transfer 50 percent of its Bridge apportionments to its NHS or STP program.

QUALITY IMPROVEMENT

Senate bill

The Senate bill contains no comparable provision.

House amendment

This section directs the Secretary to require the States to conduct an analysis of the life-cycle costs for projects on the NHS with an estimated total project cost of $25 million or more.

This provision directs the Secretary to require the States to conduct value engineering analyses of all projects on the NHS with an estimated total cost of $25 million or more.

Conference substitute

The Conference adopts the House provision with the modification that the analysis of life cycle costs pertains to the ''usable project segment'' instead of ''total project cost.'' Life cycle cost analysis is a process that protects transportation investment. The use of life cycle cost analysis on higher-cost Federal-aid NHS projects will reduce long-term costs and improve quality and performance.

The Department of Transportation may require value engineering or life cycle cost analyses requirements only on projects for which such analyses are required by this provision. A State remains free to choose to undertake such analyses on additional projects at a State's discretion. The Department may not be prescriptive as to the forms of life cycle cost or value engineering analyses that a State must undertake in order to satisfy a life cycle cost or value engineering analysis requirement.

DESIGN CRITERIA FOR THE NATIONAL HIGHWAY SYSTEM

Senate bill

This provision amends section 109 of title 23, United States Code, which relates to standards for proposed highway projects, to indicate that planned, as opposed to merely probable, future traffic needs should be met by the proposed project.

In addition, section 109(c) is amended to assure that the ''constructed'' and ''natural'' environment, the environmental, scenic, aesthetic, historic, community, and preservation impacts, and access to other modes of transportation are considered in the design of the NHS projects (except for interstate construction) for new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, or rehabilitation. The section further directs the Secretary, in cooperation with State highway agencies, to develop NHS criteria for such projects that include the consideration of factors noted above. The Secretary shall also consider the results of the AASHTO committee process, as set forth in its ''Policy on Geometric Design of Highways and Streets,'' and appropriate public input.

This provision also amends section 109(q) of title 23 to allow the Secretary to approve projects for the NHS, including the Interstate System, that may not meet the criteria developed in response to subsections (b) and (c) but are designed to preserve environmental, scenic, or historic values; to ensure safe use of the facility; and to comply with subsection (a).

House amendment

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision, but replaces ''shall'' with ''may'' in reference to design criteria for NHS projects. Sections 109(c) and 109(q) are discretionary on States and the Secretary. These provisions are not requirements for NHS projects.

The development of any design criteria or any other activity carried out under this section should be an inclusive process allowing significant opportunity for public participation and comment throughout the process. Any process the Secretary or the American Association of State Highway and Transportation Officials carry out under this section should involve State and local officials, and individuals and organizations representing environmental, scenic, aesthetic, historic, community, preservation, bicycling, and pedestrian interests both in developing or adopting any criteria or process under this section.

APPLICABILITY OF TRANSPORTATION CONFORMITY REQUIREMENTS

Senate bill

Section 105 amends section 109(j) of title 23, United States Code, to confirm that the transportation conformity requirements of the Intermodal Transportation Efficiency Act of 1991 (ISTEA) and the Clean Air Act Amendments of 1990 apply only to areas that have been designated as ''nonattainment'' under the Clean Air Act, and to areas that have been redesignated as attainment, but that are still subject to the maintenance plan requirements of the Clean Air Act section 175A (24 U.S.C. 7505a).

Section 105 also clarifies that areas designated as nonattainment under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) are required only to conduct a conformity analysis for those specific transportation-related pollutants for which an area is designated nonattainment.

House amendment

This section is identical to the Senate provision.

Conference substitute

The Conference adopts the provision.

MOTORIST CALL BOXES

Senate bill

The Senate bill contains no comparable provision.

House amendment

This provision amends section 131(c) of title 23, United States Code, to allow signs, displays, and devices identifying and announcing free motorist aid call boxes and their sponsorship by corporations or other organizations in areas adjacent to the Interstate System and the primary system.

Conference substitute

The Conference adopts the House provision with modifications. Sponsorship signs may be located on the call box and the call box post. Sponsorship signs on the call box post may be erected in intervals not to exceed one per every 5 miles. States are required to place 20 percent of the call boxes with sponsorship logos in rural areas outside of urbanized areas.

QUALITY THROUGH COMPETITION

Senate bill

This provision amends section 112(b) of title 23, United States Code, relating to the letting of contracts and subcontracts funded in whole or in part with Federal funds under the Federal-aid highway program.

The recipient of Federal funds must accept and use indirect cost rates established by a government agency in accordance with Federal Acquisition Regulations for one-year applicable accounting periods in estimating, negotiating, and administering contracts. Recipients must notify affected firms before requesting or using the cost and rate data and must keep the information confidential.

The provisions of this section take effect upon enactment of the bill, however, a State may enact legislation to adopt an alternative process to promote engineering and design quality and to ensure maximum competition by professional companies providing engineering and design services.

House amendment

The House provision is identical to the Senate provision, except that the provisions of section 321 will not take effect until two years after the date of enactment unless the State adopts an alternative process to promote engineering and design quality and to ensure maximum competition by private companies providing engineering and services. The House provision also repeals the pilot program for uniform audit procedures provided in section 1092 of ISTEA.

Conference substitute

The Conference substitute adopts the provision with a modification that the section will not take effect until one year after the date of enactment of this legislation. During this period, a State may adopt an alternative process. If the Secretary of Transportation determines that the legislature of the State did not convene and adjourn a full regular session during such one year period, the Secretary may extend the one year period until the adjournment of the next regular session of the legislature.

LIMITATION ON ADVANCE CONSTRUCTION

Senate bill

This provision amends section 115(d) of title 23, United States Code, to permit the Secretary to approve an application for advance construction, provided the project is on the State's transportation improvement program (STIP). The STIP is fiscally constrained under section 135(f) of title 23, United States Code. The current limitation on advance construction requires that an authorization be in effect one year beyond the fiscal year for which the application for advance funding is sought, thus limiting the States' flexibility to advance construction in the final year of a multiyear authorization act, even though the life of the Highway Trust Fund extends beyond the authorization period.

House amendment

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision. This section will allow for the greater use of advance construction during the final year of a multi-year authorization by allowing the Secretary to approve the use of advance construction for any projects on a State transportation improvement plan, including projects beyond the current authorization period.

The current limitation on advance construction requires that an authorization be in effect one year beyond the fiscal year for which the application for advance funding is sought, thus limiting the States' flexibility to advance construct in the final year of a multi-year authorization act, even though the life of the Highway Trust Fund extends beyond the authorization period.

PREVENTIVE MAINTENANCE

Senate bill

Section 108 makes preventive maintenance activities eligible for Federal assistance under title 23 if the State demonstrates to the satisfaction of the Secretary that the activity is a ''cost-effective means of extending the life of a federal-aid highway.''

House amendment

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

FEDERAL SHARE

Senate bill

The Senate bill amends section 217(f) of title 23, United States Code, by eliminating the current provision that sets the Federal share for bicycle and pedestrian projects at 80 percent. Instead, the Federal share for these projects will be established under the provisions of subsection 120(b) of title 23. This change will result in the treatment of the Federal share for bicycle and pedestrian projects in a similar manner as that allowed for Federal-aid highway projects in general.

The provision amends section 1021(c) of ISTEA, which was previously amended by section 417 of the Department of Transportation and Related Agencies Appropriations Act, 1993.

The provision raises the Federal share for the intermodal connector to the Northwest Arkansas Region Airport from U.S. Highway 71 in Arkansas to 95 percent.

House amendment

Section 350 of the House provision amends section 120(c) of title 23, United States Code, by adding safety rest areas to the list of safety projects that quality for 100 percent Federal funding.

Conference substitute

The Conference adopts the Senate provisions and modifies the House provision. The purpose of the House provision is to address a safety problem related to truck driver fatigue.

ELIGIBILITY OF BOND AND OTHER DEBT INSTRUMENT FINANCING FOR REIMBURSEMENT AS CONSTRUCTION EXPENSES

Senate bill

The Senate bill provides that eligible bond or debt financing instrument costs include bond and debt financing instrument principal and interest, and other costs associated with bond or debt financing instrument issuances, provided that the proceeds of such bonds or debt financing instruments are used on eligible Federal-aid projects. Existing section 122 of title 23 relating to payments to

States for bond retirement, limits Federal participation to retirement of bond principal on the former Federal-aid primary and urban systems, and to Interstate substitute projects (and authorizes participation in interest and incidental costs as well as principal retirement, in connection with the sale of such bonds relating to Interstate System projects).

This section clearly defines eligible bond costs, provides greater flexibility and broadens eligibility to States for Federal-aid projects constructed with bond or debt financing instrument proceeds, and permits States to leverage additional infrastructure investment. At the same time, this section makes clear that although bond or debt financing instrument costs are eligible for Federal participation (as a cost of construction under section 101 as amended), such eligibility does not constitute a Federal commitment, obligation or guarantee. This section preserves the tax exempt status of any State issued bonds or debt financing instruments under sections 103 and 149(b) of title 23 and attracts additional investment in such issuances at a lower cost to the State.

The section also makes a conforming amendment to the definition of ''construction'' in section 101(a) of title 23, inserting ''bond costs and other costs relating to the issuance of bonds or other debt instrument financing in accordance with section 122'' to the definition.

House amendment

The House amendment contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

VEHICLE WEIGHT AND LONGER COMBINATION VEHICLES EXEMPTION

Senate bill

Section 136 of the Senate bill allows the State of Iowa to permit the use of certain commercial motor vehicles over 80,000 pounds on Interstates 29 and 129 in Sioux City and allows Iowa to operate certain longer combination vehicles (LCVs) on the same routes.

Section 138 amends section 127 of title 23, United States Code, to exempt certain specialized hauling vehicles operating on the 104-mile portion of Wisconsin State Route 78 and United State Route 51 from the vehicle weight limitations in section 127 upon the inclusion of the route as part of the Interstate System under section 139 of title 23.

House amendment

The House amendment contains an identical provision concerning Wisconsin. The House bill contains no comparable provision addressing Sioux City, Iowa.

Conference substitute

The Conference adopts the Senate provision as modified.

TOLL ROADS

Senate bill

Section 110 of the Senate bill provides that the Federal share for participation in toll highways, bridges and tunnels shall be determined by the State, but shall not exceed 80 percent. This provision replaces the current Federal share limitations of 50 percent or 80 percent, depending on the type of project.

Section 140 includes the Centennial Bridge in Rock Island, Illinois, under section 129 of title 23, which relates to toll agreements. The city may enter into a section 129 toll agreement with the FHWA to amend the terms of the toll agreements.

Section 144 permits a State to loan an amount, up to the full Federal share, of a toll or non-toll project that has a dedicated revenue source to a public entity constructing or proposing to construct a toll facility or non-toll facility with a dedicated revenue source.

Section 129 allows the State of Florida to use tolls collected along the portion of I–75 referred to as ''Alligator Alley'' to be used for environmental projects in Florida that are approved by the State and the Secretary of the Interior.

House amendment

The House amendment contains an identical provision concerning the Centennial Bridge in Rock Island, Illinois. Section 309 of the House bill amends section 129(c)(5) of title 23 to allow Federal participation in the construction of ferry boats and terminal facilities that operate between a State and a point in Canada.

Conference substitute

The Conference adopts the House and Senate provisions. Section 144 of the Senate bill is not intended to be used as a way to divert aviation revenue for non-aviation purposes. The dedicated revenue source referred to in this section does not include airport revenues, and specifically passenger facility charges, which under current law already are restricted to airport uses only.

Section 129 recognizes the Federal/State partnership agreement between the U.S. Department of Interior and the State of Florida. This section conforms with state law to allow Florida to utilize excess tolls generated on I–75 in South Florida (Alligator Alley).

Funds generated annually in excess of that required for outstanding contractual obligations, operation, and maintenance of highway and toll facilities and other related expenses can be used for environmentally-related project to restore the Everglades ecosystem.

SCENIC BYWAYS

Senate bill

The Senate bill contains no comparable provision.

House amendment

This provision amends section 131(s) of title 23, United States Code, to clarify that the Federal ban on new billboards on scenic byways does not restrict the authority of a State with respect to commercial and industrial areas along a scenic byway or roads designated pursuant to section 1047 of ISTEA. The section reaffirms the ability of States to establish standards stricter than those in Federal law.

Conference substitute

The Conference substitute codifies the United States Department of Transportation's current implementation of section 131(s) of title 23, United States Code. In designating a scenic byway for purposes of section 131(s) and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating scenic byways. The exclusion of a highway segment must have a reasonable basis. The Secretary of Transportation has the authority to prevent actions that evade Federal requirements.

APPLICABILITY OF CERTAIN REQUIREMENTS TO THIRD PARTY SELLERS

Senate bill

This provision affects how certain third party sellers are treated for purposes of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. In general, it exempts certain ''qualified organizations'' (as determined under the Internal Revenue Code) from the requirements of the Uniform Act when they sell or donate real property to States for use in transportation enhancement activities. In two circumstances, this general rule would not apply: (1) when the Federal Government has approved a right-of-way acquisition before the involvement of a qualified organization; and, (2) when an organization has contracted with a State to acquire real property on behalf of the State.

House amendment

The House amendment contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

STREAMLINING FOR TRANSPORTATION ENHANCEMENT PROJECTS

Senate bill

This provision amends section 133(e) of title 23, United States Code, to allow the Secretary to advance funds to States for transportation enhancement activities if the Secretary certifies that the State authorizes and uses a process for the selection of transportation enhancement projects that involves representatives of affected public entities and private citizens with expertise related to such activities. Amounts to be advanced by the Secretary are limited to those necessary to make prompt payments for project costs. The Secretary is required also to develop categorical exclusions for transportation enhancement activities from the requirements of the National Environmental Policy Act (42 U.S.C. 4332). Finally, the Federal Highway Administration is required to develop, in consultation with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation, a nationwide programmatic agreement governing the review of transportation enhancement activities.

House amendment

The House amendment contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

METROPOLITAN PLANNING FOR HIGHWAY PROJECTS

Senate bill

The Senate bill contains no comparable provision.

House amendment

This House provision amends section 134(f) of title 23, United States Code, to add recreational travel and tourism to the factors that must be considered by metropolitan planning organizations in developing transportation plans and programs.

Conference Substitute

The Conference adopts the House provision.

NON-FEDERAL SHARE FOR CERTAIN TOLL BRIDGE PROJECTS

Senate bill

This provision amends section 144(l) of title 23, United States Code, to allow any non-Federal funds expended for the seismic retrofit of the Golden Gate bridge described in section 144(l) to be credited towards the required non-Federal match of Federal-aid seismic retrofit projects authorized for this bridge.

House amendment

The House bill contains an identical provision.

Conference substitute

The Conference adopts the provision.

CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM

Senate bill

Section 114(a) freezes the amount of money each State receives under the Congestion and Air Quality Improvement (CMAQ) Program at the fiscal year 1994 level. Geographical areas that are newly designated as nonattainment will not affect a State's CMAQ apportionment. This section also allows a State to use its funds apportioned under the CMAQ program in maintenance areas, as well as other nonattainment areas. Under this provision, as with current law, CMAQ funds may not be used for projects in areas designated as ''traditional'' or ''incomplete data'' nonattainment areas for ozone or in ''not classified'' nonattainment areas for carbon monoxide.

Subsection (b) of this section lifts the restriction against using CMAQ funds for the removal of pre-1980 vehicles (''scrappage'' programs) and programs to reduce motor vehicle emissions resulting from extreme cold start conditions. It requires that activities under these programs and all programs listed in section 108(f) of the Clean Air Act must be publicly sponsored to be eligible for CMAQ funding.

Subsection (c) provides that the ''hold harmless'' apportionment adjustment under section 1015(c) of ISTEA would not be affected by the limitations included in this section during fiscal years 1996 and 1997.

Subsection (d) permits CMAQ funding for the establishment and operation of traffic monitoring, management, and control facilities or programs that are likely to contribute to the attainment of a national ambient air quality standard.

House amendment

The House provision is nearly identical, but contains no comparable provisions concerning scrappage or traffic monitoring.

Conference substitute

The Conference adopts the House provision on freezing CMAQ at the fiscal year 1994 level. The Conference adopts the Senate provision on traffic monitoring. The Conference substitute strikes the provision concerning vehicle scrappage.

This provision ensures that geographical areas that are redesignated to attainment status or areas that are newly designated as nonattainment will not affect a State's CMAQ apportionment. This section also allows a State to use its funds apportioned under the CMAQ program in any such maintenance area, as well as in other nonattainment areas, within a State. This provision does not affect the hold harmless and 90 percent of payments calculations. An additional purpose of the provision is to recognize ongoing needs in Clean Air maintenance areas.

OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS

Senate bill

The Senate bill requires that the States enact and enforce a law that the operation of a motor vehicle by an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater shall be considered to be driving under the influence or driving while intoxicated. In the event that a State has not enacted and is not enforcing such a law, the Secretary shall withhold 5 percent of highway construction funds on October 1, 1998, and 10 percent on October 1, 1999, and every year thereafter.

House amendment

The House provision is nearly identical but includes a grace period for compliance.

Conference substitute

The Conference adopts the House provision with a modification. A State meets the requirement if the State has enacted and is enforcing a law that considers an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle in the State to be driving while intoxicated or driving under the influence of alcohol.

UTILIZATION OF THE PRIVATE SECTOR FOR SURVEYING AND MAPPING SERVICES

Senate bill

The Senate bill contains no comparable provision.

House amendment

This provision instructs the Secretary to issue guidance to encourage States to use the private sector for surveying and mapping service for highway projects to the maximum extent feasible.

Conference substitute

The Conference adopts the House provision with minor, technical modifications.

DONATIONS OF FUNDS, MATERIALS, OR SERVICES FOR FEDERALLY ASSISTED PROJECTS

Senate bill

This provision amends section 323 of title 23, United States Code, to permit States to receive as credit to the non-Federal share of a project the fair market value for donated materials or services. This section will increase the States ability to attract private capital and various in-kind services related to project development and construction by expanding the types of donations eligible for credit under section 323.

House amendment

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision. This section is consistent with sound fiscal management practices, which can be achieved through guidelines issued by the Administrator that may, among other things, require approval in writing, in advance for valuation of credits attributable to unpaid volunteer service. Nothing in this section is intended to interfere with the Secretary's sole discretion to disapprove a proposed valuation of unpaid volunteer services.

DISCOVERY AND ADMISSION AS EVIDENCE OF CERTAIN REPORTS AND SURVEYS

Senate bill

The Senate bill contains no comparable provision.

House amendment

This provision amends section 409 of title 23, United States Code, to clarify that data ''collected'' for safety reports or surveys shall not be subject to discovery or admitted into evidence in Federal or State court proceedings.

Conference substitute

The Conference adopts the House provision.

ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES

Senate bill

The Senate bill contains no comparable provision.

House amendment

Subsection (a) of this provision makes a technical amendment to section 410(d)(1)(E) of title 23, United States Code.

Subsection (b) amends section 410(d) to provide that a State shall be treated as having met the requirements of having a statewide program for roadside sobriety checkpoints if such a program violates the constitution of the State and if the State meets certain other safety requirements.

The requirement that a State provide that any person under the age of 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated is moved from the Supplemental Grants program to the Basic Grants program.

Subsection (c) makes a conforming amendment.

Conference substitute

The Conference adopts the House provision

REFERENCES TO COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Senate bill

The Senate bill contains no comparable provision.

House amendment

The House bill contains no comparable provision.

Conference substitute

This provision replaces specific statutory references in title 23, United States Code, to the ''Committee on Public Works and Transportation'' with the ''Committee on Transportation and Infrastructure.''

PUBLIC TRANSIT VEHICLES EXEMPTION

Senate bill

The Senate bill contains no comparable provision.

House amendment

This section extends until the reauthorization of the Federal-aid highway and transit programs the temporary waiver included in the fiscal year 1993 Department of Transportation Appropriations Act for overweight public transit buses traveling on the Interstate System.

Conference substitute

The Conference adopts the House provision.

USE OF RECYCLED PAVING MATERIAL

Senate bill

The provision requires the Federal Highway Administration, within 180 days after the date of enactment of this Act, to begin development performance grade classifications, in accordance with the Strategic Highway Research Program (SHRP), for crumb modifier binders. These testing procedures and performance grade classifications are to be developed in consultation with representatives of the crumb rubber modifier industry and other interested parties.

This section also requires the FHWA to make grants of up to $500,000 to each State for the development of programs to use crumb rubber from scrap tires to modify asphalt pavements. These grants may be used for the development of mix designs, for the placement and evaluation of field tests and for the expansion of State crumb rubber modifier programs in existence on the date the grant is made available.

This section provides funding for these research and grant programs from previously authorized funds under section 6005 of ISTEA for section 307(e)(13) of title 23, United States Code. This section directs that $500,000 be expended for research in fiscal year 1996, and $10 million be expended in each of the fiscal years 1996 and 1997 for grants to States to develop crumb rubber modifier programs.

In addition, this section strikes the definition of the term ''asphalt pavement containing recycled rubber'' as it appears in 1038(e)(1) of ISTEA and redefines it as ''any mixture of asphalt and crumb rubber derived from whole scrap tires, such that the physical properties of the asphalt are modified through the mixture, for use in pavement maintenance, rehabilitation, or construction applications.''

House amendment

The House amendment contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision without specific funding.

ROADSIDE BARRIER TECHNOLOGY

Senate bill

The Senate bill contains no comparable provision.

House amendment

This provision amends section 1058 of ISTEA by modifying the definition of innovative safety barriers.

Conference substitute

The Conference adopts the House provision.

CORRECTIONS TO MISCELLANEOUS AUTHORIZATIONS

Senate bill

This provision provides a general fund authorization for certain facilities in New York, New York.

House amendment

The House amendment contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision as modified. The State of New York is urged to consider the economic effect of the Gowanus Expressway Project on the neighboring community, in particular, to work with the communities affected and to minimize any long-term impairment of local businesses. The State is encouraged to appoint a community engineer, study traffic calming strategies and make all technical and other information concerning the project available and explained to the community.

The City and State of New York are urged to consider the original 1907 structures in the design of the ferry terminals at Whitehall Street.

CORRECTIONS TO HIGH COST BRIDGE PROJECTS

Senate bill

The Senate bill contains no comparable provision.

House amendment

The House provision provides technical amendments to two high cost bridge projects in ISTEA.

Conference substitute

The Conference adopts the House provision with additional modifications. The Buffalo and Fort Erie Peace Bridge Authority's plans for improvements to the Peace Bridge truck inspection facility may include construction of ramps and roadways to access or exit the Peace Bridge; the restoration of impacted areas; and other additional improvements necessary to facilitate the movement of truck traffic over the Peace Bridge.

CORRECTIONS TO CONGESTION RELIEF PROJECTS

Senate bill

The Senate bill makes a technical correction to a congestion relief project in ISTEA.

House amendment

The House provision provides a series of technical amendments to congestion relief projects in ISTEA.

Conference substitute

The Conference adopts the House provision with additional modifications.

HIGH PRIORITY CORRIDORS

Senate bill

The Senate provision amends the routing of certain existing high priority corridors, adds two additional high priority corridors and authorizes a feasibility study. It also requires the Secretary to designate certain route segments as Interstate routes when they are constructed to Interstate standards without regard to whether the segment is a logical addition or connection to the Interstate System as defined by section 139 of title 23, United States Code.

House amendment

The House provision amends the routing of certain existing high priority corridors, adds five additional high priority corridors, authorizes feasibility studies and makes technical corrections to existing high priority corridors.

The provision also requires the Secretary to designate certain of these routes as future Interstate routes, if they are not already designated, when the Secretary determines the routes meet Interstate standards and connect to the existing Interstate system and if the Secretary determines it to be a safe and useable segment.

Conference substitute

The Conference substitute contains modifications of both the House and the Senate provisions. The Conference substitute adopts the House provision concerning future Interstates. The provision is intended to permit States to erect signs along such designated routes as ''future'' Interstates upon enactment. States are permitted to use unobligated Interstate Construction balances on these future Interstates, if the pending Interstate Construction projects are not moving forward. States may not receive any additional Interstate Construction funding, after date of enactment, if funds are used on future Interstates. Unobligated interstate construction and interstate construction discretionary funds may continued to be expended on the original interstate segment. U.S. 220 in Pennsylvania shall be designated I–99.

This provision also directs that priority corridor 18, designated I–69, be extended ''to the lower Rio Grande Valley at the border between the United States and Mexico.'' The Conferees, in order to clarify its intent, direct that the routes include United States Highway 77 from the Rio Grande River to Interstate Highway 37 and then to Victoria on U.S. Highway 281 from the Rio Grande River to Interstate 37; and U.S. Highway 83 from Brownsville, Texas to Laredo.

The current Lafayette North-South Corridor study is an evaluation of freeway alternatives running north-south through Lafayette, Louisiana. The surface Transportation and Uniform Relocation Assistance Act of 1987 authorized a study of the area and allocated $2.4 million to demonstrate the benefits to traffic flow and transportation of labor and materials by construction of a highway to provide continuous access between the interstate and highway and the Federal-aid primary system. The State provided approximately $600,000 for the project. The FHWA defined the study south of I-10. The extension of the study area will provide additional evidence as to the feasibility of completing the 4.5 mile Evangeline Thruway alignment project by producing a positive cost-benefit ratio as well as a positive public safety and environmental impact. No additional funding would be required. This provision does not violate the noise barrier provision discussed earlier in the report.

This section designates the CANAMEX Corridor. The name of this corridor does not imply primacy with respect to the North American Free Trade Agreement (NAFTA).

This section designates the Camino Real Corridor. In Wyoming, the routing of the Camino Real Corridor does not preclude future designations of other significant routes.

CORRECTIONS TO RURAL ACCESS PROJECTS

Senate bill

The Senate makes a technical correction to a rural access project in ISTEA.

House amendment

The House provision provides a series of technical amendments to rural access projects in ISTEA.

Conference substitute

The Conference adopts the House provision with additional modifications.

CORRECTIONS TO RURAL ACCESS PROJECTS

Senate bill

The Senate makes a technical correction to a rural access project in ISTEA.

House amendment

The House provision provides a series of technical amendments to rural access projects in ISTEA.

Conference substitute

The Conference adopts the House provision with additional modifications.

CORRECTIONS TO URBAN ACCESS AND MOBILITY PROJECTS

Senate bill

The Senate bill contains no comparable provision.

House amendment

The House bill provides a series of technical amendments to urban access and mobility projects in ISTEA.

Confernce substitute

The Conference adopts the House provision with additional modifications.

CORRECTIONS TO INNOVATIVE PROJECTS

Senate bill

The Senate bill makes a technical correction to an innovative project in ISTEA.

House amendment

This provision makes a series of technical amendments to innovative projects in ISTEA.

Conference substitute

The Conference adopts the House provision with additional modifications.

CORRECTIONS TO INTERMODAL PROJECTS

Senate bill

The Senate bill makes a technical correction to an intermodal projects in ISTEA.

House amendment

This provision makes a series of technical amendments to intermodal projects in ISTEA.

Conference substitute

The Conference adopts the House provision with additional modifications.

NATIONAL RECREATIONAL TRAILS

Senate bill

The Senate bill provides contract authority for the National Recreational Trails Program. This section amends the National Recreational Trails program, established in ISTEA, to provide that the Federal share of any trails project funded under the Recreational Trails Program is 50 percent. The existing State fuel tax requirement is eliminated. Further, this section defines the term ''eligible State'' to conform with the definition of that term contained in title 23, United States Code. This section adds a provision to section 104 of title 23 to provide that the Secretary shall expend, from administrative funds deducted under section 104(a), $15 million per year for FY96 and FY97, to carry out the recreational trails program.

House amendment

The House provision amends section 1302 of ISTEA to make certain amendments to the National Recreational Trails Program, including a provision requiring States to provide 20 percent of the program costs in the sixth year of the program. This section also provides that a State shall give priority to

projects that mitigate and minimize impacts to the environment. In addition, a State may apply to the Secretary for an exemption from requirements for distribution of federal trail program funds between motorized and nonmotorized users. The Advisory Committee membership is increased to provide for a member representing the disabled community to serve on the Committee.

Conference substitute

The Conference adopts the Senate version with House modifications. The Federal share of a project will be 50 percent prior to fiscal year 2001 and thereafter a State shall be eligible to receive Federal funds under this program if the State agrees to provide an amount equal to 20 percent of the amount of Federal funds received by the State. States are encouraged to give priority consideration to environmental mitigation projects. A member representing the disabled community is to serve on the National Advisory Committee. For fiscal year 1996 and 1997, the program is funded at $15 million per year from the Federal Highway administration funds. This funding through the administrative funds is provided as an interim measure since the program funding, which is authorized in ISTEA at $30 million per year, has not been provided. When ISTEA is reauthorized, this program will be reviewed to correct funding difficulties by providing contract authority for the program.

INTELLIGENT TRANSPORTATION SYSTEMS

Senate bill

This provision amends section 6054 of ISTEA to allow the Secretary to use cooperative research and development agreements to carry out Intelligent Transportation Systems (ITS) activities. This provision also authorizes the Secretary to reallocate for ITS projects those ITS funds that have not been obligated by the end of the fiscal year after the year in which the funds were made available. Finally, this section amends ISTEA and other laws to change the official program name from ''Intelligent Vehicle-Highway Systems'' to ''Intelligent Transportation Systems.''

House amendment

The House amendment contains no comparable provision.

Conference Substitute

The Conference adopts the Senate provision. The Secretary should consider providing assistance to demonstrate the efficacy of the Pennsylvania Rural Highway Safety Trauma Network. Rural Emergency Service applications of Intelligent Transportation Technology are no less important than the urban congestion relief and mitigation projects commonly funded under this program. In this project, the proposed network will enable EMS providers attending to accident victims on NHS and other highways to establish and maintain contact with a network of 20 hospitals and a Level One Trauma Center, located in Danville, Pennsylvania.

ELIGIBILITY

Senate bill

This provision permits the Orange Street Bridge in Missoula, Montana, to be eligible for funding under the CMAQ program.

Section 126 permits the use of funds apportioned under sections 103(e)(4), 104(b), and 144, of title 23 (NHS, CMAQ, STP, Bridge program and Interstate Transfer) for improvements to a rail freight corridor between Central Falls and Davisville, RI.

Section 143 permits the use of Highway Bridge Replacement and Rehabilitation Program (HBRRP) funds, CMAQ funds, and railroad highway grade crossing safety funds for improvements to the former Pocono Northeast Railway Company freight line by the Luzerne County Redevelopment Authority.

Section 101 directs the Secretary, in cooperation with the State of Wyoming, to monitor the changes in growth along and traffic patterns of three route segments in Wyoming for the purpose of future consideration of the addition of the route segments to the NHS.

Section 102 amends section 103(I) of title 23, United States Code, to make the Alameda Transportation Corridor an eligible project for NHS funds.

House amendment

Subsection 341(a) amends section 108(b) of the Federal-aid Highway Act of 1956 (23 U.S.C. 101 note) to make the High Street to Causeway Street section of the Central Artery project eligible for Interstate Construction funds. No additional funding is authorized.

Subsection (b) makes certain revisions to the Interstate 95 and Pennsylvania Turnpike project authorized by section 162 of the Surface Transportation Assistance Act of 1982.

Subsection (c) prohibits the future use of Federal-aid highway funds to construct Type II noise barriers.

Section 353 of the House bill provides that Brightman Street Bridge in Fall River Harbor, Massachusetts, may be reconstructed to result in a clear channel of less than 300 feet.

Section 358 makes projects described in section 149(a)(62) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 and section one of P.L. 100–211 eligible under the Federal Lands Highway Program.

Conference Substitute

The Conference adopts the Senate provisions and modifies the House provisions. The Conference does not adopt the House provision in section 341(a).

The Conference adopts the Senate provision to allow the city of Missoula, Montana and the State of Montana to use congestion mitigation and air quality funds on a project or projects to add capacity to the Orange Street Bridge. No restrictions in the CMAQ program prohibiting the use of CMAQ funds for additional capacity shall apply to the Orange Street Bridge project and the use of CMAQ funds on the project.

Grade separations to be constructed as part of the Alameda Corridor Project are eligible for funding under section 104(b)(1). Portions of the Alameda Corridor Project that are exclusively freight rail are not eligible for NHS funds.

The Federal Highway Administration is to work collaboratively with the Nevada Department of Transportation, Clark County, the City of Henderson, and to the extent practicable, affected residents to develop a noise mitigation plan with the goal of alleviating noise for affected residents adjacent to Interstate 515.

MISCELLANEOUS CORRECTIONS TO SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987

Senate bill

The Senate bill makes a technical amendment to a rural access project and a technical amendment to a project included in the Surface Transportation and Uniform Relocation Assistance Act of 1987.

House amendment

The House bill makes a technical amendment to a rural access project and technical amendments to certain projects included in the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Conference substitute

The Conference substitute adopts the Senate provisions and the House provisions with additional modifications. The Conference substitute makes existing funding available for the planning, design, and construction of up to 4.8 miles of Prater and Pete Manina Roads as part of the Rose Bluff Industrial Access Road Project authorized under section 1105(a)(2) of ISTEA. Funds are available for, among other purposes, widening, drainage improvements, and reconstruction.

ACCESSIBILITY OF OVER-THE-ROAD BUSES TO INDIVIDUALS WITH DISABILITIES

Senate bill

The Senate bill contains no comparable provision.

House amendment

This provision amends section 306(a)(2)(B)(iii) of the Americans With Disabilities Act (ADA) of 1990 to provide that accessibility requirements for private over-the-road buses must be met by small providers within three years after the issuance of final regulations and with respect to other providers, within two years after the issuance of final regulations.

Conference substitute

The Conference adopts the House provision. Under the Americans With Disabilities Act, DOT was required to issue regulations for over-the-road bus operators by July 1994. Under the ADA, compliance with these regulations is stated as six years after enactment of that Act or by July 1996 for large bus operators and seven years after enactment, or by July 1997, for small bus operators. However, to date, DOT has not yet issued final regulations under ADA and has no expected date for issuance, forcing over-the-road bus operators into a compliance burden with an unknown set of regulations. To avoid this result, this provision amends the ADA to change compliance dates to two and three years after issuance of final regulations for large and small over-the-road bus operators, respectively.

ALCOHOL AND CONTROLLED SUBSTANCES TESTING

Senate bill

The Senate bill contains no comparable provision.

House amendment

Subsection (a) amends section 5331(b)(1)(A) of title 49, United States Code, to repeal the preemployment alcohol testing requirement for certain transit workers. All other drug and alcohol testing requirements are retained.

Subsection (b) amends section 20140(b)(1)(A) of title 49 to repeal the preemployment alcohol testing requirement for certain railroad employees. All other drug and drug and alcohol testing requirements are retained.

Subsection (c) amends section 31306(b)(1)(A) of title 49 to repeal the preemployment alcohol testing requirement for operators of commercial vehicles. All other drug and alcohol testing requirements are retained.

Subsection (d) amends section 45102 of title 49 to repeal the preemployment alcohol testing requirement for certain employees of air carriers and the FAA. All other drug and alcohol testing requirements are retained.

Conference substitute

The Conference adopts the House provision.

NATIONAL DRIVER REGISTER

Senate bill

The Senate bill contains no comparable provision.

House amendment

This provision authorizes $2,550,000 for each of fiscal years 1995 and 1996 for the National Driver Register.

Conference substitute

The Conference adopts the House provision.

COMMERCIAL MOTOR VEHICLE SAFETY PILOT PROGRAM

Senate bill

The Senate bill contains no comparable provision.

House amendment

Subsection (A) directs the Secretary within 180 days of the application of an operator of motor vehicles with a gross vehicle weight rating of at least 10,001 pounds but not more than 26,000 pounds to exempt some or all of such vehicles and drivers of such vehicles from some or all of the regulations under sections 31136(e), 504 and 31502 of title 49. The Secretary will only exempt the vehicles or drivers if he finds the applicant has a current safety fitness rating issued by the Secretary and that the applicant will implement a program of safety management controls designed to achieve a level of safety equal to or greater than that resulting from compliance with the regulations in this section.

Subsection (B) provides that the Secretary and participants in the program shall periodically monitor the safety of vehicles and drivers exempted from regulations in this section. This provision also provides that if an exemption is granted it shall remain in effect until the Secretary finds that the operator has exceeded the average ratio of preventable accidents to vehicle miles traveled for a period of 12 months for this class of vehicles; or that the operator's exemption is not in the public interest and would result in a significant adverse impact on the safety of commercial motor vehicles.

Subsection (C) provides the factors the Secretary must consider when approving applications. The applicants approved to participate in the program must represent a broad cross section of fleet size and operators of vehicles between 10,001 and 26,000 pounds, and participation should be permitted for as many qualified participants as possible.

Subsection (D) prohibits the Secretary from granting exemptions to vehicles designed to transport more than 15 passengers, including the driver; or vehicles used in transporting hazardous materials.

Subsection (E) permits the Secretary to revoke or modify the participation of an operator in the program in the case of an emergency.

This provision directs the Secretary to conduct a zero-based review within 18 months after the date of enactment of the need and costs and benefits of all regulations issued under sections 31136(e), 504 and 31502 of title 49 to determine whether such regulations should apply to vehicles weighing between 10,001 and 26,000 pounds. After the review is completed, the Secretary is directed to grant such exemptions or modify or repeal existing regulations to the extent appropriate.

Conference substitute

The Conference substitute incorporates suggestions from the Department of Transportation, consumer groups, industry and safety advocates to ensure a reasoned balance between regulatory relief and safety. Therefore, the Conference substitute modifies the House provision in the following manner:

Subsection (A) provides that the Secretary shall carry out the program within 270 days after enactment. The Secretary, within 120 days of receiving an application for participation in the program, shall determine whether to exempt some or all of the eligible vehicles operated by the applicant, and some or all drivers of the vehicles employed by the applicant, from some or all of the regulations under sections 31136(e), 504 and 31502. The applicant must have a satisfactory safety rating or, if the applicant has not been rated, meet criteria set forth by the Secretary. The applicant and the Secretary must enter into an agreement that provides that the applicant, while participating in the program shall: (1) operate safely; (2) provide the Secretary with access to accident and insurance related information relevant to the safety performance of the applicant and such vehicles and drivers; (3) use in the program only drivers with good demonstrated safety records in the preceding 36 months; and (4) implement such safety management controls as the Secretary and the applicant agree are necessary to carry out the objectives of this subsection. Not all motor carrier operators who may wish to participate in the program have DOT safety ratings. As a result, these carriers, many small carriers, may be precluded from participating in the program as a result. The provision vests DOT with the authority to set forth criteria in lieu of a safety rating to permit unrated, but safe carriers to be eligible for the program.

Subsection (B) provides that the safety management controls must be designed to achieve a level of operational safety equal to or greater than that resulting from compliance with the current regulations.

Subsection (C) provides that the Secretary shall ensure that participants in the program are subject to a minimum of paperwork and regulatory burdens necessary to ensure compliance with the program.

Subsection (D) provides that the Secretary shall encourage the use of advanced technologies necessary to ensure compliance with the requirements of the program, including the use of on-board recorders. It is believed that advanced technologies may be an appropriate substitute for certain regulations.

Subsection (E) provides the factors the Secretary must consider in approving applicants for participation in the program. The Secretary must ensure that the participants represent a broad cross-section of fleet size and drivers of eligible vehicles and ensure participation by qualified applicants.

Subsection (F) provides that the Secretary must require each participant to modify the safety management controls applicable to each participant, if there is a material change in the regulations, to the extent necessary to reflect the material change in the regulations.

Subsection (G) provides that the Secretary and participants in the program shall monitor periodically the safety of vehicles and drivers subject to the program. The conferees recognize that periodically monitoring the safety performance of the holders of any waivers granted under this section will require DOT resources. In order to mitigate this impact, participants in this pilot program will be expected to maintain current and complete safety and accident data. The Secretary shall ensure that sufficient oversight is carried out to promote the adequacy and accuracy of such information. The Office of Motor Carriers at the Federal Highway Administration will consider whether the SAFESTAT or a similar system used in the Commercial Vehicle Information System project can be used to help monitor the safety performance of the participants in this pilot project.

Subsection (H) provides that a participant will participate in the program until the Secretary finds (1) the participant has exceeded the average ratio of preventable accidents to vehicle miles traveled for a period of 12 months for eligible vehicles, or (2) the participant has failed to comply with requirements established by the Secretary for participation in the program, or (3) continued participation in the program is not in the public interest.

Subsection (I) permits the Secretary to suspend or modify participation in the program in case of an emergency.

Subsection (J) provides that within 270 days after enactment, the Secretary, after notice and opportunity for comment, shall establish criteria for implementing the program. The program will take effect on or before the 270th day after enactment. The Secretary is also directed to establish interim criteria to ensure that the program may commence on the 270th day after enactment.

Subsection (K) provides that the eligible vehicles for this program are commercial motor vehicles weighing between 10,001 and 26,000 pounds, but not vehicles that transport more than 15 passengers, including the driver, or vehicles used in transporting hazardous materials.

This provision also directs the Secretary to conduct a zero-based review within 3 years after enactment of the need and the costs and benefits of all regulations issued under sections 31136(e), 504 and 31502 of title 49 to determine whether such regulations should apply to eligible vehicles. After the review is completed, the Secretary shall grant such exemptions or modify or repeal existing regulations to the extent appropriate.

For employers participating in this program, this section is not intended to eliminate DOT jurisdiction with respect to such employer's vehicles. The conferees specifically recognize that the sole responsibility for all safety regulation regarding commercial motor vehicles as set forth in Subtitle VI of title 49, United States Code, (and all regulations promulgated thereunder) shall continue to reside with the Secretary of Transportation, and not with any other Federal agency, including the Occupational Safety and Health Administration.

EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS

Senate bill

The Senate provision extends to drivers of ground water well drilling rigs the same relief from limitations on cumulative hours of service over an eight consecutive day period currently provided to drivers of vehicles used exclusively in oil field operations under section 395.1(d)(1) of CFR 49. The drivers of ground water well drilling rigs remain subject to other Federal and State safety regulations including other hours of service limitations applicable to their operations.

The section further provides that the Secretary shall monitor the effects of this provision, and, if the Secretary finds that commercial motor vehicle safety has been adversely affected as a result of this provision, the Secretary shall report such findings to Congress.

House amendment

This provision establishes a series of exemptions from Federal regulations for certain specified motor carrier operations where there is a time-sensitive need for an exemption or where driving is incidental to the driver's overall duties. The exemptions shall take effect 180 days after enactment. The Secretary is also given authority to conduct a rulemaking to determine whether granting any of these exemptions is (i) not in the public interest and (ii) would have a significant adverse impact on the safety of commercial motor vehicles.

Subsection (a) directs that waivers be granted from certain Federal motor carrier regulations. Subsection (a)(1) grants an exemption from the Federal hours of service regulations for drivers transporting agricultural supplies or farm supplies during planting and harvesting seasons operating within a 100 air mile radius of the source of the

commodities or the distribution point of the supplies. This exemption is intended to operate in a similar manner as the exemption granted 40 years ago for small package delivered during the Holiday season in December. This exemption is limited to the planting and harvesting seasons, as determined by the Governor.

Subsections (a)(2) and (a)(3) and (a)(4) modify the hours of service regulations for drivers who primarily transport water well drilling rigs, drivers used primarily in the transportation of construction equipment and materials and for drivers of utility vehicles. These are identical to relief granted for oil field drillers in 1962. These subsections permit the ''clock'' used to calculate a driver's hours of service time to return to 0 after taking 24 or more consecutive hours off. These activities are seasonal and the drivers spend long periods of time waiting or performing tasks unrelated to driving. These provisions maintain current maximum on-duty time and driving time regulations, but only affect when the driver's ''clock'' is reset. The House intends this exemption apply to operators who operate six or seven days per week.

Subsection (a)(5) permits a State to grant a limited exemption for part-time or substitute employees of towns and townships smaller than 3,000 persons to temporarily operate a snowplow which the regular driver who has a commercial driver's license is unavailable or additional vehicles are needed due to a snow emergency.

Subsection (d) contains a series of definitions. The House intends that the definition of the term ''construction finished related products'' includes asphalt and concrete, and that the term ''construction personnel and construction equipment'' includes construction maintenance vehicles.

Conference substitute

The Conference adopts the Senate provision and the House provision as modified. The Secretary may conduct a rulemaking proceeding to determine whether granting any exemption provided by subsection (a) (other than paragraph (2)) is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles. If the Secretary makes such a determination, then the Secretary may prevent the exemption from going into effect, modify the exemption, or revoke the exemption. All exemptions (except with respect to ground water well drilling rigs and farm suppliers) take effect 180 days from the date of enactment.

The Secretary may develop a program to monitor the exemption, including agreements with carriers to permit the Secretary to examine insurance information maintained by an insurer on a carrier. The Secretary is directed to monitor the safety performance of drivers that are subject to an exemption under this section and if the Secretary determines that public safety has been adversely affected by an exemption, the Secretary must report to Congress.

The definitions of ''transportation of construction materials and equipment'' and ''utility service vehicle'' are also modified. It is intended that construction maintenance vehicles to apply to any vehicle driven to a job site and used in the transportation of tools or parts for on-site repair or maintenance of equipment or machines that are employed in construction. In the definition of ''Transportation of Construction Materials and Equipment'' the term ''construction and pavement materials'' includes all materials used in construction that are transported in quantity to a construction site. The provision does not include appliances and plumbing fixtures. In addition, the provision requires that the driver be used ''primarily in the transportation of construction materials and equipment''. The provision does not apply to a driver whose travel to and from the construction site only incidentally includes the carrying of construction materials and equipment. In addition, because of the 50 air-mile radius restriction many items manufactured more than 50 air-miles from the work site would not be covered by this exemption by virtue of the length of the delivery trip to the construction site.

The conference substitute represents a reasonable and flexible approach for public utility service vehicles and their operators from the Department's regulatory requirements regarding ''hours of service.'' The operation of utility service vehicles in the course of business has not been demonstrated to pose a significant safety risk for the general public.

In keeping with the nature and intent of this section, the conferees expect the Secretary to take all actions necessary to minimize requirements for monitoring, recordkeeping, and reporting as such activities relate to the hours of service issue. The exemptions (except as otherwise directed) take effect in 180 days, unless otherwise specified or modified by the Secretary.

WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PILOT PROGRAM

Senate bill

The Senate bill contains no comparable provision.

House amendment

The House bill contains no comparable provision.

Conference substitute

The provision directs the Secretary to implement a one-season pilot program to permit up to five States flexibility for winter deliveries of home heating oil. The pilot program will permit the Secretary to permit States, for the purposes of determining maximum on-duty time for drivers of intrastate home heating oil deliveries that occur within 100 air miles of a central terminal or distribution point, to permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours.

The pilot program is limited to the winter heating season that occurs in the 6 month period following November 1, 1996. Up to five States may be approved to be included in the program. Prior to approving a State to participate in the program, the Secretary must determine that the State will meet several safety and enforcement criteria. Upon initial approval, the Secretary may permit a State to participate for 15 days during the winter season of the State (as determined by the Secretary and the Governor). The Secretary may permit a State to continue in such program for periods of up to 30 days if he finds that such continued participation in the program is consistent with this section.

The Secretary is permitted to suspend a State's participation in the program if the Secretary finds that the State has not complied with the participation criteria or if there has been a significant adverse impact on public safety or in case of an emergency.

Uponcompletion of the program, the Secretary is directed to review the results of the program to determine whether to amend the Federal regulations regarding maximum on-duty time to provide flexibility to motor carriers delivering home heating oil during winter periods.

Deliveries of home heating oil occur during concentrated periods during winter months. In many States, particularly New England and Northeastern States, many citizens rely on home heating oil for heat during winter months. This provision is intended to permit States flexibility for limited periods for one winter season to permit the Secretary to determine whether such flexibility is needed on a permanent basis.

SAFETY REPORT

Senate bill

The Senate bill contains no comparable provision.

House amendment

This provision directs the Secretary, in cooperation with any State that raises the speed limit above the level permitted under section 154 of title 23 as of September 15, 1995, to submit to Congress a study of the costs to the State of deaths and injuries resulting from motor vehicle crashes and the benefits associated with the repeal of the national maximum speed limit.

Conference amendment

The Conference adopts the House provision.

MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS

Senate bill

This provision prevents the Administrator of the Environmental Protection Agency from requiring States to use the test-only, I/M240 technology for enhanced inspection and maintenance programs required under the Clean Air Act Amendments of 1990. Further, the EPA is prohibited from disapproving a state implementation plan revision on the basis of an automatic discount factor of 50 percent for States that use a decentralized test and repair program.

House amendment

No comparable provision

Conference substitute

Under sections 182 and 187 of the Clean Air Act, the Environmental Protection Agency (EPA) has developed regulations for enhanced inspection and maintenance programs that require emissions testing for vehicles already in use. The EPA rules are based on a testing technology called I/M240 that is not practical in the decentralized system of emissions testing that has been relied on in the past. Although the Clean Air Act Amendments of 1990 required EPA to develop an ''enhanced'' program that would increase emissions reductions, it was not intended that EPA impose a centralized system.

The 1990 Amendments include some specific elements for these enhanced programs. Beyond these requirements, which do not include centralized testing stations or a particular testing technology, States were to be given broad latitude to design programs meeting a general performance standard. Accordingly, the Conference report prevents the Administrator from requiring States to use the test-only I/M240 in enhanced programs.

Another element of EPA's inspection and maintenance regulations authorized States to develop decentralized programs carried out by service stations, dealerships and other facilities that offered both emissions testing at facilities that also perform repair work (to bring vehicles failing an emissions test into compliance). However, the EPA program applied an automatic discount factor of 50 percent to the States that used such decentralized programs. The Conference report overturns this element of EPA's regulation. As the Clean Air Act provides, EPA is to base credits for a State program on available information about the actual effectiveness of each aspect of the program as proposed and is not to apply an automatic discount factor because a program is decentralized or allows emissions tests and facilities that also perform repairs.

States have developed many new options to improve programs that reduce emissions from vehicles in the existing fleet. In many cases, States have concluded that some of these options achieve greater emissions reductions than EPA models and guidance now provide. The Conference report allows States to design inspection and maintenance programs based on their own estimates of the emissions reduction credits that are appropriate for each element. EPA is to approve State programs based on the emissions reduction credits as estimated by a State, if the State estimates reflect a good faith expectation of performance. The EPA approval is only for an interim period of 18 months. Approval based on the State's proposed emission reduction credit can be made permanent, if information from the interim program demonstrates that the credits are appropriate.

States may submit interim programs for consideration for a period of 120 days after enactment of this legislation. The Administrator may approve a State proposal, even if the State regulations have not been finalized during this period provided that the State has all of the statutory authority necessary to carry out the program and the program has been proposed as a regulation by the State.

In proposing interim credits, States are required to make good faith estimates regarding the performance of their enhanced inspection and maintenance program. It is expected that States will experiment with various network types and control equipment for which it may be difficult to estimate emission reductions. Therefore, to satisfy good faith estimates it is only necessary that the proposed credits have a basis in fact. Good faith estimates of a State's inspection and maintenance program are estimates produced by a State which are based on any of the following: the performance of any previous automobile emissions inspection and maintenance programs; the results of a remote sensing or other roadside testing techniques; fleet and VMT profiles; demographic studies; or other evidence which has relevance to the effectiveness or emissions reducing capabilities of an emissions inspection and maintenance program.

The data collection effort contemplated during and after the 18 month interim period should be a joint effort between the individual States and the United States Environmental Protection Agency.

It is expected that proposed credits and the emission reductions demonstrated through program data may not match exactly. EPA should use this data to adjust credits on a program basis as demonstrated by the program data.

The Conference agreement makes changes to the requirements and assumptions under section 182 with respect to inspection and maintenance. Section 184 of the Clean Air Act by reference to section 182 of the Clean Air Act requires that each area within the ozone transport region with a population of 100,000 implement an inspection and maintenance program. By changing the underlying requirements of section 182 of the Clean Air Act, it is anticipated that the requirements for inspection and maintenance under section 184 of the Clean Air Act will be changed accordingly.

The Conference agreement does not address all the issues that are important to each State. Therefore, it is anticipated that Congress may address this and other related issues at a later date.

ROADS ON FEDERAL LANDS

Senate bill

This provision prohibits the Federal government from taking any action to prepare or implement any regulation concerning rights-of-way across public lands until December 1, 1995. This provision addresses rights-of-way over unreserved public lands for the construction of highways.

House amendment

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with a modification of the date and a provision addressing roads in Shenandoah National Park. The Conference substitute provides for the transfer of 19 road corridors within the Shenandoah National Park from the Federal government to the Commonwealth of Virginia. These roads were donated originally by the Commonwealth to the Federal government but are managed currently by the Commonwealth. The substitute provides for direct ownership and management by the Commonwealth.

STATE INFRASTRUCTURE BANK PILOT PROGRAM

Senate bill

The Senate bill contains no comparable provision.

House amendment

The House bill contains no comparable provision.

Conference substitute

STATE INFRASTRUCTURE BANK PILOT PROGRAM

The Secretary is directed to create a pilot program to examine the potential of State Infrastructure Banks (SIBs) to leverage State, local and private sources of capital and increase investment in the nation's surface transportation infrastructure.

The pilot program would permit participation by up to ten states and allows for both single-state and multi-state infrastructure banks.

The State Infrastructure Banks are required to maintain separate accounts for funds made available from the Highway Trust Fund and from funds available from the Federal transit program. A participating State may contribute to the highway account up to 10 percent of its annual apportionments from each category under section 104(b)(except CMAQ and Interstate Construction funds), 10 percent of its annual Bridge apportionments and up to 10 percent of the funds allocated annually under the Minimum Allocation program. A participating State may also contribute up to 10 percent of the funds annually apportioned to metropolitan regions if the Metropolitan Planning Organization concurs in writing. Federal transit grant recipients in a participating State may contribute up to 10 percent of their annual Section 3, Section 9, and Section 18 capital grants into the transit account of its SIB. All funds contributed to an infrastructure bank shall be considered obligated.

The highway account of a SIB may be used only to provide loans and other forms of financial assistance to Federal-aid eligible highway projects as defined by the section 101 of title 23, United States Code. Federal contributions to a SIB transit account may only be used for providing loans and other forms of financial assistance to capital projects as defined by section 5302 of title 49, United States Code. Federal funds contributed to a SIB may not be used as a grant.

In order to establish an infrastructure bank under this section, a State must meet the requirements of this section. At a minimum, a State must match 25 percent of the Federal contribution with funds from non-Federal sources (except as provided for by section 120(b) of title 23, United States Code). This matching provision parallels the traditional Federal-aid highway matching requirements and will ensure a proper level of State participation and oversight. In order to qualify for a SIB under this pilot program, a State must ensure that its SIB bank maintains an investment grade rating on a continuing basis or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank. A State must also ensure that repayment of any loan from the bank will commence not later than five years after the project has been completed or, in the case of a highway project, the facility has been opened to traffic. The term for repaying any loan may not exceed 30 years after the date of the first payment. Income generated by funds contributed to an account of the bank will be credited towards to the account and available for use in providing loans and other assistance. The state must require the bank to make an annual report to the Secretary on its status no later than September 30, 1996 and September 30, 1997.

Any funds that result from the repayment of a loan or other assistance under this section shall be treated in a manner consistent with other Federal Highway Administration loan programs. Such funds may be reused for surface transportation projects and may not be credited towards the non-federal share of the cost of any project. Other than such regulations stated in this section, no additional Federal regulations shall apply to use of such funds.

The provision shall have no effect on the rate in which outlays are made. To that end, the Secretary shall ensure that Federal disbursements shall occur at a rate consistent with historic rates for the Federal-aid highway and transit programs.

The Secretary shall review the financial conditions of each infrastructure bank and transmit a report to Congress not later than March 1, 1997. The report shall contain an evaluation of the pilot program and recommendations as to whether the program should be expanded or made part of the Federal-aid highway and transit programs.

The Alameda Transportation Corridor in Los Angeles County, California, is a project that would greatly benefit from the options that state infrastructure banks provide. The Alameda Corridor consolidates more than 90 miles of rail with 200 at-grade crossings into a single, 20-mile, high capacity and fully grade-separated facility linking the San Pedro Bay ports of Los Angeles and Long Beach with the national railroad network. The project widens and improves the truck route paralleling the rail facility to expedite port truck traffic. The project benefits include significant improvements in highway traffic congestion and safety, air pollution, vehicle delays at grade crossings, and noise in residential areas.

RAILROAD-HIGHWAY GRADE CROSSING SAFETY

Senate bill

Title III of the Senate bill contains several provisions concerning railroad-highway grade crossings.

Section 302 directs the Secretary in implementing the Intelligent Vehicle-Highway Systems Act of 1991 to ensure that the national intelligent transportation systems program addresses the use of intelligent vehicle-highway technologies to promote safety at railroad-highway grade crossings. This section also requires the Secretary to fund two or more operational tests under the Act that will promote highway traffic safety and railroad safety.

Section 303 directs the Secretary to conduct a rulemaking to amend the regulations under section 500.407 of title 23 to require that each highway safety management system developed, established, and implemented by a State include: (1) public railroad-highway grade-crossing closure plans that are

aimed at eliminating high-risk or redundant crossings (2) railroad-highway grade-crossing policies that limit the creation of new at-grade crossings for vehicle and pedestrian traffic, recreational use, or any other purpose (3) plans for State policies, programs, and resources to further reduce death and injury at high-risk railroad-highway grade crossings. The Secretary is directed to finish the rulemaking and prescribe the required amended regulations within one year after enactment.

Section 304 amends section 31311 of title 49 by adding a new subsection (h) that directs the Secretary to issue regulations establishing sanctions and penalties relating to violations, by persons operating commercial motor vehicles, of laws and regulations concerning railroad-highway grade crossings. This provision establishes the minimum requirements the Secretary can issue.

Section 305 directs that Federal and State agencies must work together to improve compliance with and enforcement of laws and regulations pertaining to railroad-highway grade crossings. The Secretary is directed to submit a report to Congress by January 1, 1996 indicating how the relevant agencies are working together.

Section 306 provides a statement of policy. The section discusses the hazards of the present state of railroad-highway grade crossing and supports the elimination of redundant and high risk railroad-highway grade crossings as well as closing those crossings that cannot be made reasonably safe. The provision also directs the Secretary to foster a partnership among Federal, State, and local transportation officials and agencies to reduce the number of grade crossings and to improve safety at remaining crossings. The Secretary will make provisions for periodic review to ensure that each State is making progress toward achieving the purpose of this section. If the Secretary determines that a State has failed to make progress, the Secretary shall impose a limit on the maximum number of public railroad-highway grade crossings in that State. The limitation will remain in effect until the State demonstrates compliance with the requirements of this section.

House amendment

The House bill contains no comparable provision.

Conference substitute

The Conference adopts sections 302, 305, and 306 of the Senate bill as modified.

COLLECTION OF BRIDGE TOLLS

Senate bill

The Senate bill contains no comparable provision.

House amendment

The House amendment provides that tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

Conference substitute

The Conference adopts the House provision.

TRAFFIC CONTROL

Senate bill

The Senate bill contains a provision that authorizes an exception to the Manual on Uniform Traffic Control Devices (MUTCD) to permit the town of Bristol, RI, to replace permanently the existing double yellow line on its Main Street with a red, white, and blue center line. A red, white, and blue line has been used temporarily in the past in conjunction with the town's longstanding Fourth of July parade, which is the oldest in the country.

House amendment

The House amendment provides that Oregon's ''right turn on red without stopping'' sign shall be deemed to comply with the Department of Transportation's MUTCD.

Conference substitute

The Conference adopts the House and Senate provisions.

PUBLIC USE OF REST AREAS

Senate bill

This provision permits the State of Rhode Island to convert any State safety area adjacent to I–95 that was closed prior to May 1, 1995, for use as a motor vehicle emissions testing facility. The State has the option to permit access to and from any such facility directly from the Interstate.

House amendment

The House amendment bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

SAFETY BELT USE REQUIREMENTS FOR NEW HAMPSHIRE AND MAINE

Senate bill

This provision allows New Hampshire and Maine to meet the safety belt use law required under 49 U.S.C. 153 through a performance requirement. Each of these States would be deemed to have met the safety belt use law requirements of section 153 upon certification by the Secretary that the State has achieved: (1) a safety belt use rate in each of fiscal years 1995 and 1996 of not less than 50 percent; and (2) a safety belt use rate in each succeeding fiscal year thereafter of not less than the national average safety belt use rate, as determined by the Secretary.

House amendment

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with a modification. This provision applies retroactively, notwithstanding the October 1, 1995 deadline for compliance. If the requirements of this provision are met, either State shall have the ability to return any funds that are transferred as a result of the Section 153 penalty of October 1, 1995.

If either State is deemed to have a law in effect meeting the requirements of section 153(a)(2) of title 23, United States Code within 60 days after date of enactment, the state will be in compliance with section 153 requirements.

ORANGE COUNTY, CALIFORNIA, TOLL ROADS

Senate amendment

The Senate bill contains no comparable provision.

House amendment

This provision allows the Secretary to enter into an agreement modifying existing agreements that provide Orange County, California with contingent lines-of-credit. This provision also allows the Secretary to require an interest rate that is higher than the rate specified in previous Acts.

Conference substitute

The Conference adopts the House provision.

COMPILATION OF TITLE 23, UNITED STATES CODE

Senate bill

The Senate bill contains no comparable provision.

House amendment

The House bill contains no comparable provision.

Conference substitute

The Secretary shall prepare and submit by March 31, 1997 a draft legislative proposal of necessary technical and conforming amendments to title 23 of United States Code.

SAFETY RESEARCH INITIATIVES

Senate bill

The Senate bill contains no comparable provision.

House amendment

Section 316(a) directs the Secretary to conduct a study and demonstration of technologies and practices to improve the driving performance of older drivers and special user groups. The Secretary shall implement these activities in those States that have the highest population of aging citizens for whom driving a motor vehicle is their primary mobility mode and shall enter into a cooperative agreement with an institution with demonstrated competencies in such areas.

Subsection (b) directs the Secretary in carrying out the work zone safety program established in ISTEA to utilize a variety of methods to increase safety at highway construction sites, including conferences, the creation of a national information clearinghouse, and national promotional campaign and promotion of work site training.

Subsection (c) directs the Secretary to conduct a study to develop and evaluate radio and microwave technology for a motor vehicle safety warning system in furtherance of safety in all types of motor vehicles.

Subsection (d) directs the Secretary to conduct a study to evaluate the effectiveness on reducing drunk driving of laws enacted in the States that allow a health care provider who treats an individual involved in a car accident to report the blood alcohol level of the individual to the local law enforcement agency which has jurisdiction over the accident site, if the blood alcohol level is above the maximum legal limit permitted under State law.

Conference substitute

The Conference adopts the House provision with modifications to the work zone safety program. The Secretary is directed to implement the initiatives related to work zone safety in partnership with a broad range of the transportation construction industry's private sector.

The Secretary is directed to expend not more than $200,000 on each of these studies.

MISCELLANEOUS STUDIES

Senate bill

The Senate bill contains no comparable provision.

House amendment

Section 343(a) directs the Secretary to conduct a study on the adequacy of and the need for improvements to the Pan American Highway. The Secretary is directed to submit a report to Congress on the results of the study within two years.

Section 343(b) directs the Secretary to conduct a study to determine the cost, need, and efficacy of establishing a highway sign for identifying routes on the National Highway System.

Section 343(c) directs the Secretary to conduct a study on compliance with the provisions of the Buy American Act with respect to contracts entered into using amounts made available from the Highway Trust Fund. The Secretary is directed to submit a report to Congress on the results of the study within one year.

Conference substitute

The Conference substitute modifies the House provisions and provides for an additional study of Maglev transportation. The

Committee should identify and analyze specific magnetic levitation projects, such as a connector from New York City to its airports, the transportation project under development between Baltimore, Maryland and Washington, DC and technology transfer efforts underway in Pittsburgh, Pennsylvania, so that Congress can better assess how near-term magnetic levitation technology could complement other existing modes of transportation infrastructure and thereby improve the safety, speed, capacity, and longevity of current infrastructure in an era of dwindling Federal resources.

The members of the Committee that undertake the study shall serve without pay but shall be allowed travel expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business in the performance of services for the Committee in the same manner as persons employed intermittently in the Government service. The Chairperson may appoint staff as required in undertaking the study within the monetary constraints imposed on all studies in this section. The Secretary is directed to expend not more than $200,000 on each of these studies.

TITLE IV—WOODROW WILSON MEMORIAL BRIDGE

Senate bill

Title II of the Senate bill recognizes that the Federal government, as the owner of the bridge, is responsible for annual rehabilitation costs to ensure that the Bridge meets Federal safety standards. A 1994 study commissioned by the FHWA to assess the current condition of the Bridge confirmed that annual repairs fail to extend the useful life of the facility and are no longer cost-effective.

Title II provides that Congress grants consent to Virginia, Maryland, and the District of Columbia to enter into an interstate agreement to establish the national Capital Region Interstate Transportation Authority. Upon execution of an agreement between the Secretary of Transportation and the member jurisdictions of the Authority, the bill authorizes the transfer of the Woodrow Wilson Memorial Bridge to the Authority for the purpose of owning, constructing, maintaining, and operating a bridge or tunnel or a bridge and tunnel project across the Potomac River.

Title II provides $17.5 million in contract authority for fiscal year 1996 and $80 million in contract authority for fiscal year 1997 for the rehabilitation of the bridge and the planning, design and right-of-way acquisition for a new crossing of the Potomac River. Title II also requires the Secretary to submit to Congress by May 31, 1997 a report identifying the Federal share of constructing a new crossing.

House amendment

The House bill contains no comparable provision.

Conference substitute

The Conference substitute adopts the Senate provision with a modification to require that Congress grant approval of the agreement between the Secretary and members of the Authority prior to the Department of Transportation executing the agreement.

Ownership of the Woodrow Wilson Memorial Bridge is not conveyed to the Authority until the agreement is approved by Congress.

The agreement shall include all costs financed by the Federal government in fiscal years 1996 and 1997 for planning, preliminary engineering, design and all Federal expenditures in fiscal years 1996 and 1997 for replacement of the facility shall be counted towards the Federal share to be approved by Congress.

The Secretary is authorized to allocate funds from administrative expenses in fiscal years 1996 and 1997 to ensure the completion of environmental studies and documentation, to provide for the rehabilitation of the existing Woodrow Wilson Memorial Bridge and to conduct planning, preliminary engineering and design and final engineering of a new crossing of the Potomac River.

BUD SHUSTER,
BILL CLINGER,
THOMAS E. PETRI,
BILL EMERSON,
RAY LAHOOD,
JAMES L. OBERSTAR
NICK RAHALL,
ROBERT A. BORSKI,

As additional conferees for the consideration of secs. 105 and 141 of the Senate bill, and sec. 320 of the House amendment, and modifications committed to conference:

TOM BLILEY,
MICHAEL BILIRAKIS
JOE BARTON,
JAMES GREENWOOD,
JOHN D. DINGELL,

As additional conferees for the consideration of sec. 157 of the Senate bill, and modifications committed to conference:

DON YOUNG,
JAMES V. HANSEN,
Managers on the Part of the House.

JOHN WARNER,
JOHN H. CHAFEE,
BOB SMITH,
DIRK KEMPTHORNE,
MAX BAUCUS,
D.P. MOYNIHAN,
HARRY REID,
LARRY PRESSLER,
TRENT LOTT,
Managers on the Part of the Senate.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996

mith,

Mr. LIVINGSTON. Mr. Speaker, pursuant to House Resolution 270, I call up the joint resolution (H.J. Res. 122) making further continuing appropriations for fiscal year 1996, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 122 is as follows:

H.J. RES. 122

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

TITLE I

CONTINUING APPROPRIATIONS

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

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 53 of the Arms Control and Disarmament Act;

The Department of Defense Appropriations Act, 1996, notwithstanding section 504(a)(1) of the National Security Act of 1947;

The District of Columbia Appropriations Act, 1996;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, notwithstanding section 10 of Public Law 91–672 and section 15(a) of the State Department Basic Authorities Act of 1956;

The Department of the Interior and Related Agencies Appropriations Act, 1996;

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996;

The Legislative Branch Appropriations Act, 1996, H.R. 2492;

The Department of Transportation Appropriations Act, 1996;

The Treasury, Postal Service, and General Government Appropriations Act, 1996;

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996:

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

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of the date of enactment of this joint resolution, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: *Provided,* That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this joint resolution, the pertinent project or activity shall not be continued except as provided for in section 111 or 112 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act listed in this section has been passed by only the House or only the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: *Provided,* That where an item is funded in the applicable appropriations Act for the fiscal year 1995 and not included in the version passed by the one House as of the date of enactment of this joint resolution, the pertinent project or activity shall not be continued except as provided for in section 111 and

112 under the appropriation, fund, or authority granted by the applicable appropriations Act for fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1995 or prior years, for the increase in production rates above those sustained with fiscal year 1995 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1995: *Provided,* That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) December 5, 1995, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. Notwithstanding any other provision of this joint resolution, except section 106, whenever an Act listed in section 101 as passed by both the House and Senate as of the date of enactment of this joint resolution, does not include funding for an ongoing project or activity for which there is a budget request, or whenever an Act listed in section 101 has been passed by only the House or only the Senate as of the date of enactment of this joint resolution, and an item funded in fiscal year 1995 is not included in the version passed by the one House, or whenever the rate for operations for an ongoing project or activity provided by section 101 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 101 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366. For the purposes of the Act, the minimal level means a rate for operations that is reduced from the current rate by 40 percent.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, whenever the rate for operations for any continuing project or activity provided by section 101 or section 111 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this resolution bears to 366.

SEC. 113. Notwithstanding any other provision of this joint resolution, except sections 106, 111, and 112, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 114. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 115. The provisions of section 132 of the District of Columbia Appropriations Act, 1988, Public Law 100–202, shall not apply for this joint resolution. Included in the apportionment for the Federal Payment to the District of Columbia shall be an additional $15,000,000 above the amount otherwise made available by this joint resolution, for purposes of certain capital construction loan repayments pursuant to Public Law 85–451, as amended.

SEC. 116. Notwithstanding any other provision of this joint resolution, except section 106, the authority and conditions for the application of appropriations for the Office of Technology Assessment as contained in the Conference Report on the Legislative Branch Appropriations Act, 1996, House Report 104–212, shall be followed when applying the funding made available by this joint resolution.

SEC. 117. Notwithstanding any other provision of this joint resolution, except section 106, any distribution of funding under the Rehabilitation Services and Disability Research account in the Department of Education may be made up to an amount that bears the same ratio to the rate for operation for this account provide by this joint resolution as the number of days covered by this resolution bears to 366.

SEC. 118. Notwithstanding any other provision of this joint resolution, except section 106, the authorities provided under subsection (a) of section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall remain in effect during the period of this joint resolution, notwithstanding paragraph (3) of said subsection.

SEC. 119. Notwithstanding any other provision of this joint resolution, except section 106, the amount made available to the Securities and Exchange Commission, under the heading Salaries and Expenses, shall include, in addition to direct appropriations, the amount it collects under the fee rate and offsetting collection authority contained in Public Law 103–352, which fee rate and offsetting collection authority shall remain in effect during the period of this joint resolution.

SEC. 120. Until enactment of legislation providing funding for the entire fiscal year ending September 30, 1996, for the Department of the Interior and Related Agencies, funds available for necessary expenses of the Bureau of Mines are for continuing limited health and safety and related research, materials partnerships, and minerals information activities; for mineral assessments in Alaska; and for terminating all other activities of the Bureau of Mines.

SEC. 121. Notwithstanding any other provision of this joint resolution, except section 106, funds for the Environmental Protection Agency shall be made available in the appropriation accounts which are provided in H.R. 2099 as reported on September 13, 1995.

SEC. 122. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading ''International Organizations and Conferences, Contributions to International Organizations'' in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, shall be the amount provided by the provisions of sections 101, 111, and 112 multiplied by the ratio of the number of days covered by this resolution to 366 and multiplied further by 1.27.

SEC. 123. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations of the following projects or activities shall be only the minimum necessary to accomplish orderly termination:

Administrative Conference of the United States;

Advisory Commission on Intergovernmental Relations (except that activities to carry out the provisions of Public Law 104–4 may continue);

Interstate Commerce Commission;

Pennsylvania Avenue Development Corporation;

Land and Water Conservation Fund, State Assistance; and

Office of Surface Mining Reclamation and Enforcement, Rural Abandonment Mine Program.

TITLE II

SEC. 201. WAIVER OF REQUIREMENT FOR PARCHMENT PRINTING.

(a) WAIVER.—The provisions of sections 106 and 107 of title 1, United States Code, are waived with respect to the printing (on parchment or otherwise) of the enrollment of any of the following measures of the first session of the One Hundred Fourth Congress presented to the President after the enactment of this joint resolution:

(1) A continuing resolution.

(2) A debt limit extension measure.

(3) A reconciliation bill.

(b) CERTIFICATION BY COMMITTEE ON HOUSE OVERSIGHT.—The enrollment of a measure to which subsection (a) applies shall be in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment.

SEC. 202. DEFINITIONS.

As used in this joint resolution:

(1) CONTINUING RESOLUTION.—The term ''continuing resolution'' means a bill or joint resolution that includes provisions making further continuing appropriations for fiscal year 1996.

(2) DEBT LIMIT EXTENSION MEASURE.—The term ''debt limit extension measure'' means a bill or joint resolution that includes provisions increasing or waiving (for a temporary period or otherwise) the public debt limit under section 3101(b) of title 31, United States Code.

(3) RECONCILIATION BILL.—The term ''reconciliation bill'' means a bill that is a reconciliation bill within the meaning of section 310 of the Congressional Budget Act of 1974.

TITLE III

COMMITMENT TO A SEVEN-YEAR BALANCED BUDGET

SEC. 301. (a) The President and the Congress shall enact legislation in the One Hundred Fourth Congress to achieve a unified balanced budget not later than the fiscal year 2002 as scored by the non-partisan Congressional Budget Office.

(b) The unified balanced budget in subsection (a) shall be based on the most current economic and technical assumptions of the Congressional Budget Office.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 270, the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes.

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

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 122, and that I may include tabular and extraneous material.

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

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 4 minutes.

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

Mr. LIVINGSTON. Mr. Speaker, I am pleased to bring this joint resolution to the floor to provide authority for most of the Government to continue operations through December 5 or until the regular bills are enacted, whichever is sooner. We have come to this point because the President has vetoed House Joint Resolution 115 and in doing so shutdown the Government. This CR will enable the Government to get back to work.

The House and Senate Appropriations Committees are continuing to work on the remaining regular funding bills in a manner that will allow us to present them to the President for signature. However it is clear that many of the budget decisions will extend beyond the next few days. Therefore, we need to provide spending authority for those portions of the Government which are not covered by signed bills.

Mr. Speaker, this continuing resolution is the same as the one the President vetoed with the following exceptions:

It does not reference the energy and water development bill as it has been signed into law.

Its provisions would remain in effect until December 5 rather than December 1, giving us a little more time to do the public's business.

It does not include any provision dealing with Medicare part B premiums or breast or prostate cancer treatments or, indeed, any nonbudgetary riders.

It does, however, include a commitment to a 7-year balanced budget as scored and with the technical assumptions used by CBO. This is a commitment we freely make. This is a commitment we ask the President to make with us.

This resolution continues Government funding through December 5, or whenever a regular bill is enacted into law, whichever is sooner.

This resolution provides temporary funding for the programs covered under 10 bills. Since three bills have been signed into law, military construction, agriculture, and energy and water development, and perhaps transportation, I have just been advised that Transportation has been signed as well, those bills will have been omitted from this resolution. But you will be pleased to know that we have two other bills, Mr. Speaker, Treasury-Postal and Legislative branch, all ready for the President's signature.

All the projects and activities in the nine bills that remain operate under a restrictive formula that provides rates that do not exceed the lower of the House-passed bill, the Senate-passed bill, or the fiscal 1995 current level. The resolution provides that for programs that are proposed for termination in either the House or Senate version of the regular bill, or are significantly reduced in these bills, they may continue, but at a minimum level not to exceed 60 percent of the current rate of operations. This is down from the 90-percent level provided for in the very first continuing resolution. All programs continued will be under the fiscal year 1995 terms and conditions. These incentives will help Congress and the President keep our eyes on the big prize: that is, 13 signable spending bills, to get back on the track to a balanced budget.

This resolution continues the ''no furlough'' language that was contained in the first resolution. Early year distributions for programs that have historical high initial fund distributions are prohibited. Also no new initiatives can be started under this bill.

There are additional items that are under this resolution. They deal with hand enrollment for various future bills and commitment to a 7-year balanced budget. This continuing resolution keeps the Government functioning while locking all of us firmly into the commitment that we have championed, and that is a 7-year balanced budget.

Mr. Speaker, I ask all members to join with me in voting for a continuing resolution with five main principles:

First, it provides funding at levels that are below the section 602 allocation provided for in the budget resolution. This keeps us on the glide path to get us to a balanced budget by 2002.

Second, it prevents costly Government furloughs and premature program terminations.

Third, it does not prejudice funding decisions for the remainder of the appropriations bills, except for a limited number of program terminations that are agreed to by the President.

Fourth, it continues a climate that is an incentive for all involved to conclude action on the regular appropriations bills.

Finally, it commits all of us—House, Senate, and President—to a balanced budget in 7 years.

Mr. Speaker, this continuing resolution is a good-faith effort to get the Government operating again. We're moving the remaining bills as fast as we can, and we are making real progress, but we still need this CR. It is tough love, but we need tough love to keep the necessary pressure on both the Congress and the President to work out our differences on the remaining regular bills and get them enacted into law.

□ 2145

I urge all of our Members to support this joint resolution.

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

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. SABO], the distinguished ranking member of the Committee on the Budget.

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

Mr. SABO. Mr. Speaker this is one of those issues where, frankly, I am tempted in a variety of ways in how I should react because there are things within this resolution I agree with.

My advice to the administration has been for a period of time that their goal should be to have a 7-year balanced budget, that they should also use

the more cautious and conservative economic assumptions of CBO, that a variety of other differences need to be looked at. Neither CBO nor OMB have divine wisdom, and one needs to examine those.

On the other hand, I also am going to vote ''no'' tonight in the strong belief that this is the wrong thing to do at this point in time. What we should be doing is simply passing a clean continuing resolution to deal with the reality that we have not passed our appropriation bills. Then the majority should pass their reconciliation bill, I assume, on Friday. It will be vetoed, and then we should get on with serious negotiations.

Part of this is posturing. The rhetoric gets very hot around here, and if it were not for the fact that people were not working, I think the whole institution would be better off if everybody went home for a while and cooled off and calmed things down and then get back to work. It is getting increasing polarized.

While I believe that we should move to a balanced budget in 7 years, using cautious economic assumptions, I also read today, I think accurately quoted, the leader, not of this body but of another institution involved in these negotiations, that there were four pillars to the Republican program. One was a 7-year balanced budget; the second was Medicare reform, and I am sure he meant his version of Medicare reform; welfare reform, and I am sure he meant his version of welfare reform; and a tax cut, and he meant his version of a tax cut. And those were nonnegotiable demands.

This is one of those four pillars, and to pretend tonight that somehow we take up one of those pillars, that we are taking up one of those pillars when those three other pillars still exist in the minds of most of the majority, would be dreadfully wrong. Because, in my judgment, that tax cut is not justified. In my judgment, you cannot have a fair balanced budget with the size and scope of the tax cut proposed by the majority. In my judgment, any tax cut should wait until we balance the Federal budget, not now.

Welfare reform, as passed by the majority, and I hate using this word, but, in my judgment, is mean. And the Medicare reform is of such nature that it puts too great a burden on millions of low-income widows in this country, and the scope of the change is such that it simply is not sustainable.

So, Mr. Speaker, I urge a ''no'' vote this evening.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH], the distinguished chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, this is an opportunity for this House to send a message. It is a message, frankly, that at the end of the day the American people will send themselves. Now we can send a message from this side, and we are going to vote, I would believe unanimously, on our side to send a message about one single thing, one simple thing, balance the budget, do it in 7 years.

Two years ago on Monday, my friend, Tim Penny, and I joined together in a bipartisan effort to send a message. It was a similar message. You know what the message was? We need to cut some spending. And I will tell you something, even though we lost the vote on the House floor that day, that message did not just get sent downtown but it got sent around the country.

I am asking my Democrat friends and colleagues who believe in the concept of 7 years to step up to the plate tonight, to join with your Republican colleagues and let us send a message, and it is not a message that is strident.

The simple fact of the matter is, under any plan to balance the budget over the next 7 years, this Federal Government will spend $3 trillion more than what we spent in the last 7 years. The question is: Are we capable of saving that extra trillion dollars for the next generation?

We are not fighting over the first $3 trillion. We are fighting over the last $1 trillion. Frankly, folks, to do this in 7 years, to let the Federal spending go up even though it goes up at a slower rate, it will help us to balance the budget. The drop in interest rates, short term, will make housing, cars, and education affordable, and in the long run it will guarantee the young people of this country will have decent jobs and decent homes and decent automobiles. That is what we are talking about.

If we fail, well, I know my Democratic colleagues and friends who voted on Penny-Kasich will not let us fail.

I told Leon Panetta yesterday in the meeting:

> Leon, just commit to 7 years. We can negotiate the priorities. We can argue what ought to be emphasized. We can get down. We can sit down, and we can have meaningful negotiations. But we cannot have them without a reasonable bottom line, and that reasonable bottom line is committing today, right now, this minute, to a 7-year plan to rein the Federal spending and save the next generation.

Let us send a strong message, not just downtown, but let us send a strong bipartisan message from one end of this Nation to the other that this Congress is serious, and we will work together to balance this budget and guarantee the children of the next generation a bright and prosperous America, a bright and prosperous future.

Support the resolution.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GIBBONS].

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

Mr. GIBBONS. Mr. Speaker, I want to commend my Republican colleagues for having come part of the way to getting this problem resolved part of the way. You have got a further way to go. But you are moving in the right direction, and I appreciate that, and I am sure the American public appreciates that.

I am glad you have given up on the direct assault on the Medicare beneficiaries.

Now, I am going to vote against this resolution tonight because I do not put as much faith in the so-called nonpartisan Committee on the Budget staff as perhaps some of my friends over there on the other side of the aisle do. I had a lot more faith in it when they were on our payroll. I do not have quite as much faith in them when on their payroll. I think all of you can understand that.

Two, I believe that we ought to balance the budget, but my priorities are different than yours. My priorities are not to give a tax cut until the budget is actually balanced, and then if we have anything left over, we can talk about cutting taxes. And I will leave out all of my rhetoric about how terrible I think the priorities are in that tax cut bill.

But I do not want to see us have that tax cut bill on the table, because if you do keep that on the table, you are going to have to cut Medicare far too far, and you are going to have to cut Medicaid and the welfare programs far too far if you keep that tax cut bill on the table.

So the tax cut bill has got to go, and we have got to have some give in the Medicare changes, and we have got to have real give in the Medicaid changes and in the welfare changes.

The Medicare changes and the Medicaid changes and the welfare changes are really hard and cruel. And I do not think that you all are hard and cruel, but I do not think you really understand what the problem is. You are cutting more money out of poor kids than you really are cutting out of Medicare. You are making huge cuts in the welfare budget.

Seventy percent of all the people in America who are on welfare are children, infants and children, and you are taking food out of their mouths, you are taking medical care away from them, you are taking housing and shelter and everything else away from these children. That is not fair.

I am sure when you focus on that, you will come to that same conclusion. So take the tax cut off the table. Take the Medicare cuts off the table. Take the welfare cuts off the table that you have given them, and take the Medicaid cuts off the table.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE], a distinguished member of our Committee on Appropriations.

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

Mr. KOLBE. Mr. Speaker, this is it. This is the moment of truth.

We had a continuing resolution just a few days ago on this floor. The President vetoed that. He said he could not

sign it because the language keeping Medicare premiums at 31 percent of Part B was unacceptable. He said he could not countenance keeping Medicare premiums at their current level.

I think he is wrong. We have to do it to protect, to preserve Medicare. We will come back. We will revisit that issue on the Balanced Budget Act before this week is out.

What we have here tonight is a clean continuing resolution to reopen the Government. There is no extraneous provision, no add-ons here.

Oh, yes, yes, it does say we will balance the budget in 7 years, and, yes, it says the President will agree to work with us to accomplish that. But surely that is no problem. The President has already said we can do that. He said it not once, not twice, but repeatedly. President Clinton has said we can balance the budget in 7 years.

In fact, he said he would submit a budget that would do it in 5 years, and that is all this resolution says. It does not say we will have tax cuts or Medicare reform or welfare reform, nor does it say what their shape would be. I think we should have them. I think we should have all of those things. But this continuing resolution does not commit the President to any of those.

□ 2200

This stopgap spending bill would put Federal workers back on the job. It says we will work together to balance the budget in 7 years. If the President vetoes this, we will know it was not Medicare that caused the first veto. The truth will be out there for all to see, stark, bare naked.

This President will be saying he cannot agree to a balanced budget, not now, not in 7 years, not ever. I say to the President, there are no more excuses. There is nothing left to hide behind. Your spokesman tonight misquoted you when he said you repeatedly rejected a 7-year balanced budget. But you can set the record straight. You can demonstrate your solidarity with the American people who want a balanced budget. You can put Federal workers back on the job. You can sign this spending bill.

I urge my colleagues to support this continuing resolution.

Mr. OBEY. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Maryland [Mr. HOYER].

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

Mr. Speaker, the American public quite obviously wants us to be serious. I have 56,000 people who work for our Federal Government. They rely on each one of us to do our job seriously so that they can support their families and do their job on a day-to-day, week-to-week, month-to-month, year-to-year basis. I believe the overwhelming majority of those people give outstanding service to the American public.

I suggest to my colleagues, however, that they and America are distressed because rather than do our job totally seriously, we do what politicians like to do, send messages. Not necessarily do work, but send messages.

I listened to my friend, the gentleman from Ohio [Mr. KASICH], for whom I have great respect. He got up and said, let us send a message that we are for a balanced budget. I had voted for that amendment. I voted for the resolutions. I voted for the coalition budget. I believe not only in sending the message but in doing it.

My colleagues, we have here a bill. It is 16 pages in length. I suggest to my colleagues that the first 15 pages are, in fact, a relatively clean CR that would put those people who live in my district and in fact live in every district in America back to work tomorrow. The President would sign this 15 pages. That is the substantive part.

Unfortunately, for me and for others, there is a 16th page. It really does not mean anything. It has words on it. It had words about 7 years. It has words about CBO scoring. It has words about the most recent economic statistics. But you and I both know that this really does not mean anything, and we ought not to fool the American public.

We cannot, by this statute say, Mr. President, after you sign this bill tomorrow you cannot sign a bill which does something different. And we cannot say, by this bill, as all of my colleagues know, that tomorrow this Congress, after passing these 8 lines, cannot do something differently. Of course we can.

All of my colleagues know on this floor that we are about to get real. It is called substantive. Because we are going to bring to this floor a reconciliation bill. That is real. It will incorporate real policy alternatives and each of us will have to vote on those alternatives.

It is, therefore, a shame that with just 48 or 72 hours to go before we bring that bill to this floor that we have to continue to send messages, not to be real.

This is real. It says tomorrow we put the Government back to work, that contractors who are doing work for our Government and their employees will get paid.

But this is political message, political game playing. Is it not a shame?

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

Mr. MORAN. Mr. Speaker, I rise in support of this resolution because it is time, Mr. Speaker, to put politics behind us. It is time to get back to the people's business. It is time to put 800,000 Federal employees back to work. It is time to be there for those 60,000 elderly and disabled persons and 15,000 veterans who have already been denied benefits that they are legally entitled to because there were no Federal employees to accept their claims. It is time to open up our national treasures to the 1½ million American families who have been turned away from their national parks and monuments because they have been shut down.

My colleagues, it is time to balance our Federal budget. I personally do not think it is time to cut taxes because no business should pay out dividends when it is operating at a deficit. But the sooner we get to balance, the sooner we can reduce the American people's tax burden. Without his tax cuts, the President can reach his balanced budget objective in 7 years rather than 8 or 9 years. If, indeed, the President's higher economic forecasts are correct, then that additional revenue over and above the CBO forecast should be used to pay for the President's tax cut proposals. But first things first.

Our very first responsibility is to vote for this continuing resolution and to put America's Government back into the business of serving America's people.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana [Mr. ROEMER].

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

Mr. ROEMER. Mr. Speaker, I am proud that I voted for the coalition budget. The coalition budget says that we will balance the budget, like the American people want us to do, in 7 years. Now, what this CR says tonight, it says, we want to balance the budget in 7 years and use CBO figures. I will support the continuing resolution because that is what it says.

Now, the continuing resolution says on these parameters that we will vote to try to balance the budget in 7 years. It does not say that we are going to cut $270 billion out of Medicare. We will fight that. It does not say, we are going to cut $10 billion out of student loans. We will fight that.

It does not say anything about where things will be cut and amended and pieced together. What it does say is that the American people want us to talk, Democrats and Republicans. If we can have Bosnians and Serbs and Croats talking in Dayton, OH, we should talk. If we can have Catholics and Protestants talk in Northern Ireland, we should talk. And if we can have Mr. Rabin to talk to Mr. Arafat about a longstanding feud going back centuries, we can talk and maybe fight about where our priorities are on a balanced budget.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DELAY], distinguished whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding time to me. I do not know that I could improve on that last speech.

Mr. Speaker, I do urge my colleagues to vote for this continuing resolution which is a giant step toward certifying a balanced budget.

I just wanted to say to my good friend from Maryland, who spoke earlier, that said 15 pages of this bill are important and mean something and the 16th page means nothing. My answer to

the gentleman from Maryland, if it means nothing, he has voted for a 7-year balanced budget. He ought to be able to vote for this continuing resolution.

Two-thirds of this House came here to balance the budget. I know some of my colleagues would rather not send this CR to the President. Some of my friends would rather keep the heat on the President and let him keep the government closed. And let me say to my colleagues, that choice does hold a little appeal to me. It would be nice to have the President come to the negotiating table rather than just make speeches that are misleading at best.

But I think we have an opportunity to clarify where President Clinton stands on a balanced budget. And that is worth its weight in gold.

After all, President Clinton has more stands than the Houston Astrodome when it comes to the balanced budget. The question today is simple: Will the President support a real, certified 7-year balanced budget or will he continue to evade and confuse this issue that is so important to the American people?

Yesterday President Clinton said, let us say yes to a balanced budget and no to the cuts. The President really means yes to a balanced budget but only if it happens by magic.

Well, the President needs to know that a balanced budget only happens through hard work, hard choices and very real cuts in spending. So I say to my colleagues that the country wins if we pass this CR, no matter what the President does. Because if he votes this CR, the American people finally know that President Clinton oppose a real balanced budget. But if he signs the bill, we have the real numbers from which we can negotiate a real agreement. I just urge my colleagues on both sides of the aisle to put President Clinton on the spot. Vote for this CR and let us clarify where the President really stands on a balanced budget.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, if this resolution were just about balancing the budget over the next 7 years, I would vote for it. But it is not, and I will not.

Several speakers from both sides have talked about the fact this is a clean resolution. Without editorial comment, let me simply state the facts. This resolution does more than that. On an annualized basis, it cuts veterans health care benefits by a half a billion dollars. Let me repeat that. On an annualized basis, it cuts veterans health care benefits by $500 million. This is not the first continuing resolution.

I would imagine, Mr. Speaker, there are veterans in hospitals around this country who have served their nation who would probably take greater umbrage at the facts in this resolution than some of the Members who helped write it who object to the fact that I have stated the facts about this resolution.

Let me also say that this is not a clean resolution on other matters, on many issues that most Democrats had no input on. Let me list some of the cuts, programs that will be cut by 40 percent. And let each Member decide whether he or she wants to support a 40-percent cut in these programs.

□ 2215

Summer youth employment, AmeriCorps, veterans homeless programs, State offices of rural health, rural health research, substance abuse training, national vaccine program, new rural health grants, Low-Income Home Energy Assistance Program at a time when we have freezing weather across many parts of this Nation, rural housing, Goals 2000, State and local grants, Goals 2000 national programs, school-to-work national programs, early childhood education also along with the others cut by 40 percent, Federal Perkins loan capital contributions, State student incentive grants.

This is not a clean resolution. I urge my colleagues to vote no on it.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Virgina [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, I congratulate my Republican colleagues for stripping extraneous language from the continuing resolution as the President asked, and I applaud my colleagues on the other side who are willing to join the bipartisan dialog on how to balance the Federal budget. This continuing resolution does not mandate tax cuts, it does not mandate Medicare cuts, or education cuts. But it does get our Federal employees back to work without furloughs over the next 2½ weeks, and it does mandate that together Republicans and Democrats, the Congress and the President, will join together and work together to balance the Federal budget and do it within the CBO guidelines, something that the President stated right here that he feels was the best way, the best way really between what will work and what does not work. It does not cut the veterans benefits; basically, without furloughs, funds these agencies over these next 2½ weeks, and it leaves off Medicare, it leaves off cuts in education and the environment, which was ostensibly the reason the President gave for vetoing the last resolution.

This gives the President what he wants, and it commits us to doing what we came here to do, and that is balance the Federal budget.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, I want to thank the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me. I want to thank the Democratic leadership for allowing us the time. I want to thank the Republican leadership for bringing forward a better CR than we saw heretofore, and I want to say that I speak for some Democrats who believe that we can balance the budget in 7 years and are prepared to support the CR tonight.

But I want to say that we do not feel like we have a monopoly on wisdom and virtue and we do not think that either side here has a monopoly on wisdom and virtue. We think we ought to work together.

This CR is a step in the right direction. It balances, or calls for a balanced budget, in 7 years.

We think, if our colleagues will allow some of the minority to work with them and that if the minority will work with the majority, we think we can make an American solution, not a Republican or Democrat solution, to the problems that face us all as Americans. If this country goes under, it is not going to be just the Republicans or the Democrats going broke. It is going to be all of us, and we ought to set aside some of this partisan rhetoric that I hear from both sides, quite frankly, and try to get together here while we are here in the short time that we serve in public life and do something for the people that sent us here.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I thank the gentleman from Louisiana [Mr. LIVINGSTON] for yielding this time to me.

There is nothing in this continuing resolution about how we will balance the budget. It merely says that we will do it. The words are:

> The President and the Congress shall enact legislation in the 104th Congress to achieve a unified balanced budget not later than the year 2002 as scored by the nonpartisan Congressional Budget Office.

The President's response when he was asked the following question by Dan Rather, ''Are you saying flat out that you will veto a clean bill that contains only in it the insistence to balance the budget?''; the President's response was, ''Yes, I cannot tell you how strongly I feel that this would not be good for America. I do not believe in it.''

The difference between the President and the Congress has finally been exquisitely clarified and perfectly defined. This is the people's House. The people will speak tonight through the Congress. Let us pass this resolution. Let us balance the budget in 7 years.

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

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I am not speaking to the Republicans because they are together. They have gotten their program together, and they are coordinated. I am speaking to my colleagues in the Democratic Party:

> I love each of you very, very much. I want to say to you this is a time for you to stand

up, and be counted, and it's not time for you to go vacillating and running all over the globe. It is time that you say we stand for something, we support our President.

Now do not let anybody be fooled. There is no way in God's Earth that they can balance this budget by doing $245 billion worth of tax cuts. There is no way it can be done. If they do it, my colleagues know they got to take it out of someone's hide. They are going to take it from the poor, from the elderly, and from the disabled.

Now look at it. I do not care how smart my colleagues are mathematically or what kind of statistician they are. There is just to no way that can be done.

Now let us get back down to bare facts. All of my colleagues have come up here. I have watched them. They want more from Medicare, they want more for the older people, they want more for Medicaid, and they are not saying too much about Medicare. I say, ''Think about it. You're talking about the environment. If you're any kind of environmentalist, then vote against this continuing resolution. There is no way you can do it. Face it.''

Mr. Speaker, now is the time to fish or cut bait. My colleagues have got to cut bait now; the fishing is over.

Mr. LIVINGSTON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

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

Mr. BOEHLERT. Mr. Speaker, I rise in support of the continuing resolution and the commitment to a 7-year balanced budget.

Mr. Speaker, for years the Supreme Court has wrestled with the definition of the word obscene. They have not succeeded, but we here have. It is obscene to have a national debt approaching $5 trillion, a national debt which requires us to spend nearly $900 million every day just in interest payments—that doesn't feed anybody, or clothe anybody, or educate anybody, or provide jobs or medical care for anybody—it just services the national debt. That is obscene.

This is an historic moment. We now have the opportunity to demonstrate, in tangible form by our vote, that we not only heard the American people and their message of November 8, 1994, we are heeding it.

The American people said, in unmistakable terms, that they want smaller, less costly, less intrusive and yet more efficient government. That's a tall order, but we can do it.

In this 104th Congress, with a new majority determined to respond to the will of the American people, we have demonstrated that we are keeping the faith. In this House we have passed a balanced budget amendment, we have passed a line item veto, we have passed welfare reform and we have been both responsive and responsible in moving to avert a crisis of monumental proportions by passing legislation to save Medicare. I proudly voted for these significant measures, but our job is not done.

We must move to fulfill our commitment to the American people and our children and generations to come by approving this resolution which moves us ahead on our journey to a balanced budget, a balanced budget to be achieved on a date certain not decades away, but in seven years. When we have done what we must, we will be able to say a day's work well done.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Speaker, I have to agree with the words of the gentlewoman from Florida [Mrs. MEEK]. This is indeed the time to stand up and be counted. Indeed this is not a debate about airplane trips, or education, or EPA, or veterans, or Medicare, or whether the national parks will be open or closed. This is a debate about whether or not we should pass a continuing resolution that is going to open this Government up, end the shutdown, and at the same time affirm the vote that 300 Republicans and Democrats cast earlier this year to have a balanced budget in 7 years and save this country.

For my two little children, Jonathan and Lucy, and all the other children in this country in whose hands the future of this country will lie long after we are all gone, please join me in supporting this resolution tonight.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, as we debate this continuing resolution tonight, I think it is important to look at the components of the budget negotiations that we are actually in the middle of. The majority would ask us tonight to support a balanced budget by the year 2002 using Congressional Budget Office budget assumptions. Sixty-eight of us, myself included, have voted for a plan that accomplishes exactly that. But there is a third and essential leg to this three-legged stool that is conspicuously missing in the continuing resolution advanced by the majority tonight, and that is the $245 billion tax cut. There is not one word about backing off of the $245 billion tax cut in this continuing resolution.

Therefore, Mr. Speaker, I must oppose it tonight because we know that advancing towards the goal of a balanced budget in 2002, which I support, CBO numbers, which I think are sound, cannot be accomplished with the $245 billion tax cut without eviscerating cuts to Medicare, Medicaid, farm programs, student loans, and the rest of the litany of horrors represented in the budget reconciliation act, including the raid on pension funds that notwithstanding a 94-to-5 vote in the Senate has come back into the Budget Reconciliation Act in the conference committee.

Mr. Speaker, we are at this point in the budget negotiations because the Republican majority has insisted upon increasing the part B premium for Medicare as part of passing a continuing resolution. Tonight they back off of that, but they insist on two points: balanced budget by 2002, CBO numbers, and not 1 inch of budging off of their 245 billion tax cut disproportionately benefiting the wealthiest people in this country. We now that means cuts in Medicare, cuts in Medicaid, cuts in farm programs that cannot be sustained, and we must vote no.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. BUNN], a member of the Committee on Appropriations.

□ 2230

Mr. BUNN of Oregon. Mr. Speaker, the American people are shouting about the shutdown of the Federal Government. Some are shouting that we are scared, we are not sure how we are going to pay the rent, we are not sure how we are going to buy groceries, and they have a right to be scared.

But a lot of people are shouting some other things. Here is a message. I have a stack of faxes. ''We are 60 years old, close down the government as long as it takes, continue with Medicare reform.''

Another message: ''The Republicans are on the right track. Stay the course. We have come a long way. We've got a long way to go.''

Another one. ''Hold the line.''

Another one. ''Balance the budget.''

Another one. ''Just do it.''

The message is very clear. Overwhelmingly, my constituents are saying, ''Stay the course. We want a balance budget.'' We have to resolve this issue.

Tonight we are offering a solution. We are saying we will get back to work and we will move to balance the budget. I hope that the President is listening to the American people. We are, and we are determined to solve the solution. We are bringing it to his door today.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, this measure has been called a sham, a shame, but in short, it is nothing but a Medicare cut under another name. Our Republican colleagues were so committed to cutting Medicare that the one thing they sent over to the President, along with their proposal, was an increase in Medicare premiums. They got caught. The American people have been saying no, and they have been saying no all week to that kind of Medicare cut. So what are they coming back with tonight? They come back with a new straitjacket to accomplish through the back door what they could not get done through the front door.

There is one thing this great revolution that they have provided us has not changed. That is elementary school arithmetic. Adding still is the same old way as it was prior to the last election. If you give hundreds of billions of dollars of tax cuts to those at the top of the economic ladder, you give the Pentagon $8 billion more than it asked for,

the only other place you can look is to take it out of the hide of the senior citizens of this country, out of the schoolchildren, and out of the environment. That is what they are going to do through this resolution. If you believe in protecting Medicare, you are going to vote against this.

Mr. LIVINGSTON. Mr. Speaker, with a flabbergasted expression of surprise, I am not happy to yield such time as he may consume to the gentleman from California [Mr. GALLEGLY].

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

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

I stand tonight in strong support of this resolution.

Mr. LIVINGSTON. Mr. Speaker, I am happy to yield 1 minute to the distinguished gentleman from New York [Mr. FORBES], a member of the Committee on Appropriations.

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

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

Mr. Speaker, now is the time. The Nation is asking us to put partisanship aside and unite as a Nation on behalf of this very responsible blueprint that builds for a better tomorrow. On behalf of my child, Abbie, and my son, Ted, and all the children of America, it is time to embrace as a Nation this blueprint. I ask the protectors of the old order here in Washington to put it aside.

Let us move forward, with the President and the Congress united, let us go forward in this blueprint that takes care of the future for our children, creates jobs for the future, hope and opportunity for all Americans. It is time to unite and pass the continuing resolution.

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

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

Mr. KENNEDY of Massachusetts. Mr. Speaker, I come to you this evening before this body as a strong supporter of a balanced budget, a strong supporter of a balanced budget in 7 years. I challenge the Republicans to give us a balanced budget within 7 years. Stop this ancillary nonsense of cutting every program out there. You go out and you cut programs that provide for youth employment, you cut the programs for veteran's homeless benefits, you cut programs that look out for the Native Americans, for AIDS education, for rural housing, for substance abuse, for low-income energy assistance, the Christa McAuliffe scholarship fund, all of the Eisenhower leadership grants, and the star schools programs.

You sit there and cut those programs with grins on your faces, and yet you are willing to provide an enormous tax cut to the wealthy, you are willing to cut the Medicare Program, you sit there, two-faced, pretending to the American people that you are for a balanced budget when the only thing you are for is gutting the poor, hurting the low-income people, hurting the senior citizens, and lining the pockets of the wealthy.

Mr. LIVINGSTON. Mr. Speaker, I will refrain from asking unanimous consent for the gentleman to proceed for another hour, and I yield such time as he may consume to the gentleman from Alabama [Mr. CALLAHAN].

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

Mr. CALLAHAN. Mr. Speaker, I include for the RECORD an editorial that appeared today in the Mobile Press Register.

NATION'S FUTURE AT STAKE IN BUDGET SHOWDOWN

It finally happened. President Clinton and the Congress were eyeball to eyeball, neither blinked, and the government shutdown was under way. On its first full day, more than a few Americans shared radio commentator Paul Harvey's attitude: ''The government has shut down. Enjoy it while you can.'' In reality, though, this Beltway tug of war is no laughing matter.

If it isn't resolved quickly, the man on the street may conclude that neither the Clinton White House nor the GOP-led Congress cares nearly as much about the future of the country as they do about the upcoming elections. In the case of Bill Clinton, who tracks opinion polls like a dog following a juicy steak, the man on the street would be correct.

Over in the House, though, one-third of the Republicans were elected for the first time in the 1994 GOP landslide. They believe passionately that they were sent to Washington to carry out the will of the voters. Their constituents want them to downsize government, fix welfare, restore Medicare to solid footing, balance the budget and eradicate deficit spending—and they intend to do it.

They're the ones who are refusing to get drawn into politics as usual, who aren't willing to be bullied by poll numbers or even the threat of losing their Republican majority in 1996.

This budgetary clash of the titans erupted Monday over two normally routine measures. One was a bill that would have raised the national debt limit so the government could borrow money to pay its bills. The other was a measure to fund the government temporarily while Congress kept working on the regular appropriations bill.

The president vetoed the emergency measures because Republicans insisted he sign onto their goal of balancing the budget in seven years. That should have surprised no one; Mr. Clinton is always weak when he should be strong, and inflexible when he should be willing to negotiate.

How can he fail to recognize that this is no mere political struggle? What the president and Congress do now about balancing the budget will define the scope and the nature of our government well into the 21st century. This is a rare chance to step off the deficit treadmill. Results would include lower interest rates, increased investment and a dynamic economy for years to come.

Without action on Washington's part, before the year 2000 we will be spending more each year on the national debt than we spend on national defense. Yet Mr. Clinton stands stubborn, declaring that he'll protect Americans from the GOP's ''unwise cuts'' in Medicare, Medicaid, education and environmental protection.

Whenever genuine balanced-budget advocates talk about reining in government spending, this president accuses Republicans of ''slashing'' social programs. Such shameless rhetoric is obviously intended to rouse public ire and obscure the real issues.

Republican leaders are doing the nation a service by holding out for a presidential commitment to a balanced budget. Mr. Clinton is doing the nation a disservice by his blatant attempts to fuel public hysteria.

White House spokesman Mike McCurry said Tuesday that his boss is ''willing to give up his presidency'' rather than accept the GOP's priorities. That's nice to know; but if Bill Clinton blows this opportunity for government to turn itself around, his ''willingness'' to relinquish the presidency in 1996 will be academic.

A year from now, voters will take care of that for him.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. DICKEY], a distinguished member of the Committee on Appropriations.

Mr. DICKEY. Mr. Speaker, I represent Hope, Arkansas, and Hot Springs, Arkansas. I represent where the President has grown up, where he has forged out his political career, where he has gotten votes from citizens in my district from years and years and years.

I want Members to know I am in favor of this balanced budget, because those people at home are crying out for that to happen. They want the President to know that it is not a question of who we are taking money away from as far as the poor and the people who are dependent on government, it is who they are taking away from before they get to that point.

The President knows that. He is from our district. He knows that. They are saying, almost unanimously, with every letter, every call I get, ''Balance the budget. Do not get fooled.'' I am saying the same thing. I would like for us to respect the people who earn the money and balance the budget for their sake, rather than the people who are receiving the money from the government.

Mr. OBEY. Mr. Speaker, I yield myself 6½ minutes.

Mr. Speaker, nobody in this House can say that I have routinely and blindly defended the President of the United States. If you doubt that, all you have to do is take a look at the newspapers this morning. But having said that, I want to stand here and defend him from some of the things that I have heard this evening.

Mr. Speaker, this debate, unfortunately, is not being driven by policy. It is, in my judgment, being driven by sheer, raw power politics. There is no question that the Speaker has been planning for a long time for this moment. All you have to do is to go back to his quotations in April and May, where he made quite clear that he was just waiting for the time that he could load up a debt ceiling or a CR and send

it to the President, and he made quite clear on numerous occasions that he did not care what the price was.

He made that clear as recently, I believe, as yesterday. I don't care what price political parties pay, or what people pay on this House floor, but I do care about the price that our system pays when the public concludes that what we are doing is driven by raw politics and raw personal ambition. And yet that is what the public has concluded on the basis of this sorry episode.

We are in this position because this Congress has not finished its work. We are in this position because over 90 percent of the appropriations still have not become law, and that has given the Speaker an opportunity to try to leverage his position by sending down to the President a series of poison pills.

First, he sent down to the President the CR which the President vetoed because that contained the poison pill that required Medicare premiums to be virtually doubled over the next few years. The President vetoed that. The majority party took a big public relations bath for that effort.

Now you are in the process of trying to send a second poison pill down to the White House. That poison pill is to demand that the President, sight unseen, with no understanding of what underlying assumptions there are. Except for CBO's technical and economic assumptions, it demands that, sight unseen, he buy into the idea of a 7 years balanced budget.

Let me tell you why I am suspicious of that timetable. Because I have been here long enough to see three previous promises broken in terms of multiyear budgets. This chart shows the contrast between the promises that Ronald Reagan told us, that he would balance the budget in 4 years, versus, in the red bars, the performance. He promised that in 4 years we would hit a zero deficit. They missed by $185 billion.

Then we were told, ''Well, let's try Gramm-Rudman.'' Again, they promised in 5 years we would get to a balanced budget. They only missed by $220 billion.

Then they tried Gramm-Rudman II, and again, they promised that they would take us down to zero deficit. They only missed by $290 billion. So I think we have a lot of reasons to be suspicious of these political promises about multiyear balanced budgets.

Nonetheless, nonetheless, I am willing to support that idea, provided we know what your other assumptions are. That is why the recommit motion, which I will offer tonight, would have us accept this proposition, provided that you buy some of our assumptions.

Our assumptions would be:

First, no tax cut shall be provided until the budget is in balance;

Second, no reduction should be made in education which closed the door of opportunity to young people;

Third, no alterations in the Medicare program should restrict the access or quality of care available to senior citizens, or disproportionately increase the cost of that care to those citizens;

Fourth, no money may be appropriated, and no targeted tax benefits will be provided, including all fiscal 1996 appropriation measures and the reconciliation bill you are about to produce, if they are not subjected to a line-item veto which the President can exercise to hold us to that 7-year timetable.

□ 2245

You want us to buy your technical assumptions on CBO. I will be happy to buy them, but we want to know that in the process you are not going to gut social security, you are not going to gut Medicare, you are not going to gut education, you are not going to provide a tax cut, a huge percentage of which goes to the highest income people in this country.

We want to know in short order that your economic prescription for reaching that balance is not going to fall disproportionately on the shoulders of working people so that once again the richest one-half million families in this country can clean up on the gravy train as they have done by your policies for the last 12 years. You buy our assumptions, we will buy yours.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON], a distinguished member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding.

You know, 435 Members of this body claim in principle to accept the balanced budget, and every break we go back to the Kiwanis Clubs and Lions Clubs, and we tell the Rotary Club we want a balanced budget. ''Of course, I support it.''

I call this Rotary Club speech versus reality. Tonight you have a chance to make that vote. There is nothing to squirm about in this. It is just a clean bill. Very simple. Do you want a balanced budget in 7 years or not? Do you want to get the furloughed employees back to work or not? Do you want to leave the gates of old faithful open or not? Do you want the social security services and passport services to be reopened or not? That is what we are debating.

We are not debating Medicare. We are not debating welfare reform. We are not debating taxes. We know you all love taxes as much as you seem to disdain the middle class.

But this is only a bedrock, fundamental question. Statement in principal: Do you want a balanced budget in 7 years or not?

You know, the previous speaker said that our Speaker, the Speaker of the House, had been waiting for this for months. Well, I will tell you what, 234 Members on this side of the aisle have been waiting for this, and so have the American people. Let us balance the budget and let us do it tonight.

Let us vote for this bill.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I am not one who usually takes the floor on things like this. I usually like to reserve to bills that I have direct jurisdiction.

But I am alarmed tonight at what I am hearing, the restoration of the partisanship on both sides, in fact, that does not really fit tonight.

We have been criticized by the media, by the American people, because we have been partisan. The last week in Terre Haute I was criticized because I said there was ample responsibility and blame for both sides of the aisle here in not achieving this continuing resolution.

Now, I am going to be critical of you on the Democratic side. I am about as least partisan as anyone here and still claim to be a loyal Republican. But you asked for a clean CR. I am surprised that this is as clean as it is, with one exception, the provision that we have almost all of us voted for that we will support to balance the budget by the year 2002. That is all this says, that we are reestablishing.

Tonight, support this. If the President does not sign it, then I will say the blame is all one way. And I am sorry to say that.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, we have been discussing tonight, talking about the poison. The poison, Mr. Speaker, is the $5 trillion debt. The antidote is a balance budget.

The President said on no less than six occasions, in fact, a balanced budget is something he wants. Well, all of America is waiting for it.

This legislation is bipartisan. A balanced budget, according to Alan Greenspan, will reduce mortgage payments, reduce car payments, reduce college payments, reduce health care costs.

This is the best legislation for seniors, for children, working families. This bill is good for America.

I ask all Members to vote for it. It is good for America.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia [Mr. BARR].

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

Mr. Speaker, men and women and children of America, listen up, look into the eyes of this Chamber, listen to the words in this Chamber, for tonight for the very first time in the entire 11 months of this 104th historic Congress, the issue is crystal-clear. The issue is crystal-clear, as it will go down to Pennsylvania Avenue. This issue is crystal-clear, as it will go over tomorrow to the U.S. Senate. Does this body join the American people in support of

a balanced budget or do they not? Is the President going to stand by what he said over and over again, or is he not?

He will have that chance. America has that chance. This is America's night. This is America's day. Stand up and say we will balance the budget and make sure that the folks on both sides are accountable for that, and, most importantly, men and women of America, make sure the gentleman at 1600 Pennsylvania Avenue hears that message. Call, write, fax: ''We want a balanced budget amendment, we want a balanced budget.'' This is the vehicle to do it.

Let us commit ourselves as America has committed us to do and vote for this continuing resolution.

The SPEAKER pro tempore (Mr. DREIER). The Chair wishes to inform the Members that all remarks should be address to the Speaker, not to other Members or to those outside the Chamber.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Speaker, let me see if I get this right: If we vote for the alternative proposal being offered tonight, then we are basically admitting that we are willing to cut, or we are willing to meet the balanced budget? We just do not want to change our spending any? That is a joke. I think we all know that. I think the American people know that, that there really is only one way to balance the budget, and that is to reduce the rate of growth and to stop spending as past Congresses have done.

Why are we doing this? We talked about poison pills. We have talked about a system, protecting a system.

Well, let me tell you, you cannot go home and hug a system. I can go home and hug my four children. This is for them. This is for the future of our children.

The balanced budget means the very lives and future of every one of those children just as it is for my children. Put up or shut up. Come on, you have got the opportunity to do so. Quit squawking, get the job done.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I do rise in favor of this clean continuing resolution to balance the budget and, as a matter of fact, to let Government start operating again.

I also rise on behalf of 800,000 Federal workers who have been furloughed. These men and women are frightened, anxious, and confused. Through no fault of their own, they find that they no longer can work. Even though they have been assured that there will be an appropriation for them in the future, they want to work. They want to continue research on the AIDS virus. They do not want to stop looking for better educational strategies for our children. They do not want to stop developing alternative energy sources. And they want a balanced budget.

To me, this is so very simple. There is no requirement in balancing this budget, the commitment the President has made and will make with this continuing resolution, that says he has to have tax cuts in it. There is no commitment that he has to follow any of the suggestions that have been made by the majority side. He simply has to show he can balance it in 7 years using the CBO figures.

We must do that tonight.

Mr. Speaker, there is a need to balance the budget. But, what is getting lost in the budget debates and the shutdown posturing is the fact that Federal workers are human beings—they are taxpayers; and they are consumers. They have kids off in college. They buy food at the local grocery and worship at the neighborhood churches and synagogues.

These public servants also want a balanced budget and believe in a future for their children—the common vision that we all share, even though there are different roads to get there.

I've been assured by the leadership that action will be put forth that would pay Federal workers for any time off resulting from this shutdown, and I am sure the President will agree with this. And I'm grateful for this commitment, but Federal workers do not want something for nothing. They want to work. They don't want to stop research on the AIDS virus; they don't want to stop looking for better educational strategies for our children; and they don't want to stop developing alternative energy sources. And they want a balanced budget.

Shutdowns are inconsistent with the principles that bring people to Federal service. They are contrary to good government management and an affront to the taxpayers who must foot the shutdown bill.

Mr. Speaker, we all look bad on this—from the President to the most junior Member of Congress. I hope we learn a valuable lesson from this experience, because I never want to come to this floor again to speak about a Federal shutdown.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. GOODLATTE].

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

Mr. Speaker, I rise in strong support of this continuing resolution, and I reach out my hand in thanks to the many Members of the other side who are going to join us in supporting this continuing resolution and making it a bipartisan bill going back to the President

Frankly, I am stunned that before we had even taken action this evening, the President took it upon himself to say that he would veto legislation that is going to have strong bipartisan support that would reopen the government and, most importantly, establish the principle that 300 of us on both sides of the aisle voted for, and that is to balance the budget in this country for the first time in 33 years.

I urge my colleagues to support this continuing resolution on both sides of the aisle. Let us send this to the President and let him know that we want to see a balanced budget for the first time in this country in over 25 years.

Mr. LIVINGSTON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

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

Mr. SOLOMON. Mr. Speaker, I rise in support of this bill that is good for all Americans.

Mr. Speaker, a lot of our constituents have been wondering what this whole government shutdown crisis is all about. Contrary to the characterizations by some in the media and elsewhere, this is not a petty, partisan, pushing match between a Republican Congress, and a Democrat President over who is tougher or stronger.

This is a very serious debate over the future size, shape, role, and direction of this Federal Government.

It is about our commitment to achieve a balanced budget in 7 years.

It is about downsizing and streamlining the Federal bureaucracy.

It is about returning more responsibility and, tax dollars to the States, localities, and most importantly, to the people.

It is really all about the first three words of the Constitution, ''We the People.'' The people want a balanced budget.

The people want a trimmed down Federal bureaucracy.

The people want us to cut waste fraud and abuse from Government.

The people want us to re-think, re-set, and, yes, reduce our Federal priorities, because they recognize that when the Federal Government tries to do everything for the people, it usually fails to do much of anything successfully, other than collecting the people's hard-earned tax dollars.

That is what this dispute between the President and the Congress is all about. We have invited the President to join with us in our task of bringing the Federal budget into balance by fiscal year 2002.

The President has thus far balked at our invitation on grounds that he doesn't want to give up his priorities and programs. He would still like to have the American people believe that we can not only continue with all we are now doing (and spending) but that we can even do and spend more, not less, and still balance the budget at some time after he has long left office.

Mr. Speaker, that is a recipe for disaster. The Federal Government is not what will save our Nation and its economy. It is our ability through the private sector to create new and better jobs and opportunities for today's workers and their children.

The Federal Government is not our salvation. But it is what is standing in the way of this country's salvation, as long as the Government continues to spend us deeper and deeper into debt, and consume the capital that is so desperately needed to re-build this country and its economy.

In conclusion, Mr. Speaker, the differences between this Congress and the president are not petty, partisan squabbling, by any means.

They are a very fundamental debate about the future direction and scope of this Government, and what it will or will not allow the people (by their individual and collective enterprise and efforts) to do to save this great Nation of ours.

And balancing our Government's books, in a reasonable amount of time, in a carefully measured way, is critical to the success of "We the People" to save ourselves by our private sector initiatives and efforts.

Let's vote for this bill that will permit the Government to function at a reduced rate of spending, while we hammer-out the final details of that 7-year balanced budget bill, that will put us on that steady glide-path of digging this Nation out of its debts, and putting it back on a glide-path of fiscal responsibility.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SHAW].

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

Mr. Speaker, I would like very quickly to say that this should not be a partisan vote tonight. This is a question of whether or not we are going to balance the budget of this country within 7 years. It is about the economic future of this country. It is not about a tax cut. There is no tax cut in this bill.

It is not about Medicare. Medicare is not in this bill.

It is not about a Republican or a Democrat agenda. It is simply about common sense: Do we want to leave the country that we received from our parents, do we want to leave that quality of life and economic future to our kids?

Tonight, before each one of us casts our vote, close your eyes for just a second, think about your kids, your grandkids. Think about the generations to come after us. Do we want them to have what we had? Or do we want to leave them a bankrupt Nation?

Think about it tonight. This is the only question that we should really consider: Do we want to live within our means and leave a better country for our children than we have today?

□ 2300

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for yielding 1 minute to me, and wish it were 1 hour.

I rise tonight to ask all of my colleagues on both sides of the aisle to please vote for this bill, this CR. I think it is not that complicated. We are trying to put our Federal workers back to work. We are simply saying that we need to balance our budget, and Members all know that.

My colleagues have all said they wanted to do that in a 7-year period. I am asking my colleagues to help us balance this budget for my children and my grandchildren, for the 80 percent of the American people who believe we need to balance it, for the 66 percent of the people in my district who voted for me who sent me here to balance it, but maybe most of all for one Federal employee who left a note in my office the other night. I would like to read it to my colleagues and share it with them and ask them to consider voting for us.

The note read,

> Congressman Norwood, please don't give an inch to Clinton. I work in the AC shop and I met you the other night. I have a wife and 5 children and stand to lose $531 this week from furlough days. I support Newt and yourself and all others for the current balanced budget. The only Christmas we may have is this bill, but I can't think of a better Christmas.
>
> Please support this bill.

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Missouri [Mr. GEPHARDT], minority leader.

The SPEAKER pro tempore (Mr. DREIER). The gentleman from Missouri [Mr. GEPHARDT] is recognized for 3 minutes.

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

Mr. GEPHARDT. Mr. Speaker, I urge Members to vote against this bill. We are here tonight because we have not gotten our work done. We are on a continuing resolution because the appropriation bills have not been done on time.

I respect greatly the work that has gone into this budget. I respect the legitimate intentions of the Members in the majority that have worked on this. But we have expended a tremendous amount of energy in the last days simply trying to extend the government, extend the debt so that we could have the time to do either the presentation of bills to the President so that we could bring this to a successful conclusion or to get the veto from the President, which is certain to come, so that we could get to the negotiations, if that is what is to happen next, so that we again can bring this to a successful conclusion.

We are expending energy needlessly on a continuing resolution tonight that includes admonitions about the budget in a bill that is not the budget. We know that there are many Members in the body, Democrats and Republicans, that want to reach a balanced budget in 7 years. This bill does not do it. The bill tomorrow or Friday is the bill that does that. And we cannot quite seem to get to the main act.

Now, let me say to my friends, if this is to be successful at the end of the day, at some point there has to be a willingness in the majority to say that there have to be 100 minority Members who are part of voting for this budget so the President will ultimately sign it. For the good of the country, I would hope that we could get to that point. But many on the majority side have said over and over again, well, the only way this works, the only way we will be for it is if there are 218 Republican votes for the bill. And in fact, some have said we will never be for a budget that gets as much as 100 Democratic votes. If that is the ultimate outcome, I think then we are bound to argue these issues into the campaign.

I am not unwilling to do that. In fact, I have come to believe that these issues are of such importance over such a long period of time that the American people should be dealt into these decisions, if the decisions are simply yours alone. So at some point there has got to be a coming together.

Let me finally say this: I understand the Speaker said today, reported in a news article, and sometimes those news articles are wrong and I understand that, but he said that the 7-year number was intuition. I respect his intuition. I respect anybody's intuition. But I am here to tell my colleagues that this issue of 7 years is a clash of values. A budget is not just about 7 years. A budget is about a lot of different decisions.

I am here to tell my colleagues tonight, like a lot of people among the American people, I am not for balancing the budget in 5 or 6 or 7 or even 8 years, if it means decimating and ruining the Medicare program that the people of this country have come to depend upon. I am not for balancing the budget in 6 or 7 or 8 years if it means that the young people in my district and in your district cannot get a student loan when they need a student loan to get their education. I can tell my colleagues for sure that I am not for a balanced budget if it means that we are going to cut Medicare and Medicaid and cut seniors, if we are using the majority of that money to pay for a tax break for the wealthiest people in this country.

So I say to my friends on the Democratic side tonight, vote against this bill. Let us not put bookends on this decision that says that it has got to be my way or the highway. Let us decide in a rational way, either through the presentation of bills or through an honest negotiation between the parties for a good, sensible, logical, humane balanced budget for this country, even if it takes 8 years or 9 years. Let us not lock our hands tonight and say there is only one way to do this. There has got to be a number of ways to do it. Let us work together to get it done sensibly.

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

Mr. Speaker, the lines are clearly drawn. The other side wanted a clean bill. This is a clean bill with one exception. It says all we want to do is achieve a unified balanced budget not later than the fiscal year 2002 based on the most current economic and technical assumptions of the Congressional Budget Office. That is the difference in this bill from the bill that they have been saying they wanted from the beginning, and all this one does is commit us to a balanced budget.

On behalf of all the Americans who want the Federal budget balanced and on behalf of all Americans who want their government working and fully functioning, I would urge all our Members, Republican and Democrat alike,

to pass a clean continuing resolution that will commit us to a balanced budget by the year 2002.

Mr. PORTER. Mr. Speaker, finally the choice has been made clear: whether the Congress and then the President are committed to a balanced budget or not. The question is not 7 years, or whether there will be a tax cut or not, or whether Medicare and Medicaid will be reformed. The question is solely whether the Congress is committed to balancing the budget in 7 years or not, and then whether the President has such a commitment.

The issue is really whether business in Washington will continue as usual or whether there will be a new commitment to change. To change from policies that have left our children in major cities uneducated, or welfare system supporting persons in the third and fourth generations, our population plagued with drugs, our prisons overflowing with people who do not obey our laws.

Change has come to the private sector in America, and while the transition in the post-cold-war world has been difficult, our country today is in position to successfully compete throughout the world. We have known that it was necessary to change how we organized and conducted or business enterprises, to reduce inventories, to lay off unproductive and unneeded employees, to do those things to meet competitive pressures in the world economy. We have turned the corner and today are as competitive as we have ever been, with an economy characterized by both low inflation and low unemployment.

But change in the private sector is not enough. Everyone understands that government must change as well. That 40 years of accumulating programs to serve narrow constituencies at high administative costs can no longer be afforded. That huge deficits year after year, draining the future from our children and grandchildren, cannot be tolerated. That all the rights we are guaranteed as a free people in this most free land on earth come with responsibilities—the responsibility to give something to our country, to contribute to solving its problems.

It's time, Mr. Speaker, that we start from the premise that we are all Americans, that we must change business as usual, stop demanding that our interests as seniors, or business people, or union members, or farmers, or of any group come first, and that we find the way to work together to solve our country's problems. We must begin by a commitment to balance the budget and put ourselves on a solid economic foundation that will guarantee our children and grandchildren the opportunity for a better economic life.

This resolution does that. It puts the Government back to work for the American people and commits the Congress and the President to balancing the budget. There is no escape for the President, nor for any Member of Congress, Mr. Speaker. You're either for balancing the budget or against it. There's no question of how, or what spending cuts will or will not be made or whether tax cuts are or are not part of it. It's only a commitment to do the job. Yes or no. How will you be counted?

□ 2310

The SPEAKER pro tempore (Mr. DREIER). All time has expired.

Pursuant to House Resolution 270, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. OBEY. In its present form I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk, read as follows:

Mr. OBEY moves to recommit House Joint Resolution 122 to the Committee on Appropriations with instructions that it report back the joint resolution to the House forthwith with the following amendments:

On page 9, line 12, strike ''40 percent'' and insert ''10 percent''; and,

Amend Title III by striking the last period and inserting the following: ''and shall be based on the following substantive assumptions

(1) tax cuts shall be provided only after the budget is in balance;

(2) no reductions in education shall be made which close the doors of opportunity to young people;

(3) no alterations in the Medicare program shall restrict the access or quality of care available to senior citizens or disproportionately increase the cost of that care to those citizens; and

(4) no money will be appropriated and no targeted tax benefit will be provided (including all fiscal year 1996 appropriation measures and any reconciliation bill enacted after the date of enactment of this joint resolution) that is not subject to a line item veto in order to maintain the time table for a balanced budget.''

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes in support of his motion to recommit.

Mr. OBEY. Mr. Speaker, what this motion to recommit says is that we will be happy to buy into the idea of a 7-year balanced budget despite all of the blindfolds that that implies provided that the majority party will be willing to buy into the following requirements: First of all, that a tax cut will be provided only after the budget is in balance. We do not want any $14,000 tax cuts going to people making $300,000 a year before the budget is balanced. I do not want them anytime.

We also do not want any reductions in education which will close the doors of opportunity for young people. I thought the reason we came here was to open doors of opportunity, not close them.

Mr. Speaker, we also do not want to see tax cuts that are provided by cuts in Medicare and cuts in Medicaid, and we do not want cuts in those programs to affect the quality of care or disproportionately increase the cost of that care to the citizens who rely on those programs.

Lastly, we want the line-item veto to apply to each and every appropriation bill that passes for this fiscal year, we want it to apply to every item in the reconciliation bill that passes, and we also want it to apply to all of the tax goodies that from time to time work their way into bills in this place, especially for rich friends. We want the President to be able, if he indeed is expected to adhere to a timetable of 7 years, we want the President to have all of those tools available, and we want them available now.

Now everybody talks about personal experiences. I held a lot of hearings in my district over the past months, and the person I will never forget is a young woman who was 22 or 23 from Rhinelander, WI, who appeared at a hearing of mine. She had two young children. She divorced her husband because he beat the hell out of her on a regular basis, and she needed Medicaid desperately, she needed to maintain her student loan, she was homeless for 4 months last year, and yet she kept going to school each and every day because she wanted to make something of herself.

I do not want to balance the budget on the backs of people like that when at the same time in the reconciliation package coming down at us on that freight train we are going to be asked to make life a whole lot easier for the wealthiest people in this society.

Mr. Speaker, I have absolutely nothing against rich people. I want everybody to be rich. But in the 1980's, in the 1980's, we saw the richest one-half million families in this country increase their share of national wealth from 24 percent to 32 percent. Think about it. At the same time we saw the average working person in this country either hang on or lose ground.

We want to change that. We do not want to see the budget balanced in a way which increases the disparity—in income and well-being—between the very wealthiest people in this society and the folks, the everyday folks, who struggle every day just to make ends meet.

If we are going to listen to the accountants who tell us how we numerically pull the numbers together, we also want to listen to the folks who will talk to us about the morality associated with these choices so that we also pay attention to the need to hold this society together. And we will not hold this society together if we continue to follow a prescription which asks as its first question, ''What can we do for the boys on the top?'' We will not hold this society together if we wind up with a prescription that gives table scraps to everybody else in this society, and that is what has been happening for the last 12 to 15 years.

I urge my colleagues to vote for this motion to recommit, and I urge my colleagues to vote against this resolution if the motion to recommit is not adopted.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from

Louisiana [Mr. LIVINGSTON] for 5 minutes.

Mr. LIVINGSTON. Mr. Speaker, I rise in opposition to the motion to recommit, in favor of the continuing resolution, and I yield the 5 minutes to the gentleman from Georgia [Mr. GINGRICH], the distinguished Speaker of the House of Representatives.

Mr. GINGRICH. Mr. Speaker, I think this is a very historic debate, and I thank the gentleman from Louisiana [Mr. LIVINGSTON] for yielding this time to me.

The Mobile Press-Register had it right today when they ran an editorial entitled ''Nation's Future at Stake in Budget Slowdown,'' and that is what this is really all about.

I listened carefully twice this evening to the gentleman from Wisconsin, the distinguished leader of the Democrats on the Committee on Appropriations. I really liked his one chart about how past efforts had failed. He did not note that he was part of the majority in Congress during those failures and that we are different. We have been here 11 months, and we are different, and we recognize that, and we accept it.

As my colleagues know, this does not need to be a fight.

□ 2320

Virtually every liberal who opposed the balanced budget earlier this year said, ''We don't need a constitutional amendment. We need the courage to make the decisions now.'' You go back and read the RECORD. Virtually every liberal said, ''Vote no on the constitutional amendment for a balanced budget. We can do it here.'' And they are right. And we are.

Just last week, 68 Democrats voted for a 7-year balanced budget. Let us be very clear, the language tonight says nothing about taxes. It says nothing about defense. It says nothing about education or environment. All it says, all it says the President of the United States, in return for us giving him billions of dollars to spend, should commit to a 7-year balanced budget, scored honestly, by the Congressional Budget Office.

Everything is on the table. You want to negotiate over the taxes? Fine. Let us negotiate. We believe that a $500 tax credit per child for a working mother with three children is a good thing. That is $1,500 in her pocket when she goes to work. But that is not in this resolution. That is to be negotiated. All this resolution says is ''Use the Congressional Budget Office.''

Now, I was here in the minority, I sat right there where the gentleman from California is sitting, in the Whip's chair, and I watched the President of the United States, Mr. Clinton, right there is his first speech to the Congress. And he said to us: ''We should score all of these things with the Congressional Budget Office.'' He said it. Why? Because historically it was more honest, it was more accurate, and it was not under the political control of the President.

So all we have done is take the President's advice. Now, there is one constant misrepresentation I just have to take a moment to comment on. It is in the statement of administration policy sent out. And it saddens me. It was in the quotes from the gentleman from Texas [Mr. DOGGETT], from the gentleman from Wisconsin [Mr. OBEY], from my good friend, the minority leader, the gentleman from Missouri [Mr. GEPHARDT]. Here is what the administration says: ''Drastic cuts in Medicare.''

Let me say to my friends, the gentleman from Wisconsin [Mr. OBEY] talked about ''gutting Medicare.'' The gentleman from Texas [Mr. DOGGETT] talked about ''simply arithmetic.'' Let me give you the actual facts, and I am not asking all my Democratic friends to agree to this. That would be on the table to be negotiated. But I at least have to make the record clear.

This year we spend $4,800 per senior citizen. At the end of 7 years in our plan to balance the budget and save the Medicare trust fund from going broke, we spend $6,700 per senior citizen. That is just an arithmetical fact. That is just true. You may not like it, maybe you want to spend more, but that is an increase per senior citizen of $1,900, per year per senior citizen, more than the inflation rate, more than the medical inflation rate. In fact the total growth in this program, which is 45 percent, is twice the inflation rate.

When people say the word ''cut,'' it is just not accurate. I really wish they would have somebody on their staff do the arithmetic; from $4,800 to $6,700 is an increase.

But let me come back to what is really happening. The President wants money. We need to get the furloughed employees back to work. That is the right thing to do. We want the Federal Government to work at full speed. That is the right thing to do. But the President, since April, when I first said we would not accept a veto strategy, we would not allow ourselves to be stopped by the power of the veto, the President simply refused to negotiate, and as recently as tonight he has said he does not want to get to a balanced budget in 7 years. He wants a lot more money, a lot bigger deficit, a lot higher taxes.

We have a document right down the hall called the Magna Carta. It is a reproduction from England of the original, created in 1215, when the barons said to King John, ''You can't have money unless the people who are taxed have some say.'' In America that got translated pretty simply: No taxation without representation.

Then we created the Congress based on the House of Commons, the House over here. The Senate was supposed to be the House of Lords, and I will not comment, out of a sense of comity. But the power to originate all taxes and the power to originate all spending is in the legislative branch.

Why? So that the 435 people elected every 2 years from back home, and the 100 Senators elected to represent the States, would have the power to say to a President: ''If you want money from the American people, there are legitimate, honorable conditions.''

And tonight we only say we want one condition, and it is not a hard condition. Almost 90 percent of the American people want this condition. Our phones are ringing off the hook with people who are saying, ''Don't back down. Don't give in.'' What is that condition? Balance the budget. And how long do we take? I say to my friend, the gentleman from Missouri, you are right. Seven is an intuitive number. It is based on having spent 35 years studying this business and trying to figure out what is the shortest time without causing immense pain that we could get to a balanced budget.

I would say that the gentleman from Ohio, Chairman KASICH, has done a brilliant job in working that out, and I would say that 68 of your own colleagues voted last week to 7 years because it is doable in 7 years. Why should we take a year longer than necessary?

So all I say to all my friends on both sides of the aisle, we do not ask you to agree on tax cuts, we do not ask you to agree to a number in defense, we do not ask you to agree to a number in education, we do not ask you to agree to anything but two principles, that the budget shall be balanced in 7 years and that the scoring will be honest numbers based on the Congressional Budget Office.

We say to the President, ''We offer you a contract with the representatives of the American people. We will give you the money to bring back the furloughed employees. You sign on the line that you agree to work to a balanced budget.'' It is that simple. It is that direct. It is that American.

Mr. WYDEN. Mr. Speaker, I want to make it clear that I support balancing the Federal budget within 7 years. It can be done if we roll up our sleeves and work in a bipartisan fashion.

However, I am not able to support this evening's continuing resolution as it fails to provide even the most basic protections for Social Security or Medicare. Further, it would immediately cut education, veterans' homeless programs, and—at the outset of winter—the Low Income Home Energy Assistance Program.

This is not a vote taken in a vacuum. The House has adopted a balanced budget that calls for $270 billion in Medicare cuts. I cannot and I will not support the weakening of Medicare for our seniors.

I am prepared tonight to work across the aisle to balance the budget. My priorities for cutting the Federal budget include slashing military spending, agricultural subsidies, the space program, and Federal agency overhead, as well as eliminating waste, fraud, and abuse in the Medicare and Medicaid Programs.

I will work with anyone to bring the Federal budget under control, but I cannot support tonight's partisan effort.

The SPEAKER pro tempore (Mr. DREIER). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit offered by the gentleman from Wisconsin [Mr. OBEY].

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 241, not voting 5, as follows:

[Roll No. 801]

AYES—187

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

NOES—241

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

NOT VOTING—5

Fields (LA)
Houghton
Tucker
Waldholtz
Yates

□ 2344

Mr. RAHALL and Mr. QUINN changed their vote from ''aye'' to ''no.''

So the motion to recommit was not agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DREIER). The question is on the joint resolution.

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

RECORDED VOTE

Mr. LIVINGSTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 277, noes 151, not voting 5, as follows:

[Roll No. 802]

AYES—277

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner

Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Visclosky
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—151

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Shadegg
Skaggs
Slaughter
Souder
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden

NOT VOTING—5

Fields (LA)
Houghton
Tucker
Waldholtz
Yates

□ 0004

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 707

Mr. METCALF. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 707.

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

There was no objection.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY, THURSDAY, NOVEMBER 16, 1995, DURING 5-MINUTE RULE

Mr. METCALF. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit on today, Thursday, November 16, 1995, while the House is meeting in the Committee of the Whole House under the 5-minute rule:

The Committee on Commerce;

The Committee on Economic and Educational Opportunities;

The Committee on Government Reform and Oversight;

The Committee on House Oversight;

The Committee on International Relations;

The Committee on Resources;

The Committee on Science;

The Committee on Transportation and Infrastructure;

The Committee on Veterans' Affairs; and

The Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–346) on the resolution (H. Res. 271) waiving points of order against the conference report to accompany the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Without objection, the House will stand in recess subject to the call of the Chair.

There was no objection.

Accordingly (at 12 O'clock and 10 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0110

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CHRYSLER) at 1 o'clock and 10 minutes p.m.

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOUGHTON (at the request of Mr. ARMEY) for today, on account of illness.

Mr. YATES (at the request of Mr. GEPHARDT) after 6:30 p.m. on Wednesday, November 15, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE) to revise and extend their remarks and include extraneous material:)

Mr. THOMPSON, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. HILLIARD, for 5 minutes, today.

Mr. DIXON, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. BARRETT of Wisconsin, for 5 minutes, today.

Mrs. THURMAN, for 5 minutes, today.

(The following Members (at the request of Mr. EHRLICH) to revise and extend their remarks and include extraneous material:)

Mr. SCARBOROUGH, for 5 minutes each day, today and November 16.

Mr. GOSS, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, on November 16.

Mr. BARR, for 5 minutes, today.

Mr. SANFORD, for 5 minutes, today.

Mr. KIM, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. LONGLEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE) and to include extraneous matter:)

Mr. STOKES in two instances.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. COYNE in two instances.
Mr. WILLIAMS.
Mr. HAMILTON.
Mr. POSHARD.
Mr. TORRES.
Mrs. MINK of Hawaii.
Ms. LOFGREN.
Mrs. COLLINS of Illinois.
Mr. HALL of Texas.
Mr. JOHNSON of South Dakota.

(The following Members (at the request of Mr. EHRLICH) and to include extraneous matter:)

Mr. PACKARD.
Mr. ZELIFF.
Mr. RAMSTAD.
Mr. SMITH of Michigan.
Mr. ROBERTS.
Mr. DAVIS.
Mr. BEREUTER.
Mrs. MYRICK.
Mr. SMITH of New Jersey.
Mr. SOLOMON.
Mr. METCALF.

(The following Members (at the request of Mr. CHRISTENSEN) and to include extraneous matter:)

Mr. FARR.
Mr. SOLOMON.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2002. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 395. An act to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2002. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 10, 1996, and for other purposes.

ADJOURNMENT

Mr. CHRISTENSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 11 minutes a.m.), the House adjourned until today, Thursday, November 16, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1685. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled ''National Annual Industrial Sulfur Dioxide Emission Trends, 1995–2015,'' pursuant to Public Law 101–549, section 406(a) (104 Stat. 2632); to the Committee on Commerce.

1686. A letter from the Chairman, Broadcasting Board of Governors, transmitting the Board's annual report on the location of administrative, managerial, and technical staff; and salary, benefits, and personnel classifications of Radio Free Europe/Radio Liberty, pursuant to 22 U.S.C. 6207(b)(2); to the Committee on International Relations.

1687. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a Presidential Determination with respect to suspending restrictions on United States relations with the Palestine Liberation Organization, pursuant to section 583(a) of the Middle East Peace Facilitation Act of 1994, as amended; to the Committee on International Relations.

1688. A letter from the Director, U.S. Information Agency, transmitting a report regarding the establishment and operation of Radio Free Asia, pursuant to Public Law 103–236, section 309(d)(1)(B) (108 Stat. 440); to the Committee on International Relations.

1689. A letter from the Secretary of Health and Human Services, transmitting a report of surplus real property transferred or leased for public health purposes in fiscal year 1994, pursuant to 40 U.S.C. 484(o); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 268. Resolution providing for consideration of the resolution (H. Res. 250) to amend the Rules of the House of Representatives to provide for gift reform (Rept. 104–341). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 269. Resolution providing for consideration of the bill (H.R. 2564) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes (Rept. 104–342). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 270. Resolution providing for consideration of the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 1996, and for other purposes (Rept. 104–343). Referred to the House Calendar.

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 2126. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–344). Ordered to be printed.

Mr. SHUSTER: Committee on Conference. Conference report on S. 440. An act to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes (Rept. 104–345). Ordered to be printed.

Mr. MCINNIS: Committee on Rules. House Resolution 271. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–346). Referred to the House Calendar.

Mr. KASICH: Committee on Conference. Conference report on H.R. 2491. A bill to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996 (Rept. 104–347). Ordered to be printed.

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. OBERSTAR:

H.R. 2636. A bill to transfer jurisdiction over certain parcels of Federal real property located in the District of Columbia, and for other purposes; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and 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 Mr. BILBRAY (for himself, Mr. BARTON of Texas, Mr. PACKARD, Mr. HUNTER, and Mr. CUNNINGHAM):

H.R. 2637. A bill to provide for a study of certain cross-border sources of air pollution; to the Committee on Commerce.

By Mr. BLUTE:

H.R. 2638. A bill to amend the Federal Election Campaign Act of 1971 to lower the maximum amount of contributions a multicandidate political committee may make to a House of Representatives candidate, and for other purposes; to the Committee on House Oversight.

By Mr. DINGELL:

H.R. 2639. A bill to provide that Members of Congress shall not be paid during Federal Government shutdowns, and for other purposes; to the Committee on House Oversight.

By Mr. GORDON:

H.R. 2640. A bill to prohibit Federal agencies from planning the sale of the Southeastern Power Administration; to the Committee on Resources.

By Mr. MCCOLLUM:

H.R. 2641. A bill to amend title 28, United States code, to provide for appointment of U.S. marshals by the Director of the U.S. Marshals Service; to the Committee on the Judiciary.

By Mr. RIGGS:

H.R. 2642. A bill to provide for the conveyance of the U.S.S. *Hoga* to the city of Eureka, CA; to the Committee on National Security.

H.R. 2643. A bill to direct the Secretary of Transportation to convey the Point Arena Light Station to Point Arena Lighthouse Keepers, Inc., at such time as the Secretary determines the light station to be excess to the needs of the Coast Guard; to the Committee on Transportation and Infrastructure.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

H.R. 2644. A bill to provide for the transfer of the Missouri River Basin, Pick-Sloan Project facilities in the States of Kansas and Nebraska, and for other purposes; to the Committee on Resources.

By Mr. THORNBERRY:

H.R. 2645. A bill to permit freon to be used for home, automobile, and agricultural air

conditioning equipment; to the Committee on Commerce.

By Mr. OBEY (for himself, Mr. ABERCROMBIE, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BEILENSON, Mr. BENTSEN, Mr. BERMAN, Mr. BEVILL, Mr. BISHOP, Mr. BONIOR, Mr. BORSKI, Mr. BROWDER, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. BROWN of California, Mr. BRYANT of Texas, Mr. CARDIN, Mr. CHAPMAN, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. COLEMAN, Miss COLLINS of Michigan, Mr. CONYERS, Mr. COYNE, Mr. CRAMER, Ms. DANNER, Mr. DEFAZIO, Ms. DELAURO, Mr. DELLUMS, Mr. DICKS, Mr. DINGELL, Mr. DIXON, Mr. DOGGETT, Mr. DOOLEY, Mr. DOYLE, Mr. DURBIN, Mr. EDWARDS, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FAZIO of California, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FRAZER, Mr. FROST, Ms. FURSE, Mr. GEPHARDT, Mr. PETE GEREN of Texas, Mr. GIBBONS, Mr. GONZALEZ, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of Texas, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. HOLDEN, Mr. HOYER, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Massachusetts, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. KLINK, Mr. LAFALCE, Mr. LANTOS, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LINCOLN, Ms. LOFGREN, Mrs. LOWEY, Mr. LUTHER, Mrs. MALONEY, Mr. MANTON, Mr. MARKEY, Mr. MARTINEZ, Mr. MASCARA, Mr. MATSUI, Ms. MCCARTHY, Mr. MCDERMOTT, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MFUME, Mr. MILLER of California, Mr. MINGE, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MORAN, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. ORTON, Mr. OWENS, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PETERSON of Florida, Mr. POMEROY, Mr. POSHARD, Mr. RAHALL, Mr. RANGEL, Mr. REED, Mr. RICHARDSON, Ms. RIVERS, Mr. ROEMER, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SCOTT, Mr. SERRANO, Mr. SKAGGS, Ms. SLAUGHTER, Mr. STARK, Mr. STENHOLM, Mr. STOKES, Mr. STUDDS, Mr. STUPAK, Mr. TEJEDA, Mr. THOMPSON, Mr. THORTON, Mrs. THURMAN, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Ms. VELAZQUEZ, Mr. VENTO, Mr. WARD, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WILLIAMS, Mr. WILSON, Mr. WISE, Ms. WOOLSEY, Mr. WYNN, and Mr. YATES):

H.J. Res. 120. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations.

By Mr. HYDE (for himself, Mr. CANADY, and Mr. GOODLATTE):

H.J. Res. 121. Joint resolution proposing an amendment to the Constitution of the United States in order to secure the unalienable right of the people to acknowledge, worship, and serve their Creator, according to the dictates of conscience; to the Committee on the Judiciary.

By Mr. LIVINGSTON:

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENSIGN (for himself, Mr. HAYWORTH, Mr. BROWNBACK, Mrs. SMITH of Washington, Mr. ENGLISH of Pennsylvania, Mr. GRAHAM, Mr. SOUDER, Mr. CHRSTENSEN, Mr. FOLEY, and Ms. DUNN of Washington):

H. Con. Res. 113. Concurrent resolution expressing the sense of the Congress that it would be inappropriate for the President, the Vice President, and Members of Congress to continue to receive pay during the period of a Government shutdown; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 109: Mr. SAXTON, Mr. MINGE, Mr. CALVERT, Mr. HORN, Mr. MANTON, Mr. GORDON, and Mr. THORNTON.

H.R. 142: Mr. BEREUTER.

H.R. 580: Mr. QUILLEN.

H.R. 753: Mr. STUMP.

H.R. 773: Mr. TORRICELLI.

H.R. 784: Mr. KINGSTON and Mr. TATE.

H.R. 1278: Miss COLLINS of Michigan, Mr. MARKEY, and Mrs. CLAYTON.

H.R. 1423: Mr. YATES, Mrs. COLLINS of Illinois, Mr. GEJDENSON, and Mr. FARR.

H.R. 1500: Mr. LEACH, Mr. SCHUMER, Ms. WATERS, Mr. THOMPSON, and Mr. ANDREWS.

H.R. 1619: Mr. TATE and Mr. FARR.

H.R. 1884: Mr. MANTON and Mr. THOMPSON.

H.R. 1907: Mr. SMITH of Texas, Mr. PETERSON of Minnesota, Mr. FOX, Mr. SOUDER, Mr. STOCKMAN, Mr. GUTKNECHT, Mr. CHRYSLER, Mr. KLUG, Mr. EHRLICH, Mr. MCHUGH, Mr. HASTERT, Mr. BURTON of Indiana, and Mr. ROHRABACHER.

H.R. 1963: Mr. FILNER.

H.R. 1993: Mr. BACHUS and Mr. PETRI.

H.R. 2003: Mr. LEWIS of Georgia.

H.R. 2027: Mr. MANTON.

H.R. 2036: Mr. BILBRAY.

H.R. 2098: Mr. BACHUS.

H.R. 2179: Mr. RIGGS.

H.R. 2228: Mr. BROWN of California.

H.R. 2261: Mr. POMEROY.

H.R. 2338: Mr. EHLERS.

H.R. 2341: Mr. SMITH of Texas.

H.R. 2454: Mr. SOUDER.

H.R. 2455: Mr. SOUDER.

H.R. 2456: Mr. SOUDER.

H.R. 2463: Mr. ACKERMAN and Mr. JOHNSTON of Florida.

H.R. 2507: Mr. SENSENBRENNER.

H.R. 2508: Mr. GEJDENSON, Mr. DURBIN, Mr. RAHALL, Ms. FURSE, Mr. FROST, and Mr. HANCOCK.

H.R. 2522: Mr. EDWARDS, Mrs. CHENOWETH, and Mr. FROST.

H.R. 2535: Mr. DOOLITTLE.

H.R. 2540: Mr. LIVINGSTON, Mr. BARTON of Texas, Mr. TIAHRT, Mrs. MYRICK, Mr. POSHARD, and Mr. HANSEN.

H.R. 2571: Mr. GENE GREEN of Texas.

H.R. 2579: Mr. MANTON, Mr. JOHNSON of South Dakota, Mr. BUNN of Oregon, Mr. KENNEDY of Rhode Island, and Mr. DICKEY.

H.R. 2599: Mr. HORN.

H.R. 2632: Mr. WELLER, Mr. FOX, Mr. EVERETT, Mr. JONES, Mr. BARR, Mr. STEARNS, Mr. NEY, Mr. COBURN, Mr. BACHUS, Mr. THORNBERRY, Mr. HANSEN, Mr. COOLEY, Mr. BUYER, Mr. HAYWORTH, Mr. QUINN, Mr. SOLOMON, Mr. CUNNINGHAM, and Mr. CHAMBLISS.

H.J. Res. 117: Mrs. COLLINS of Illinois.

H.J. Res. 118: Mr. ABERCROMBIE, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BEILENSON, Mr. BENTSEN, Mr. BERMAN, Mr. BEVILL, Mr. BISHOP, Mr. BONIOR, Mr. BORSKI, Mr. BROWDER, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. BROWN of California, Mr. BRYANT of Texas, Mr. CARDIN, Mr. CHAPMAN, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. COLEMAN, Miss COLLINS of Michigan, Mr. CONYERS, Mr. COYNE, Mr. CRAMER, Ms. DANNER, MR. DEFAZIO, Ms. DELAURO, Mr. DELLUMS, Mr. DICKS, Mr. DINGELL, Mr. DIXON, Mr. DOGGETT, Mr. DOOLEY, Mr. DOYLE, Mr. DURBIN, Mr. EDWARDS, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FAZIO of California, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FRAZER, Mr. FROST, Ms. FURSE, Mr. GEPHARDT, Mr. PETE GEREN of Texas, Mr. GIBBONS, Mr. GONZALEZ, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of Texas, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. HOLDEN, Mr. HOYER, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Massachusetts, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. KLINK, Mr. LAFALCE, Mr. LANTOS, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LINCOLN, Ms. LOFGREN, Mrs. LOWEY, Mr. LUTHER, Mrs. MALONEY, Mr. MANTON, Mr. MARKEY, Mr. MARTINEZ, Mr. MASCARA, Mr. MATSUI, Ms. MCCARTHY, Mr. MCDERMOTT, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MFUME, Mr. MILLER of California, Mr. MINGE, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MORAN, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. ORTON, Mr. OWENS, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PETERSON of Florida, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. POSHARD, Mr. RAHALL, Mr. RANGEL, Mr. REED, Mr. RICHARDSON, Ms. RIVERS, Mr. ROEMER, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SCOTT, Mr. SERRANO, Mr. SKAGGS, Ms. SLAUGHTER, Mr. STARK, Mr. STENHOLM, Mr. STOKES, Mr. STUDDS, Mr. STUPAK, Mr. TEJEDA, Mr. THOMPSON, Mr. THORNTON, Mrs. THURMAN, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Ms. VELAZQUEZ, Mr. VENTO, Mr. WARD, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WILLIAMS, Mr. WILSON, Mr. WISE, Ms. WOOLSEY, Mr. WYNN, and Mr. YATES.

H. Con. Res. 21: Mr. BORSKI.

H. Con. Res. 51: Mr. CLYBURN and Mr. PORTER.

H. Con. Res. 102: Mr. MATSUI, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Mrs. LOWEY, Mr. LEVIN, Mr. MCNULTY, Mr. MANTON, Mr. HALL of Ohio, and Mr. GUNDERSON.

H. Con. Res. 110: Mr. BARRETT of Wisconsin, Mr. STUPAK, and Mr. WAXMAN.

H. Res. 264: Mr. BARTLETT of Maryland, Mr. COOLEY, Mr. FIELDS of Texas, Mr. LEWIS of California, Mr. NEY, Mr. OXLEY, Mr. TAYLOR of North Carolina, Mr. CALVERT, Mr. COBLE, Mr. LAHOOD, Mr. POMBO, Mr. ROHRABACHER, Mr. SPENCE, Mr. ZELIFF, Ms. BROWN of Florida, and Mr. STEARNS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 707: Mr. METCALF.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2564

OFFERED BY: MR. CLINGER

AMENDMENT NO. 3: Beginning on page 25, redesignate sections 8 through 24 as sections 9 through 25, respectively, strike ''this Act'' each place it occurs and insert ''this Act (other than section 8)'', and insert after line 2 the following:

SEC. 8. PROHIBITION ON USE OF APPROPRIATIONS FOR LOBBYING.

(a) IN GENERAL.—Subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following new section:

''§ 1354. Prohibition on lobbying by Federal agencies

''(a) PROHIBITION.—Except as provided in subsection (b), until or unless such activity has been specifically authorized by an Act of Congress and notwithstanding any other provision of law, no funds made available to any Federal agency, by appropriation or otherwise, shall be used by such agency for any activity (including the preparation, publication, distribution, or use of any kit, pamphlet, booklet, public presentation, news release, radio, television, or film presentation, video, or other written or oral statement) that is intended to promote public support or opposition to any legislative proposal (including the confirmation of the nomination of a public official or the ratification of a treaty) on which congressional action is not complete.

''(b) CONSTRUCTION.—

(1) COMMUNICATIONS.—Subsection (a) shall not be construed to prevent officers or employees of Federal agencies from communicating directly to Members of Congress, through the proper official channels, their requests for legislation or appropriations that they deem necessary for the efficient conduct of the public business or from responding to requests for information made by Members of Congress.

''(2) OFFICIALS.—Subsection (a) shall not be construed to prevent the President, Vice President, any Federal agency official whose appointment is confirmed by the Senate, any official in the Executive Office of the President directly appointed by the President or Vice President, or the head of any Federal agency described in paragraph (2) or (3) of subsection (d), from communicating with the American public, through radio, television, or other public communication media, on the views of the President for or against any pending legislative proposal. The preceding sentence shall not permit any such official to delegate to another person the authority to make communications subject to the exemption provided by such sentence.

''(c) COMPTROLLER GENERAL.—

''(1) ASSISTANCE OF INSPECTOR GENERAL.—In exercising the authority provided in section 712, as applied to this section, the Comptroller General may obtain, without reimbursement from the Comptroller General, the assistance of the Inspector General within whose Federal agency activity prohibited by subsection (a) of this section is under review.

''(2) EVALUATION.—One year after the date of the enactment of this section, the Comptroller General shall report to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate on the implementation of this section.

''(3) ANNUAL REPORT.—The Comptroller General shall, in the annual report under section 719(a), include summaries of investigations undertaken by the Comptroller General with respect to subsection (a).

''(d) DEFINITION.—For purpose of this section, the term 'Federal agency' means—

''(1) any executive agency, within the meaning of section 105 of title 5;

''(2) any government-sponsored enterprise, within the meaning of section 3(8) of the Congressional Budget Act of 1974; and

''(3) any private corporation created by a law of the United States for which the Congress appropriates funds.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1353 the following new item:

''1354. Prohibition on lobbying by Federal agencies.''.

(c) APPLICABILITY.—The amendments made by this section shall apply to the use of funds after the date of the enactment of this Act, including funds appropriated or received on or before such date.

H.R. 2564

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 4: At the appropriate point in the bill:

SEC. . RECORD OF VISITS BY LOBBYISTS.

Each Member of the House of Representatives and the Senate shall keep a record available to any member of the public, in which shall be recorded each visit to such Member by an individual who is registered under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267). Such record shall include the date of the visit recorded, the name and affiliation of the individual who made the visit, and the subject of the visit to such Member. At the end of each calendar quarter, such record shall be transmitted to the Clerk of the House of Representatives.

SEC. . EFFECTIVE DATE.

Section shall take effect on January 1, 1996.

H.R. 2564

OFFERED BY: MR. DINGELL

AMENDMENT NO. 5: Add at the end of section 14 the following:

(d) MISUSE OF NAME.—

(1) AMENDMENT.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1035. Misappropriation of Person's Name in Connection with Lobbying Contact

''Whoever falsely uses or employs the name of any person, or causes such name to be falsely used or employed, in any telegram, letter, other printed or written matter, or electronic communication intended or designed to influence in any manner a Member of Congress to favor or oppose, by vote or otherwise, any legislation before the Congress or any nomination pending before the Senate, whether before or after the introduction of such legislation or the submission of such nomination, for the purpose of conveying the impression that such person authorized such use or employment of the person's name shall be fined under this title or imprisoned for not more than one year, or both.''.

(2) CONFORMING AMENDMENT.—The table of sections for such chapter 47 is amended by adding at the end the following:

''1035. Misappropriation of person's name in connection with lobbying contact.''.

H.R. 2564

OFFERED BY: MR. FOX OF PENNSYLVANIA

AMENDMENT NO. 6: Page 23, insert after line 2 the following:

(d) PROHIBITION ON GIFTS.—

(1) IN GENERAL.—No lobbyist who is registered under section 4 may provide any gift to a Member of the House of Representatives, a Senator, or an officer or employee of the House of Representatives or the Senate unless the lobbyist is related to the Member, Senator, or officer or employee.

(2) DEFINITION.—For the purpose of paragraph (1), the term ''gift'' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(3) EXCEPTION.—The restriction in paragraph (1) shall not apply to the following:

(A) Anything for which the Member, Senator, officer, or employee pays the market value, or does not use and promptly returns to the donor.

(B) A contribution, as defined in section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, a contribution for election to a State or local government office limited as prescribed by section 301(8)(B) of such Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(C) A gift from a relative as described in section 109(5) of title I of the Ethics in Government Act of 1978 (Public Law 95–521).

(D)(i) Anything provided by an individual on the basis of a personal friendship unless the Member, Senator, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, Senator, officer, or employee and not because of the personal friendship.

(ii) In determining whether a gift is provided on the basis of personal friendship, the Member, Senator, officer, or employee shall consider the circumstances under which the gift was offered, such as:

(I) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals.

(II) Whether to the actual knowledge of the Member, Senator, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

(III) Whether to the actual knowledge of the Member, Senator, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

(E) A contribution or other payment to a legal expense fund established for the benefit of a Member, Senator, officer, or employee that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Standards of Official Conduct.

(F) Any gift from another Member, Senator, officer, or employee of the Senate or the House of Representatives.

(G) Food, refreshments, lodging, and other benefits—

(i) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, Senator, officer, or employee as an officeholder) of the Member, Senator, officer, or employee, or the spouse of the Member, Senator, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, Senator, officer, or employee and are customarily provided to others in similar circumstances;

(ii) customarily provided by a prospective employer in connection with bona fide employment discussions; or

(iii) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

(H) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(I) Informational materials that are sent to the office of the Member, Senator, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(J) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

(K) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

(L) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

(M) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, Senator, officer, or employee, if such training is in the interest of the Senate or House of Representatives.

(N) Bequests, inheritances, and other transfers at death.

(O) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

(P) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

(Q) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

(R) Free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event provided by the sponsor of the event.

(S) Opportunities and benefits which are—

(i) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

(ii) offered to members of a group or class in which membership is unrelated to congressional employment;

(iii) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

(iv) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

(v) in the form of loans from banks and other financial institutions on terms generally available to the public; or

(vi) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

(T) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended solely for presentation.

(U) Anything for which, in an unusual case, a waiver is granted by the Committee on Standards of Official Conduct.

H.R. 2564

OFFERED BY: MR. UPTON

AMENDMENT NO. 7: Page 39, redesignate sections 22 through 24 as sections 23 through 25, respectively, and insert after line 10 on page 39 the following:

SEC. 22. PERMANENT RESTRICTION ON REPRESENTING FOREIGN GOVERNMENTS.

(a) RESTRICTION.—Section 207(f) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking ''Any'' and inserting ''Subject to paragraph (2), any'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(3) by inserting after paragraph (1) the following:

''(2) ADDITIONAL RESTRICTIONS FOR MEMBERS OF CONGRESS.—Any person who is a Member of Congress and who, after that person leaves office as such Member—

''(A) represents a foreign government before any officer or employee of any department or agency of the United States with the intent to influence a decision of such officer or employee in carrying out the officer's or employee's official duties; or

''(B) aids or advises a foreign government with the intent to influence a decision of any officer or employee of the United States in carrying out the officer's or employee's official duties;

shall be punished as provided in section 216 of this title.''.

(b) DEFINITIONS.—Section 207(f)(4) of title 18, United States Code, as redesignated by subsection (a)(2) of this section, is amended to read as follows:

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'foreign entity' means the government of a foreign country as defined in section 1(e) of the Foreign Agents Registration Act of 1938 or a foreign political party as defined in section 1(f) of that Act; and

''(B) the term 'foreign government' means the government of a foreign country as defined in section 1(e) of the Foreign Agents Registration Act of 1938.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(2) APPLICABILITY.—The amendments made by this section shall apply to any person whose service as a Member of Congress (as defined in section 202(d) of title 18, United States Code) terminates before, on, or after the effective date set forth in paragraph (1), but shall not apply to activities prohibited by such amendments which are conducted before such effective date.

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

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Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have told us in the Scriptures that there are blessings You grant only when we care enough to pray for each other. We also know how our attitudes are changed when we do pray for each other. We listen better and conflicts are resolved. We discover answers to problems together because prayer has made it easier to work out solutions. Also, when we pray for each other, You affirm our mutual caring by releasing supernatural power. Added to this, working together becomes more pleasant and more productive.

Knowing all this, we make a renewed commitment to pray for the people around us, those with whom we disagree politically and those with whom we sometimes find it difficult to work. If we pledge that we are one nation under You, dear God, help us to exemplify to our Nation what it means to be a Senate family, affirming unity in our diversity, held together with the bonds of loyalty to You and our Nation, and drawing on Your power for each other through prayer. In the name of our Lord. Amen.

RECOGNITION OF SENATOR HELMS

The PRESIDENT pro tempore. The able Senator from North Carolina, Senator HELMS, is recognized.

Mr. HELMS. I thank the equally able Presiding Officer.

I ask unanimous consent I be permitted to defer to the distinguished Senator from Texas, after which I shall be recognized.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. If the Senator from Texas will suspend for a moment, under the previous order the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each. The Senator from Texas is recognized.

DISABLED VETERANS

Mrs. HUTCHISON. Mr. President, I am here today to question this administration and the scaring of our veterans in this country. I was in Amarillo, TX, last Saturday and I was talking to a disabled veteran who depends very much on his veterans pension for himself and his family. He said, ''Are we going to be paid?'' because the news media were saying no.

I said, ''Of course you will be paid.'' There is no way that a veteran's pension is any different from a welfare recipient's stipend or a Medicare part B payment. There is no difference whatsoever. Yet, amazingly to me, the Veterans' Administration is telling people who call that, in fact, veterans benefits will not be paid.

Mr. President, I question a President who says if, in fact, this stalemate continues, which, of course, we hope it will not, but if it does, that he will prioritize the payment of welfare recipients over the payment of our veterans who have served our country. It is unthinkable.

However, just to make sure that this does not happen, I talked to Senator ALAN SIMPSON this morning, who is the chairman of the Veterans' Affairs Committee. He is going to cosponsor with me—it will be the Simpson-Hutchison bill—a bill that will, in fact, direct this administration to pay veterans benefits. We are going to direct this administration to put veterans in the same category as welfare recipients, Social Security recipients, hospitalization under Medicare recipients, and Medicare part B doctors payments as well. It should not even be a question.

Nevertheless, in order to make sure that this administration cannot play games with the veterans of this country, Senator SIMPSON and I are going to introduce a bill as soon as we can get it written, this afternoon, that will make sure that the veterans of this country will not have to worry if, in fact, this stalemate continues.

I wish the President of the United States would immediately say it is not necessary to pass this kind of law. I hope the President will be able to put out a little release this afternoon that says the veterans do not have to worry. The incoming cashflow is there and the President knows it. The head of the Veterans' Administration knows it. There is no reason to have these scare tactics used on the veterans of our country who have served our country and who deserve to be put in the highest of all categories. And, yet, this President is doing that. I call on him to say our bill, which is being readied right now, is not necessary and the veterans do not have to worry. He can do it with the stroke of a pen or a mere press release.

The priority is set. There is no question. I have consulted every congressional expert, every resource, every historical circumstance that I can find. Veterans have never been threatened. There is no reason for them to be threatened now.

Mr. President, Senator SIMPSON and I are going to introduce this legislation

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

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this afternoon. I hope it is not necessary, but we are going to make sure that games will not be played with the veterans of this country. I thank the Senator from North Carolina for yielding me this time for this very important subject.

I just want to say to the veterans of America, we will take care of you. We will make sure that our commitment to you is kept. It is the highest priority that I have.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, first I ask the distinguished Senator from Texas if she and Senator SIMPSON would add my name as a cosponsor.

Mrs. HUTCHISON. Certainly.

Mr. FEINGOLD. Mr. President, will the Senator from North Carolina yield for a moment so I can propound a unanimous consent?

Mr. HELMS. I am sorry, I did not hear.

The PRESIDING OFFICER. The Senator from Wisconsin is asking if you will yield for a moment so he can offer a unanimous-consent request.

Mr. HELMS. Just so the time is not charged to me.

Mr. FEINGOLD. Mr. President, I ask unanimous consent I be recognized to speak after the Senator from North Carolina.

Mr. KYL. Reserving the right to object, the Senator from Wisconsin was here before I was, but I would like to add to that request that I be recognized following the Senator from Wisconsin.

Mrs. BOXER. I would like to add to that request that I be allowed to follow the Senator from Arizona and after that the Senator from North Dakota.

Mr. HELMS. Mr. President, I am going to have to object. Senator FAIRCLOTH is the cosponsor of the bill that I am about to introduce. I think he is entitled to be heard, too.

The PRESIDING OFFICER. There is objection to the request.

The Senator from North Carolina is recognized for 5 minutes.

MR. HELMS. I thank the Chair.

(The remarks of Mr. HELMS and Mr. FAIRCLOTH pertaining to the introduction of S. 1413 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. I ask unanimous consent to be allowed to speak for up to 5 minutes as if in morning business.

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

EXECUTIONS IN NIGERIA

Mr. FEINGOLD. Mr. President, last Friday nine leaders of the Movement for the Survival of the Ogoni People [MOSOP], including renowned playwright Ken Saro-Wiwa, were executed by the brutal Nigerian military regime. The human rights leaders and environmental activists were hanged after a blatantly unfair trial, and in the face of numerous international appeals to General Abacha to commute the death sentences. That Nigeria carried out these executions during the meeting of the Commonwealth countries in New Zealand, which they attended, is particularly chilling. What a failure of international policy toward Nigeria.

This latest gross human rights violation is convincing evidence that General Abacha, the military leader who seized control of Nigeria in 1993, has no interest in overseeing a 3-year transition to genuine democratic rule as he announced in his notorious October 1 proclamation. Instead, it appears he is seeking to obliterate—by killing—any opposition that could possibly challenge his authority.

The political situation in Nigeria is undoubtedly fragile and difficult. Since its independence from Britain in 1960, Nigeria has been held together by the military, and in fact it has enjoyed civilian rule for only short, punctuated periods in its entire history. Then, as the rest of Africa was sweeping toward democracy, Nigeria too held Presidential elections in 1993. They produced a major sea change in Nigerian politics when a Southern Yoruba, Moshood Abiola, was elected President, after years of domination of the political structure by northern Hausa/Fawlani. It was this shake-up that ultimately precipitated Abacha's takeover of the government in 1994.

Since then, he has ruled the Government with a corrupt hand. While much of Africa is producing good news, Abacha's Nigeria stands in stark contrast. Nigeria's 110 million people live under a totalitarian regime. National and State elected officials have been removed from office, political parties dissolved, newspapers shut down, labor unions disbanded, and thousands detained for their political opinions. This summer he commuted the death sentences of General Obasanjo and others, but his mercy extended only to life imprisonment.

Now Abacha has killed Ken Saro-Wiwa and some of the most well-known human rights and environmental activists, after a flagrantly unfair trial, and despite international pleas to retry the defendants. Some observers have said the executions last week were a function of a domestic military crisis where Abacha had to look strong, lest he face revolt from his own troops. While I could be sympathetic to Abacha's challenge of keeping his country together, this cannot justify nine executions: indeed, such abuse can only lead to further instability in Nigeria.

The environmental and human rights movement for which Ken Saro Wiwa lost his life goes back to 1990, when the first seeds of anger against foreign oil companies began surfacing in Ogoniland. The 6 million Ogonis living among the rich swamps, fertile farmland, and gorgeous rainforests of the Niger River delta has been poor forever. But as oil companies plundered their land, seeking resources, polluting their water, uprooting the soil—leaving the Ogonis with nothing but thousands of ugly oilwells and deteriorated pipelines—the indigenous population began protesting. At first, they were peaceful demonstrations, but then Shell Oil called out the notoriously brutal police force to massacre 80 people and destroy 495 homes. The communities held Shell responsible for choosing to contact the police rather than even to begin to negotiate with them.

That spawned a strong protest movement, and by 1992, when Shell still refused to engage the Ogonis, the police were once again called out, and shot 30 people.

This is when Ken Saro-Wiwa founded the Movement for the Survival of the Ogoni People. In its constitution, MOSOP called for compensation for loss of their resources to Shell. MOSOP also called for self-determination of Ogoniland, the demand that made Saro-Wiwa threatening to the government.

As the Ogonis were being tortured by arson, beatings, and forced resettlement by the Government, Shell Oil removed itself from responsibility and shoved the issue off as a domestic Nigerian problem, in which it could not engage.

When elections were held in 1993, the Ogonis split their vote: while older more conservative folks favored Abiola, Saro-Wiwa and younger activists supported a boycott of the elections as a farce. With this display of defiance, the Nigerian military government essentially moved into occupy Ogoniland. During a public discussion on whether the Ogonis would send representatives to Abacha's constitutional conference, four Ogoni chiefs were killed.

Saro-Wiwa and eight others were charged with the murder of the chiefs. Many believe Abacha used the deaths as a pretext to eliminate his most outspoken and effective opposition.

A military tribunal was established especially for this trial, a tribunal which, according to State Department and other observers of this case, was neither impartial nor independent. Further, the defendants were not permitted access to a lawyer of their choice, and there is even evidence that witnesses were paid off to testify against Saro-Wiwa. After all this, there was no right of appeal.

Predictably, the defendants were found guilty and sentenced to death. After a flurry of international activity, which included several phone calls and faxes to Nigerian officials from United States Senators, such as myself, which were never answered—the Provisional Ruling Council, headed by Abacha, confirmed the sentences. Once again, we called the U.N. Ambassador, appealed to our administration, wrote letters to Nigeria urging Abacha to commute the

death sentences and re-try the defendants in accordance with internationally recognized human rights standards. To our shock, the executions were carried out 48 hours later.

This kind of behavior, this kind of brutality is unconscionable. It calls out for a tough international response. Later this week, I will be joining a bipartisan group of Senators in introducing sanctions legislation against Nigeria. While details are still be worked out, the bill is intended to ratchet up the pressure against General Abacha. His murderous regime must be stopped and isolated. The continued butchery of his country can only destabilize the region, harm international interests in the continent, and force suffering upon the 110 million people of Nigeria.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

THE PRESIDENT AND CONGRESS MUST WORK TOGETHER

Mr. KYL. Mr. President, this morning I was asked by a reporter from a radio station why the President and Congress cannot work out this budget impasse, why the Government has to shut down.

That is a good question, and it deserves an answer. Of course, the answer is we will work it out, but it is going to take a little time, and here is why.

Yesterday, my offices received about 600 telephone calls from constituents, and they were running about 10 to 1 in favor of the Congress staying the course to achieve a balanced budget in 7 years.

The letters and the phone calls, all had a common theme: Do not give in. Do this for our grandchildren. We need a balanced budget. We have to get the fiscal house in order. Do not cave in to the President.

Those were the general sentiments of the people who were calling my office yesterday, and today, just before I came to the floor, I noted the same general theme and the same relationship of numbers in these calls.

So many of us, particularly those of us who were elected in the last election and heard the message from the people that they want to stop business as usual in Washington, DC, and get the Federal budget balanced, are committed to achieving a balanced budget in 7 years. I do not understand why the President will not concede that point.

I think part of the reason why it is taking time is that the President is looking good in the polls and op-ed pieces, and so on. He is finally standing firm for something, and so he is getting a lot of press. So there is not a great deal of pressure on the President to concede anything at this point, and that is why we have the impasse. We feel the pressure from our constituents to stay the course and have a balanced budget and, on the other hand, the President is not willing to agree to a balanced budget.

The first thing the President said when he vetoed the bill which would allow the Government to keep on operating was that he did it because we had Medicare cuts in the legislation.

That is not true. The Medicare legislation which we included with the bill to keep the Government running, because we knew the President would veto it if it was part of our reconciliation bill, called the Balanced Budget Act of 1995, that bill provides for precisely the same percentage of premium payment for part B Medicare as you have today and you have had for the last 5 years. The President would like, he says, to reduce that to 25 percent of premium instead of 31 percent. But that is the difference between the two of us as to the percent. We are not increasing the percent of premium. It is at 31.5 percent today. It will be 31.5 percent under our bill, and so that is not true.

I submit, by the way, that in the end the President will have to agree with us that it is fair to ask the seniors who are paying voluntarily for part B Medicare benefits to pay 31 percent of it after our children and our grandchildren are paying the other 68 or 69 percent. I submit that it is an unfair burden to ask them to pay any more of the part B Medicare.

So the bottom line here is the balanced budget. The President has said he agrees with the balanced budget, but he just does not agree with the numbers we would use to calculate it. And yet the numbers are precisely the numbers he asked us to use in his State of the Union speech, the Congressional Budget Office numbers. He said those were more accurate.

We said, OK, we will use them. Now that we have used them, he said, no, he wants to use a different set of numbers. And some people have said it is the rosy scenario numbers which would enable us to get a balanced budget without making some of the tough decisions which we have tried to make.

Let me conclude by noting why it is so important for us to have a balanced budget. If we can achieve this balanced budget by the year 2002, we will have reduced interest rates by about 2 percent in this country, and that means that a family of four with a $75,000 home mortgage, for example, a $15,000 car loan, an $11,000 student loan, could save about $2,000 a year in interest costs. My grandson Jonathan was just born this year, and he immediately took a burden of $187,000 just to pay the interest on the national debt during his lifetime. That is unfair.

What this debate is all about is stopping the spending in Washington, DC, that creates this kind of liability for our children and grandchildren. It is time to stop handing the blank credit card to the big spenders in this city.

And so what this impasse between the President and the Congress is all about is getting to a balanced budget in the year 2002, reducing interest rates so that our citizens can enjoy the savings that are achieved as a result and stopping this additional spending which requires our children and grandchildren to continue to pay for our debts.

Mr. President, I find it ironic that at the very time we are trying to get to this balanced budget in the year 2002, the President is talking about committing an additional $2 billion to the quagmire in Bosnia without congressional authorization of any kind in direct violation of the principle that the Congress and the President should both consult before we commit United States troops to this kind of an operation.

And so I find it ironic that that is the action the President is taking at the same time that he shut the Government down by vetoing the legislation and refusing to agree with us to balance the budget in 7 years.

It is time to get serious about balancing the Federal budget.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

BUDGET PRIORITIES

Mr. DORGAN. Mr. President I have great respect for my friend from Arizona. It is interesting, and this is a good example of the differences in the way we approach things. He is talking about spending, and he is absolutely right. We need to cut spending. Everybody agrees with that. There is no disagreement about goals. We ought to have a balanced budget. Nobody disagrees with that. I happen to think we ought to spend money in education and other investments. The Senator from Arizona and I have had a debate on this floor about star wars. He thinks we ought to build star wars. We will have that debate again later, I guess, but everybody seems to have their own set of priorities. It is interesting to me; this whole disagreement is being recast as a question of whether some want to balance the budget. That is not the question. Everybody wants to balance the budget. The question is what plan to do you use to get there.

I say this to my colleagues, that the journey we are on at the moment, that is, the journey that leads to the shutdown of the Federal Government, is not a spur-of-the-moment trip.

It has been planned for and packed. Back in April, April 3, Speaker GINGRICH vowed to ''create a titanic legislative standoff with [the President] by adding vetoed bills to must-pass legislation increasing the national debt ceiling.''

September: ''I don't care what the price is,'' Speaker GINGRICH says. ''I don't care if we have no executive offices and no bonds for 30 days—not this time,'' he says. Speaker GINGRICH has said he would force the Government to miss interest and principal payments for the first time ever to force Democrat Clinton's administration to agree to his 7-year deficit reduction.

The point is, this is not an accident; this is a destination that has been long planned. There are some around here who now gloat about it, that they have caused a shutdown. They may well cause a debt default. It is my judgment there is no good reason for anybody to gloat. There is no credit in this set of circumstances. We need to solve these problems together.

I want to tell you what the problem is in the differences in priorities. The 7-year plan—and I have no problem with 7 years—the 7-year plan to balance the budget is a plan that is fundamentally unfair. Let me describe it this way: You take the poorest 20 percent of the people and you say to them, ''We are going to burden you with 80 percent of all the spending cuts.'' To the poorest 20 percent of the American people, we are going to say, ''We are going to burden you with 80 percent of the spending cuts.''

Then you turn to the wealthiest 20 percent of the American people and say, ''Guess what, get ready to smile. We are going to give you 80 percent of the tax cuts.'' The poorest 20 percent is burdened with most of the spending cuts, and the top 20 percent is rewarded with tax cuts.

Now, I do not know what school you attend to take a course in fairness that comes out that way, but it is a school that ought not be accredited. That is what this debate is about.

The other side says, ''Well, we're for the middle class.'' I did not know what they meant until I saw one of our colleagues on the House side, a Congressman from Pennsylvania, and he said his salary of $133,000, plus a $50,000 pension that he also gets, ''doesn't make me rich.'' He said, ''That doesn't make me middle class. In my opinion, I'm lower middle class.''

This Republican Congressman said, ''When I see someone who is making from $300,000 to $750,000 a year, now, that's middle class.'' I guess now I understand what they mean when they say they are here to help the middle class—somebody making $600,000, $700,000 a year. Well, you know, there are a lot of folks that are not middle class making $600,000 or $700,000 a year in this country.

Ronald Reagan, when he proposed a budget plan, he said, ''We're going to have a safety net for the most vulnerable Americans, and there will be seven things in the safety net. We're not going to cut them—Head Start, Medicare, Social Security, veterans, SSI, school lunches and summer jobs for youth.''

Guess what? Six of these are under the budget knife. Six of what Ronald Reagan said was in the safety net over a dozen years ago are now under the budget knife of this crowd.

No, this is not about whether there should be a balanced budget. Of course there should. It is about the priorities. It is about describing $600,000-a-year people as middle income and saying, ''By the way, we're helping the middle-income folks.'' What about the people that work all day, every day, for 8, 10 hours, work hard, come home, take care of their family, making $20,000, $30,000, $40,000, $50,000 a year, and then discover that much of what they rely on is gone, going to make it harder for them to send their kids to college, going to kick some of their kids off the Head Start Program—55,000 of those kids. Every one has a name. They are told, no Head Start Program; 600,000 summer youth do not get a job because we cannot afford it. But we are off building star wars and B–2 bombers.

No, these priorities are wrong. We ought to balance this budget and we ought to do it soon, but we ought to get the priorities squared away. Let us not talk about middle-income families as $600,000 a year and give them a big, fat tax break and say, ''By the way, we're here to help the middle-income folks.''

What a bunch of nonsense. There is no school in America that teaches us this is the definition of ''middle income.''

There is nothing wrong with someone making $600,000. God bless them. I wish everybody could do that. But there is something wrong to tell vulnerable people, kids, families who are struggling, that we cannot afford you, but we can build B–2 bombers and star wars because that is where our priorities are. Those are bad priorities, and we ought to change.

The PRESIDING OFFICER (Mr. FRIST). The Senator's time has expired.

Mr. DORGAN. I yield back the balance of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

CONGRESS IS STILL GETTING PAID

Mrs. BOXER. Mr. President, I want to certainly applaud the Senator from North Dakota for his words because they are right on target. This is day two of a partial shutdown of the Government of the United States of America. And, yes, we know it is not impacting too many Americans yet, but it is hurting some veterans, Social Security recipients, those who use our national parks, museums, and monuments, those who need to travel and need to get their passports for business who have already paid for their airline tickets and cannot get their passports.

There are environmental laws that are on the books that are not being enforced because they are not deemed ''essential emergencies.'' That is dangerous. And I might say, there are hundreds of thousands of American workers staying home who chose to work for the Federal Government because they believe that is a proud place to work, and they do not know if they will get their pay. I think they are asking a very legitimate question, and that is: What about the pay of Members of Congress? What about that?

Well, unless the House acts as the Senate did and passes the no-budget, no-pay bill that I authored with Congressman DICK DURBIN, Members of Congress will get their pay—oh, yes, do not worry—while they send to the President debt extensions and continuing resolutions loaded down with political blackmail. They are getting their pay. They are getting their pay.

NEWT GINGRICH said in April, we are going to ''create a titanic legislative standoff with President Clinton by adding vetoed bills to must-pass legislation increasing the national debt ceiling.'' And that is what he has done. But he has protected his own flock of supporters over there. And I hope people are ringing his phone off the hook, telling him to pass the no budget, no pay. It was supported here by Senator DOLE and Senator DASCHLE, and it passed here twice. Today, the House has a chance to join us because it is in the DC appropriations bill. It is in the conference, and it turns out that Senator JEFFORDS and Senator KOHL are going to push it. Congressman DURBIN is on that conference. All the Members of Congress have to do is vote to send the President a short-term continuing appropriations bill clean, not loaded down with the budget fights because those budget fights are coming.

Why have we not had them yet? Because this Republican Congress has not done its work. They have not finished the appropriations bills. They have not finished the reconciliation bill. When they do, it will be vetoed by this President because of its cruel cuts in Medicare, its cruel cuts in Medicare, its repeal of national standards for nursing homes, its deep cuts in environmental protection, its deep cuts in education.

This President and the Democrats in this body want to have a balanced budget, but we want to do it the right way, not the wrong way. We are not going to steal from Medicare and Medicaid and education and give a tax cut to those earning millions of dollars a year.

Under their plan, if you earn $350,000 a year you are going to get back $5,500 a year. Oh, but Members of Congress are getting paid while this standoff happens, while a million workers are wondering if they can pay their rent. And I can tell you, if not this, what is our job? If not to come together and keep the Government running, what is our job? This is not a ball game.

This is the greatest Nation in the world. When I was a stockbroker, I watched the financial markets, and they shivered when the President got sick or there was any threat of instability.

I am going to show you a quote. The Washington Post wrote on November 15: ''Newt's Nightmare for America. Budget gridlock could send stock prices down as much as 20 percent and lead to higher interest rates and a weaker dollar.''

Is this why we should be getting paid? We should not be getting paid.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FORD. Parliamentary inquiry, Mr. President. What is the timeframe now? We had morning business, I think, until 12:30, and then it was extended. I am not sure where we are.

The PRESIDING OFFICER. To recognize two remaining Senators, the Senator from Minnesota and the Senator from Montana, after which morning business will be closed.

Mr. FORD. I thought it was those Senators on the floor at the time.

The PRESIDING OFFICER. That is correct.

Mr. FORD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

EXTENSION OF MORNING BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that the period for the transaction of morning business be extended to the hour of 1:30 p.m. today, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

GREAT MYTHS: ELVIS LIVES—AND THE PRESIDENT SUPPORTS A BALANCED BUDGET

Mr. GRAMS. Mr. President, to the ancient Greek philosophers, the Earth was the centerpoint of the entire universe. We were fixed in one position, while the Sun, Moon and planets revolved around us.

It was, at the very least, an egotistical assumption.

But it held, for about a thousand years, in fact, until Copernicus came along in the 16th century with a radical idea of his own. This Polish monk who moonlighted as an astronomer decided that the Greeks had it completely backward—that the Sun, in fact, was the central heavenly object and that the Earth, Moon, and their planetary cousins orbited around it.

Even though he was dismissed as a heretic at the time, his revolutionary notion eventually changed the course of science forever.

Well, about 350 years have gone by and today, once again, some long-held beliefs about what actually revolves around what are being challenged. And this time, we are talking about the Federal Government.

Over the course of this century, the Federal Government has gradually developed the attitude that it rests at the center of the Nation's political power.

The people exist to service it.

The States exist to service it.

After 40 years of especially excessive growth, everything today seems to revolve around the Federal Government, and the Government has spent billions of dollars, building up trillions of dollars of debt, trying to justify its existence and all the money we have continually poured into it.

That is in spite of the Constitution, and the very protections built into it by the Founding Fathers to keep a bloated, arrogant, intrusive Federal Government from taking hold.

In 1995, this Congress has the revolutionary idea that things worked better back in the old days, that the Federal Government should revolve around the people and the States, not the other way around.

Our commitment to making that fundamental change is the driving force behind our plan to balance the budget by the year 2002. Unfortunately, trying to convince President Clinton that a balanced budget is worth fighting for is what this temporary Government shutdown is all about.

To Congress, a balanced budget within 7 years is nonnegotiable, as it should be. To President Clinton, it is a political poker chip. He promised during his 1992 campaign that he would eliminate the deficit in 5 years.

Since taking office, he has proposed goals ranging from 10 years down to 7, but in the two budget plans he has actually submitted to Congress, the budget never even comes close to balance.

And yet he strode into a news conference yesterday to announce that: ''I proposed to Congress a balanced budget, but Congress refused to accept it.''

He used the phrase ''balance the budget'' 16 times in his brief statement, then walked away without facing the tough questions that would have followed, or should have followed, if the press would want to make the President accountable for his statements.

What he neglected to mention is that his so-called balanced budgets were so ridiculously out of balance that they did not get a single vote—Republican or Democrat—when they were brought before this Chamber.

Mr. President, I have received more than 500 telephone calls from my Minnesota constituents over the last 3 days, and the overwhelming majority of them—seven to one—agree with Congress. ''Stick by your guns and balance the budget,'' they are saying.

Mark and Sally Crowell of Burnsville, MN felt so strongly about it that they sent me this fax yesterday—something they said they did on behalf of their four children. The fax says:

> If President Clinton doesn't want to balance the budget and wants to shut down the government, we guess we are going to have to put up with it for a while.
>
> They—the Democrats—have had 40 years to get it right and have shown that they have no intention of balancing the budget. Balance it for our children!

Nobody wants a prolonged Government shutdown. Federal workers deserve better than that. The Americans who rely on Government services deserve better than that. Most of all, the taxpayers deserve better than that.

But until we can get past all the campaign rhetoric, threats, and flat-out lies we are hearing from the White House—and until we get a commitment that we will have a balanced budget within 7 years—I am afraid we are not left with much of a choice.

Mr. President, we have debunked a lot of the world's great myths over the last 350 years:

We now know that the Earth revolves around the Sun, just as Copernicus suggested.

If you sail toward the horizon, you will not fall off the edge of the world.

Man can build a flying machine and even take it to the Moon, which, by the way, is not made out of green cheese after all.

All that is left to prove is that Elvis really is dead and that President Clinton does support a balanced budget.

The first one should be easy, but empty rhetoric aside, it is going to take a lot more evidence than we have seen over the past week to convince Congress and the American people that President Clinton is truly serious about wanting a balanced budget.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

A BALANCED BUDGET—SOMETHING

Clinton is truly serious about wanting a balanced budget.

Mr. BURNS. Mr. President, if we are going to be quoting, let us start off with the President. Candidate Clinton said he would balance the budget in 5 years. President Clinton says it cannot be done. Yes, he would embrace a 7-year budget agreement. Now that is not any good anymore. He said he wanted a 10-year plan—I am not real sure—but all with a caveat of, ''Yes, I would use and want to use CBO figures,'' real assumptions. He said that in his State of the Union Address. Now that is off the table.

Basically, what we are saying here is what is on the table: Balance the budget in 7 years using CBO's assumption and real economics. That is all we are asking. I do not think that is too much. It is because we have a very deep feeling and support for education. It is because this side of the aisle is very supportive of and deeply cares for Medicare that we want to save it. We do not stick our head in the sand. Medicare spending will actually go up some 45 percent in the next 7 years, and you say we do not care? Medicaid continues to go up. Welfare continues to go up, even with reform.

And we care for children and grandchildren. Instead of handing them a bill that their country is so far in debt they never will see the bottom—we are spending $1 billion a day in interest on the national debt now, and to those who would not support a balanced budget, are you saying that you want your benefits now at the expense of your children or your grandchildren? That is the funniest parent I have ever seen, or grandparent.

By not taking the meaningful steps to confront the problems we have now

is irresponsible and, I think, probably one of the great facades that has been cast on the American people.

The message over here has been constant since last year. You can talk about Medicare, welfare, the county fair—I do not care what you want to talk about. Basically, we are talking about a balanced budget. We are talking about something we can hand our children that they can deal with. It is because people ran for public office and made a promise to America that we will balance the budget and now the other side says, ''We don't want you to keep your promises.''

It is very, very simple. There is nothing, there is nothing, there is just nothing that is not simple about this whole presentation.

So while we are quoting quotes and we see the message, one has been consistent, one has not, because maybe the compass sort of goes awry every now and again. The American people have learned one thing—that they do not want business as usual. In the past couple of months, we have heard a lot about the drastic cuts in Medicare. Well, where did we go to school? In the last 7 years, if we spent $900 billion in Medicare and in the next 7 years we will spend $1.6 trillion in Medicare—a 45 percent increase—is that a cut? Not where I went to school. A 45 percent increase by the year 2002, and we still balance the budget. The same goes for Medicaid.

Let us talk about the tax package. Candidate Clinton called for a tax cut for the middle class during the campaign of 1992. And then in 1993 he gave this country a tax package that was the largest tax increase in the history of the country. In Houston, he says: Maybe I raised your taxes a little too much, and I sort of cooled this economy a little too much.

Well, in this package, we are trying to help some families. Seventy-five percent or the tax cuts go to families with children. We care about children. There is a $500 per child tax credit. There are IRA reforms, and also reforms in estate planning, estate taxes, that keeps farms and ranches and small businesses and families functioning. There is an alternative minimum tax reform that creates jobs and does something about investment, providing an expanding economy.

Let us talk a little bit about those death taxes, those estate taxes. It is a form of double taxation. Capital gains is a form of a—let us call it a voluntary tax. Everybody participates in capital gains. If you own anything that appreciates in value, it is capital gains—anything, such as your home, or whatever, you participate in capital gains. It is a voluntary tax. You do not have to pay it because you do not have to sell. I think that is a lot of difference. When we look at a farm or ranch and everybody says, ''Do something for the family farm,'' this is what you can do; we can let them hang on to it and let the next generation farm it or ranch it. That is the way it should be.

Let us not be led astray and be quoting different quotes because of the message, and do not shoot the messenger. There has been one consistent message: Now is the time to get our fiscal house in order.

I come here from county government. We had to balance it there. Sometimes it would become tough because maybe you did not get everything covered, but you found a way to get through it. We even lived through an initiative in Montana called I–105. We could not levy any more mils because people were tired of their tax bill.

I will say to those folks who do not want any reforms at all, if you do not think something has to be done over the entitlements, I have a little fellow out here in Springfield, VA, that takes care of my car. If you say to him, ''I want to raise your taxes,'' and he says, ''OK, you do it,'' then I will probably go along with you. Right now, he has all the taxes he can handle, and he is just making $25,000 a year. He has a couple of kids and wants to pay for a home. I think he needs a part of the American dream, too.

So we do not care? I think we care a lot. We do not care for Medicare? I think we care a lot. We care enough to sacrifice so that we can save it, so that it will be there for my children and their children. That is what this discussion is all about. That is what it is all about.

Let us talk about the package that has been presented. It is a CR, continuing resolution, and it says, Mr. President, agree to a 7-year balanced budget and use CBO figures, real assumptions, and use real economics, and we will put everybody back to work. But this is the time to balance the budget with the least amount of pain.

So it is because we do care that we go through this. Somebody has to step up and take responsibility. Sometimes that gets to be a little tough. We hear a lot of rhetoric, a lot of rhetoric that really inflames the landscape so that no negotiations can take place at all. I do not propose to do that. What I propose to do is the responsible thing. I think this is the responsible thing.

I always go back to what my dad said. Fathers teach us a lot of things about discipline, discipline in the family, discipline in your company, and discipline in your job. I can remember when our first child was born and dad was just a farmer down in Northwest Missouri. I do not see how most kids make it to be good kids anyway because they are being raised by amateurs. But I asked dad, ''How tough do you have to be on your kids disciplinewise?'' He said, ''It all depends how much you love them.'' I have never forgotten that, and I have never forgotten that in Government either. It all depends on how much we love this country, how much we want to put her on solid footing, to be both the political and economic leader in this world, because these young people deserve a future, and they cannot do it if they are borrowed up to their eyes.

So this is responsible. This is because we love this country very much. This is the time to do it with the least amount of pain. Let us just do it.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I may speak for 10 minutes as in morning business.

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

A BALANCED BUDGET

Mr. HOLLINGS. Mr. President, I am reminded that Patrick Henry said, '''Peace, peace.' Everywhere, men cry 'peace.' But there is no peace.'' Now the colleagues on the other side of the aisle cry ''balanced budget, balanced budget,'' but there is no balanced budget.

I ask unanimous consent to have printed at this point in the RECORD an article entitled ''Polls get in the Way of Washington's Work,'' from this morning's Post and Courier.

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

[From the Post and Courier, Wednesday, Nov. 15, 1995]

POLLS GET IN THE WAY OF WASHINGTON'S WORK

(By Sen. Ernest F. Hollings)

The silent scandal that permeates Washington is the pollster charade. As in Newsweek's Conventional Wisdom Watch, today's Washington is based on who's up and who's down in the polls. Everyone—the president, Congress and the media—participates. The result? Nothing gets done and no one really expects anything to get done. Meanwhile, the nation's real needs are ignored. There is no genuine plan to guide us. And plans to put us on a pay-as-you-go basis are simply pollster-driven budget schemes fashioned to get politicians past the next election.

John F. Kennedy started it all 35 years ago in West Virginia. Lou Harris' polls identified hot-button issues of concern and Jack Kennedy played them like a Stradivarius. Political polling immediately became the order of the day. Now even the media wittingly are the engines behind the oppressive reliance on polls. No longer do reporters bow to the who, what, where, when, how and why of fact and accuracy. Instead, they kowtow to pollsters to elicit pithy partisan responses that stem from polls.

The pollster begins each day with ''divide and conquer.'' Voters immediately are divided into age, sex, race, education, working or retired, married or single, veteran or military, city, suburb or rural. No one is considered an American. They have to be Asian-American, African-American, Irish-American.

Division is the pollster mentality, but dissembling is the pollster's art. No pollster has served a day in office. But they'll tell you in a minute that you can't break the Sacred Code of the Pollster. If you want to get—and stay—in office.

Never take a firm position. If you do, you'll divide voters.

Favoring a proposition will put you at odds with those who oppose.

Opposing will separate you from those who favor.

To influence the most voters possible, firmly say that you're ''concerned'' about any issue so you appear understanding and appease both sides.

Aha! Now any way you slice it, you've identified with the voter. With this kind of soundbite mentality permeating the airwaves, it's easy to understands why there is no leadership in Washington.

Lee Atwater taught that negative politics is the positive path to political victory. As a result, one of the first ''musts'' for a candidate today is to order negative research on opponents—and himself. Why? To have a prepared answer for any past mistakes or inconsistencies and to be able to unload on an opponent at the end of the campaign when voters finally are interested and there's no time to respond.

Pollsters also teach both incumbents and challengers to preach change. That's why all candidates sound the same. Republicans and Democrats are all for cutting spending and against taxes; for prisons and against crime; for jobs and against welfare; for education and the environment. And, of course, everyone is for the family. With this emphasis on change and negative politics, the logic of the pollster paradigm is that government is the enemy and problem, not the solution. As such, everyone serving in government must be ousted. Thus, there's the cry for term limits.

The media's job is to expose this nonsense. But instead of living up to this responsibility, the media have joined the scam. They feast on polls and partisanship. Rather than reporting the news of the day, they make the news with their own polls. Questions by reporters don't delve into an issue but focus on the poll or partisan aspects of the issue. What they want is conflict.

These days, the pollster charade in the media continues with the ludicrous notion that spending cuts alone can eliminate the deficit. Or worse—that cutting taxes can eliminate the deficit. Nothing could be further from the truth. Since Ronald Reagan's ''voodoo'' that tax cuts could bring in more revenue and eliminate the deficit, the national debt quintupled from less that $1 trillion to almost $5 trillion. And instead of eliminating waste in government, we created the biggest waste of all—$348 billion a year in interest costs. Since we can't avoid paying interest costs, we borrow a billion dollars daily, which automatically increases spending a billion, increases the debt a billion and increases interest costs. Every day the cycle starts again.

Both President Clinton's and Speaker Gingrich's budget plans to get rid of this waste are mere ruses to get past next year's election. But Washington politicians figure—who cares? Who will be around seven years from now? And the media lets them get by with it. Our 1995 budget was $1.52 trillion. The 1996 Clinton budget is $1.63 trillion. The 1996 Gingrich congressional budget is $1.60 trillion. Both budgets increase spending. Neither keeps up with the $1 billion daily increases in the national debt. Over the seven years, spending exceeds revenues by more than $1 trillion. The media know this yet continue to report ''a balance budget by the year 2002.''

Now comes the bogus proposal to balance the budget by reducing cost-of-living increases for Social Security and by raiding Medicare. By law, Social Security funds are in trust and are not to be used to offset the deficit. Similarly, the Medicare trust funds for hospital costs is in the black, but may go into the red by 2002. In other words, both Social Security and Medicare are paid for and in surplus. What is not paid for this minute is defense, education, farm subsidies, environmental protection, veteran's benefits, law enforcement—general government. We readily increase billions for defense and other programs but are unwilling to pay for it. Thus continues the borrowing, spending and downward spiral that increases the deficit. We have fiscal cancer and nobody wants to talk about it.

To put a tourniquet on this deficit-debt hemorrhage, we need spending cuts, spending freezes, a closing of tax loopholes, denying new programs and tax increases. But proposals to do this go unreported. As such, the public believes spending cuts alone will do the job. And the media validate bogus plans to cut taxes as serious moves to balance the budget. That we really are broke is ignored.

Rather than being pollster pawns, the media should serve as an institutional memory to give us perspective. With the Cold War over, it's time to rebuild our economy. More than ever, a strong government is needed—for education, job training research, housing, transportation, technical development and inner-city needs.

But the media treat government as the enemy.

In a silent conspiracy with pollsters and Washington politicians, the media masquerade opinion polls as fact and validate the politics that any tax increase is poison. All the time, the rebuilding of America goes wanting and neither the Clinton nor the Dole/Gingrich forces can talk sense. The train wreck is a media production.

Mr. HOLLINGS. It pretty well explains the reason for our dilemma. Let me address comments of the Senator from Montana, and others, who have made the argument that President Clinton does not want a balanced budget. Those who have the unmitigated gall to come and contend that really ought to be embarrassed. They know no shame.

For openers, we should note that President Clinton came to the Presidency having balanced 10 budgets in a row down in Arkansas. Some of my colleagues that bellow and scream and whine and cry have never seen a balanced budget. But the President did it. That was one of the Clinton campaign's clarion calls, that he knew how to put Government on a pay-as-you-go basis.

What did he do when he came to town? He cut spending and put us on a path that has led to significant reductions in the Federal budget deficit. Even the opposition contends that it cannot be balanced except in 7 years. But let me address the issue of responsibility. That is what Republicans claim now—that they are responsible and the President is irresponsible. I think somewhere, sometime, somehow the record should show exactly who caused these deficits and who is not responsible for the deficit. You can not accuse President Lyndon Johnson of causing the deficit. He left office at the end of 1968 with a surplus. Ever heard that word around here? Not just ''balanced,'' but totally in the black.

I say in passing that President Nixon did not cause these deficits that we grapple with now. Likewise, President Ford worked his dead-level best even holding a budget summit to try and bring down the deficits. After Ford, President Carter worked to reduce the deficit that he had inherited from President Ford.

Mr. President, it was not until we got to voodoo, Kemp-Roth Reaganomics, that we started this nonsense. President Reagan gave us the first $100 billion deficit in the history of the land. He gave us the first $200 billion deficit in the history of the land. President Bush gave us the first $300 billion deficit in the history of the land. And at the close of his administration, President Bush was fast approaching a $400 billion deficit. That is where the deficits have come from.

I speak advisedly. President Bush voted for every dollar spent during his 4 years. Not this Senator. Not the distinguished Presiding Officer. But I can guarantee that of the 44 vetoes under President Bush, not a red cent of spending was ever vetoed.

So now we know from whence we came, piling up annual shortfalls until they approached almost $400 billion deficits. President Clinton comes to town and what did he do? He put together a package to reduce the deficit $500 billion over 5 years. That is the one person that cannot be accused of causing the deficit—William Jefferson Clinton.

The distinguished Presiding Officer as well as this Senator from South Carolina could be accused. We were here at the time that deficits soared up, up, and away. The expression used by my colleagues on the other side of the aisle is that the President's program leaves us with $200 billion deficits ''for as far as the eye can see.''

Heavens above, President Clinton did not cause it. He was down in Little Rock. The first thing he did when he came to town was to say that we are going to start balancing the budget. Here was a Democrat who said we are going to tax gasoline. We are going to tax liquor. We are going to close corporate loopholes.

And not a peep was heard from that crowd over there. We could not get a single vote in the U.S. Senate from our Republican colleagues. We could not get a single vote in the U.S. House of Representatives from our Republican colleagues.

Now, having caused the trouble, they act like they never heard of it and charge that President Clinton does not want a balanced budget. But what did he do? On top of the $57 billion in Medicare cuts that were part of his deficit reduction package, he followed up with a proposal to cut another $120 billion as part of comprehensive health care reform. But my colleagues on the other side of the aisle countered, ''Why change the best health care system in the world?'' Now they say that unless we cut $270 billion Medicare will be broke.

Let me quote for the RECORD from the 1994 report of the Medicare trustees.

The trust fund ratio, defined as the ratio of assets at the beginning of the year to disbursements during the year, was 131 percent in 1993 and then under the intermediate assumptions is projected to decline steadily until the fund is completely exhausted in 2001.

This year the same board says that exhaustion will not occur until 2002, as a direct result of the deficit reduction package that we enacted in 1993.

President Clinton did that. Not one Republican on the other side of the aisle had anything to do with it. They ought to be ashamed of themselves, having caused the problem, fussing with the fellow who had nothing to do with the problem, who is trying his best.

And the Republicans say that because he is up in the polls, he will not take a stand. He has taken a stand. It is they who would not. It is all political applesauce. They have been threatening all year, ''We will close down the Government.'' Read this morning's Washington Post.

The Washington Post editorials say, why do you need the FDA? Forget pharmaceuticals. Why do you need the EPA? We can get clean water. That is freedom. I never heard such nonsense.

Close down the Government, they say. And they are reveling in it, trying to act now like they are responsible. And every time we meet, they have to get the gang of 73 satisfied who came to Government with a pledge not to serve.

They ought to get rid of the entire crowd. They ought to understand the charge. The truth of the matter is they have not done a thing to help us. We tried in the Budget Committee to show the extreme nonsense of having a $245 billion tax cut. Heavens above, we do not have enough revenue. That is why we have a deficit.

When they proposed this in the Budget Committee, we said ''Let's not have the tax cut until we balance the budget.'' They all voted ''no.'' We said, ''Let's have the economic dividend go to Medicare if that's the problem?'' Red-faced, they replied, ''Let's change the subject.''

The chairman of the Budget Committee constantly says ''Well, that is the way they did it before; that is the way they did it.'' Well, I thought the election message of last November a year ago was that we were going to have change. It is the same act, same scene; same players.

We said in 1981 we were going to balance the budget by 1984. In 1985 we had a similar document which said we would have a balanced budget by 1990.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. I ask unanimous consent for an additional 5 minutes.

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

Mr. HOLLINGS. Then in 1990, heavens above, you know what we said? They said in 1990 that by September 30, 1995, we would have a surplus of $20.5 billion. Look at the budget document.

And now the chairman of the Budget Committee tries to justify his actions by saying, ''Well, that is what you all have done before.'' That is the trouble. We keep telling the American people that we are getting together on a balanced budget. Then when they finally get together they say, ''Oops, something else happened.'' They have no idea of actually balancing the budget.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the budget tables along with my ''Dear Colleague'' letter of which each Senator, each Congressman, I sent to them.

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

BUDGET TABLES—SENATOR HOLLINGS

[Dollar amounts in billions]

Year	U.S. budget (outlays)	Real deficit	Gross Federal debt	Gross interest
1945	$92.7	.....	$260.1	.....
1946	55.2	−$10.9	271.0	.....
1947	34.5	+13.9	257.1	.....
1948	29.8	+5.1	252.0	.....
1949	38.8	−0.6	252.6	.....
1950	42.6	−4.3	256.9	.....
1951	45.5	+1.6	255.3	.....
1952	67.7	−3.8	259.1	.....
1953	76.1	−6.9	266.0	.....
1954	70.9	−4.8	270.8	.....
1955	68.4	−3.6	274.4	.....
1956	70.6	+1.7	272.7	.....
1957	76.6	+0.4	272.3	.....
1958	82.4	−7.4	279.7	.....
1959	92.1	−7.8	287.5	.....
1960	92.2	−3.0	290.5	.....
1961	97.7	−2.1	292.6	.....
1962	106.8	−10.3	302.9	9.1
1963	111.3	−7.4	310.3	9.9
1964	118.5	−5.8	316.1	10.7
1965	118.2	−6.2	322.3	11.3
1966	134.5	−6.2	328.5	12.0
1967	157.5	−11.9	340.4	13.4
1968	178.1	−28.3	368.7	14.6
1969	183.6	+2.9	365.8	16.6
1970	195.6	−15.1	380.9	19.3
1971	210.2	−27.3	408.2	21.0
1972	230.7	−27.7	435.9	21.8
1973	245.7	−30.4	466.3	24.2
1974	269.4	−17.6	483.9	29.3
1975	332.3	−58.0	541.9	32.7
1976	371.8	−87.1	629.0	37.1
1977	409.2	−77.4	706.4	41.9
1978	458.7	−70.2	776.6	48.7
1979	503.5	−52.9	829.5	59.9
1980	590.9	−79.6	909.1	74.8
1981	678.2	−85.7	994.8	95.5
1982	745.8	−142.5	1,137.3	117.2
1983	808.4	−234.4	1,371.7	128.7
1984	851.8	−193.0	1,564.7	153.9
1985	946.4	−252.9	1,817.6	178.9
1986	990.3	−303.0	2,120.6	190.3
1987	1,003.9	−225.5	2,346.1	195.3
1988	1,064.1	−255.2	2,601.3	214.1
1989	1.143.2	−266.7	2,868.0	240.9
1990	1,252.7	−338.6	3,206.6	264.7
1991	1,323.8	−391.9	3,598.5	285.5
1992	1,380.9	−403.6	4,002.1	292.3
1993	1,408.2	−349.3	4,351.4	292.5
1994	1,460.6	−292.3	4,643.7	296.3
1995	1,518.0	−283.3	4,927.0	336.0
1996CBOest.	1,602.0	−311.1	5,238.0	348.0

Note: Historical Tables, Budget of the U.S. Government FY 1996; Beginning in 1962, CBO's 1995 Economic and Budget Outlook. 10/10/95.

U.S. SENATE,
Washington, DC, November 1, 1995.

DEAR COLLEAGUE: In 1987, in the Budget Committee, a bipartisan group of 8 Senators voted for a 5% value-added-tax to eliminate the deficit and debt. Like everyone else, these 8 Senators abhorred taxes—but there was no other way. Beginning in the 80's, they had tried a spending freeze—then a freeze plus cuts across the board with Gramm-Rudman-Hollings—then a freeze, cuts, and tax loophole closings with the Tax Reform Act of 1986. But the debt with increased interest costs was growing faster than these combined cuts. The only way to put a tourniquet on this hemorrhage of spending and put an end to deficit spending was to apply a freeze, cuts, loophole closings *and a tax increase.* This was 8 years ago. Now the problem has exploded. In 1980, the debt was less than $1 trillion—now, quintupled to $5 trillion; interest costs on the debt were $75 billion—now, estimated at $348 billion. To this challenge comes the GOP plan to balance the budget—not with a tax increase but with a tax cut. Ludicrous! Let the facts and figures of the plan speak for themselves:

1. Each year, spending increases;
2. Spending increases exceed the increase in revenues for 7 years by over $1 trillion;
3. The debt grows by $1.8 trillion;
4. Interest costs approximate $500 billion.

Enclosed you will find the undisputed budget figures of the plan. Remember, in 1981, President Reagan submitted a three year plan indicating a balance by 1984. Then, at the end of 1985, President Reagan endorsed a five year plan (Gramm-Rudman-Hollings) showing a balance in 1991. In 1990, the across-the-board cuts of Gramm-Rudman-Hollings were repealed and replaced with spending caps and a totally inadequate tax increase. This 1990 plan of President Bush showed a *surplus* by 1995 of $20,500,000,000.

Periodically, we Democrats and Republicans conspire to ''balance the budget'' to get by the next election. We know it can't be done without a tax increase but the media conveniently goes along. In the words of our fearless Leader, President Reagan, ''Here we go again.''

With kindest regards, I am

Sincerely,

ERNEST F. HOLLINGS.

''Here We Go Again'': Senator Ernest F. Hollings

[By fiscal year 1995; in billions of dollars]

Starting in 1995 with:

(a) A deficit of $283.3 Billion for 1995—

Outlays	1,530
Trust Funds	121.9
Unified Deficit	161.4
Real Deficit	−283.3
Gross Interest	336.0

(b) And a debt of $4,927 Billion

How do you balance the budget by:

(a) Increasing spending over revenues $1,801 Billion over seven years?

GOP ''SOLID'', ''NO SMOKE AND MIRRORS'' BUDGET PLAN

[In billions of dollars]

Year	CBO outlays	CBO revenues	Cumulative deficits
1996	$1,583	$1,355	−228
1997	1,624	1,419	−205
1998	1,663	1,478	−185
1999	1,718	1,549	−169
2000	1,779	1,622	−157
2001	1,819	1,701	−118
2002	1,874	1,884	+10
Total	12,060	11,008	−1,052

(b) And increasing the national debt from $4,927.0 Billion to $6,728.0 Billion?

DEBT (OFF CBO's APRIL BASELINE *)

[In billions of dollars]

Year	National debt	Interest costs
1995	$4,927.0	$336.0
1996	5,261.7	369.9
1997	5,551.4	381.6
1998	5,821.6	390.9
1999	6,081.1	404.0
2000	6,331.3	416.1
2001	6,575.9	426.8
2002	6,728.0	436.0
Increase 1995–2002	1,801.0	100.0

* Off CBO's August Baseline.

[In billions of dollars]

	1996	2002
Debt Includes:		
(1) Owed to the Trust Funds	$1,361.8	$2,355.7
(2) Owed to Government Accts.	81.9	(1)
(3) Owed to Additional Borrowing	3,794.3	4,372.7
[Note: No ''unified'' debt; just total debt]	5,238.0	6,728.4

[1] Included above.

(c) And increasing mandatory spending for interest costs by $100 billion?

How? You don't!

(a) 1996 Budget: Kasich Conference Report, p.3 −$108 Billion Deficit.

(b) October 20, 1995, CBO Letter from June O'Neill −105 Billion Deficit.

—You must fabricate a ''paper balance'' by ''smoke and mirrors'' and borrowing more: Smoke and Mirrors

(a) Picking up $19 billion by cutting the Consumer Price index (CPI) by .2%—thereby reducing Social Security Benefits and increasing taxes by increasing ''bracket creep''.

(b) With impossible spending cuts:	*Billion*
Medicare	−$270
Medicaid	−$182
Welfare	−$83

(c) ''Backloading'' the plan:

—Promising a cut of $347 Billion in FY2002 when a cut of $45 Billion this year will never materialize.

[In billions of dollars]

2002 CBO Baseline Budget	$1,874	$1,884
This assumes:		
(1) Discretionary Freeze Plus Discretionary Cuts (in 2002)		−$121
(2) Entitlement Cuts and Interest Savings (in 2002)		−226
[1996 Cuts, $45 B] Spending Reductions (in 2002)		−347
Using SS Trust Fund		−115
Total Reductions (in 2002)		−462
+Increased Borrowing from Tax Cut		−93
Grand total		−555
(d) By increasing revenues by decreasing revenues (tax cut)		245
(e) By borrowing and increasing the debt (1995–2002)		1,801

—Includes $636 billion ''embezzlement'' of the Social Security Trust Fund.

The Real Problem—

Not Medicare—In Surplus $147 Billion—Paid For

Not Social Security—In Surplus $481 Billion—Paid For

But interest costs on the National debt—are now at almost $1 billion a day and are growing faster than any possible spending cuts

—And Both the Republican Congress and Democratic White House as well as the media are afraid to tell the American people the truth: ''A tax increase is necessary.''

—Solution: Spending Cuts, Spending Freezes, Tax loophole closings, withholding new programs (AmeriCorps) and a 5% Value Added Tax allocated to the deficit and the debt.

''Here We Go Again''—Promised Balanced Budgets

	Billion
President Reagan (by FY1984) 1981 Budget	0
President Reagan (by FY1991) 1985 GRH Budget	0
President Bush (by FY1995) 1990 Budget	+$20.5

Mr. HOLLINGS. They ought to put me in charge of the CIA. I know how to keep things secret.

But just as the title of my budget tables say, ''here we go again''. Same thing we did in 1981. Same thing we did in 1985. Same thing we did in 1990. Here we go again in 1995, saying the budget is balanced when their budget is not even near balance and they know it. They know it.

They spend $636 billion of surpluses in the Social Security trust fund. That is not eliminating deficits. That is moving the deficit from the general fund to the Social Security trust fund to make it appear like we are eliminating deficits. Not so.

Today, we owe Social Security $484 billion. Spending another $636 billion under their plan, we will owe over $1 trillion. So we will come in the year 2002 and say, ''Oh, what a smart boy am I, I have Medicare solvent.'' And then they will look over and say, ''Ye gads, I put Social Security into bankruptcy.'' We will owe it $1 trillion. Who has the plan to raise $1 trillion in revenues in 2002?

Mr. President, we are fiddling while Rome burns and they know it. The GOP budget is nothing more then a political document to get by next year's election—excuse me, next year's election and the election in 2000. That is how arrogant they are. Avoid the tough decisions to get by two Presidential elections.

Do you know how much they are supposed to cut in spending in the year 2002? Mr. President, $347 billion. Right now in debating the fiscal year 1996 appropriations bills, with all the attention, with the Government closed down, we are having difficulty saving $45 billion. But in the last year, they have to save $347 billion. The reason that this whole charade is transpiring is that they are trying to force-feed the President what they cannot pass by a majority vote.

I am on these committees. I know. Do you think Republicans are opposed to legal services? I joined with the distinguished Senator from New Mexico to restore the funding.

Do you think the Republicans really want to abolish the Department of Commerce? I know. We joined in to strike that language. We let the Senator who was trying to kill the Department make the motion, for some kind of political advantage. It was embarrassing, but that is what they wanted to do, and I wanted to preserve the Department.

My point is that Republicans and Democrats are not for all these cuts and they know it. That is why 10 of the 13 appropriations bills have not passed. And it is Thanksgiving. We have the ''Grinch That Stole Christmas.'' Now we've got the GINGRICH that is going to steal Thanksgiving with this nonsense. That is exactly what is going on. They cannot get their bills through the Congress, so they are piling it all up in a budget and saying, ''Mr. President, take it or leave it.'' Since he does not take it, ''Oh, you are not for a balanced budget.''

They ought to give it to him in an orderly process, let him veto it, and let them get two-thirds. Let us have the democratic process, the orderly process of legislation here on the floor of the national Congress and stop all this one-upmanship about who is going to win and who is going to lose in the polls. It is downright embarrassing.

They cannot get it through the Congress. That is why they have not passed the appropriations bills. They cannot pass those appropriations bills because we have right-thinking Members on the Republican side as well as the Democratic side who do not want to do away with technology. They do not want to do away with the Minority Business Administration.

I can go down the list of things on both sides of the aisle. They did not want to do away with the Department of Energy; with the Department of Education.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. President, I ask to proceed just for a couple of minutes more.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. HOLLINGS. My point is they planned this scenario all year long. They had no idea of passing any appropriations bills. Last December I saw it on TV, and they were going to pass their bills and they were going to do this and that. But as we have already seen, they cannot pass a defense appropriations bill. Defense has been voted down, right over there with the gang of 73.

I am on State, Justice, Commerce and they cannot get that bill enacted. So, not being able to pass them using their own troops, they just load them on to a debt bill and a continuing resolution. This is really just a terrible shame for Government to be conducted in this fashion. All to save that Presidential gang of 73. You see, the 73 control the Speaker, the Speaker controls GRAMM, GRAMM controls DOLE, and DOLE controls the chairman of the Budget Committee, Senator DOMENICI. I feel sorry for my friend from New Mexico.

I hear statements that I know he does not agree with. I see votes that I know he does not agree with. All of these tricks—changing the CPI, backloading the cuts, using the Social Security surpluses, creating a Medicare lockbox—are a bad mistake. I would not vote for it. President Clinton ought not to sign it. He ought to veto it. He knows that is just a document for the next two Presidential elections, to get them in office next November.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio [Mr. GLENN] is recognized.

THE DEBT CEILING

Mr. GLENN. Mr. President, I wish to talk for a few minutes about the debt ceiling bill, what happened to it, and an amendment that was on it when it came to the floor.

First, I want to make a couple of comments so that the public will understand exactly what this is all about.

In general terms, we are talking about the balanced budget. There is not a soul in this Chamber, elected or otherwise, who would not agree that we want a balanced budget. I certainly agree with that. The question is, how do we get to that?

We, on the Democratic side, were concerned about this back 2 years ago, in 1993, when we passed the President's proposal for the budget. There was a lot of difficulty passing that. It meant the committee chairs, of which I was one, had to go through and analyze everything to meet the objectives that were assigned as part of the debt reduction process.

We did that. That was in the summer of 1993. The budget deficit at that time was running right at $300 billion a year and going up. What happened? We passed a $500 billion deficit reduction program and it was tough. We passed it without one single Republican vote—not a one. In the Senate, it was a 50–50 tie vote and the Vice President broke that tie.

There were all sorts of dire predictions from the other side. I can remember some of the debate here. ''We are going to see millions unemployed. If this passes, it will be a terrible bill. Everything bad is going to happen.''

What happened? We were running right at $300 billion a year at that time. Last year, it went down to $246 billion, and now down to about $192 billion. We were on the right path toward a balanced budget.

For the first time since Harry Truman we have had a reduced budget deficit 3 years in a row. So it has been working. We went from $300 billion to $246 billion to $192 billion. The problem is—and I am critical of our own administration and the Democrats and everybody else for not taking action that will keep that trend going. Instead of leveling off we should be trying to further reduce those annual deficits and keep us on the right track. It is not as though we have seen things run away in the last 3 years. I think the President deserves a lot of credit. He is not getting much from the other side, of course. The people over in the House in particular, some of the leadership over there just dismiss the fact for 3 years in a row, the first time since Harry Truman, we have had declining deficits.

What has happened now? As part of this so-called Contract With America, they want to give a $245 billion tax break as a crown jewel. We are giving a $245 billion tax break, and the figures are that almost half, a little over half of that goes to people already making $100,000 a year.

When I point that out to people back home in Ohio, they are incredulous that we could be permitting that to be considered, whether the cuts come from Medicare, Medicaid, education, or environmental protection. Basically, those are not areas that the American people want to give up and say that we are just going to whack with a two-edged sword, or swing machetes back and forth and whack those programs. The American people do not agree with that.

So we have come to an impasse. We can put up with it for a few days. However, I understand that Speaker GINGRICH told his staff in the House as reported on CNN about an hour and a half ago, that we could look forward to maybe 90 days of this.

I hope that he is not serious about that because, if he is, this will get far beyond just being a domestic problem in the United States of America. We are the leading world currency. We are the leading economy in this whole world. And if ever there begins to be doubt and if ever there begins to be lack of trust in the good faith and credit of the United States of America around the world by letting this impasse run 90 days, we are in deep trouble.

Everybody wants a balanced budget. As I understand it, what we are down to now is they said to the President, ''Well, we will agree to provide a clean continuing resolution if you will agree to a balanced budget over 7 years using CBO assumptions.'' I understand that the President agrees that we are going to balance this budget, the real question is how.

The President, as I understand it, made an offer back that said, ''Well, OK, let's make it 7 to 10 years,'' using mutually agreed upon economic assumptions. And they turned it down. He has to come up with 7 years or else.

That is just flat ideological blackmail. There is no other term that you can put onto it. I think this has gotten to be a bit ridiculous.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GLENN. Mr. President, I ask unanimous consent for another 5 minutes.

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

Mr. GLENN. Mr. President, now to get down to a specific. We had two continuing resolution limit proposals yesterday in which we proposed a straight, clean spending extension to go to the President—nothing else on it, no amendments. Government gets back in operation and away we go, and that is it. There was objection on the other side to that.

The debt ceiling question is very simple. Everyone knows that a debt limit extension is must legislation. You have to have it or everything else in Government stops.

So everyone is aware that there is a lot of pressure toward getting that through. There is a lot of pressure on the President to sign it, and that is why it attracts amendments, because people believe if they can just get their pet amendment, whatever it may be, hooked onto this thing, it can become law without all the protective mechanisms such as hearings, open debate on the floor, perfecting amendments, and consideration of all the long-term impacts and all the other things that we normally have to consider. So people know that when you have a debt limit extension that is must legislation.

What happened? We have no better example of the contempt with which the legislative process has been treated in recent days than the way in which the so-called regulatory reform bill was attached to the debt ceiling by the House Republicans without any hearings whatsoever, without any analysis, without adequate notice to the minority. A 112-page nongermane amendment was brought to the House floor and attached to the debt limit bill—112 pages. It was done with such haste that at least three versions of the amendment were circulating Thursday morning, November 9, the day of the debate and the vote.

The day before, on November 8, the chief sponsor of the amendment had inserted one version into the CONGRESSIONAL RECORD. It was that version to which my remarks on November 9 were addressed.

Revisions to the amendment were being made so close to the time of introduction on the House floor that the chief sponsors themselves misstated an important provision of the amendment. They referred to the definition of ''major rule'' and said it was defined in the amendment as one costing $75 million per year. In the amendment, the cost is $100 million. This is not a small point.

Cost-benefit analysis of major rules is a huge undertaking that can result in documents—we were told in testimony before the Governmental Affairs Committee—reaching over 100 feet of shelf space just for one rule. So this is not something that is lightly considered.

I do not know which number the House sponsors think is the correct one, since $100 million is in the amendment, but $75 million was mentioned by both key sponsors. Are their remarks in error, or is the number in the amendment a typographical error? We do not know. That should not surprise us.

The night before, on November 8, the bill that was given to the House Rules Committee was 132 pages long and defined a major rule with a threshold of $50 million. The next day at 10 a.m. it was about 20 pages shorter, though still hefty, and defined a major rule with a threshold $75 million. That was the second version. Then, the third version appeared at about 2:30 p.m. after debate on the amendment had begun, and defined a major rule with a threshold of $100 million. No wonder the sponsors were confused.

But that confusion did not stop the House Republicans from ramming the bill through with minimum debate.

Well, since the President was going to veto the debt limit bill anyway, we agreed to let it go through the Senate, and I spoke about one version of this amendment on the Senate floor that night. I can tell you that if I thought this regulatory reform bill was going to become law, I would still be here talking these many days, almost. I feel that strongly about it.

Mr. President, I have now examined the version that passed the House, and it turns out that my comments of November 9 require no major revision.

I claimed that the amendment had a supermandate. They changed the language, but the supermandate is still there. How do I know that? Well, besides reading the language, I have the word of the chief sponsor, Representative WALKER. In describing the amendment, he stated that current statutory standards can be ''superseded—the so-called supermandate''.

Let us be clear about what that means. It means that 25 years of health-based environmental standards for clean air and clean water could be overturned if this amendment became law.

Representative WALKER also describes his amendment as ''not as tough as the House bill, nor as loose as the Senate bill''. That is one way of putting it. Here is another. The original House bill, H.R. 9, was as reactionary an antienvironment, antihealth, and antisafety legislative instrument as I have seen during my entire 20 years in the U.S. Senate. The Senate bill referred to is the Dole-Johnston bill, S. 343, which is a seriously flawed bill that has failed three cloture motions in the Senate this year.

So, according to the chief sponsor of the amendment, the amendment is a cross between the reactionary H.R. 9 and the not-so-moderate version of S. 343 that failed on three cloture votes. Is this a moderate compromise?

No, it is not. It is an example of what we can expect in a conference with the House on regulatory reform if we go into it with a Senate bill like S. 343.

I think the Walker amendment is extreme. It is reckless, extreme in the burden it places on agencies to defend themselves from the unlimited litigation that would be unleashed by the judicial review provisions of this amendment. It is reckless in the jeopardy that it causes our laws concerning health, safety, and the environment.

We passed it in the U.S. Senate and sent it as part of the debt limit bill over to the President. It is a good thing that he vetoed it.

Mr. President, I am for regulatory reform, but not at the expense of the health and the safety of the American people. I worked hard all year with both Republican and Democratic colleagues to produce a moderate bill, and we came within two votes of passing it. I am still interested in producing a moderate bill that provides real regulatory reform but owes its provenance to no special interest group, and above all protects the American people.

I am for a balanced budget, too. I am for all the things we are trying to do to get the Federal Government on the right track for the American people. But this game playing that is going on, that is largely coming from the House with literally poor and onerous pieces of legislation hooked on as amendments to an essential bill like the debt limit; this is something we cannot tolerate.

The President was absolutely right to veto that bill, and I think we can still pass legislation here to benefit all of the American people.

We can still do that in this Congress but not if the legislative process is treated with the literal contempt that has been evinced this past week by the way in which reg reform was attached to the debt limit bill.

I thank my colleague for yielding, and I yield the floor.

COMMERCE FUNDS LOBBYISTS

Mr. ABRAHAM. Mr. President, I rise today to call my colleagues' attention to a woeful misuse of the taxpayers' money.

As we have debated the so-called Istook amendment banning taxpayer subsidies for lobbyists, those opposed to reform have argued that current law already prohibits using grant funds for advocacy.

But there has come to my attention a blatant example of just this phenomenon.

The National Telecommunications and Information Administration, a part of the Commerce Department, has provided $200,000 to HandsNet, Inc., a California group which operates an online computer service focused on lobbying and available on the Internet. According to its own Internet-based documents, HandsNet links ''5,000 public interest and human service organizations across the United States.'' Among the services offered: ''the latest Action Alerts,'' a weekly digest summarizing the alerts, and daily updates on key issues.

Mr. President, NTIA's own description of the grant award specifically mentions that the grant will allow ''National organizations [to] help local ones keep up to date by publicizing action alerts. . . .''

And what are these action alerts? Allow me to offer a few recent examples:

''ISTOOK AMENDMENT—CALL YOUR REPRESENTATIVES''

The message? ''Now is the time to turn up the heat. . . . So Call, E-Mail, or Fax Your Representative Today!''

''GIVE PRESIDENT CLINTON A WAKE-UP CALL.''

The message? ''If President Clinton signs immoral welfare and Medicaid 'reform' bills, the 60-year-old guaranteed safety net for children will be destroyed.''

''CONGRESS YIELDS TO TRADITIONAL VALUES COALITION''

The message? ''The hearing, dubbed 'Parental Involvement in Social Issues in Education'. . . Is likely to become a tax-funded platform for gay bashing.''

I could go on, Mr. President, but my point is clear. These action alerts are intended to facilitate and increase the effectiveness of lobbying on this Congress. ''HandsNet'' has a clear political agenda, and it is using Commerce Department funding—the taxpayers' money—to further that agenda.

We cannot afford to fund this kind of political activism. It is a waste of taxpayers' money in times when the Government already taxes too much and spends even more than it takes in. It is also counterproductive, in times of budgetary downsizing, to fund the interest groups that seek to continue Government's expansion.

The sum of $200,000 may not sound like a lot of money Mr. President, but it is the taxpayers' money. What is more, this practice is entirely too widespread. NTIA also has funded online activities for a number of other groups engaged in lobbying activities.

Mr. President, HandsNet members include several special interest groups lobbying against the Istook-McIntosh-Ehrlich reform effort. Not surprisingly, these groups are more than happy to use taxpayer funds to lobby against having taxpayer funds cut off from their lobbying efforts.

This brings up the problem of the Commerce Department itself. I say the problem of the Commerce Department because that agency itself is an invitation and a source of funds for lobbying activities and subsidies against the interests of America's taxpayers.

The General Accounting Office has noted that the Commerce Department is duplicative and so unnecessary. It shares its missions with over 71 Federal departments, agencies and offices. It controls at most 8 percent of funding devoted to actual trade issues in our Government and has no unified purpose for its existence.

What, then, do we get for our $3.6 billion in funding for the Commerce Department? Corporate welfare and subsidies for lobbying organizations.

The HandsNet example proves how counterproductive Commerce Department grants really are. These grants encourage a growth industry of special-interest lobbying, distort our deliberations here, and push us toward overspending and unbalanced budgets. We must stop this blatant self-interested lobbying for the sake of our Nation and for the sake of our own independence as a legislative body.

I ask unanimous consent that the full text of the Heritage Foundation's Government Integrity Project Report titled ''Commerce Department Funds Blatant Lobbying'' be printed in the RECORD.

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

COMMERCE DEPARTMENT FUNDS BLATANT LOBBYING

(By Marshall Wittman and Charles P. Griffin)

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any . . . printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose . . . any legislation . . . 18 USC 1913

Opponents of the effort to end 40 years of political corruption manifested in a system of taxpayer-subsidized lobbying often state that existing federal law already prohibits using grant funds for advocacy. They cite the above section of the U.S. Code to defend this view.

It appears, however, that the law is irrelevant. In recent weeks, the Department of Commerce has provided $200,000 to HandsNet, Inc., a California group which operates an online computer service focused on lobbying and available on the Internet. According to its own Internet-based documents, HandsNet links ''5,000 public interest and human service organizations across the United States.'' Among the services offered: ''the latest Action Alerts.''

A description of the grant award prepared by the grant provider, the National Telecommunications and Information Administration (part of the Commerce Department), specifically mentions that the grant will allow ''National organizations [to] help local ones keep up to date by publicizing action alerts. . . .'' A recent selection of alerts includes:

''Istook Amendment—Call Your Representatives 10/30/95—Now is the time to turn up the heat. . . . So Call, E–Mail, or Fax Your Representative Today!''

''Give President Clinton a Wake-Up Call—If President Clinton signs immoral welfare and Medicaid 'reform' bills, the 60-year-old guaranteed safety net for children will be destroyed.''

''Stop English-only Proposals in Congress 10/24/95—Call and write to your Representative and Senator. Ask to meet with them directly.''

''Congress Yields To Traditional Values Coalition—The hearing, dubbed 'Parental Involvement in Social Issues in Education' . . . is likely to become a tax-funded platform for gay bashing.''

Each of the alerts is supported by information to describe what action needs to be taken and what arguments can be used to lobby Congress most effectively.

ABOUT THE GRANT TO HANDSNET

The $200,000 awarded to HandsNet, Inc., of California was to be used for the nationwide training of public interest organizations on how to use the Internet more effectively. The NTIA award summary states that HandsNet ''will train 250 organizations in Internet skills, so that they can publish information on the new system.'' In addition, HandsNet will ''conduct a national outreach campaign'' to introduce human services groups to the Internet.

The major component of the grant appears to be a new training center in Washington, D.C. The center will be fully functional around January 1, 1996, according to HandsNet documents, but is housed temporarily at the headquarters of Families USA (funder of the 1994 Clinton health care bus caravans). The national center will be operated in conjunction with the Institute for Global Communications, also of California.

ABOUT HANDSNET

In reviewing the HandsNet site on the Internet, it appears that its principal purpose is explicit political advocacy. The site has been used in recent months to fight welfare reform and the Istook-McIntosh-Ehrlich Amendment, among many other issues. The three key information components provided are Action Alerts, a Weekly Digest (a summary of the alerts) and daily updates on key issues. According to its Internet site, HandsNet is affiliated with the Institute for Global Communications, an arm of the Tides Foundation, Members of HandsNet include the major opponents of the Istook-McIntosh-Ehrlich reform effort, including OMB Watch and the Alliance for Justice.

ABOUT THE TELECOMMUNICATIONS AND INFORMATION INFRASTRUCTURE ASSISTANCE PROGRAM TIIAP

The Telecommunications and Information Infrastructure Assistance Program is operated by NTIA in the Commerce Department. Under the Clinton Administration, this program has mushroomed in cost, from $10 million in FY 1994 to $25 million in FY 1995. In 1994 there were 92 grants; in the most recent round (to be announced in mid-November, has already awarded), there are 120. There also are indications that the TIIAP may subsidize other lobbying activities, in addition to those of HandsNet, Inc.

According to NTIA documents, the Planned Parenthood Federation of America received $300,000 in 1994 to set up a ''nationwide on-line information system'' for itself and all 164 affiliates. Also in 1994, a California organization called LatinoNet received funding to ''establish a network of regional field representatives'' and ''demonstrate a model for building a national grassroots information system,'' among other things.

Organizations that filed proposals and applications for funding in the FY 1995 process include Families USA, ACORN (which led noisy demonstrations in Congress earlier this year), the Congressional Black Caucus Foundation, and Citizens Fund (an affiliate of Citizen Action, an active grassroots lobbying organization). It is unclear which, if any, will receive funding.

CONCLUSION

The Commerce Department, through NTIA, has awarded a grant to an online lobbying organization for the specific purpose of engaging more groups in its Internet advocacy efforts. The $200,000 gift to HandsNet, Inc., to train people in the publishing of action alerts and other lobbying materials represents a blatant misuse of taxpayer funds.

Supporters of taxpayer-funded political patronage argue that the current system is designed to prevent abuses. The case of the Commerce Department and HandsNet, Inc., provides a serious test of this claim. The fact that such a significant grant could be made with no effort to hide the fact that it directly funds lobbying activities clearly demonstrates the need for Congress to reform this costly and irresponsible form of political corruption.

SAMPLE ACTION ALERT FROM HANDSNET

Help Stop Medicaid and Medicare Cuts! Call Your Legislators and Mail a Card to the President TODAY!

Unless we all pitch in, Congress may demolish the Medicaid and Medicare programs. During September, the House and Senate will be working out the details of their budget plan, which includes huge cuts in Medicaid and Medicare. If we don't stop them, the health care and long term care needs of millions of Americans of all ages will be in jeopardy. We need your help to stop this madness.

Campaign launched to send a message to Washington! The Save Our Security (SOS) Coalition, headed by Dr. Arthur Flemming, is spearheading a major campaign to put legislators on notice: Don't cut the heart out of Medicaid and Medicare! The SOS Coalition is made up of a wide range of children's, disability, and senior groups.

Special ''fight back'' action cards are available. These cards are addressed to President Clinton and ask him to use his veto power to stop cuts to Medicare and Medicaid. SOS and its member groups are circulating thousands of these cards. If you would like a card for yourself, or a quantity for your organization to circulate, call 1–800–593–5041 and leave us a message saying how many you need (be sure to give your name and address slowly and clearly!).

What you can do: Read over the card. Call your Senators and your Representative using one of the toll-free numbers. Then put your name and address on the postcard to the President; use the space provided for a personal message to emphasize your concern about Medicaid, or attach a family photo to personalize your card.

Here are a few good places to find people who may be willing to participate: senior centers, day care centers, clinics, union halls, churches or synagogues.

Call the above 800 number to order cards! Provided by: Families USA.

THE CONTINUING RESOLUTION

Mr. BYRD. Mr. President, we should not lose sight of the fact that we need a Continuing Resolution because Congress has not completed its work on the fiscal year 1996 appropriation bills. The fiscal year began on October 1st and, yet, today, 6 weeks later, Congress has sent only three of the thirteen appropriation bills to the President that he signed. Congress sent a fourth one, the legislative appropriation bill, which the President, in mid-July, very unwisely vetoed.

Be that as it may, in addition, congressional action on the transportation and legislative appropriation bills has been completed and they are ready to go to the President. Of the eight remaining bills, seven are still in various stages of the legislative process: Defense, Interior, Foreign Operations, Treasury-Postal Service, Commerce, Justice, VA-HUD, and the District of Columbia appropriation bills. The Labor-HHS bill has not even been brought up in this Chamber—6 weeks after the fiscal year began.

One of the major causes of this failure to complete congressional action on these eight appropriation bills is the fact that virtually all of them contain controversial legislative riders, issues such as public housing reform, EPA regulatory issues, mining law reform, California desert protection, National Endowment for the Arts, prison reform, abortion, and rewriting the 1994 crime bill.

In other words, instead of completing our necessary appropriations work, Congress has chosen instead to load up our appropriation bills with items from the Republicans' so-called ''Contract With America.''

Now, Mr. President, this is my ''Contract With America.'' I keep it in my shirt pocket in all of my waking hours, Sundays included. It is the Constitution of the United States. It is pretty

well-worn. It only cost 19 cents when I first gained possession of it—this Contract With America—the Constitution of the United States. That is my contract.

I have read nowhere in this Constitution of the United States that there is any constitutional requirement that we enact the so-called ''Contract With America.'' I say it is ''so-called'' because it is not a legitimate contract. Any lawyer who has studied law, who has taken a course in contracts, knows that it is not a bona fide contract.

There is no constitutional requirement that Congress enact the so-called ''Contract With America.'' But we are required by the Constitution of the United States to enact appropriation bills and only the Congress may enact appropriation bills.

The reason for the President's veto of the continuing resolution and the resolution to increase the debt limit was that the Republican majority in Congress insisted on including such controversial provisions in each of those appropriation measures. That is why we are at this impasse.

It is incumbent upon the Congress to enact a clean continuing resolution and a clean debt limit increase without adding controversial and unnecessary legislative riders to either. If Congress refuses to do so, then the blame properly lies at the doorstep of Congress.

It has been obvious for months that part of the grand strategy of the Republican majority in Congress was to threaten to shut down the Government and to force a default on our debt in order to coerce the President into accepting their misguided contract items and their misguided budget and Medicare cuts. No question but that we have to cut the budget. We all know that. And we will have to make some reductions in Medicare. But the cuts that are being proposed are, in my judgment, misguided.

A leader of the other body has been extensively and regularly quoted in the media on the subject of a Government shutdown, as well as on the question of increasing the national debt ceiling. In his statements, that leader of the other body has shown a callous disregard for those Americans who are affected adversely by this Government shutdown, as well as for the consequences of the Government's being unable to meet its debt obligations.

For example, on the question of shutting down the Federal Government, he has had the following things to say. The June 3, 1995, issue of the Rocky Mountain News quoted Speaker GINGRICH as saying: ''We're going to go over the liberal Democratic part of the Government and then say to them: 'We could last 60 days, 90 days, 120 days, 5 years, a century.' There's a lot of stuff we don't care if it's ever funded.''

The June 5, 1995, issue of Time magazine contained this quote by Speaker GINGRICH. I am quoting Time magazine. ''He,'' meaning the President, ''can run the parts of the Government that are left [after the Republican budget cuts] or he''—the President—''can run no Government * * *. Which of the two of us do you think worries more about Government not showing up?''

The September 22, 1995, issue of the Washington Post attributed this quote to Speaker GINGRICH, and I am quoting the Washington Post: ''I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days—not this time.''

And on the question of increasing the national debt ceiling so that the Federal Government will not default on its financial commitments, the Washington Times reported on April 3 that Speaker GINGRICH vowed ''to create a titanic legislative standoff with President Clinton by adding vetoed bills to must-pass legislation, increasing the national debt ceiling.'' That is a quote from the Washington Times of the date of April 3, 1995.

The same issue, the April 3, 1995 issue of the Washington Times, also included this quote by Speaker GINGRICH: ''The President will veto a number of things and we'll then put them all''—Senators, you can see this coming; this is what is developing here; the prophecy is being fulfilled—''The President will veto a number of things and we'll then put them all on the debt ceiling, and then he'll decide how big a crisis he wants.'' So there you have it—the complete blueprint for the shutdown.

And finally, the November 8, 1995, issue of Investor's Business Daily contained this quote: ''Gingrich has said he would force the Government to miss interest and principle payments for the first time ever to force Democrat Clinton's administration to agree to his seven-year deficit reduction.''

So there should be no question in the minds of the American people as to why the shutdown of the Federal Government occurred at 12:01 a.m. yesterday morning. It is because the Republican majority decided months ago and alerted the American people months ago, called the shots months ago that there would be a shutdown and that they would create such a crisis—even though there is no reason for a Government shutdown. All Congress has to do to alleviate and remove this crisis is to simply enact an extension of spending authority for the period of time sufficient to enable Congress to complete its work on the remaining 1996 appropriation bills.

Yet, that is not what the Republican majority proposed in the Continuing Resolution which the President chose to veto. Instead, that resolution included what amounted to a 25 percent increase in Medicare Part B premiums and made even further deep cuts in education and other public investments. So, it is clear that the Republican majority created this crisis which it said would be created to coerce the President either to accept their wrongheaded proposals or to shut the Government down.

The Republicans demanded higher Medicare premiums as the price of keeping the Government running. Making seniors pay more for health care is the one part of the Republican budget agenda they picked to do first. Higher bills for seniors. The vetoed Continuing Resolution would have increased monthly Medicare premiums on January 1, 1996. Congressional Budget Office estimates indicate that the monthly increase would be $11.00 above current law. That would mean an increase of $264 a year in Medicare Part B premiums for an elderly couple.

Mr. President, I cannot for the life of me understand what the Republican majority thought they gained from forcing a Government shutdown at 12:01 a.m. yesterday morning by insisting on including these Medicare premium increases in the Continuing Resolution. The American people can see through this deliberately created train wreck. The November 13, 1995, issue of The Wall Street Journal contained an NBC News Poll asking the question: ''Who Gets Blamed? If President Clinton and the Republican Congress don't reach a budget agreement in time to avoid a major shutdown of the federal government, who do you think will be more to blame—President Clinton or the Congress?'' Forty-three percent of those polled would blame the Republican Congress; thirty-two percent would blame President Clinton; eighteen percent would blame both equally; and seven percent were not sure as to whom they would blame.

And the percentage of Americans who are discontented with Congress keeps growing. Yesterday's Washington Post contained the results from a Washington Post-ABC News Poll entitled ''Battle of the Budget.'' The question was asked: ''There's a possibility the Federal Government might have to shut down in the next few days because the Clinton administration and the Republicans in Congress can't agree on a plan to keep it running while they work on a new budget. Whose fault do you think this mainly is—Clinton's or the Republicans in Congress?'' Forty-six percent of those polled place the fault of the government shutdown on the Republicans in Congress; twenty-seven percent fault President Clinton; twenty percent fault both; and two percent fault neither the Republicans in Congress nor President Clinton.

The American people, then, are becoming increasingly disgruntled with this Republican-controlled Congress.

Mr. President, how much time is there remaining?

The PRESIDING OFFICER. The time of the Senator has expired prior to the vote.

Mr. BYRD. Mr. President, I ask unanimous consent I may proceed for not to exceed 7 minutes.

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

Mr. BYRD. Mr. President, I thank the Chair.

The American people, then, are becoming increasingly disgruntled, as I

say, with this Republican-controlled Congress. The American people must be asking themselves what this game of chicken is going to cost and who is going to pay for this fiasco. It is not going to be Members of Congress—who will continue to be paid in full even if the Government shuts down.

Furloughed Federal workers by the hundreds of thousands will not be paid during this funding hiatus, nor will those who do contract work for the Federal Government. But, the President, and Senators, and Members of the House of Representatives, and Federal judges will still receive their full paychecks, no matter how long the shutdown lasts. Be assured, my colleagues, that that situation will not make our constituents love us any more than they do already—which is not very much.

Mr. President, according to the General Accounting Office, there were nine occasions over the period from October 1981 through October 1990 when there were funding gaps of 1 to 3 days. In other words, we had nine short periods, usually over weekends, when there were lapses of appropriations. Not one of these occasions approached the cost or the severity, not to mention the gross irresponsibility, of our present situation. Furthermore, I am deeply concerned by the strident tones surrounding much of the debate on this budget impasse. In the climate of violence and intolerance in American society at large at this time, the extreme rhetoric and incivility emanating from some of our national leaders seems to me to be most unhealthy.

On the last of these occasions, namely Columbus Day weekend (October 6–8, 1990), GAO estimated that the shutdown costs of seven affected Federal agencies totalled $3.4 million. However, the cost would have been much higher if a 3-day shutdown had occurred during a normal workweek. GAO states that ''the total cost of such a 3-day workweek shutdown would range from about $244.6 million to $607.3 million, depending upon whether revenues estimated to be lost by the IRS could be recovered.'' That is a lot of money that will be wasted—at least $250 million for every 3 workdays that the Government is shut down. This is a very expensive way to prove once and for all to the American people that the Government cannot perform even its most basic responsibilities. No wonder one hears so much talk about throwing the whole lot of us out of office. This impasse is like nothing that I have ever seen before.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. This impasse is like nothing I have ever seen before in Washington. I was searching for an analogy to describe the current impasse in Washington today and I found it in an unlikely place. Guess where? The November 14, 1995, issue of the New York Times, in its Science section, carries a story about the behavior of the great spotted cuckoo. It seems that, in order to advance its territory and deposit its eggs without the bother of doing the work of building a nest of its own, the great spotted cuckoo resorts to creative extortion.

It lays its eggs in magpie nests. If the magpies do not cooperate and hatch and raise the cuckoos' eggs, the cuckoos then destroy the whole nest, killing all the baby chicks and throwing any unhatched eggs out of the nest.

The cuckoos run a kind of ''avian mafia,'' making an offer to the magpies that the magpies can ill afford to refuse.

It appears to me that some in the Congress may have been carefully studying these strange habits in their spare time. These disciples of the great spotted cuckoo have likewise not done their work and instead have insisted upon planting their very special ''eggs'' in the nests of the Continuing Resolution and the debt limit. If those eggs do not hatch or receive proper attention, these Congressional cuckoo birds fully intend to exact punishment by damaging or destroying our national economy. This is certainly not very civilized behavior.

In the case of the cuckoo, it is described as ''thuggish'' behavior even among animals, by the Times. One thing is certain, Mr. President. The American people must certainly view our current situation as more than a little cuckoo. I daresay they are probably watching us with utter disgust.

Mr. President, I ask unanimous consent that the New York Times article be printed in the RECORD.

Mr. President, I yield the floor.

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

[From the New York Times, Nov. 14, 1995]

THUGGISH CUCKOOS USE MUSCLE TO RUN EGG PROTECTION RACKET

(By Carol Kaesuk Yoon)

Biologists had ranked them among nature's most laughable dupes, inexplicably gullible bird-brains that dutifully tended eggs dumped into their nests by other bird species. For evolutionary biologists, the many species of birds that so devote themselves to a stranger's young have been something of a mystery, for even when the dumped eggs and young look nothing like their own, the birds often favor the parasites' offspring at the expense of their own.

Now a study in the journal Evolution offers the first evidence to support what had been considered an unlikely explanation for this behavior. Biologists studying magpies and the great spotted cuckoos that dump eggs into their nests say that the magpie hosts are not dupes at all, but have been forced into cooperation by an avian extortion scheme.

The researchers say the cuckoos return periodically to check on the nests in which they have left their eggs. If they find their young safely there, all is well. If their eggs are missing, tossed out by uncooperative magpie hosts, the cuckoos destroy the nest, killing the remaining egg or chick inhabitants wholesale. In other words, the magpies are members of an avian mafia.

''It's an offer that the birds cannot refuse,'' said Dr. Anders Moller, an evolutionary biologist at Copenhagen University in Denmark and an author of the study. ''It's just the same as in the human mafia. If you resist, it turns out very badly.''

Dr. Timothy Clutton-Brock, an evolutionary biologist at Cambridge University in England, called the paper ''extremely interesting,'' saying that such punishment behaviors were probably widespread among animals for keeping others in line. He describes this apparently reliable and adaptive strategy for living as: ''You do something nasty to me, I do something even nastier to you.''

Raising a nest full of eggs and chicks is difficult, time-consuming work. There is the incubating of eggs, the chasing off of predators, the finding of food for so many peeping, gaping mouths, not to mention feeding oneself to maintain the energy to do all this intensive baby rearing. So cuckoos might well be expected to have evolved all manner of tricks to get other birds to do such work for them.

But Dr. Manuel Soler of the University of Granada in Spain said that he and his colleagues did not believe that birds engaged in such coercive behavior and had set out to disprove the theory known as the mafia hypothesis. Dr. Soler studied the great spotted cuckoos and the magpies they parasitize in high altitude plateaus in southern Spain. He worked with his brother, Dr. Juan Soler, and Dr. Juan Martinez, behavioral ecologists at the university, and Dr. Moller.

To test the hypothesis, Dr. Soler and his colleagues removed cuckoo eggs from 29 nests while leaving them in 28 nests. What they found was that in most of the nests that had had their cuckoo eggs removed either the magpie eggs or chicks that remained were later killed. In contrast, nearly all the nests in which scientists allowed the cuckoo eggs to remain were left intact.

At the same time, scientists monitored nature. The great majority of nests from which magpies had ejected cuckoo eggs on their own, without the help of scientists, were also attacked and their young inhabitants killed. Very few of those magpie nests that accepted the cuckoo eggs suffered such attacks.

Such killings, like most rare and rapid events in nature, are hard to witness. But the biologists say they are confident that the attackers were indeed the cuckoos whose eggs had been ejected. When removing eggs from nests to set up their experiment, the researchers were often scolded by cuckoos, which quickly checked the nests after researchers were done. They also followed one female cuckoo outfitted with a radio transmitter who returned to a nest from which her egg had been removed and destroyed the contents.

But most convincing was the evidence in the nests themselves. For what the biologists found were pecked eggs and wounded nestlings, all left behind by their killers. While other birds and animals attack magpie nests, such hungry predators do not leave their victims behind.

By the breeding season's end, the magpies that accepted cuckoos in their nests tended to produce more magpie young than those that ejected them, suggesting that the cost of noncompliance is high.

''The experiment they did is very convincing,'' said Dr. Peter Arcese, an ecologist at the University of Wisconsin in Madison. ''People are going to have to take seriously the idea that these nest parasites are more sophisticated than we think.''

Researchers say the data are the first to support the so-called mafia hypothesis proposed in 1979 by Dr. Amotz Zahavi, a behavioral ecologist at Tel Aviv University in Israel. Dr. Zahavi proposed that nest parasites,

like the cuckoo, might be bullying their hosts into accepting eggs under threat of violence if they did not. But in the 16 years since Dr. Zahavi's hypothesis was published, no evidence had turned up in support of it.

''He's put out a number of ideas that people have initially pooh-poohed,'' said Dr. Arcese, ''and later people have shown that, in fact, they may operate.''

Dr. Zahavi said, ''Obviously it is satisfying that a model you created is found to be true at least for one cuckoo in one place.''

But at the same time, researchers note that enforcement may not be the only reason that parasites like the cuckoos are destroying nests.

Dr. Arcese said that based on studies of cowbirds that parasitize song sparrows on Mandarte Island near Victoria, British Columbia, he and his colleagues had evidence that cowbirds could also cause their hosts' nests to fail. But Dr. Arcese says their studies indicate that the cowbirds may be destroying nests, not to teach the song sparrows a lesson, but for their own convenience.

Cowbirds, like other nest parasites, must find nests into which eggs are being freshly laid. In nests with older eggs or eggs of unknown age, the host's young may hatch first, ending incubation and leading to the death of the parasite's egg.

To avoid such problems, Dr. Arcese suggests that parasites, including the cuckoo, may kill young as a way of getting hosts to start another nest, where the parasites can leave their eggs at the perfect time.

Dr. Stephen Rothstein, an evolutionary biologist at the University of California at Santa Barbara, while praising the team's work as ''superb,'' suggested a simpler explanation for the fact that many magpies keep the cuckoo eggs.

While the eggs and young of many parasites look strikingly different from that of their hosts, those of the great spotted cuckoo are good mimics of the magpie's.

''It could just be evolutionary lag,'' said Dr. Rothstein, describing an idea that has come out of his work with cowbirds. That is, magpies may keep cuckoo eggs simply because they have not yet evolved the ability to make the sometimes difficult distinction between the cuckoo's and their own. It is a lag that leaves the cuckoos winning the evolutionary war, at least for now.

Dr. Rothstein added that he also had evidence that parents of nests from which any eggs had been removed, whether the bird's own or a parasite's, would often desert the nest. He said this could explain the greater rate of attacks on nests from which eggs had been experimentally ejected as seen in the new study. With eggs missing, the magpie parents might be considerably less interested in tending and protecting the nests, leaving them open to attack by cuckoos or other birds.

To complicate matters even further, Dr. Rothstein said he and his colleagues have studied the same parasite, the great spotted cuckoo, in Israel where it leaves its eggs in crows' nests. Doing similar experiments, they found no evidence of mafia behavior.

But Dr. Arcese said that more and more researchers seemed to be finding such geographical differences in the behavior of these birds. One explanation is that since both the parasites and their hosts are long-lived and can learn, these complex behaviors may actually differ from place to place, depending on what they have experienced.

At the same time, researchers say that both the great spotted cuckoo and the cowbird are extending their ranges, moving into new territory and encountering new birds. Biologists say that with such changes going on, rather than some studies being wrong, all may be right, with researchers witnessing different stages in the ongoing skirmishes of the evolutionary war between these parasites and their hosts.

RETIREMENT OF RICHARD EKSTRUM, SOUTH DAKOTA FARM BUREAU PRESIDENT

Mr. DASCHLE. Mr. President, this week South Dakota Farm Bureau president Richard Ekstrum will step down after 20 years of dedicated service. During those two decades, his service to South Dakota and American agriculture has been immeasurable. I have had the privilege of working with Richard and the Farm Bureau for many years and have appreciated his invaluable advice and thoughtful discussions on farm policies and the future of rural America.

Throughout his 10 consecutive terms as president of the South Dakota Farm Bureau, Richard has been an effective advocate and promoter of free market policies for agriculture. Under his leadership, the South Dakota Farm Bureau has more than doubled its membership, from 4,700 to 10,000 members. He has donated over 100 days per year in service to Farm Bureau. His commitment to advancing the needs of rural America cannot be underestimated.

As a hog producer for 30 years Richard knows full well the rewards and challenges of American agriculture. During his tenure as president, agriculture has undergone tremendous changes. It is the mark of a true leader that he has effectively adapted to those changes and moved his organization forward. He understands the critical needs facing rural communities and the necessary steps we must take to ensure farmers and ranchers remain on the land to produce the food and fiber for our Nation.

Not only has Richard been a successful leader and farmer, but he also has traveled the world as an ambassador for South Dakota and American farmers and ranchers. I am sure the people of the many nations he has visited in his 20 years as Farm Bureau president have been benefited from his experience and expertise.

The South Dakota Farm Bureau will dearly miss the leadership of Richard Ekstrum, as will I. There is no doubt in my mind that he will continue to be an active advocate for South Dakota agriculture. I wish him all the best in his future endeavors and thank him for all his assistance over the years.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the skyrocketing Federal debt, now slightly in excess of $13 billion shy of $5 trillion, has been fueled for a generation by bureaucratic hot air—sort of like a hot air balloon spinning out of control—which everybody has talked about, but almost nobody even tried to fix. That attitude began to change however, immediately after the November 1994 elections.

The 104th Congress promised to hold true to the Founding Fathers' decree that the executive branch of the U.S. Government should never be able to spend a dime unless and until it had been authorized and appropriated by the U.S. Congress.

So, when the new 104th Congress convened this past January, the U.S. House of Representatives quickly approved a balanced budget amendment to the U.S. Constitution. On the Senate side, all but 1 of the 54 Republican Senators supported the balanced budget amendment.

That was the good news. The bad news was that only 13 Democratic Senators supported it, and that killed the balanced budget amendment for the time being. Since a two-thirds vote—67 Senators, if all Senators are present—is necessary to approve a constitutional amendment, the proposed Senate amendment failed by one vote. There will be another vote during the 104th Congress.

Here is today's bad debt boxscore:

As of the close of business Tuesday, November 14, the Federal debt—down to the penny—stood at exactly $4,987,139,764,503.11 or $18,931.27 on a per capita basis for every man, woman, and child.

EPA/OSHA FINDINGS ON PASSIVE SMOKING

Mr. FORD. Mr. President, the Congressional Research Service [CRS] released a long awaited report today that calls into question the validity of claims that passive smoking presents a risk to nonsmokers. It also highlights questions on the validity of the science behind the Environmental Protection Agency's [EPA] and subsequently the Occupational Safety and Health Administration [OSHA] findings on the effects of secondhand smoke. In 1993, the EPA released a report classifying passive smoke a ''class A carcinogen.'' This EPA report has been the basis for numerous actions taken to limit smoking in public places with the most dramatic example being the OSHA proposed smoking ban in all workplaces across the United States.

However, this CRS report, indicates well placed skepticism on the methods used by OSHA to justify the need for such draconian and invasive policies as the one espoused by this agency. CRS also questions the very harm of second hand smoke. It found fault with the EPA's premise that there is no safe level of exposure to passive smoke, and the conclusions that OSHA drew from a limited number of studies, a practice which clearly undercuts the validity of the OSHA findings.

The report released today is but the latest in a series by different high level specialists at CRS. Every report has led to the same conclusion: There is no scientific justification for smoking bans or de facto bans like the one issued by OSHA some months ago. In

previous reports CRS stated unequivocally that, ''the epidemiological evidence for passive-smoking-related disease is weak.'' It has followed this statement up with today's report which represents a comprehensive look at this subject as well as an examination of purported risks for heart disease.

While many agenda driven researchers have picked and chosen from only the studies that support their views, CRS, an agency which is unquestioned in its objectivity, has, during a lengthy 20 month review, rigorously examined all of the data on this controversial topic. Its conclusion is that the OSHA risk assessment as stated in its proposed rule is incorrect. While CRS is prohibited under its rules from issuing specific policy recommendations, the evidence of the study is clear and bears repeating: There is no scientific justification for the current regulatory action being sought by OSHA.

The CRS study calls into question the very underpinnings that form the basis of Environmental Protection Agency [EPA] and OSHA claims regarding the dangers of second hand smoke. EPA has claimed since the release of its much criticized report back in January 1993, that there is no safe level of exposure to ETS. However, CRS directly refutes this assertion. Furthermore, it finds that the only reasonable chance of risk comes in extreme situations and even in those cases the findings are uncertain and in need of further research. This, in my view, is the scientific equivalent of the townspeople screaming out ''The emperor has no clothes.''

In light of the seriousness of the findings of this study and the reputation of the organization that is so questioning OSHA actions, I am calling on OSHA to reopen its hearings on the proposed rule and to re-evaluate the justification for the rule in the first place. I respectfully suggest to my colleagues that this historic study undermines the premise for all government coerced smoking bans.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York, Mr. D'AMATO, is recognized.

EXTENSION OF MORNING BUSINESS

Mr. D'AMATO. Mr. President, I ask that the time be continued as if in morning business until I conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. How much time does the Senator anticipate?

Mr. D'AMATO. Ten minutes.

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

CONCEALING THE TRUE FACTS ABOUT MEXICO AND THE IMF

Mr. D'AMATO. Mr. President, for months, the Clinton administration and the Mexican Government have told Congress and the American people that the President's $20 billion bailout of Mexico was a success. But the administration and the Mexican Government have been concealing the true facts from the Congress and, more importantly, from the American people. It is wrong and it is outrageous. Particularly in this time of budget austerity when we are having such incredible battles over how to balance the budget and deciding what programs will be cut. I think it is incredible at this point in our history that we are watching tens of billions of dollars go down a sinkhole and do nothing about it.

For almost a year, I have warned that the Clinton bailout of Mexico was doomed to failure. Over the last few weeks, it has become clear that the President's Mexican mirage is evaporating. Truth, unfortunately, is not pleasant at times, so there are those who seek to look the other way. But the truth is finally coming into focus.

The Clinton administration and the Mexican Government can no longer conceal the real facts. We know that record numbers of Mexicans are out of work, that Mexican interest rates are soaring and that Mexico is reeling under increasing social and political unrest.

Before the Mexican peso was devalued last December, it traded at 3.44 against the dollar. On December 22, after the devaluation, the peso was trading at 4.8. Then it went up to 6, and then 7. Yesterday, the peso closed at 7.81. That is a historic low closing rate. Never before has it closed at such a rate—7.81 pesos to the dollar. This morning, it opened at 7.9. That is shocking. That is unbelievable. The peso is in free fall without Mexican Government intervention.

Indeed, Mr. President, let me suggest that the only people who are making money are the currency speculators. They know that the Mexican central bank will intervene, and so as the peso is devalued, as it becomes worth less and approaches the 8 mark and 8.1 and 8.2, the money speculators begin to buy it up because they know at some point the central bank will move in and they can sell for a handsome profit. They are making their profit, while the Mexican Government is chewing up billions of dollars.

How much longer will we have to wait before we recognize that this program has been a failure? If the Mexican bailout was a success, would interest rates have climbed from 20 percent to over 60 percent? That is exactly what has taken place during this period of time. No economy can survive such crushing interest rates—60 percent. Yet when the Mexican President came to the United States, the Secretary of the Treasury, indeed, the President of the United States, said that the proof that the program was working was Mexico's ''pre-payment'' of some of their debt. In reality Mexico flipped the $1.3 billion remainder of their loan, rolled it over, and could not pay it in spite of their so-called early payment of $700 million.

Since February, the United States and the IMF have poured over $23 billion into Mexico. The Mexican Government has used American taxpayer dollars to pay off private investors. The administration should not continue to throw good money after bad.

Last week, I offered a Sense-of-the-Senate resolution calling for the public release of an important document, a document prepared by the International Monetary Fund. This report is known as the Whittome Report. The Whittome Report examined the International Monetary Fund's monitoring and response to the Mexican peso crisis. According to news accounts, the IMF's own report concluded that the International Monetary Fund had distorted its reporting on Mexico to placate political pressure from the Mexican Government.

I suggest that the American people have a right to see that report. Why is the Treasury Department hiding that report? Secretary Rubin has classified it on ''national security'' grounds.

This report talks about the International Monetary Fund's failure. Why should it be classified so that the American people cannot know what is taking place with money that we have invested with the IMF, with money we have sent down to Mexico. It is American taxpayers' dollars. That report should be declassified.

The Treasury Department's classification on national security grounds is hokum. What nonsense. This report has been made available to 178 other countries that are members of the IMF.

So here we have a report that has been widely circulated and is being held on the arbitrary, obviously sham, excuse that its release would jeopardize national security. It is our taxpayers who are providing the bulk of the funding for this bailout package, a package which is failing. This package is producing record unemployment in Mexico, record high interest rates, and has sent the peso to a record low. This bailout jeopardizes Americans' financial interests.

What do we have? We have secrecy from the Treasury Department claiming that release of this report would jeopardize the security of our country, hiding under the pretext of national security grounds.

Mr. President, 178 countries, many of which may be allied against the interests of the United States, have copies of this report, but the American people do not. And this Senator is not permitted to disclose the contents of that report? That is just simply wrong. It is obvious that this administration is attempting to hide the debacle and the fact that we should never have entered into this absolutely shameful relationship.

What we see taking place today is the currency speculators making billions of dollars of profit. Last evening,

the Mexican central bank moved in to support the peso; otherwise, it would have closed over 8. And I have to tell you, as long as they are going to continue to do this, the money speculators will ride that rollercoaster up and down. They will continue to make their fortunes.

We are not helping the Mexican people. We are not helping their economy. We are not helping to create job stability. As a matter of fact, the programs that we have insisted upon are creating economic hardship for Mexico. It is just simply wrong, and it is unconscionable.

I do not believe that we should put one more U.S. dollar into this sinkhole. Let us use the money, if we have an opportunity to save that $7 billion-plus that has not already been wasted, to reduce the budget deficit. Let us use it to fund programs that reasonable people may say, yes, we want to fund but we do not have sufficient money. If we are talking about providing students with an opportunity to get a better education, let us use the money for that program. If we are talking in terms of reducing the Medicare burden, then let us see to it that we make that money available in that area. If we are talking about not having sufficient funds to carry out some of the needs because of budget constraints in the Medicaid Program in years to come, let us use that $7 billion-plus instead of putting good money after bad and making rich people and speculators richer at the expense of the taxpayers.

But let us not hide the truth. Why should the Secretary of the Treasury classify this report and keep it from the American people? I ask the Secretary, ''What do you have to hide, Mr. Secretary?'' One hundred and seventy-eight foreign countries have this report. Some of them put little, if any, money into the IMF, a pittance. The United States of America and the taxpayers have poured in billions. And yet this report is classified on so-called national security grounds? Mr. Secretary, you are telling the people they do not have a right to see what has taken place?

I have not read the report, and I have not read it for good reason, because otherwise I would probably want to come down on the floor of the Senate and expose the sham that took place. We all know it is a sham that took place. The administration does not want people to see that the IMF has mishandled and bungled what took place down in Mexico. Indeed, the program that we have imposed on the Mexican people not only robs the American taxpayers, it will not help the Mexican people.

We continue blindly along as if the emperor had no clothes and we are afraid to say it. Somehow we are afraid, like the fable about the emperor having no clothes. It took some little boy to say what was wrong. Here they did not want us to have the facts because they do not want people to begin to say, ''How could you continue this incredible fiasco?''

Mr. President, let me end on this—the Congress of the United States is reluctant to pull the plug in terms of financing for Mexico because they are justly afraid that President Clinton will turn around and say, ''Aha, you are responsible for the failure of the Mexican rescue bailout package.'' That is exactly what would take place but that is wrong. President Clinton knows it and the American people know it too.

But there is no reason for this Congress not to insist at least that the truth be made public. My colleagues, Senators and Congressmen should be demanding the release of this Whittome Report. It should not be left to Senator D'AMATO. It should not be left to any one person. This should be something that we want, that we demand. I urge my colleagues to support this resolution.

So, Mr. President, I am going to continue to call this to the attention of my colleagues in the Congress. They have a duty to step forward and say, ''Yes, we want this information. The Congress and the American people are entitled to it and they should have it.'' For the Secretary of the Treasury to say on national security grounds he cannot make this information available, is something that is absolutely, totally unreasonable, and not sustainable.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

Mr. D'AMATO. 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. 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.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 5 or 6 minutes.

The PRESIDING OFFICER. Without objection, the Senator may speak for 6 minutes.

TRENDS IN DRUG ABUSE

Mr. GRASSLEY. Mr. President, I have spoken several times on this floor, as have others, about disturbing trends in drug use in this country. Well, the latest bad news is out, having been delayed over 2 months by the administration. The new Drug Abuse Warning Network [DAWN] numbers on hospital admissions for drug emergencies are in. And the story that they have to tell is disturbing.

At least 500,000 Americans ended up in hospital emergency rooms in 1994 in drug-related episodes. Cocaine-related incidents were up 15 percent over 1993, and a stunning 40 percent over 1988. Cocaine-related episodes are the highest since DAWN surveys began. In part, this indicates the consequences for an aging addict population beginning to show the signs of prolonged addiction.

But, with increases among teenagers in the use of hallucinogens, marijuana, uppers, and downers, we are faced with increasing problems in a new generation of users, and storing up problems for the future.

Young people are simply not getting the message that drug use is both harmful and wrong. Since 1990, marijuana/hashish related episodes increased by 155 percent. They increased 40 percent between 1993 and 1994 alone.

When you combine these numbers with recent PRIDE, household survey, and high school survey figures on teenage use, the trend is unmistakable. And it is bad news. After years of decline, after years of young people foregoing drugs, we are seeing all the successes we had wiped out in a few short years as the message about the dangers of drugs has been lost.

The mistake made by the present administration was to believe that they could abandon the bully pulpit on this issue, refocus programs to treatment, and not send a signal to the most at-risk population, our young people, that drug use was not so bad or dangerous. The mistake was in telling people not to inhale instead of saying ''no.''

The mistake we seem determined to repeat, after our experiences of the 1960's, 1970's, and 1980's, is that you should only have to do the counter-drug effort once, like a small pox vaccination. Having done this once, we can move on to more pressing issues.

Such thinking is based on a fundamental misunderstanding of the realities of drug use. The most at-risk population for starting use are our teenagers, beginning as early as 12 years old. Unless we declare a moratorium on having children in this country, we will see a new crop of teenagers coming into schools and into contact with a drug culture every year. And they are coming of age now in an environment in which our cultural elite are once again praising the virtues of drug use, further obscuring the message.

Just as we have to give new immunization shots to a new group of teenagers every year. Just as we have to teach a new class geometry, and algebra, and civic responsibilities—every year—we have to provide the moral guidance and information to a new crop of kids that will protect them from drug use.

We have to have the clear, unambiguous message from all sources that can penetrate that teen sense of immortality that persuades them that nothing bad can happen to them simply because they are young. We need to sustain that message so that kids can learn that things they do today can have bad consequences years later.

When we fail to get the word out repeatedly and pointedly, we put our young people at even greater risk. And it encourages those today who still push the 1960's agenda that has destroyed so many promising lives. We cannot afford to do this. We have seen the consequences. And the increases in cocaine and heroin hospital emergencies today are a legacy of our foolishness yesterday. We cannot let this happen to our tomorrow.

I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. PRESSLER] is recognized.

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may speak as in morning business for 5 minutes.

A CLASHING OF TWO CULTURES

Mr. PRESSLER. Mr. President, in Washington, we are facing a crisis. It is not just a crisis of a Government shutdown, but it is the crisis of what direction we shall go as a nation regarding a balanced budget.

It is my strongest opinion that the liberals are standing in the way of a balanced budget. I always tell high school audiences that they should decide if they are liberal or conservative. If they are more liberal, they probably should join the liberal wing of the Democratic Party. If they are more conservative, they probably should join the Republican Party.

Let us face it, there are two cultures clashing here. One is the traditional liberal culture of big government; the other is the effort to have less government, lower taxes, less regulation, and the two cultures have clashed here in this balanced budget debate.

It has been my opinion that there has been shameless waste in many Federal Government spending programs—shameless waste. There has been waste, fraud, and abuse, and the American people want our Federal Government to become more efficient. They want to take care of the poor, they want to take care of the Medicaid and Medicare people and, indeed, our budget does take care of them. We are a compassionate people in that we certainly will not abandon the poor and the elderly. But our people want us to be more efficient in the use of Federal dollars.

Working middle-class families have felt that they are left out of the system. A lot of families, or a lot of people, are what are called working middle class. They do not get a lot of the tax breaks. They are required to pull the wagon, so to speak.

There is a revolt across the country of these working middle-class families and their children, because they feel that if we do not move toward a balanced budget, they will have to pay higher taxes and their children will have to pay higher taxes.

I tell all of the high school graduating classes that I talk to that they will have to pay between 3 and 5 percent additional taxes all their lives because of the debt that this country has.

In my State of South Dakota, we primarily have working middle-class people, and they are the ones who drive us to stick together to get this budget passed that will bring us to a balanced budget in the year 2002. I feel passionately that we must give the dream of America back to our children.

I feel that this budget is the most important single piece of legislation, because if we fail, we will be continuing the same habits of deficit spending that has gotten us this huge debt. At some point, we have to stop, and we have reached that point.

In my State of South Dakota, our field offices have received an overwhelming number of calls that indicate that our people want us to continue; our people do not want us to compromise the balanced-budget principle; our people want us to take the steps. So we have cast many of those difficult votes this year.

I hope our leadership does not compromise. I know that all parties are acting in what they believe to be the national interest. But I think realistically and actually what is happening is that the liberal traditional approach to Government is clashing with what came out of the 1994 elections, and that is a fiscally conservative approach to Government. Those two forces are now clashing, and the working middle-class families of America are watching to see if we have a resolve to continue to move toward a balanced budget by 2002. I urge our leadership to continue that effort.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland [Ms. MIKULSKI] is recognized.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

A FIGHT ABOUT AMERICA'S FUTURE

Ms. MIKULSKI. Mr. President, as you know, I am a Senator from Maryland, but I am a Senator not only from Maryland but I am a Senator for Maryland. I represent a State that is the host agency to some of the most important Federal agencies in the United States of America: The National Institutes of Health, Goddard, the Federal Drug Administration, Andrews Air Force Base, the home of the President's own; the U.S. Naval Academy.

I come to the Senate floor today to tell you I am absolutely opposed to the continuation of this Government shutdown. It is terrible for Federal employees, it is unfair to the taxpayers of the United States, it has a tremendous negative impact on the State of Maryland, and I believe it compromises America's public health and safety, and I think it threatens our American global reputation.

Today is the second day of the Federal Government shutdown. No end is in sight. We are in gridlock, we are in deadlock, and I think that that is a disgrace.

Now what is this fight all about? Presidential politics? Yes, but this is a fight also about America's future, about our priorities, about our values, what kind of Nation we are going to be, how do we preserve the economic security for senior citizens and provide economic opportunity for young people? That is what the national debate should be all about, but we should not have to shut down the Federal Government to have a conversation about America's future.

That is why I absolutely support the effort of Senator TOM DASCHLE, a Democrat, to call for a continuing resolution for at least 5 days to 5 weeks, a cooling-off period where there are no gimmicks, there are no riders, no blackmail, where the leadership of this Nation, Republican and Democrat, can sit down and negotiate really in not what is in a political party's interest, but what is in the national interest.

We must seek the sensible center. We must find an answer to balancing the budget and balancing our priorities at the same time. That is what we should be doing, but we should not be making pawns of Federal employees.

Right now, 800,000 Federal employees were told that they were not essential and sent home. How demeaning. How demeaning to those scientists at NIH. How disgraceful to say that to the people at FDA who are trying to move pharmaceutical products to the marketplace that are safe and effective. How demeaning to the caseworkers who take the calls from senior citizens applying for Social Security, and how disgraceful it is to those who work for the Veterans Administration, who may be veterans themselves—when the veterans call to apply for their disability, they are going to get voice mail.

I have said to the Federal employees, ''I think you are essential. I want you on the job and I want you working hard for the people of the United States.'' And to the taxpayers listening, I hope you call this an outrage. Get on the phone and tell us to pass a continuing resolution to put those Federal employees back to work. Your Government, American people, should be working as hard for you as you work for your money.

I think to close down the Government is an absolute insult to the taxpayers of the United States. We have people on furlough, we have jobs that need to be done, and we are playing politics, we are playing this kind of Mickey Mouse politics. We have to get out of the Disney World of Washington and stop acting like the Federal budget is some aspect that we can play politics with.

Mr. President, I hope that this afternoon we give Senator DASCHLE the

chance to offer a continuing resolution, where the Federal Government could be in operation for the next 3 days to the next 5 weeks. Let us reason together. Let us discuss these issues. Let us talk about the timeframe for balancing the budget. Let us include our national priorities—economic security for the old, opportunity for the young—and let us reach out and not be on this side of the aisle or that side of the aisle. Let us go to that sensible center and put our national interests first, put our Federal employees back to work. Let us give the taxpayers a dollar's worth of Government service for a dollar's worth of their taxes. Then we can hold our heads up high and be proud that we are U.S. Senators.

I yield the floor, and 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. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

DO WHAT IS RIGHT FOR AMERICA

Mr. DOLE. Madam President, as we begin the second day of the Federal Government shutdown, I do want to note that like all Senators, I have read the polls that say more Americans are blaming the Republican Congress for the shutdown than are blaming President Clinton.

If you think leadership is all about taking polls—as the White House does—then I suppose you can take heart in these results.

But I happen to believe that leadership is more than just trying to make everybody happy. It is about doing what is right for America and what is right for our children and grandchildren.

From the moment the votes giving Republicans their first congressional majority were tallied last November, we knew we had a choice.

We could either look to the next election, basically leave the status quo intact, and avoid taking any action that might be controversial or unpopular.

Or we could roll up our sleeves and do the hard work of giving the American people the fundamental changes we have needed for so long.

That is the road on which we embarked. We knew the road would be bumpy. We knew there would be those who would urge us to detour to the path of least resistance.

But we also know that if we stay the course, then America will be a better place to live, work, and raise a family.

America will be better because our children and grandchildren will be freed from the crushing burden of our national debt.

America will be better because the lower interest rates that will result from a balanced budget will allow more of us to own a home, buy a car, and take out a college loan.

America will be better because we will have saved Medicare from bankruptcy.

America will be better because we will have returned power to where it blongs—to our States, our cities, our neighborhoods, and our people.

Madam President, I cannot say it any better than did Mr. Joe Ham of Lawrenceville, GA, who sent me the following fax yesterday:

> SENATOR DOLE: I know the media and the White House will be pouring on the propaganda, but for our kids' sake and the sake of America, stand your ground.
>
> As Mark Twain said, ''In the beginning of a change, the patriot is a scarce man, brave and hated and scorned. When his cause succeeds, however, the timid join him, for then it costs nothing to be a patriot.

Let me just say to Mr. Ham that when I look at House and Senate Republicans I see patriots, patriots who are willing to pay the price for leadership, and who are willing to pay the price of making the tough choices today that will ensure a better tomorrow.

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. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

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

REPUBLICANS SHOULD NOT CAVE IN

Mr. INHOFE. Madam President, I appreciate very much the statement just made by the majority leader. What he has been hearing is the same thing that I have been hearing.

I think a lot of us, Madam President, have been distressed by reading some of the polls that might imply that there is a deadlock, and somehow the Republicans have something to do with it, when, in fact, we have come up with a solution, the solution that was a part of the mandate of the election of 1994.

They told us in loud and clear terms as Republicans took control of both the House and the Senate, that we are tired of business as usual, that we do want less Government involved in our lives. We want to change that trend that has existed since the 1960's.

I am very proud to announce here today that in our partly closed offices around the State of Oklahoma and here in Washington, that we have been watching very closely as the calls come in. The calls have come in, and the very first 6 hours after supposedly the Government shut down, 98 people called in and said that they thought the President was right; but 611 people called in—almost an 8–1 ratio—and those 611 people said ''Don't give in.''

We made ourselves clear in November of 1994: If the Republicans cannot do it, you know the Democrats will not do it. Do not cave in at this time. We want a balanced budget.

The Republicans have offered a balanced budget. Every Democrat I know of has stood on this floor and said we all want balanced budgets, but when it gets right down to it, they really do not want balanced budgets. They want business as usual.

We have offered a balanced budget. We have sent all this to the President. It is in the President's court now.

It is hard for me to understand what is going to happen. I encourage all of my Republican colleagues to listen to the loud and clear message that we are getting from Oklahoma, a very wise State. That is, stay the course. The same as Mr. Ham said, who wrote to our majority leader, BOB DOLE, that he quoted a few minutes ago.

I have no intentions of caving in. This is the last opportunity we will have to actually achieve a balanced budget in America. We are going to do it.

I yield the floor.

CONGRESS DID NOT DO THEIR WORK

Mr. LEAHY. Madam President, I think there are people watching this debate who should put one thing in perspective: The Government is not being shut down because there is somehow an inability of the White House and the congressional leadership to agree on a 7-year budget plan. The fact of the matter is, it is being shut down because we have not passed 13 appropriations bills.

Now, it is the responsibility—when we talk about whose responsibility is involved, whether the President or the Congress —of the congressional leadership to pass 13 appropriations bills by the end of the fiscal year.

These begin in the other body. I understand the Speaker of the House of Representatives has spoken with a great deal of accuracy of his control over the House. The Speaker of the House of Representatives has spoken about his ability to move what he wants to move through the House of Representatives.

But the fact of the matter is there are only 3 of the 13 appropriations bills that have been signed into law.

We are shortly going to vote on a conference report as we already have on one of the remaining 10 appropriations bills.

If the congressional leadership had passed and sent the President the 13 appropriations bills as they are supposed to do, had they done that by the end of the fiscal year as they are supposed to do, and had the leadership done as they claimed they can with their new majority, to move their agenda through, had they just done the people's business, the business of all Americans—Republicans, Democrats, and independents—had they passed the 13 appropriations bills, we would have

no shutdown at all. There would be nothing to shut down. We would have passed the legislation.

Now, they have a majority of Republicans in the House. They have a majority of Republicans in the Senate. They could very easily have passed and sent to the President for signature 13 appropriations bills. Thirteen appropriations bills could have been signed into law, and there would be no Government shutdown today.

Do not talk about this as being some kind of a case where our side and their side or the White House and the congressional leadership cannot meet agreement. If we, here in the Congress, had done the work we are paid to do, hired to do, elected to do—that is, pass our bills on time—everybody would be at work today. None of the stoppages would be occurring. There would be none of the inconvenience and the tourists here in the Capitol would be able to see something besides just us.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mrs. HUTCHISON. Madam 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 has just expired.

Mrs. HUTCHISON. Madam President, I ask unanimous consent morning business be extended for 5 minutes for the purpose of introducing legislation.

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

Mrs. HUTCHISON. Madam President, I send a bill to the desk and ask it be appropriately referred.

The PRESIDING OFFICER. The bill will be referred to the appropriate committee.

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON and Mr. SIMPSON pertaining to the introduction of S. 1414 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 1868, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Revolved, That the House disagree to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 115 to the bill (H.R. 1868) entitled ''An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes.''.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, let me bring the Senate up to date on the status of the foreign operations appropriations bill. It has been sort of bouncing back and forth between the House and the Senate.

The conference report itself on foreign operations was passed by both Houses by very wide margins. It passed in the Senate 91 to 7. It passed in the House, 331 to 71.

This morning the House passed, once again, language offered by Congressman SMITH, 237 to 183, which remains in disagreement with the Senate. So what we have extant is an amendment in disagreement. The conference report will not be needed—will not be needed to be voted on again.

So what we have before us this afternoon, upon which there will be a motion to table shortly, is the Smith language.

The Senate defeated this language 53 to 44 on November 1, and, candidly, I expect the outcome of the vote we are about to have to be exactly the same. Let me repeat. The only item in disagreement is amendment 115. That is the only item upon which we are called to vote in a few moments.

The underlying conference report, which we have already approved, enjoys strong bipartisan support. We fund a number of key national priorities including the Camp David accords, aid to the NIS, including Armenia and Ukraine. Also in this bill is an extension of the Middle East Peace Facilitation Act.

So, again, let me say the conference report itself enjoys very strong, overwhelming bipartisan support. The only item we have before us today is what is known as the Chris Smith language, on abortion.

My colleague, Senator LEAHY may want to make a few comments and then I believe the chairman of the Appropriations Committee is going to make a motion to table.

I yield the floor.

Mr. LEAHY. Madam President, very briefly, I am old enough to remember going to the movies when they would have a cartoon. They would have sort of a single line to follow the bouncing ball. Most of the other Members here are not old enough to remember those cartoons. But in effect this bill has been like a bouncing ball going back and forth. The distinguished chairman can correct me if I am wrong, but I believe we had 193 items in disagreement in conference that lasted until after midnight. We resolved 192. Both bodies have voted on those. It is time now to realize that the last matter is at an impasse. Let us get the basic bill passed and sent on to the President for his signature and allow this part, at least, of our foreign policy to go forward.

So I support the distinguished chairman in this. I see the superchairman, the overall chairman, on the floor. So I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, very shortly I am going to move to table the underlying Senate amendment, amendment No. 115, which will take with it both the original amendment by Senator KASSEBAUM and the House amendment by Congressmen CALLAHAN and SMITH.

Madam President, I need not talk further about the crisis that we all face today and of the need to resolve the crisis. I am taking a small step to narrow the area of disagreement between the White House and the Congress.

But I want to make it very clear that I speak as a deeply committed, unadulterated pro-life person, and I have cast my votes on this Senate floor scores of times on that issue. I ran a political campaign in my State for reelection when that issue was of paramount importance, and Oregon is considered the most pro-choice State in the country.

So I want it clearly understood that, regardless of my personal viewpoint on this question, I have to look at the fact that we are legislating on an appropriations bill, and we do so regularly.

We have three appropriations bills struggling with this issue of abortion. Not one of these amendments belongs on an appropriations bill. It violates the rules of the Senate. It violates the orderly legislative process.

At the same time, this very issue and this form of the abortion question is already on the foreign relations reauthorization bill adopted by the House of Representatives, by the same authors, which will be here for consideration by the full Senate. That is where the issue should be debated. That is where the issue should be worked out, not on the foreign operations appropriation bill.

I realize that when you get into the position of trying to explain procedure to the public, you are lost. But, nevertheless, this is a fundamental procedural question that we have to consider seriously. Bear in mind we could have a vote on this—and I plan to ask for the yeas and nays—so that everyone will have an opportunity to express his or her viewpoint and to cast a vote. I hope that people vote on the procedural question rather than on the abortion question.

That is probably wishing against all odds, but I do feel that even as a pro-life person I will have to vote to table this amendment that was put on this appropriations bill. I have no desire to further encumber the appropriations process and to further exacerbate the contention that now exists between the White House and the Congress. We have to take some small steps to bridge and to resolve that conflict, and I think we ought to be about the business of resolving it rather than exacerbating the circumstances of conflict.

So we can pass this bill. If we will adopt this tabling motion, we can pass this bill that has been approved by this

Senate before with 90-some votes. It has gone through the conference with very little acrimony. So then we can get this bill down to the White House, and the President, as I understand, has signaled that he will sign this appropriations bill.

We are going to get the Transportation bill down to the White House today. The President has indicated he will sign it. We have cleared up the Treasury-Post Office problem in conference. The House will send that over to us. I hope we can get it down tonight or early tomorrow. The President will probably sign it. And then legislative. We can have 7 of the 13 appropriations bills completed and signed by the President in the next 48 hours.

That is going to make the job of reconciling the so-called balanced budget question—or sometimes referred to as the reconciliation, or the continuing resolution—and the debt ceiling; all these others that we must act upon. I think this will help facilitate those other tasks that we have.

So now I move to table the underlying Senate amendment, amendment No. 115, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, when the Senate first considered the amendment in disagreement, regarding abortion funding with foreign aid money, advance notice was given only to those who opposed the House position. Today, no notice was given to anyone. It was I who urged a rollcall vote on the issue.

I urge Senators to support the House position. I heard it mentioned that the Senate already has defeated this language, but that is just not the case. The Senate has never voted directly on this provision and it won't today; previously, it voted on a Kassebaum provision which, in essence, gutted the House provision.

I have heard assertions that pro-life Members refuse to budge on various amendments or provisions. But, Senators should understand that the House position has already changed substantially from its original position in order to meet concerns of the Senate.

The original ''Mexico City'' language as passed by the House has been modified to cover only foreign private and voluntary organizations. This is an important distinction that Senators on the other side of the aisle ignore.

Furthermore, the provision relating to the U.N. Population Program [UNFPA] was modified by the House in several ways. First, more time was provided to UNFPA to terminate its operations in China, thus allowing it more flexibility. Second, the term ''motivate'' was redefined so as not to prohibit family planning counseling.

The House has tried to accommodate Senate concerns. It is pro-abortion Senators who refuse to compromise. And I urge my colleagues to oppose the tabling motion and thereby support the House position.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I ask unanimous consent that the vote begin at 10 minutes to 3.

Mr. LEAHY. Madam President, reserving the right to object, I will not object. So people understand, we are trying to coordinate the schedules of people on both sides of the aisle in doing that. I support the motion to table. I support the unanimous consent request of the Senator from Kentucky.

Mr. SARBANES. Reserving the right to object, can one assume that we will have morning business between now and 10 of 3?

Mr. MCCONNELL. I say to my friend from Maryland that we will be glad to divide the 10 minutes between now and 10 minutes to 3. He takes 5 and we take 5. Is that agreeable with the Senator from Maryland?

Mr. SARBANES. Certainly.

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

Mr. SARBANES. Who controls the time, Madam President?

Mr. LEAHY. If we have 5 minutes on this time and the Senator from Kentucky has 5 minutes on that time, I yield my 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I am prompted to rise because of the comments made by the chairman of the Appropriations Committee with respect to passing appropriations bills and sending them to the President.

It is very important to understand how we find ourselves in this outrageous impasse with the Federal Government closing down and with the ability of the United States to honor its debts cast in jeopardy. The fact of the matter is that, as of this morning, only 3 of the 13 appropriations bills have been signed into law. Only four have been sent to the President. He vetoed the legislative appropriations bill, and that has come back to us, and it will have to be resubmitted.

I hear all of these protestations from my colleagues from across the aisle. But the fact is they have not moved the appropriations process forward. Now they want to hold the President hostage and engage in legislative terrorism. That is exactly what is happening here, and 800,000 Federal employees are furloughed as a consequence of this terrorism. How are people who live from paycheck to paycheck going to meet their mortgage payments or tuition payments for their kids who are in school?

A budget reconciliation package has not even been passed in the Congress. It is not even out of the conference committee. So the President has not had a chance to act on the budget. He has not had a chance to act on most of the appropriations bills—10 out of 13 as of last night. A couple will be sent to him shortly—hopefully this one that is now before us and a couple of others that we be considered shortly. So the fact is that the Congress has not done its work in sending the appropriations bills to the President for him either to sign or to return to the Congress with his veto.

What is underway is a tremendous coercive tactic to try to force the President to accede to the priorities that are being set by my Republican colleagues with respect to the budget, and that essential priority that is contained therein is deep cuts in Medicare in order to give tax breaks to wealthy people. That is essentially the driving force behind the budget proposal of my Republican colleagues. Of course, the President has indicated he will not agree to that, and now they are trying to use every tactic in the book in order to compel him to do so.

It is an outrage that they have closed down the Federal Government. Clearly, what should have been done is we should have had short-term extensions of the appropriations measures and an extension of the debt ceiling until the remainder of the appropriations bills and the reconciliation measure could be sent to the President. That was not done, and the Republicans are now trying to coerce the President into accepting a set of priorities with which he does not agree.

I oppose that set of priorities and continue to do so. But I must say that my colleagues on the other side of the aisle, you are playing with fire. Standard & Poor's this week issued a strongly worded warning to the Government saying the faith of investors has to some degree been diminished by the threat of imminent default on its debt. I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1)

Mr. SARBANES. I am now quoting from the article: ''The unusual statement by the Standard & Poor's Corporation, the rating agency, said that it was not reducing the United States' triple A credit rating, the highest grade—and one granted to only about a dozen countries. But it clearly left open that possibility.''

And they went on later: ''The President of Standard & Poor's * * * said''—and this is a quote of his—''if this were any other country than the United States that we were talking about, we would have put them on credit watch.''

That is the fire that is being played with here.

Later, on their own credit line release, Standard & Poor's questioned the Government's willingness to make timely debt service. I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. SARBANES. Let me just quote:

Standard & Poor's triple A rating of the U.S. Government is predicated on the dual components of the Government's overwhelming capacity and unquestioned willingness to honor its debt obligations. The U.S. Government's financial capacity to meet its debt obligations remains a worldwide standard based on the size and strength of the U.S. economy. However, the current budget dispute between the President and Congress has raised issues regarding the Government's willingness to make timely debt service.

This is what is at risk regarding the game that is being played here. Most of the appropriations bills have not been sent to the President. Of the 13 appropriations bills, as of yesterday, only 4 had been sent to the President. He signed three of them. Now we are starting to send the remaining appropriations bills to the President. And I approve of that process. I hope we will get the bills down to the President.

Not only have the Republicans failed to pass the appropriations bills, but they have also failed to pass the reconciliation bill. The reconciliation measure is not even out of conference. The conference report has not yet passed the House and Senate. It is not even out of conference.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. SARBANES. As one of the Federal employees who had been furloughed said in the morning paper, ''It is stupid.''

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. SARBANES. He said it is stupid. It is stupid. It is stupid, and it ought to stop. Mr. President, he is right.

EXHIBIT 1

[From the New York Times, Nov. 11, 1995]

S. & P. STRONGLY WARNS GOVERNMENT OF THREAT OF DEFAULT

(By David E. Sanger)

WASHINGTON, November 10.—One of the world's leading credit-rating agencies issued a strongly worded warning today to the United States Government, saying that the faith of investors ''has, to some degree, been diminished'' by the threats of imminent default on its debt.

The unusual statement by the Standard & Poor's Corporation, the rating agency, said that it was not reducing the United States' triple-A credit rating, the highest grade—and one granted to only about a dozen countries. But it clearly left open that possibility if the country failed to meet any of its payments on United States Treasury obligations because of the budget impasse.

In an interview this evening, the president of Standard & Poor's, Leo C. O'Neill, said that ''if this were any other country than the U.S. that we were talking about, we would have put them on credit watch,'' the formal warning the firm issues when a government or company is at risk of having its credit rating lowered.

Mr. O'Neill said that a committee within his firm debated today's statement for nearly two days after it became clear that Congress and the White House were headed toward a showdown. While the warning, which was issued late in the afternoon, itself may rattle the markets early next week, Mr. O'Neill said that he thought it was important that Government officials understand the implications of a default on the country's solid gold credit rating.

He said that he fully expected that the United States would make full payment on its debts. But the willingness of American officials to talk about the possibility of default has already done lasting harm to the United States' international image as a country willing to pay back what it borrows, he said.

''Even if the issue is resolved in the 11th hour and 59th minute, in some respects the damage has been done,'' Mr. O'Neill said.

The growing uncertainty in Washington over the budget and the prospect of shutting down the Government and defaulting on the national debt is already rippling through Wall Street. Bond prices fell and the broad stock market indexes slumped as the Democratic White House and the Republican Senate headed into the weekend playing an old fashioned game of chicken. And the price of gold, a traditional haven in times of uncertainty, surged $3.10, to $390.50.

The price of the 30-year bond fell as the yield, which moves in the opposite direction, rose to 6.33 percent. The Dow Jones industrial average managed to inch 6.14 points higher, to a record 4,870.37. But the S. & P. 500-stock index slipped 0.54 point, to 592.72, and the broader Nasdaq index fell almost 2 points.

For decades the United States has been the gold standard in the world of investing. Long considered the safest of all investments, Government debt is the yardstick by which the risk of lending funds to other nations or corporations is regularly measured. If Standard & Poor's lowered the nation's rating the result would almost certainly be an increase in interest rates, in order to attract investors to take a marginally higher risk of not being paid back on time. That, in turn, would affect a raft of other rates, including variable-rate mortgages held by millions of American homeowners. Those mortgages are usually based on the interest rate of Treasury obligations.

Politically, the rating agency's action today plays into the hands of President Clinton and Treasury Secretary Robert E. Rubin. Both have warned that Congress was threatening America's creditworthiness around the world by linking an increase in the national debt limit to a number of other Republican budget priorities. But many Republicans and some on Wall Street have dismissed that view, contending that investors see the current threats of default as a political sideshow that has little to do with the United States' ability to pay its debts.

It is still unlikely that the United States is heading for default and any imminent action is doubtful. Mr. Rubin has been extraordinarily cagey in recent days when asked how long the United States can continue to meet its obligations without increasing the $4.9 trillion ceiling on Federal borrowing.

He has authority—which Congress is trying to strip away—to draw on Federal trust funds that keep their money in Treasury securities. That, in turn, would allow the United States to borrow more to meet its operating expenses and to repay investors. The first big hurdle comes on Wednesday, when the Government must pay $25 billion in interest to bondholders; another $44 billion is due the next day.

Standard & Poor's argued today that even without a default, America's reputation among investors was hurting. ''Even assuming a debt ceiling agreement is enacted in time to forestall default,'' the firm said in its statement, ''the global capital market's unquestioned faith in the United States Government's willingness to honor its financial obligations has, to some degree, been diminished by the failure of the Government to act in a timely fashion. As a result, the reduced level of market certainty may require some time to overcome, well after the immediate fiscal dispute is resolved.''

That wording almost exactly parallels warnings issued recently by Mr. Rubin, who has said the United States will pay for a default ''for years and years to come.''

Mr. O'Neill said that he had had no contact with Treasury officials concerning his firm's rating of American debt, or about today's statement. This is the first time Standard & Poor's has issued such a warning. In past debt limit battles, Mr. O'Neill said, ''we didn't really believe there was a real threat of default; now, we are concerned that the debate isn't being resolved.''

When Republicans and Democrats can bicker over who is at fault, only Standard & Poor's and its competitor, Moody's Investors Service Inc., have the power to issue ratings that are followed by investors around the world. They are viewed as politically neutral, interested only in the question of risk, not the wisdom of various budget-cutting policies.

Moody's issued a less dire warning on Wednesday. It said then that while the odds of a default were low, they were already higher than in 1989, when the United States last faced an impasse over the debt limit.

The effects on the United States Government of a lower rating are clear: some institutions in the world will only invest their funds in triple-A securities. But the effects would also be much larger. Many cities and towns issue debt that is linked to United States securities, and others offer those securities as collateral. Standard and Poor's also warned that ''a disruption in U.S. Government debt payments also would have major implications for the liquidity of various financial institutions, money market funds and Government bond funds.''

EXHIBIT 2

S&P HIGHLIGHTS BROAD IMPLIC OF US GVT DBT LIMIT DEBATE

NEW YORK.—Standard & Poor's CreditWire 11/10/95—Standard & Poor's, while maintaining its triple—''A'' rating on the United States government, is increasingly concerned about the global financial market ramifications of the current U.S. budget impasse. Even a short-lived default on the U.S. government's direct debt obligations would profoundly impact a broad range of securities and financial market participants.

Even assuming a debt ceiling agreement is enacted in time to forestall default, the global capital market's unquestioned faith in the United States government's willingness to honor its financial obligations has, to some degree, been diminished by the failure of the government to act in a timely fashion. As a result, the reduced level of market certainty may require some time to overcome, well after the immediate fiscal dispute is resolved.

Standard & Poor's triple—''A'' rating of the U.S. government is predicated on the dual components of the government's overwhelming capacity and unquestioned willingness to honor its debt obligations. The U.S. government's financial capacity to meet its debt obligations remains a worldwide standard based on the size and strength of the U.S. economy. However, the current budget dispute between the President and Congress has raised issues regarding the government's willingness to make timely debt service. Standard & Poor's continues to regard that fundamental willingness as consistent with the highest credit rating category, but in the midst of the current budget struggle, the threat of delayed U.S. debt

service payments has become a highly charged political tactic.

While the current debate in Washington has focused substantially on the government's ability to honor its debt obligations in the absence of an agreement to raise the existing ceiling about $4.9 trillion, there are numerous, ancillary debt issues that would also be negatively affected by the failure to reach an agreement. Corollary credit ramifications of a U.S. government default would affect; corporate and municipal agency debt linked to U.S. securities, pre-refunded municipal bonds amounting to $400 billion, collateralized by U.S. obligations. A disruption of U.S. government debt payments also would have major implications for the liquidity of various financial institutions, money-market funds, and government bonds funds.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President——

The PRESIDING OFFICER. The Chair informs the Senator that the Senator from Kentucky controls the time.

Mr. CRAIG. Will the Senator from Kentucky yield me 5 minutes?

Mr. MCCONNELL. I yield 5 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. CRAIG. Madam President, I have listened in the last several minutes to my colleague from Maryland talk about tactics that have caused certain financial interests and indicators in this country to react.

There is a clear tactic that has been played out here for the last several weeks by the Secretary of the Treasury saying that if we did not do certain things, the Government will shut down. All the while he was saying that to the American community of financial interests and to this Congress, he knew and we knew that was nothing but a tactic. And yet he went on with the scare game that has been used and is currently being used.

I suggest, if there is a sense of irresponsibility, then the Secretary of the Treasury ought to know that suggesting something that is not real, and that is financial collapse of this Government if we did not pass *x* pieces of legislation when he knew he had the capacity to keep our Government running and to honor its debt structure for the next several months, is in fact the worst tactic of all.

Now the White House is suggesting that they will not deal with us to achieve a 7-year balanced budget under CBO figures. ''Nonstart, won't go, can't go,'' says the President and his men, although the President has suggested in a variety of ways that he could accept a balanced budget in 5 years if we gave him a large tax increase. And he got the tax increase, and now it is 9 years and maybe 7 years, but he is not really sure because he does not really know.

Here is what we know. We know that we are headed down the course of producing a budget for this Government and this country that will balance in 7 years, and that in balancing it in 7 years we will use CBO figures because the President said in the Chamber of the U.S. House of Representatives that they are the ones you can trust, the CBO, so we will use those figures.

Beyond the rhetoric of a balanced budget and CBO, and concurrent resolutions and debt ceilings, what is the reality of what we are trying to do? What is the impact on America? What will the American family achieve or receive as a result of our efforts? I suggest to you that a temporary shutdown in the Government, while it may represent some pain, is a short-term problem to a long-term solution. And that long-term solution is achieving a balanced budget.

That is what we are after, and that is not what this President is after because he is not really sure about where he can get and how he can get there, but we are. We have worked to produce legislation that will achieve just that.

Madam President, a $500 tax cut to 28 million American families raising 51 million children in this country and having the ability to provide a better lifestyle to assure a college education, that is what our balanced budget is all about. I think it is very clear what we are trying to achieve here—provide a more spendable income to create a better sense of being in this country.

Madam President, a 7-year balanced budget with the tax cuts that are proposed in this, they yield good things for America. Why not suggest that the gross national product should grow by an additional $10.8 billion by the year 2002? A new study just out by an econometric modeling firm, one of the best in the country, indicates just that, if you have a tax cut along with spending reductions of the kind that we put together into the mix—and that is what we are trying to do—you have an additional $32.1 billion in real disposable income.

What happens when you put real disposable income out there in the hands of the American consumer and the American family? They buy homes, they save for a college education, they buy a new car, they do all of the kinds of things that we ought to be suggesting to the American family they are entitled to do. This President says, ''No. Let's stay with the past, let's stay with spending, let's stay with the big government that has proven itself incapable of dealing with the real needs of America.''

That is what we are about here. That is the fundamental argument underway. And I understand what my colleague from Maryland is suggesting. Let me suggest that the long-term benefits of a balanced budget, the kind this President wants to destroy, means real income for America, and real opportunity.

The PRESIDING OFFICER. The Senator's time has expired.

The question now occurs on agreeing to the motion to table the underlying Senate amendment numbered 115. 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 Indiana [Mr. LUGAR] is necessarily absent.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 575 Leg.]

YEAS—54

Akaka	Feingold	Mikulski
Baucus	Feinstein	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bradley	Hatfield	Pell
Brown	Hollings	Pryor
Bryan	Inouye	Reid
Bumpers	Jeffords	Robb
Byrd	Kassebaum	Rockefeller
Campbell	Kennedy	Roth
Chafee	Kerrey	Sarbanes
Cohen	Kerry	Simon
Conrad	Kohl	Simpson
Daschle	Lautenberg	Snowe
Dodd	Leahy	Specter
Dorgan	Levin	Stevens
Exon	Lieberman	Wellstone

NAYS—44

Abraham	Ford	Lott
Ashcroft	Frist	Mack
Bennett	Gorton	McCain
Bond	Gramm	McConnell
Breaux	Grams	Murkowski
Burns	Grassley	Nickles
Coats	Gregg	Pressler
Cochran	Hatch	Santorum
Coverdell	Heflin	Shelby
Craig	Helms	Smith
D'Amato	Hutchison	Thomas
DeWine	Inhofe	Thompson
Dole	Johnston	Thurmond
Domenici	Kempthorne	Warner
Faircloth	Kyl	

NOT VOTING—1

Lugar

So the motion to lay on the table the amendment (No. 115) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL addressed the Chair.

Mr. LEAHY. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senator is correct.

The Senate will be in order.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, let me describe where I believe we are on the foreign operations bill as of this motion to table.

According to the Senate Parliamentarian, based on precedence, beginning in 1898 and in subsequent votes as recently as 1984, either House has the option to recede on its amendment. Based on discussions with the Parliamentarian, it is my understanding that by tabling amendment No. 115, we have, in effect, receded our position on both the Kassebaum language and the Chris Smith language leaving no further amendments in disagreement.

This means no further action is required by the House on the foreign operations appropriations bill, unless it chooses to, and it can be enrolled by the House and sent to the President, again, if the House should choose to take that route.

I thank my colleagues, and I hope we have completed our action on this legislation.

Mr. LEAHY. Mr. President, I concur with the analysis of the Senator from Kentucky. I point out, as I did earlier, the Senator from Kentucky and I went into this conference with 193 items in disagreement; we settled 192, after a great deal of work, a lot of informal conferences, and a formal conference that went well after midnight. This was the only item, and this is the only way to take care of it, frankly.

The Senate has spoken loudly and clearly on this, and it is a good compromise between both bodies. Let us get off this subject. The issue can come up on authorizations bills, where it belongs, not on appropriations bills, and we can go on with the business of the Senate.

The only way we are going to get out of the real budget problem we have, when people are out of work and everything else, is to pass the appropriations bills. Here is another 1 of the 13 appropriations bills that could go to the President. If he signed it, that would be 3 of the 13 appropriations bills signed, with only 10 more to go, and we are out of this problem.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, let me say that, hopefully, within the next minute or two, we can call up another conference report—the Treasury, Postal Service appropriations bill. As I understand it, the Senate papers are on the way up.

The PRESIDING OFFICER. That is correct.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

Mr. DOLE. Mr. President, I submit a report of the committee of conference on H.R. 2020 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2020) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 25, 1995.)

Mr. DOLE. 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. PRYOR. 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. PRYOR. Mr. President, I thank the Chair for recognizing me.

Mr. President, in a few moments it is my understanding, according to the majority leader's request, that we are about to begin consideration of the conference report on the Treasury-Postal appropriations bill. That is my understanding. I think that will be coming to the Senate floor in just a very few moments.

Mr. President, I want to remind my colleagues respectfully, notwithstanding the fact that the Senate in a voice vote knocked out a provision which was in the bill that came over from the House of Representatives, this provision has now been put back in during the conference between the House and Senate, and the final conference report including this provision is going to be voted on in a few moments by the Senate.

Here is what this provision does: For the first time—for the first time—in the history of this great Republic, we are going to grant the authority for the Internal Revenue Service to privatize tax collections—for the first time.

There are no guidelines. There are no ethics rules. There are no laws or regulations that pertain to this at this point. But we are going to be saying that we are going to put $13 million in for a pilot project to see how much law firms, lawyers, and private bill collectors can go out and collect from people who owe the Internal Revenue Service money.

This was tried a few years ago, as far back as the ancient Greeks. Actually, this led, I might say, to this practice being labeled as ''tax farming.'' These tax farmers, Mr. President, became so very unpopular that ultimately they were beheaded. There is a lot written about this. There is a lot stated about this.

We are about to commit the act of not recognizing our history nor realizing what this could do in the future of tax collections in this country.

I have been advised, Mr. President, by those with great experience in parliamentary procedure—certainly greater than myself—that it will be impossible for this Senator or any other Senator to move that we recommit the conference report with instructions to the conferees. The reason is that there is no conference—the conference has disbanded. That is my understanding at this point. I hope I am wrong about that, but I think I am correct.

Second, I then thought perhaps I would try something like a sense of the Senate or perhaps some other avenue of approach so that we could strike from this bill that particularly onerous provision that is going to send this country stepping toward tax farming and tax collections by the private sector against our own citizens.

Mr. President, I have been advised that there is nothing that I can do at this moment to strike that provision, with the exception of just trying to talk about it and wait for another provision in another piece of legislation subsequent to this at the appropriate time.

In a moment, I will continue this discussion. I will continue talking about why I think this is a very, very bad step, a dangerous step, a precedent-setting step, wading off into an area where we have no guidelines, no ethics protection, no protection for confidentiality to protect the taxpayers, something that I hope at the appropriate time we can strike from this particular piece of legislation.

I thank the Chair for recognizing me. I yield the floor.

Mr. MCCAIN. Mr. President I want to take 1 minute to thank both the managers of the bill, Senator SHELBY and Senator KERREY.

I often am critical of appropriations bills that come to the floor because of unnecessary and wasteful spending that is associated with it. I want to say that I have reviewed this bill, and with a very rare exception, this bill is clean of wasteful and unauthorized programs.

I think it is probably the best piece of legislation in the appropriation cycle that I have seen. I want to express my appreciation to both Senator KERREY and Senator SHELBY for resisting what seems to be irresistible on the part of some members of the Appropriations Committee, and that is loading it up with unauthorized projects and other special interest programs.

I want to again thank him for an outstanding piece of legislation. I yield the floor.

Mr. BUMPERS. Mr. President, I see Senator SHELBY is not here, and I assumed we were not ready to start in on this bill. I thought I might make a few remarks pending his arrival.

Mr. KERREY. I would like to begin. I know Senator SHELBY will be down here shortly.

How long will the Senator speak?

Mr. BUMPERS. You never know when I get wound up.

Mr. KERREY. I am aware of that. The Senator from Alabama is coming to the floor.

Mr. BUMPERS. Is there a time agreement on the bill?

Mr. KERREY. I believe they are going to try to set the time for the vote at 5 o'clock, and I doubt that Senator SHELBY and I are going to take a great deal of time in opening statements.

Mr. BUMPERS. Fine. I will wait until then or at some hiatus in the bill to speak, Mr. President. I thank the distinguished ranking member.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, today with my distinguished ranking member, Senator KERRY, I bring to the Senate the conference report for H.R. 2020, the fiscal year 1996 appropriations for the Department of the Treasury, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

The conference report we are presenting today contains total funding of $23,161,490. This bill is $339,457,000 below the appropriations provided in fiscal year 1995. It is $15,797,000 below the House-passed bill and $1,735,000,000 below the President's request.

Of the totals in this bill the conference is recommending $11,263,514,000 for new discretionary spending. The balance, $11,889,400,000 is for mandatory programs.

The $11,263,514,000 the committee proposes for domestic discretionary programs is almost $1.8 billion below the President's request. Let me repeat that, Mr. President. This bill is nearly $1.8 billion below the President's fiscal year 1996 request. It is also $340 million below the amount appropriated for the accounts funded in this bill in fiscal year 1995.

Reaching this level has not been an easy task. We have had to make some very difficult decisions, while trying to ensure that funds are made available to carry out essential Government services.

Mr. President, this bill includes $10,303,999,000 for the Department of the Treasury.

The conference report includes $121,908,000 for payment to the Postal Service fund for free mail for the blind, overseas voting, and payment to the Department of Labor for disability costs incurred by the old Post Office Department.

The President receives $156,844,000 to exercise the duties and responsibilities of the Executive Office of the President.

This conference report contains $7.5 million for the operations of the Office of National Drug Control Policy. The fact that we have included funding for the drug czar's office does not mean I am satisfied with the current drug policy of this administration. I have made my feelings on the ineffectiveness of this office known before. I will not take the time of my colleagues to restate it again today. I do want to reiterate that the committee will revisit funding for ONDCP in 1996. I certainly hope we will see some changes.

This bill includes $545,002,000 for construction of new courthouses and Federal facilities. This funding provides the General Services Administration the ability to let construction contracts for buildings which construction can begin in fiscal year 1996. There is no funding for projects where no construction awards can be made in fiscal year 1996.

There is $11.8 billion in mandatory payments through the Office of Personnel Management for annuitant and employee health, disability and retirement, and life insurance benefits.

There is approximately $375 million for other independent agencies.

Mr. President, this bill proposes to terminate the Advisory Commission on Intergovernmental Relations and the Administrative Conference of the United States. Funds are provided for ACIR to complete the unfunded mandates study, and provide for the orderly closedown of the two agencies.

Mr. President, this subcommittee continues to be a strong supporter of law enforcement. We have done what we can to ensure that the law enforcement agencies funded in this bill have the resources to do the job we ask them to do.

There has been considerable discussion since this bill was reported from the subcommittee about the level of funding for the Internal Revenue Service. The level of discussion continued through the conference. The conference report exceeds the bill passed by the Senate by $31 million. The Senate conferees worked with the conferees from the other body to do what we could to resolve the differences between the two Houses to balance processing and enforcement, while continuing tax systems modernization efforts.

Mr. President, let me be perfectly clear on this. As I said when the Senate first deliberated this bill, that the committee's options were limited. Many may disagree with the choices we have made, but we had to work with limited resources. Funding for the IRS makes up 65 percent of the discretionary spending in this bill. There is no other way to reach savings called for in our 602(b) allocation.

Mr. President, this bill, as we all know has been held up because of discussions on the legislative language popularly called the Istook amendment. The amendment in disagreement is language offered by Senator SIMPSON, which I support. The other body insisted that the Senate recede from its position in amendment No. 132. Senator SIMPSON, the sponsor of this amendment, has indicated that he will support the motion to recede on this amendment so we can send this bill to the President. I personally want to thank Senators SIMPSON and CRAIG for all of their hard work on this issue.

I yield to Senator KERREY, the subcommittee's ranking member.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I thank the Chair. First let me congratulate the Senator from Alabama for doing an exceptional job of chairing this subcommittee and working through the various amendments and problems that he has faced, along with Chairman LIGHTFOOT on the House side, in making certain we can deliver a bill to the President.

PRIVILEGE OF THE FLOOR

Mr. KERREY. Mr. President, I ask unanimous consent that John Libonati, legislative fellow with the Appropriations Committee, be granted the privilege of the floor throughout the consideration of the conference report.

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

Mr. KERREY. Mr. President, I am pleased to join the subcommittee chairman, Senator SHELBY, in bringing this conference report to the floor.

As the chairman pointed out, this conference report is substantially below the requested and enacted levels for the many programs and activities under the jurisdiction of the Treasury Department, the Executive Office of the President, and certain independent agencies.

Having said that, I want to take this opportunity to compliment the distinguished Senator from Alabama, Mr. SHELBY, and the House subcommittee chairman, Mr. LIGHTFOOT, for the bipartisan spirit they both displayed during the conference to craft a conference agreement which, under the most severe budgetary constraints, meets the highest priorities of both the executive branch and the Congress.

The conference report contains funding for the continuation of the Council of Economic Advisers, which the House had proposed to eliminate, and does not include many of the controversial legislative riders which would most assuredly open this bill to a Presidential veto.

This conference report funds Federal programs where a compelling case has been made for their continued existence. And, in the case of two agencies, the Administrative Conference of the United States and the Advisory Commission on Intergovernment Relations, it provides only limited funding for the orderly close out of their operations.

While most programs have been reduced below enacted levels, the conference agreement does contain modest increases for Treasury law enforcement agencies to permit them to sustain current levels of vigilance in the war on drugs, violent and financial crimes investigations, counterterrorism, Presidential protection, White House security, and law enforcement training.

Funding for new Federal building and courthouse construction has been funded at the Senate-passed level of $573 million, or $415 million below the requested level. In addition, the Senate criteria on Federal building construction were adopted by the conferees. These criteria provide full funding for GSA's highest priority projects, which have received site or design funds in the past; but do not permit the funding of new starts or projects where the construction contract awards will not be awarded in fiscal year 1996.

I believe this is a sound approach. We are funding buildings at levels that will

permit GSA to complete the projects. We did not go along with the House proposal to provide 40-percent funding for these projects. That approach will only prolong these projects and will not enable GSA to let any contracts in fiscal year 1996.

Mr. President, having said that, I do not support all of the actions taken by the conference committee. I am particularly concerned that the Senate provision fencing IRS tax systems modernization funds until GAO certifies that certain corrections in the management of the program have been made, was dropped.

Mr. President, to date, $2.5 billion has been invested in this program to modernize IRS' outdated computer systems. The conference agreement contains an additional $695 million toward this effort. When all is said and done, this program could cost the taxpayers upward of $8 billion. This is a hefty sum of money, particularly in these budgetary times, for a program which according to GAO is fraught with mismanagement and infrastructure problems. There is no doubt that the TSM concept should revolutionize the IRS. However, the way the agency is progressing on its implementation at this juncture, at some point in the future, we could find us regretting this substantial investment.

Mr. President, I am also concerned about the reduced funding level for the IRS returns processing and taxpayer assistance account. The conference agreement cuts $81 million from the President's requested level for IRS' front-line returns processing and taxpayer assistance activities. The IRS estimates that it will process about 211 million returns and supplemental documents and will issue about 83 million tax refunds in fiscal year 1996. This is an increase of about 3 million returns and documents and 2 million refunds above the 1995 level. I just hope, Mr. President, that as a result of these reductions, refunds are not delayed and taxpayer questions do not go unanswered because we have not provided the agency with the funds it needs to operate at increased service levels.

I am pleased that the final agreement includes a provision which I offered on the Senate bill to establish a Commission on the Restructuring of the Internal Revenue Service. I am hopeful, that through the work of this Commission, we will come up with some workable solutions to make the IRS a more customer-oriented organization, which will be the Nation's leading revenue producer while operating more economically and efficiently.

Mr. President, depending on what happens to the amendment in disagreement, amendment No. 132, I believe this bill will be signed by the President. This bill was passed by the Senate on August 5, the conferees met September 12 and was it not for the controversial Istook-McIntosh-Erlich provision, this bill could have been sent to the President and I believe signed prior to the close of the fiscal year.

Unfortunately, we are now past that date, our agencies have been operating at reduced funding levels through two continuing resolutions, and now most of the agencies funded in this bill are in the shutdown phase. I believe we have an opportunity here to get this bill to the President without further delay. We have an obligation to the American public to get the job done and ensure that important tax, financial management, law enforcement, and Federal building programs move forward.

So, I would urge my colleagues to support this conference report and put an end to the gridlock. I urge the adoption of the conference report.

Let me comment on a couple of things. I suppose I am not unique. I imagine all of us are getting questions from home as to why we were unable to pass appropriations bills, why do we have the furloughing of Federal employees, and why have we essentially shut down parts of the Government. There are 200,000 Federal employees who have been furloughed for 2 days as a consequence of this particular appropriations bill.

The Senator from Alabama referenced it. There were 141 amendments on this legislation that were subject to the conference of this subcommittee—141.

The chairman called a conference, he and Chairman LIGHTFOOT. We met on the 12th and 13th of September, a full 2 weeks before we were supposed to finish our work. According to the Budget Impoundment Act, we had to have that work done by the 30th of September.

On the 12th and 13th, the chairman was successful in disposing of 140 of 141 amendments. As he indicated, the only one that remained was the so-called Istook amendment, which appeared in neither version of the bill and which, regardless of your position on the issue, had no relevance to this appropriation bill, and which had a little or no support in the Senate, and delayed the final House and Senate action on this conference report.

I mention it because there is a kind of a common perception—I think it is common—that there are significant differences between Republicans and Democrats on all these appropriations items, and that is why the Government was shut down.

I agree with Senator SHELBY on this piece of legislation. I am prepared to vote for it. Both of us wanted to move this thing out before the 30th of September, and it could have been not nearly as difficult as it might appear to the average citizen out there that is wondering what has gone on in the past couple of days—200,000 Federal employees being furloughed in the last 2 days. Again, not because of great ideological differences on spending, not because Democrats and Republicans disagreed that we need to get rid of the deficit that has been, I think, tormenting the Nation for many, many years, but because of a single amendment having to do with the regulation of 501(c)(3)'s and 501(c)(4)'s.

Mr. President, I, too, appreciate the willingness of the Senator from Wyoming to allow us to recede to the House. I supported the original Simpson proposal, and appreciate very much his willingness to recede to the House in this particular case so we can move this to the President for his signature and end the furloughing of 200,000 Federal employees who are covered by this legislation.

Let me also comment. The distinguished chairman mentioned his concern about the drug czar. I share that concern. I have a great deal of respect for Dr. Brown. It is not as if I am critical of him as an individual but the number one problem that we face with drugs today is the illegal consumption of drugs by young people 12, 13, and 14 years of age. Those who have made it either their living or their avocation trying to help us reduce drug consumption in America will say to us that the most important thing is to reduce the size of the funnel of people that are coming on line using illegal drugs. That means we have to get to young people and say to them that you should not use these illegal and dangerous drugs.

I remember when former First Lady Nancy Reagan started the Just Say No Program. And I thought, well, this is a silly program. It cannot possibly work. The fact is it did work. The fact is that young people see the consumption and the use of illegal drugs in black or white materials. It is either yes or no. If we as adults do not say no to them, they are likely to say, ''Well, maybe it is OK.''

Over the past 4 or 5 years, according to those like Jim Burke who have been involved in this effort in the private sector, there has been an increase of exposure to the youth of illegal drugs, either on television shows or in movies. This has been creeping in again to our culture—sort of an acceptance that perhaps marijuana use is OK, or that perhaps cocaine use is OK.

So this idea that our leaders say to our youth do not do drugs, say no to drugs, this idea that can have a very powerful impact on our youth, to me, has sunken in rather impressively after listening to people out there in the private sector. I have been quite discouraged in looking at the drug czar who has legal authority to take action and has failed to either use that legal authority or to make much progress in the war on drugs.

So I join with the Senator from Alabama. We initially were going to zero out the drug czar. We entered into a negotiation here on the floor, and when the bill was first being considered by the Senate and talked to the distinguished chairman of the Judiciary Committee and the ranking member of the Judiciary Committee, and they convinced us to accept some language

that would urge the President to take stronger leadership. I personally am pleased to see that the President has announced that in January he is going to begin communicating. He is organizing a conference of youth.

I think it is terribly important that our political leaders put that message out there, and that we start doing it repeatedly in order to reduce the size of the funnel of the number of people that are coming in and beginning to use illegal drugs.

To say for emphasis, I am also with the chairman. The verdict is still out as far as I am concerned. I was willing to yield on this point, willing to give him a little bit more rope to try to see if they could be effective. But the bottom line for me is, if it is not effective, I will be back here next year suggesting that this Senate vote to zero out the drug czar. Get the job done or let us find some other organization or somebody else that can do it. Let us not pretend that we are solving the problem if the problem in fact is getting worse.

Again, I say in closing that I appreciate very much the fine work Senator SHELBY has done on this bill. I hope that in an expeditious fashion we can get this down to the President for his signature.

PROPOSED PRIVATIZATION OF INVESTIGATIVE SERVICES BY THE OFFICE OF PERSONNEL MANAGEMENT

Mr. SPECTER. Mr. President, I would like to enter into a brief discussion with the distinguished chairman of the subcommittee to clarify a matter regarding the proposed privatization of Investigative Services by the Office of Personnel Management.

It is my understanding that the House and Senate have directed the General Accounting Office to perform a detailed, long-term, cost-benefit and feasibility analysis on the OPM submissions for an Employee Stock Ownership Plan [ESOP] for the Investigative Services under OPM's jurisdiction.

Is it the intent of the conferees that OPM must retain full staffing at the Federal Investigative Processing Center [FIPC] in Boyers, PA, and that OPM may not proceed with the privatization of Investigative Services before receipt of the GAO report and in no event before March 30, 1996?

Mr. SHELBY. The Senator is correct. The committee has received the assurance of OPM that full staffing will be retained at the FIPC in Boyers with the recognition that many of the employees will be converted from the Federal payroll to the employee stock ownership plan.

Mr. SPECTER. I thank the Senator for clarifying the intent of the conferees. This is an issue of great importance to several hundred Pennsylvania OPM employees and I appreciate the assistance of the distinguished chairman and his commitment to ensure that their interests and those of every taxpayer are best served. I thank the Chair and yield the floor.

FRESNO COURTHOUSE

Mrs. FEINSTEIN. Mr. President, I would like to ask the distinguished chairman of the subcommittee on Treasury, Postal Service and General Government Appropriations, Senator SHELBY, and the ranking minority member, Senator KERREY, if they would engage in a brief colloquy with myself and my colleague from California, Senator BOXER.

Mr. SHELBY. We would be happy to do so.

Mrs. FEINSTEIN. We want to bring to the attention of the managers the need for a new courthouse in Fresno. The current U.S. courthouse in Fresno is at its full capacity and would require extensive modifications to meet seismic, fire and security standards.

The current courthouse, the B.F. Sisk Building, opened in 1968 as an office building with only two courtrooms and a small amount of support space designated for the courts. Now, the court and related support agencies occupy 92 percent of the building with additional space being leased on the outside. There are currently four district, two magistrate and two bankruptcy courtrooms in the building, which is used by two district judges, two senior district judges, one visiting judge from Sacramento, two bankruptcy judges, two magistrate judges and visiting magistrate judge. Within the next year, there will be an additional senior judge. Five of the current courtrooms have been built out in previous office space. There is no room for future expansion.

A recent seismic evaluation on the current building found that the cost of seismic retrofitting would be more than the cost of the building. Also, serious concerns have been raised about the safety and security standards in the building relating to its use as a court facility.

Given the current situation and projected future growth, the city has been working with the courts, the General Services Administration [GSA] and the subcommittee to obtain funding for a new structure for the past few years. However, I understand that due to budget constraints, there is no funding provided for new start courthouse projects, including the Fresno project, in the conference report for the Treasury-Postal appropriations bill for fiscal year 1996.

Mrs. BOXER. Mr. President I share my colleague's concern over the safety and lack of security of this facility. The chief judge for the Eastern District of California, the Honorable Robert E. Coyle, has informed me that ''the efficient, uninterrupted, safe and secure operation of the present courthouse cannot be carried out'' in the current building.

I also want to make my colleagues aware of actions taken in Fresno pursuant to direction from this subcommittee last year. Senator FEINSTEIN and I commend the city and GSA's work to develop a site for the proposed courthouse in downtown Fresno. As the senator may know, the fiscal year 1995 Treasury-Postal appropriations conference report acknowledged the beginning of the site selection process for a Federal courthouse in Fresno and directed GSA to locate a site in downtown Fresno for the project. To this end, the city has donated a site in downtown Fresno and is presently purchasing parcels to add to the city-owned property for that purpose. Also, the city has agreed to complete all site and utility preparation work prior to construction will further, will build parking for the courthouse to accommodate nearly 400 spaces.

This agreement will save $5 million off the estimated Federal cost for site acquisition.

It is important to recognize the importance of this project to the city of Fresno. GSA and the courts have worked closely with the city for the purpose of redeveloping a truly troubled downtown area. It would also appear from recent experience that the competitive bidding process in California is ripe for construction. In both Santa Ana and Sacramento, the bids came in considerable lower than the anticipated budget. However, one can only assume that delay in this project will only cause the cost to escalate.

We would like to urge the chairman and ranking member, in light of the partnership between the city of Fresno and the judicial administration in complying with the committee's directive to reduce Federal spending, to make this project a high priority next year. We ask whether you will give the project your highest consideration.

Mr. SHELBY. Yes. The subcommittee will carefully review this project in our deliberations next year for court construction for fiscal year 1997.

Mr. KERREY. I appreciate the words from my colleagues from California and I also want to express my congratulations for the agreement the court and GSA was able to work out with the city of Fresno. The Senator can be assured that I will do my part to see that this project receives serious consideration in subcommittee deliberations next year.

Mrs. FEINSTEIN. We thank the chairman and ranking member for their understanding and thoughtful responses.

Mr. DOMENICI. Mr. President, I rise in strong support of the conference agreement on H.R. 2020, the Treasury, Postal Service, and general Government appropriations bill for 1996.

This bill provides new budget authority of $23 billion and new outlays of $20 billion to finance operations of the Department of the Treasury, including the Internal Revenue Service, U.S. Customs Service, Bureau of Alcohol, Tobacco and Firearms, and the Financial Management Service; as well as the Executive Office of the President, the Office of Personnel Management, and other agencies that perform central government functions.

I congratulate the chairman and ranking member for producing a bill that is within the subcommittee's 602(b) allocation. When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals $22.8 billion in budget authority and $23.1 billion in outlays. The total bill is at the Senate subcommittee's 602(b) nondefense allocation for budget authority and under its allocation for outlays by $67 million. The subcommittee is also under its Violent Crime Reduction Trust Fund allocation by $1 million in budget authority and less than $500,000 in outlays.

Mr. President, I ask unanimous to have printed in the RECORD a table displaying the Budget Committee scoring of the conference agreement on H.R. 2020.

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

TREASURY-POSTAL SUBCOMMITTEE SPENDING TOTALS—CONFERENCE REPORT

[For fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	.....	2,778
H.R. 2020, conference report	11,187	8,712
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	11,187	11,490
Violent crime reduction trust fund:		
Outlays from prior-year BA and other actions completed	.....	8
H.R. 2020, conference report	77	62
Scorekeeping adjustment	.....	.....
Subtotal violent crime reduction trust fund	77	70
Mandatory:		
Outlays from prior-year BA and other actions completed	127	130
H.R. 2020, conference report	11,763	11,756
Adjustment to conform mandatory programs with Budget Resolution assumptions	−334	−333
Subtotal mandatory	11,555	11,553
Adjusted bill total	22,819	23,113
Senate Subcommittee 602(b) allocation:		
Defense discretionary	.....	.....
Nondefense discretionary	11,187	11,557
Violent crime reduction trust fund	78	70
Mandatory	11,555	11,553
Total allocation	22,820	23,180
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	.....	.....
Nondefense discretionary	.....	−67
Violent crime reduction trust fund	−1	−0
Mandatory	.....	.....
Total allocation	−1	−67

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. BAUCUS. Mr. President, I was an early supporter of the taxpayer bill of rights which was enacted in 1988. That legislation protected the American taxpayer from overreaching actions by the IRS. This year, the Finance Committee included a number of additional provisions in the tax bill to protect the taxpayer.

Unfortunately, the conference report for Treasury and Postal appropriations upon which we will vote today contains language taking us in the opposite direction. The report provides for an appropriation of $13 million to the IRS to ''initiate a program to utilized private counsel law firms and debt collection agencies in the collection activities of the IRS.''

Mr. President, most bill collectors are paid on a contingency basis. We are in danger of creating a system that will encourage bounty hunters to collect taxes from U.S. citizens.

Margaret Milner Richardson, the Commissioner of the Internal Revenue Service, in a letter dated August 4, 1995, expressed ''grave reservations'' with respect to privatizing the tax collection services of the IRS. To quote Ms. Richardson:

> What impact would private debt collection have on the public's perception of the fairness of tax administration and of the security of the financial information provided to the IRS? A recent study conducted by Anderson Consulting revealed that 59 percent of Americans oppose State tax agencies contracting with private companies to administer and collect taxes.

Frankly, Mr. President, I believe that the 59 percent number would have increased dramatically had the survey inquired as to whether the IRS should contract with debt collection agencies to collect Federal income taxes.

We are told by supporters of the proposal that we should not worry because the debt collectors will be under the direct supervision of IRS employees. I do worry Mr. President, because we have too many instances in which IRS employees themselves have abused their powers. This is why we enacted the 1988 taxpayer bill of rights and why this year's reconciliation bill contains additional taxpayer rights. I am not comfortable that debt collectors working on a contingency basis will respect taxpayer rights—even if they are under the direct supervision of IRS employees.

For this reason, Mr. President, I plan to vote against the conference report.

Mr. SHELBY. Mr. President, I now ask unanimous consent that the vote occur on adoption of the conference report to accompany H.R. 2020, the Treasury-Postal Service appropriations bill, at 4:45 p.m. this evening, and that the Senate recede from the Senate amendment in disagreement at that time.

Mr. PRYOR. Reserving the right to object, Mr. President, I do not want to object, and I usually am not an obstructionist around this Chamber. But I want to be guaranteed some time, and enough time to explain a position that I have relative to the farming out of private tax collection.

Mr. SHELBY. How much time does the Senator want?

Mr. PRYOR. Let me say to my friend from Alabama that I do not think that I would use over 30 minutes. If I could have 30 to 35 minutes, I think I could cover the areas that I need to be covering. I would like the opportunity to ask some questions of my friend from Alabama as to how this very onerous provision crept back into this conference report.

Mr. SHELBY. The Senator may ask questions of the Senator from Nebraska, too.

Mr. PRYOR. I would be glad to ask either.

Mr. SHELBY. Both of us. Sure.

Mr. PRYOR. I wonder if I could be allocated a minimum of 35 minutes.

Mr. SHELBY. What about 40 minutes? Is that OK?

Mr. PRYOR. I will take 40 minutes. I do not think I will use all of that time. I thank the Senator very much.

Mr. SHELBY. At 4:45. Would that be OK?

Mr. PRYOR. If it is all right with the Senator from Alabama, could we say no later than 5 o'clock?

Mr. KERREY. We have to vote at 4:45.

Mr. SHELBY. An hour from now is 4:45.

Mr. PRYOR. Could not we vote no later than 5 o'clock?

Mr. SHELBY. We have a lot of Members. We will give you all the time and try to respond to whatever you want.

Mr. PRYOR. I guess I will take at least 40 minutes. I hope I do not use it. I know my friend from Iowa wants to speak for 3 minutes on the issue. He can speak before I do, if that is all right with the distinguished managers.

Mr. SHELBY. Sure.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who seeks recognition?

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in strong support of the action of the conferees decision not to fund President Clinton's initiative last year which spent $405 million to hire over 6,000 more IRS agents. This is an issue that Senator LOTT and I have worked on very closely for over a year and I am pleased to see that our efforts have achieved a success for the taxpayers.

In particular, I want to commend Senator SHELBY for his work. This would not have happened were it not for Senator SHELBY's efforts and his decision to put the interest of the American taxpayer first and not listen to the voices of empire-building bureaucrats at the IRS.

I find it particularly galling that when the President is thumping his chest about vetoing bills, he forgets to tell the American people that one of his top priorities is to get $405 million to retain the 6,000 plus additional IRS agents—that is right 6,000 more IRS agents that he hired last year.

And remember, the IRS has already seen a massive increase in staff, from 82,000 in 1982 to over 110,000 in the early 1990's. Yet, that was not enough for President Clinton.

President Clinton wanted to have 6,000 more IRS agents knocking on taxpayers doors. And last year, the big-spending Democrats in Congress were happy to oblige.

But last fall, the voters spoke strongly for a smaller Government. And today we see a significant response to those voters. This bill will ensure that the IRS will not have 114,000 IRS agents looking through your files but

instead 106,000—a reduction of 8,000 agents.

We have asked the American taxpayers to tighten their belts enough times, now we are finally asking the IRS to do the same. And let me say, you do not hear about it in press releases from the White House, but in closed doors they have been fighting tooth and nail for more money to keep these additional IRS agents and incredibly, to hire even more.

We have heard on this floor the question asked many times, ''Whose side are you on?'' It is clear that the White House is on the side of bigger bureaucracy and more agents at the IRS, and this Congress is on the side of the taxpayer and small businessmen and women struggling to pay the bills and who just want big Government off their backs.

Once again I want to commend Senator SHELBY and Congressman LIGHTFOOT, chairman in the House and the conferees for their work on this issue. This is clearly a red letter day for taxpayers who have finally won one over the IRS.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. With no one else seeking recognition at this point, if I might, Mr. President, I would like to make a few points relative to this legislation and to one specific provision which bothers me to such a great extent that I will not only speak against this bill being passed, I will vote against this bill being passed, and I may be in a minority of one, but if that is the case I will be in that minority and be very proud of it.

Historically, the Finance Committee, which is one of the oldest committees of this great institution, as is the Appropriations Committee, has not only been charged with tax collection but also charged with a very unique function in addition to that, and that function is the protection of the individual taxpayer. The protection of the individual taxpayer's rights has always, historically been a function not of the Appropriations Committee but of the Finance Committee of the Senate.

On page 33 of the conference report that we are considering at this point—and that is the issue before the Senate—we find amendment No. 22. This is the same language that was stricken by the Senate on August 4, 1995, when the Senator from Alabama acquiesced in a unanimous-consent request for an amendment by myself, and the Senate knocked out the House language which stated this—I am going to read amendment No. 22, Mr. President.

Restores and modifies House language authorizing $13 million for a private debt collection initiative.

This is truly the tip of the iceberg. When my friend, Senator GRASSLEY, of Iowa, a few moments ago was speaking about taxpayers' rights and the number of IRS agents that we are not going to employ, thus protecting the taxpayer, I went back many years ago remembering the work that Senator GRASSLEY and myself and Senator SHELBY, even in his days in the House of Representatives, were involved in by trying to get passed in the Congress the first-ever Taxpayer Bill of Rights, the first time that this country ever stated in statute rights specifically to protect the taxpayer.

It was 1988 when this legislation was passed. And we are seeing today what I consider to be a great challenge to and a great erosion of the spirit of the Taxpayer Bill of Rights. Why is that? First, the Taxpayer Bill of Rights had a very key provision. I am sure my friend from Alabama remembers—I wish my friend from Iowa were here because he helped to draft that particular section—we stated in 1988 that there could be no bounty system, there could be no quota system with regard to tax collections from the taxpayers of America. We found egregious example after example throughout the 50 States where tax collectors were abusing the rights of taxpayers, where they were abusing these rights to the extent that the tax collectors before 1988 operated under a bounty system and under a quota system whereby their raises and the structure of their civil service retirement, their opportunity in the work force was based upon, ''How much did you collect?''

Here is what we are doing now. For the first time in 200 years we are about to put our stamp of approval officially upon a bounty system. That is what this is. This is a bounty system where we cannot pay those lawyers to collect debts, where we cannot pay ABC Collection Service to collect debts of the IRS. There is no way we can put them temporarily on the Federal payroll. So we are going to pay them the only way there is to pay them: We are going to give them a percentage of what they collect.

What sort of environment does that bring about? It does not take a rocket scientist to figure that one out. They are going to be out there using methods that are unprotected by statute, using a system of bounty hunter mentality that was in place before 1988, that is going to become the law of the land with the sanction of the U.S. Government. I think it is horrible that we would consider taking this very backward step and going back into the dark ages in the collection of our taxes.

I received this letter August 4, and usually I am not on the side of the Internal Revenue Service. I chaired the Senate Finance Committee's subcommittee on oversight of the IRS for a good number of years. I worked closely with many of my colleagues on that committee and Members of this body. But on August 4, I received a letter from Margaret Milner Richardson, who is the Commissioner of the Internal Revenue Service at the Department of the Treasury, and I agree 100 percent.

By the way, I ask unanimous consent to place this letter in the RECORD.

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

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, August 4, 1995.

Hon. DAVID PRYOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR PRYOR: I am writing to express my concern regarding statutory language in the FY 1996 Appropriations Committee Bill (H.R. 2020) for Treasury, Postal Service and General Government that would mandate the Internal Revenue Service (IRS) spend $13 million ''to initiate a program to utilize private counsel law firms and debt collection activities. . .'' I have grave reservations about starting down the path of using private contractors to contact taxpayers regarding their delinquent tax debts without Congress having a thorough understanding of the costs, benefits and risks of embarking on such a course.

There are some administrative and support functions in the collection activity that do lend themselves to performance by private sector enterprises under contract to the IRS. *For example in FY 1994, the IRS spent nearly $5 million for contracts to acquire addresses and telephone numbers for taxpayers with delinquent accounts. In addition, we are taking many steps to emulate the best collection practices of the private sector to the extent they are compatible with safeguarding taxpayer rights. However, to this point, the IRS has not engaged contractors to make direct contact with taxpayers regarding delinquent taxes as is envisioned in H.R. 2020. Before taking this step, I strongly recommend that all parties with an interest obtain solid information on the following key issues:

(1) What impact would private debt collectors have on the public's perception of the fairness of tax administration and of the security of the financial information provided to the IRS? A recent survey conducted by Anderson Consulting revealed that 59% of Americans oppose state tax agencies contracting with private companies to administer and collect taxes while only 35% favor such a proposal. In all likelihood, the proportion of those opposed would be even higher for Federal taxes. Addressing potential public misgivings should be a priority concern.

(2) How would taxpayers rights be protected and privacy be guaranteed once tax information was released to private debt collectors? Would the financial incentives common to private debt collection (keeping a percentage of the amount collected) result in reduced rights for certain taxpayers whose accounts had been privatized? Using private collectors to contact taxpayers on collection matters would pose unique oversight problems for the IRS to assure that Taxpayers Bill of Rights and privacy rights are protected for all taxpayers. Commingling of tax and non-tax data by contractors is a risk as is the use of tax information for purposes other than intended.

(3) Is privatizing collection of tax debt a good business decision for the Federal Government? Private contractors have none of the collection powers the Congress has given to the IRS. Therefore, their success in collection may not yield the same return as a similar amount invested in IRS telephone or field collection activities where the capability to contact taxpayers is linked with the ability to institute liens and levy on property if need be. Currently, the IRS telephone

collection efforts yield about $26 collected for every dollar expended. More complex and difficult cases dealt with in the field yield about $10 for every dollar spent.

I strongly believe a more extensive dialogue is needed on the matter of contracting out collection activity before the IRS proceeds to implement such a provision. Please let me know if I can provide any additional information that would be of value to you as Congress considers this matter.

Sincerely,

MARGARET MILNER RICHARDSON.

Mr. PRYOR. I thank the Chair.

Mrs. Richardson wrote me this letter August 4, and I quote:

I have grave reservations about starting down the path of using private contractors to contact taxpayers regarding their delinquent tax debts without Congress having a thorough understanding of the costs, the benefits and risks of embarking on such a course.

Another quote from paragraph 2, and she is asking questions at this time.

How would taxpayers rights be protected and privacy be guaranteed once tax information was released to private debt collectors?

And that is a good question.

Would the financial incentives common to private debt collection (keeping a percentage of the amount collected) result in reduced rights for certain taxpayers whose accounts had been privatized? Using private collectors to contact taxpayers on collection matters would cause unique oversight problems for the Internal Revenue Service to assure that Taxpayers Bill of Rights and privacy rights are protected for all taxpayers. Commingling of tax and nontax data by contractors is a risk as is the use of tax information for purposes other than intended.

This is the end of that quote from the Commissioner of the Internal Revenue Service embodied in a letter to me dated August 4.

How far will this go? Well, we might say it is only $13 million. They are going to go out there and experiment. We are going to hire a few collectors now, and maybe a few lawyers would be interested. They are going to go out there and try to collect some of the debts that are owed to the Internal Revenue Service.

How far does it go? No one knows how far it goes because, Mr. President, there was not one day of hearings. There was not a hearing. There was not a discussion. There was not a debate. There was nothing. All we knew was that the House of Representatives inserted this language here. We struck it out in the Senate on August 4. I am hoping that we can defeat this bill so we can send a message back to the House that we are not going to tolerate this potential invasion of privacy, this potential invasion of confidentiality of private taxpayers' records and give those out to private debt collection companies and lawyers throughout the land. It is a terrible situation.

The second question is, who are these people going to be? Are they just going to be lawyers? We just had the first version where we saw they were debt collection companies. Then it was expanded to lawyers. I do not know what it will be expanded to the next go-round. But now we have already expanded it once from debt collection companies to lawyers. I do not know how that happened.

Who is going to be hired? Who makes that determination? Do they go up into the IRS office in Washington and say, ''We want to go back in our hometowns, and we know that that Ford dealer down there or that old farmer out there on route 4—I have a feeling that he probably owes the IRS something. We would like to see his records. And if you would show us those records of that Ford dealer or that farmer or that housewife or that small businessperson or that individual whom they may not like, ''for 50 percent we'll go out there and collect that money for you.'' Then is the IRS going to say, ''OK. You're hired?'' Someone else may come up and say, ''OK. You are not hired.'' Maybe they want too much money. Maybe they do not want enough. Who is going to train those people, Mr. President?

My friend from Iowa, Senator GRASSLEY, was talking about this massive bureaucracy of the IRS. I, too, have been critical of that bureaucracy. I think for too long it has been too insensitive. But who is going to train these people to go out and protect taxpayers' rights? That is what this argument is about. I do not know anything in the legislation that says that those rights are going to be protected.

I know nothing in this amendment that says anything about the particular training program that these individuals are going to go through. All it says is, here is $13 million to go out and hire private collection agencies in the private sector. Who is going to train them? We do not know. Who is going to oversee them, Mr. President? Who is going to go down to Camden, AR, and oversee the Jones collection agency and see if they are properly giving the proper treatment and protection to the individual taxpayers that they are collecting money from? Who is going to oversee them? I do not know. New bureaucracy? Yes. Fewer taxpayers' rights? Yes.

And now—this is a key and critical question, Mr. President—which taxpayers' cases are these individuals, once they are hired, once they are given their contract, which taxpayers' cases, when you file through all the records of the Internal Revenue Service, which ones are they going to be given to work on? Will it be at random? Will it be rural letter carriers as it was a few years ago? Will it be Methodist ministers? Will it be small businesspeople? Who is it going to be that they are going to zero in on? And this confidential information, confidential tax records, dating perhaps 10 years back, is it going to be given to the local collection agency so they can carry them around in the coffee shops, carry them around to the shopping centers and hold them up and say, ''Hey, look at our neighbors' tax collections for the last 10 years.'' Are we going to go out and get that system? As a result, we might collect 50 percent and make a nice profit on it.

Mr. President, what type of taxpayer information will be made available? And how will this information be made available? And how will these tax collectors, these bill collectors, I should say, be paid? That has never been mentioned in this debate.

Once again, Mr. President, this is an appropriations bill. It is not a bill that came from the Finance Committee. The Finance Committee is that committee historically that has been charged with regulating the protections of the taxpayer. And here we are making a very, very backward step, in fact a step back into the Dark Ages, in my opinion, when we are creating a new bounty-hunter mentality in the Internal Revenue Service. And it is an issue—I should say it is an authority, a new authority, that the Internal Revenue Service does not want. They do not think it will work. They are posing these many questions today as we consider this particular appropriations bill.

Mr. President, I would like at this point to yield the floor. I would like the opportunity to ask some questions of my friend from Alabama. Perhaps he would like to respond. He may desire to do so at this time. I will yield the floor and retain the remainder of my time.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I appreciate the remarks of my good friend from Arkansas. He is to be commended over the years for being very involved in pushing legislation for years and years and articulating the position of the taxpayer as far as the IRS is concerned. We all know that that is known as the Taxpayers' Bill of Rights. That was long in coming, and the Senator from Arkansas should get most of the credit for it. A lot of us worked with him, but he was the leader in this, and I commend him so.

On this bill here, let me share some of it. In December 1991, the IRS completed an internal study that addressed, among other things, legal, financial, policy, and design considerations involved in contracting out collections. The study concluded that the IRS should test the use of private collection companies, provided that legal issues regarding activities that the IRS could contract out and funding sources were resolved. This proposal before us encourages that. In September 1992, the OMB issued a policy letter indicating that private companies can do collection-related functions such as locating taxpayers, making telephone calls to remind taxpayers of tax delinquencies, mailing tax notices, and providing lockboxes for receipt of payments. This proposal encourages that.

In December 1992, the IRS chief counsel's office issued guidance for IRS' use of contracting with private collection

companies. It concurs with the OMB letter. In discussing the disclosure issue, the guidance said that the IRS has the authority to contract out certain collection-related activities and that the appropriate safeguards would be in place. This proposal would allow the IRS to ensure the appropriate safeguards are in place.

As the Senator from Arkansas brings up—and he is absolutely right—the appropriate safeguards must be in place. The IRS must, Mr. President, oversee this. The IRS will oversee this. This is a pilot program. The 1993 GAO report indicated, Mr. President, that the IRS was moving forward with the plans for a pilot test which would start as early as October 1993—we are behind on that—and that the IRS' long-range plans included expansion if the test worked.

The Vice President's reinvention proposal indicates that a pilot test should be developed. And considering the fact that taxes remain uncollected in the United States and that the number of IRS personnel continues to grow, and the only apparent way the IRS is able to increase revenues is to spend more money and hire more people, should we not try something new? I say yes.

This proposal allows the IRS to create the plan. They can address all of the concerns that have been raised, not only by the Senator from Arkansas, but by others, including this Senator. I firmly believe, Mr. President, that we should use all of the resources available to ensure that tax scofflaws are tracked down and those of us who pay our taxes are given more for our money.

Let me continue. The conferees have included, Mr. President, a provision which will create the pilot program allowing private law and collection activities to pursue delinquent tax bills under the direction of the IRS, Mr. President; no one else.

This proposal is intended to be innovative. It gives the authority to the IRS to make the decisions. The IRS will be able to use all of the safeguards available to ensure taxpayers and disclosure problems.

Many businesses and States already use private collection sources in an attempt to manage and to supplement their basic resources.

The GAO reported in 1993 that 28 States with individual income tax problems used private collection companies in collecting taxes. Only 6 of the 28 States felt they were ineffective.

Several questions have been raised by the Senator from Arkansas, and they should be, about the private collection initiative. Some of those questions are basically these:

Is privatizing certain collection activities on delinquent tax debt a good idea? The answer, I believe, is yes. Currently, approximately $70 billion, Mr. President—$70 billion—is owed to the IRS in delinquent tax debt upon which the IRS has ceased active collection efforts, and this amount is growing by roughly $10 billion a year.

This proposal before us would allow private firms to provide limited collection services on that debt at no cost to the taxpayers, unless the debt is collected, because these accounts are currently lying dormant at the IRS and will remain so.

What prevents private collectors from engaging in abusive collection practices or disclosure of confidential information? The Fair Debt Collection Practices Act and the Privacy Act of 1974 prohibit harassment of debtors and other unfair collection practices, as well as the unauthorized disclosure of debtor information to third parties. Violations of these provisions can subject collectors to millions of dollars in actual and punitive damages.

Let me go into this a minute. What type of taxpayer records will they have access to? This was raised by the Senator from Arkansas. The only information that contractors would receive would be the debtor's name, the address, the phone number, the Social Security number, employer, and amount owed, just as they would with any nontax debt in America.

Mr. President, the debtor's tax return would not—and I repeat, would not—be disclosed to the contractor.

Who will these contractors be? Private collection companies that specialize in collecting overdue debts. An example of the best pool of candidates from which to choose would be those collectors currently working under the Department of Education's private sector collection activities for student-related debt contracts.

Who will train them? According to GAO, one of the reasons for using private collection companies is for the IRS to learn from the techniques that are being used in the private sector to collect overdue taxes. Consequently, the training of employees who will be performing this function should be, I believe, done by private collection companies that will be contracting with the Internal Revenue Service, under the supervision and guidelines of the Internal Revenue Service.

With respect to special expertise that is needed for collecting tax debts, the IRS should and would provide the speciality training. No one else.

On which cases will the collector's work? Currently not collectible accounts, that is what they are called, Mr. President, as classified by the IRS since these accounts are now lying dormant at the IRS, $70 billion of them.

One approach would be to send cases to private contractors that are otherwise noncollectible, primarily where there is an inability to locate the taxpayer and, in such cases, a contractor should be able to invest more resources to locate them than the IRS can spend.

Another approach would be to take cases that are deferred, meaning that there is a small enough balance due that the moneys are left uncollected until some other credit shows up in the system, such as a refund, that is then offset against the deferred amount, and replace these with private collectors.

What type of collection services will they provide? The contractors will be responsible for generating letters to be mailed in most cases by the IRS and making phone calls to debtors. The letters and calls would be designed to remind debtors of their outstanding tax debt and to seek assurances from the debtor that the debt will be repaid. The contractors would not, Mr. President, be authorized to receive funds, compromise debts, sue debtors, seize property, or levy against assets.

At this time, it would seem to make sense to me to test a program where private contractors locate and call taxpayers by telephone and inform them of how much they owe, how high interest and/or penalties are accumulating, their options, and the actions the IRS can take if they do not pay.

However, the contractor would not make the final decision and should not make the final decision whether or not to enter into an installment agreement or to take any other collection action.

The bottom line is that this is a pilot program. IRS has full control. They should have full control. The points I have tried to respond to are examples. IRS will be making the decisions. I believe that any ideas should be considered. I believe this is a good proposal that we have come forth with.

The PRESIDING OFFICER. The Senator from Arkansas has 25 minutes.

Mr. PRYOR. I thank the Chair for advising me on the time remaining. I am going to speak only a few moments, Mr. President. I want to give adequate time for our friend and colleague, the distinguished Senator from West Virginia, to speak. I would like to hit two or three more points.

I listened very intently to my friend from Alabama go down through the concerns as expressed by the Department of the Treasury, more specifically the Commissioner of the IRS, Margaret Milner Richardson, who wrote me on August 4—I placed that letter in the RECORD—expressing grave concerns about going down this particular trail with debt collection.

The Senator from Alabama has just mentioned that the IRS would still retain control throughout this whole process. I maintain that the IRS has control now. What we are about to do is to add a new dimension whereby confidential tax information of individual taxpayers, of small businesses and large, perhaps, are going to be taken from the confidentiality of the Internal Revenue Service and given, basically, to debt collection services, to lawyers and to law firms, and they are going to go out and collect these debts with a bounty hunter's mentality.

It did not work centuries ago in Greece. It did not work in Rome. And, Mr. President, it is not going to work now, especially with the opposition of the agency, the IRS, that is going to be policing this situation, training these collectors and lawyers and, basically, having oversight of this whole new venture, in this leap that I think we are about to make into darkness.

We are about to privatize the collection of debts by the Internal Revenue Service. There is some form of privatizing that may be all right. Yesterday, for example, when everything was closed down, I went down to the dining room. I walked down to the dining room, I knocked on the door, and the dining room was closed. So I decided, well, I have to eat somewhere, I had not had anything to eat. Somebody said, ''You can go over to the House of Representatives and eat; they have a cafeteria over there that is open.'' So I walked over, and I had two or three people with me. We walked through the tunnel and walked to the House of Representatives, and we ate. We ate because it was privatized. It was not run by the Government. Therefore, the Government did not have a lot to say about whether or not employees came in.

But, Mr. President, privatizing a cafeteria and privatizing the confidential information to be dispensed to the general public and to lawyers and debt collectors are two different things. This is one area of privatizing that—even though many of our colleagues on the other side of the aisle might think it is appropriate—I beg them to reconsider, to look at the potential for conflict, for harassment, for bounty hunters, and for undue influence being used against unsuspecting and unprotected taxpayers.

In 1988, in the taxpayers' bill of rights, we protected those taxpayers, I say to my friend from Alabama, and now we are about to walk away from them. We are about to say, well, we wanted to give you a little respite, but now we are ready to go after you again. We are ready to harness bounty hunters, who are going after you, who are going to have knowledge of your confidential tax information, where there are no ethics laws applying, and no regulations, where the IRS Commissioner says even the IRS cannot police this program.

Mr. President, I ask, what are we doing? I hope we will reconsider this. I, for one, will vote against this conference report, even though I will probably be in the minority of one, and I hope that at the appropriate time, I am going to give this opportunity of the Senate itself to vote up or down on whether or not we should start privatizing the collections of our debts owed to the Internal Revenue Service.

Mr. President, I yield the floor.

Mr. SHELBY. Mr. President, I believe some good is going to come out of this debate here on the floor of the Senate because I agree with the Senator from Arkansas that the IRS should and must protect the privacy of all taxpayers not to hand over their tax returns to anyone else, and we are not going to do that in this.

Let me go back to something. The IRS, Internal Revenue Service, actually requested this proposal 2 years ago. The approved budget for the Internal Revenue Service in fiscal year 1994 included funding, at the request of the IRS, totaling $5.790 million in startup funds and 41 full-time equivalent employees. I will quote the IRS document:

> This will enable the Internal Revenue Service collection to contract for a test to determine the effectiveness and cost-benefit of having private sector collection agencies work a portion of the delinquent taxes inventory not being worked due to resource constraints, and so forth. The funds, unfortunately, were reprogrammed to cover costs of locality pay. Let me repeat, Mr. President, there are $70 billion in America in these closed accounts or dormant accounts, uncollectible, growing at the rate of $10 billion a year. I do not know how much of these dormant accounts—$70 billion now, and next year it will be $80 billion, getting on up toward $100 billion. That is a lot of money in America. If these taxes are owed—and most of them are not even disputed, it is my understanding—we should collect them. These are owed taxes. If we can collect them, it helps us in our expenditures here in the Congress. It means people are not going to be deadbeats in this country, and that we will have to levy fewer taxes elsewhere. I think it is a good start. It is a pilot program, and I think it makes sense.

I do want to continue to work with my friend from Arkansas to make sure that the American taxpayers' privacy is protected. Their returns are not put out of the IRS, but as far as what they owe and who they are, I do not see any privacy on that. That is everywhere in America today. You can pick that up on a credit report.

Mr. PRYOR. Will my friend from Alabama yield?

Mr. SHELBY. Yes.

Mr. PRYOR. Mr. President, I want to ask my friend from Alabama, how are these new collectors going to be paid?

Mr. SHELBY. How will they be paid? We have not received the directive from the IRS. But I hope they will be paid on what they collect, a percentage of what they collect. In other words, I certainly would not want to pay them a salary. I do not believe they would be as diligent or that they would work as hard. Billions of dollars in America is collected each day, probably based on incentives. Incentives do matter. As with the Department of Education debt collection contracts, the base compensation, I hope, would be calculated as a percentage of account dollars collected, or included in repayment schedules agreed to by the debtors. Also, a competitive environment would be structured so that it would reward productive contractors who comply with the law and who do not generate debtor complaints, do not abuse people and penalize unproductive or compliant ones. That is who we look forward to working with.

Mr. PRYOR. Mr. President, in the 1988 taxpayers' bill of rights, on which the Senator from Alabama was a helpful participant, we abolished the quota system. We said to the regional district offices of the Internal Revenue Service, you may not promote or demote your employees based upon what they collected or what they did not collect. We sent a message throughout the IRS collection system: No quotas, no bounties. The Senator from Alabama has just stated he hopes that they are paid on a percentage. That is a bounty. That is a quota. That is going directly contrary to the 1988 taxpayers' bill of rights.

Mr. SHELBY. This is a lot different, if I can respond. That is different from an IRS auditor coming in and auditing Mr. and Mrs. John Jones' account, and the more they found, the more they get working as an IRS employee. These efforts will be directed at collecting debts that are not in dispute, debts that have been arrived at as owed, debts that have basically been forgotten, as I said, to the tune now of $70 billion. There is a lot of difference between that and protecting someone who the IRS is auditing or having a tax dispute with. This is not a tax dispute. This is a debt owed. There is a lot of difference.

Mr. PRYOR. Mr. President, to conclude, my friend from Alabama has stated that the IRS has requested this. The IRS did not request this authority. This administration did not request this authority. The present IRS Commissioner did not request this new authority. In fact, the present IRS Commissioner has said she does not think it will work. She is raising the questions that, today, are unanswered.

I hope that my colleagues from both of the committees and both managers—each of the managers, I should say, of this conference report will understand my voting ''no'' on this. It is nothing personal against them. But I am going to continue this fight to try to strike this from the law of the land when we adopt it.

Mr. SHELBY. Mr. President, I ask unanimous consent that the fiscal year 1994 compliance option request regarding the budget, where the IRS requested this, be printed in the RECORD.

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

FISCAL YEAR 1994 COMPLIANCE OPTIONS

Key Area: Accounts Receivable.

Concern: Implementation of Private Collection Agency Program Pilot Objective.

We are requesting the direct hire of 41 FTEs and $5.790 million in start up funds. This will enable the IRS Collection to contract for a test to determine the effectiveness/cost benefit of having private sector collection agencies work a portion of delinquent taxes inventory not being worked due to resource constraints.

PROGRAM AREA

A feasibility study on contracting our collection work was completed by a cross-functional group in December 1991. This group concluded that contracting out could be an effective means to address portions of the Collection inventory that have not been worked, or that have been worked with little or no revenue collected. Benefits of this approach would include a direct reduction in accounts receivable dollar inventory (ARDI), and a reduction of taxpayer burden.

A test using commercial vendors to collect delinquent taxes will require the establishment of a national program office to plan and oversee implementation of the pilot test site. Collection agencies would be involved

with the collection of accounts with a balance due of $10,000 or less, or accounts receivable deemed too low for immediate IRS involvement. This project requires a national centralized focal point to oversee the program development and to complete testing before implementation. This proposal has the potential to reduce excessive taxpayer burden while increasing revenue.

In addition to personnel this initiative will require start up funds for contractual services. It is not anticipated that the IRS will be able to have a normal business relationship with the collection agencies involved with this program. In the private sector, accounts receivable are collected or sold to a vendor who then retains a portion of the receipts as payment. The IRS must receive the entire portion that is to be applied towards the taxpayer balance due. Then a prearranged payment would be paid to the vendor. We estimate $12.5 million would be needed up-front, $5.790 million in FY94 and $6.710 million in FY95.

TYPES OF EMPLOYEES

We are proposing the direct hiring of 41 FTE/positions, to be distributed as follows: 14 positions to be hired by the beginning of the first quarter of FY 1994 for the project office; 17 positions to be located at the ACS test site location; and 10 positions will be located at the Service Center support site.

HISTORICAL DATA

This is a first time pilot, there are no historical records.

REVENUE ESTIMATES

	Fiscal year—		Total
	1994	1995	
Revenue:			
Projections	$26,859,000	$34,993,000	$61,852,000
Cost	(5,790,000)	(6,710,000)	(12,500,000)
Net Revenue	$21,069,000	$28,283,000	$49,352,000

ASSUMPTIONS

Benefits of this contracting approach would include a direct reduction in ARDI, and a reduction of taxpayer burden.

We assume a collection rate of 5% of the case value.

The test is scheduled to start in January of FY94; 75% of the revenue is reported in FY94 and 25% in FY95.

As of June 1992 inventories in the queue and currently not collectable (CNC) were as follows:

	Queue	CNC	Total
Taxpayers	470,000	1,400,000	1,870,000
Dollar/value (billions)	3	30	33
Avg dollars per T/P	6,410	21,311	.....

This request is for a limited one year controlled pilot. The experience gained through a pilot test would enable the Service to better evaluate the concept's direct benefits and costs, and to measure public acceptance. The contract would include a one year renewable option for FY95.

METHODOLOGY

Contract out approximately 100,000 cases (taxpayers) from the two categories listed.

The mix of cases will be approximately 60,000 out of the queue and 40,000 from CNC.

The average dollar per case is assigned to the number of cases that will be contracted out in each area:

	Queue	CNC	Total
Taxpayers	60,000	40,000	100,000
Avg dollars per T/P	6,410	21,311	.....
Dollar value (thousands)	384,600	852,440	1,237,040

Dollars collected would be approximately 61,852,000, (5% collection rate).

The contract will be a fixed price deliverable contract with an award fee pool, i.e. a fixed price per module with an award if the contractor does an excellent job. The total cost is based on the industry standard, which is 20% of what is collected, approximately $12,500,000.

$5.790 million will be needed in FY94 and the other $6.710 million in FY95.

FISCAL YEAR 1994 COMPLIANCE OPTIONS, DIRECT ENFORCEMENT REVENUE AND COSTS

[Dollar amounts in millions]

Options	Fiscal year—		Dollars collected by fiscal years—					
	1994 FTE	1994 Cost	1994	1995	1996	1997	1998	Totals
International Issues	177	$30.5	($1.9)	$1.0	$10.1	$13.5	$27.7	$50.4
Private Debt Collection	44	12.6	26.9	35.0	0	0	0	61.9
Bankruptcy	60	3.4	23.6	35.0	39.9	44.3	44.3	187.1
High Income Individual	160	12.1	(4.9)	(3.0)	12.4	27.4	37.8	69.7
Employment Issues	414	31.6	1.9	17.7	77.7	108.7	127.0	329.2
Accounts Receivable	529	24.8	61.8	128.8	231.9	247.4	247.4	917.3
Non—Filers	358	20.3	9.7	73.7	201.4	294.1	315.6	894.5
Information Reporting	109	4.3	0	57.0	63.0	63.0	63.0	246.0
Underfunded Pension Plans	43	2.9	0	0	0	0	0	0
Electronic Filing Fraud	81	5.0			Not quantifiable			
Motor Fuels	25	2.6			Not quantifiable			
Grand total	2,000	150.0	13.3	345.2	636.4	798.4	862.8	2,756.1

Note: It is important to realize that the direct enforcement revenue listed above does not represent the total revenue that will eventually be realized through our enforcement efforts. Indirect revenue will occur as a result of influencing the voluntary compliance of not only the taxpayers undergoing enforcement, but also other taxpayers such as relatives, friends, and neighbors. Depending on the compliance option, the amount of indirect revenue will vary.

FISCAL YEAR 1994 COMPLIANCE OPTIONS

	Revenue Scored by OTA by fiscal year—					
	1994	1995	1996	1997	1998	Total
International issues	($1.9)	$1.0	$10.1	$13.5	$27.7	$50.4
Private debt collection	26.9	35.0	0	0	0	61.9
Bankruptcy	23.6	35.0	39.9	44.3	44.3	187.0
Collection	4.8	10.0	14.9	19.3	19.3	68.3
Chief Counsel	18.8	25.0	25.0	25.0	25.0	118.8
High income	(4.9)	(3.0)	12.4	27.4	37.8	69.7
Employment issues	(1.9)	17.7	77.7	108.7	127.0	329.2
Collection	6.4	15.3	32.4	36.6	37.0	127.7
Examination	(8.3)	2.4	45.3	72.1	90.0	201.5
Accounts receivable	61.8	128.8	231.9	247.4	247.4	917.3
Non-filer	9.7	73.7	201.4	294.1	315.6	894.5
Collection	5.8	15.9	22.1	23.2	23.2	90.2
Examination	3.9	57.8	179.3	270.9	292.4	804.3
Information reporting	0	57.0	63.0	63.0	63.0	246.0
Total	113.3	345.3	636.4	798.4	862.7	2,756.1

Mr. SHELBY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. SHELBY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H.R. 2020. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 576 Leg.]

YEAS—64

Abraham	Frist	Lieberman
Ashcroft	Gorton	Lott
Bennett	Graham	Mack
Bond	Gramm	McCain
Bradley	Grams	McConnell
Breaux	Grassley	Murkowski
Burns	Gregg	Nickles
Byrd	Hatch	Pressler
Campbell	Hatfield	Reid
Chafee	Heflin	Roth
Coats	Helms	Santorum
Cochran	Hutchison	Shelby
Cohen	Inhofe	Simpson
Coverdell	Inouye	Smith
Craig	Jeffords	Specter
D'Amato	Johnston	Stevens
Daschle	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dodd	Kerrey	Thurmond
Dole	Kohl	Warner
Domenici	Kyl	
Ford	Leahy	

NAYS—34

Akaka	Feingold	Murray
Baucus	Feinstein	Nunn
Biden	Glenn	Pell
Bingaman	Harkin	Pryor
Boxer	Hollings	Robb
Brown	Kennedy	Rockefeller
Bryan	Kerry	Sarbanes
Bumpers	Lautenberg	Simon
Conrad	Levin	Snowe
Dorgan	Mikulski	Wellstone
Exon	Moseley-Braun	
Faircloth	Moynihan	

NOT VOTING—1

Lugar

So, the conference report was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate recedes from its amendment numbered 132.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent to proceed as in morning business.

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

The Senator from Massachusetts.

BUDGET IMPASSE

Mr. KENNEDY. Mr. President, the current budget impasse demonstrates the harsh and unacceptable priorities of the Republican majority in Congress. As the past 2 days have shown, our Republican friends are prepared to hold the entire Federal Government hostage to their extreme agenda. Their price for keeping the Government open is to abandon senior citizens on Medicare and families struggling to educate their children. Their price is too high and their tactics are irresponsible, and President Clinton is right to reject them.

It is wrong for our Republican friends to sacrifice the rights of students and senior citizens on the altar of tax breaks for the wealthy. The American people did not think they were voting for deep cuts in Medicare and education in 1994, and they are not going to vote for anti-Medicare, anti-education candidates in 1996.

Make no mistake, balancing the Federal budget is not the issue. We all agree that the budget should be balanced and must be balanced, but above all, it must be balanced fairly. The fundamental issue that divides Democrats and Republicans is not whether to balance the budget but how to balance the budget. We can debate these issues responsibly. It is reckless and irresponsible for the Republican majority in Congress to shut down the Federal Government because they cannot get their way. They do not deserve their way, and they will not get their way.

Democrats categorically reject Republican priorities that would balance the budget on the backs of senior citizens, students, and working families to provide payoffs to the privileged and confer lavish tax breaks worth hundreds of billions of dollars on the wealthiest individuals and corporations in our society.

In education, the Republican budget bill is a bust for students and a bonanza for big banks. It is wrong to dismantle the highly successful Direct Student Loan Program. It is wrong to prohibit colleges and universities from choosing and using a loan program that provides the best service and the lowest cost to students. It is wrong to tilt the playing field and funnel $100 billion in new business over the next 7 years to the banks and guaranty agencies in the student loan industry. I say let competition work. Let the best loan program win.

Whatever happened to the Republican belief in competition? The President had signed a law that went into effect in 1993 to provide for a transition and a real competition between direct loan and the guaranteed student loans. Republicans and Democrats alike had worked towards a real compromise.

There were many who wanted to go immediately to direct loans. There were others who wanted the guaranteed loan. So we created a compromise that permitted the universities and colleges of this country to move gradually towards the Direct Loan Program, and they have been moving forward with that Direct Loan Program.

There are more than 1,450 colleges that have that. It is interesting that there is not a single college in the United States that has moved from a Direct Loan Program back to the guaranteed loan. Not one. And there are scores of them that want to move the other way.

But under this particular proposal, what we are doing is actually carving out a very narrow sliver of the whole loan program to the direct loan, some 10 percent, and giving the other part to the guaranty agencies. Almost $100 billion will flow through them and the profits will be anywhere from $7 billion to $9 billion. Those will be out of the pockets and pocketbooks of the parents primarily and the students over the period of these next 7 years, and that is wrong.

We say, ''OK, let's leave it up to the universities and colleges.'' Let them make the choice whether they want the guaranteed loan program, on the one, or the direct loan on the other. We have offered that. Let the colleges make the choice. That is competition at the local level. But we were refused and effectively closed out from that option.

That is only the beginning of the Republican attack on education. Over the next 7 years, their budget would slash Federal aid to education by an incredible one-third—$36 billion. A one-third cut in education is utterly irresponsible. We ought to be investing more in education, not less. That is our priority, that is President Clinton's priority, and I am confident the American people share it.

The Republicans claim their budget means a brighter future for the Nation's children. In fact, the Republican budget will turn out the classroom lights for millions of the Nation's schoolchildren and no anti-education plan like that deserves to pass. That is included in the Republican program.

What they take is the House appropriations figure, which is $4 billion. We had just over $2 billion in the Senate. I am convinced if we had gone to the conference, it would have been closer to the Senate, given the votes that have taken place here in the Senate on the education issue where we had bipartisan support, 67–32, when we had the vote on the Snowe-Simon amendment some time ago and the other actions that were taken on the compromise here.

We restored money in education, and what did the continuing resolution do? It took the lower figure between the House and the Senate, $4 billion cut and said you only have to spend 60 percent of what was being spent last year. That is effectively undermining in a dramatic way major education programs, whether it is the Head Start Program, the math and science programs for elementary schools, the whole school reform program, the drug-free school program, and many others, and that is basically wrong.

Excessive cuts like that break faith with families across America struggling to educate their children. Extreme cuts like that walk away from 30 years of bipartisan cooperation to improve education. Up to this year, we had bipartisan support. If you look over the last Congress, in 1992 through 1994, when we reauthorized the Head Start Program, when we reauthorized title I, $6.6 billion to reach out to needy children to help them with math and science, when we passed the Goals 2000 program to commit 90 percent of the funding to go to local schools and parents in local communities to enhance academic achievement, when we passed the School-to-Work Program, when we passed the Direct Loan Program, every one of those had bipartisan support. Only a handful of Republicans voted against it. Effectively, what happened in the 1994 legislation that said we have to wipe those programs out—I did not hear that point being made by our Republican friends in the course of the 1994 election, and we should not effectively undermine that important commitment to the young people in this country.

Mr. President, over the next decade, the number of school-aged children will rise to 50 million. That is almost double the number in the Sputnik era, a generation ago, when nobody questioned that educating our children was an urgent national priority. We are increasing the total number of children and effectively seeing the significant cuts by a third of all of the programs dealing with K through 12.

Now is no time to cut education. Education is the key that unlocks the American dream. Cutting education as we struggle to meet the challenge of the information age is like cutting national defense at the height of the cold war.

Senior citizens are targeted by the Republican budget. In the bill vetoed by President Clinton, our Republican friends were not insisting that Medicare payments to doctors and hospitals be cut as their price for keeping the Government open. They were not insisting that fraud and waste be squeezed out of Medicare. They were not insisting that senior citizens get the preventive care for outpatient services that they need to keep them out of the hospital to reduce Medicare. The right way instead of the right wing way. The only provision our friends insisted on was a new tax on senior citizens in the form of higher Medicare premiums.

Speaker GINGRICH makes no mistake about it. He says he wants to see Medicare wither away. Well, with priorities like that, it is more likely that the Republican Party will wither away.

Medicare is part of Social Security. It is a contract between the Government and the people that says, ''Pay into the trust fund during your working years, and we will guarantee good health care in your retirement years.''

It is wrong for the Republicans to break that contract. It is wrong for Republicans to propose deep cuts in Medicare—three times as deep as anything needed to protect the trust fund. It is doubly wrong for Republicans to propose deep cuts in Medicare in order to pay for tax breaks for the wealthy. It is triply wrong for the Republicans to try to force the President into accepting higher Medicare premiums as their price for keeping the Government open.

Over the period of the last 2 days, I have seen many of the Republican leaders on television, and not one of them mentions their tax cut for the wealthy individuals. I have yet to hear them talk about it on the floor of the Senate. Not one of them goes on television and says, ''The reason we need our program, Mr. President, is because we have $245 billion of tax cuts.'' Not one of them say it. They brought it in here just a few days before we were going to vote on that. It was an add-on, and once they got their commitment in terms of the higher premiums on Medicare, then they went ahead and got their tax cut. We have all known that it has been out there for some period of time. Why do we not, on the level, try to present that to the people and let the American people vote on that issue? They refuse to do so.

So Republican leaders make the preposterous claim that their cuts in Medicare will only affect millionaires. Well, I have news for them. Eighty-three percent of the Medicare spending is for senior citizens with incomes of less than $25,000 a year. Almost two-thirds of Medicare spending is for senior citizens with less than $15,000 a year. These are the people who you are raising the taxes on with the increased premiums on Medicare. On average, because of gaps in Medicare coverage, already high copays, deductibles, and premiums, senior citizens must spend 21 percent of their total income to purchase the health care they need. It is unfair to make them bear the brunt of cuts in Medicare.

The Republican attack on Medicare will make life harder, sicker, and shorter for millions of elderly Americans. They deserve better from Congress, and I believe they will get it.

This cruel and unjust Republican plan to turn the Medicare trust fund into a slush fund for tax breaks for the wealthy deserves to be defeated. Their attempt to force a Medicare premium increase into law to keep the Government running deserved the veto it received.

We can meet our budget goals without undermining education, without undoing Medicare, and without shutting down the Government. I believe that this is a battle that we should fight, rather than cutting the Medicare programs and the key education programs, which are so important for the future.

Mr. HARKIN. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. HARKIN. The Senator makes a lot of good points about the people that are being hurt out there and are being affected by this shutdown of the Government. I ask the Senator if he knows something or has heard what I have found out today and that I was not aware of. Right now, because of the shutdown in Government, I understand that essential workers go to work. All of our staffs are here at work; committee staffs are here, Senators' staffs, and Representatives' staffs are here. But I just discovered today that when they get their paychecks next week, they are not going to be paid for any days worked after the 13th of this month. Is that the Senator's understanding?

Mr. KENNEDY. Well, I had heard that mentioned by some of our colleagues, but the particular details, I am not as familiar with as the Senator from Iowa. I hope that he will explain that to us.

Mr. HARKIN. Well, I just heard that even though they are essential workers and they have to come to work, they do not get paid. I then found out that it does not just apply to staffs. All the air traffic controllers out there right now working to guide our aircraft—they are working now, and they are essential, but they are not getting paid. So whether it is our staffs, air traffic controllers, or people working at the Pentagon for the Department of Defense, they are working but not getting paid.

I thought we did away with slavery in this country. They have to go to work, but they do not get paid. Now, again, I guess they will get paid later on sometime, but these are people with mortgages, car payments, kids in college, kids in school. They have their bills to pay just like everybody else. But next Monday, when they get their checks, they are going to come up short. However, I think the Senator—I would like to ask the Senator, we do not fall into that category? Senators and Congress are going to get full pay next week when our paychecks come. But staff, air traffic controllers, everybody else, they do not get full pay.

What an abomination. I ask the Senator, it seems to me, did we not pass, earlier this year, a law stipulating that all of the laws that we have in this country have to apply to Members of Congress and the Senate? Did we not pass that bill? I thought we passed a bill that said if we have laws out there, they have to apply to us just like everybody else?

Mr. KENNEDY. The Senator is quite right, with this one exception: We have provided ourselves with universal comprehensive health insurance. We get the choice of some 200 health programs. The Federal Government pays three-quarters of it; we only pay a quarter of it. We have not provided that for the American people. We have provided very good health insurance for every Member here, and it is so interesting that so many of those that were

against any kind of health care coverage were the quickest ones to sign up. You can go down in the office of the Secretary of the Senate, and they have a blue sheet down there, and you can go down and check off if you do not want your health care coverage. Every Member in this Senate now has checked that and said that they do want it.

So the Senator is right. We have applied laws to ourselves that cover others, with the important exception that we have not given the American people what we have given ourselves in terms of health insurance, which is another issue at another time. But I think it is always important to mention that, particularly when the total number of uninsured is going up through the roof, particularly children in my State and around this country, and where the cost of health care continues, particularly in prescription drugs, to rise.

Mr. HARKIN. The Senator is our expert on health care. My question was dealing with the staff right now who are not getting paid in the Senate and the House, the air traffic controllers, and the people who work for the Department of Defense. But we do. I thought we passed a law that says that Congress has to live by the laws that the rest of the people do. You pointed out one in health care. Is it not true also that Congress is not applying to itself the very laws that say that those staff people, air traffic controllers, people working for the Department of Defense, essential Government workers, they do not get paid?

But guess what, Senators and Congressmen? We get our pay.

Mr. KENNEDY. That is certainly the way that I understand it, the way that the Senator explained it. I think it is one of the reasons why I think the American people are so frustrated and should be frustrated.

This did not have to happen, does the Senator agree with me? This did not have to happen, to work through this whole kind of a situation where they are halting the Government and effectively blackmailing the President of the United States for the first time in the history of this country, and also loading up the debt limit with similar kinds of activity to try to halt full faith and credit when we ought to be able to, as individuals, be able to work out an accommodation. That is the way it is done around here.

Mr. HARKIN. Will the Senator yield?

It seems funny, since Congress has not applied this law to itself—that is, Senators and Congressmen continue to get paid but other Government workers will not get paid.

They are the ones who have mortgages to meet, car payments, kids in school. Does it not seem fair to the Senator that perhaps we ought to take up the Boxer bill and pass it here, that would say that Senators and Congressmen and the Speaker of the House and everybody else, that we put ourselves in the same boat, that we do not get paid either during this same period of time? Does that not seem reasonable?

Mr. KENNEDY. It certainly seems reasonable to me. It would make a great deal of sense.

Mr. HARKIN. I hope that the other side, the Republicans, would agree to bring this up and put ourselves in the same boat as all the other Government workers who are not getting paid and see how long this foolishness will go on if Senators and Congressmen are not getting paid.

Mrs. BOXER. Will the Senator yield?

Mr. KENNEDY. I am happy to yield to the Senator.

Mrs. BOXER. My question is——

Mr. NICKLES. Mr. President——

Mr. KENNEDY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. I will yield briefly and then I will yield the floor.

Mrs. BOXER. I wanted to ask the Senator if he was aware, because the Senator from Iowa raised the subject, that in fact the U.S. Senate did pass the Boxer amendment which said no budget, no pay.

It was bipartisan. Senator DASCHLE and Senator DOLE helped me get it through. It passed twice. But it is, in fact—and I ask the Senator if he is aware of this—Speaker NEWT GINGRICH who refused to allow it to be voted on on the House side.

Is the Senator aware of that?

Mr. KENNEDY. I was not aware that very sound and worthwhile, valuable suggestion which I supported was sidetracked—Speaker GINGRICH, in other words, sidetracked that measure.

Mrs. BOXER. Yes, I say to my friend, that is true.

Mr. KENNEDY. And as a result of that, we have the inequity which the Senator from Iowa pointed out.

I yield the floor.

MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business, with Senators permitted to speak for up to 15 minutes each, so if we have discussion we can have discussion on both sides of the issue.

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

THE CONTINUING RESOLUTION

Mr. NICKLES. Mr. President, I want to respond to a couple of comments made by my friend and colleague from the State of Massachusetts.

I heard two or three statements that Republicans have a budget and they are trying to balance the budget on the backs of senior citizens and making unrealistic cuts in Medicare would be the thrust. I disagree.

Mr. President, if you look at the Medicare fund, it is going broke. The Medicare system is funded by a payroll tax. All the money goes into one fund. It is financed by a tax that costs right now 1.45 percent of payroll, matched by employer. That is 2.9 percent.

Now, next year the fund pays out more than it takes in. You cannot continue to do that indefinitely. The fund is going broke. The President's own trustees said it is going broke.

Some of us do not want that to happen. Some of us think that would be unfair to seniors. Maybe some of my colleagues on the other side of the aisle say, ''Well, do not do anything. We will not solve that problem.'' I disagree.

Now, there are two ways to solve the problem—either reduce the rate of growth of spending in Medicare, which is, frankly, what we are proposing, or you increase payroll taxes, which is what Congress has done in the past.

Just for my colleagues' information, I looked up years ago what was the history of Medicare taxes. The maximum tax in 1977 was $177. That is employee and employer maximum tax. The maximum tax in 1993 was almost $4,000. So it went substantially from $177 to almost $4,000.

Guess what? The fund is still going broke. So we have increased the tax rates, we have increased the basis. We are spending a lot more money, and still spending exceeds the revenues. Next year, the spending is greater than the revenue in spite of the fact that now there is no cap. It is 2.9 percent of payroll. It can be well over $4,000 and the fund is still going broke.

If it goes broke, it cannot pay the bills. It cannot pay the hospital. It cannot pay the doctor. How is it responsible to allow that to happen? I do not believe it is responsible. So we need to fix it. That is part of our budget.

Somebody says, ''Well, you are cutting Medicare.'' I disagree. This year we are spending $178 billion in Medicare. By the year 2002, we will be spending $286 billion in Medicare. That is an increase. That is an increase at twice the rate of inflation. So, Medicare under our proposal grows twice the rate of inflation, and it stays solvent. We keep the Medicare trust fund solvent for beyond the year 2010. The President keeps it solvent for a couple more years. That is not satisfactory. We are trying to be responsible. Some people are playing politics.

The President is playing politics. The Republicans wanted a 25-percent increase in beneficiaries' payments. That is so demagogic. The facts are, just to be very simple, part B, part B is voluntary. It pays for the doctors. When the system started 30 years ago, it was supposed to be 50–50. Now the percentage that beneficiaries pay is 31.5 percent. That means taxpayers pay 68.5 percent. That means my son and daughter, who are not wealthy by any means but they have jobs, they are helping to subsidize the wealthiest persons' Medicare—they help pay 68.5 percent of the Medicare premium of the wealthiest persons in America.

We are trying to make some changes in that. One, we try and keep the perk

at 31.5 percent under our proposal. Anybody that has looked at the problem of financing Medicare says that the Medicare beneficiary should probably pay at least 31.5 percent. Here you have the President of the United States saying that is an outlandish increase in Medicare copayments. No, we were trying to keep the percentage at 31.5 percent.

People should know the country's law says it will drop to 25 percent. Should it drop to 25 percent when it is going broke? We are trying to keep it at that level. Is that an unfair attack on senior citizens to give rich people tax cuts as was alluded to on the floor? Definitely not.

As a matter of fact, we passed a provision that says any increase between the 25 percent and 31.5 percent, 100 percent of that goes into the part A trust fund, which is going broke. Any of the changes that we made in part B, any of the changes we made as increased contributions—and we say wealthier people—we will drop off the subsidies. If they make over $150,000 or something, they have to pay 100 percent of their Medicare payments. We will eliminate the subsidies for wealthier people. I believe that subsidy phaseout begins at $60,000 for an individual and $90,000 for a couple. We say above those amounts—and it takes $50,000, I think, to get to where there is no subsidy—we say above that amount people should pay their own.

I think that is a good proposal. Why should our kids be subsidizing people who have incomes of over $150,000? That is a good proposal. Does that wreck the Medicare system? No. It helps save the Medicare system. It reduces the subsidy that a lot of people are paying for people who can well afford to pay for their own.

I want to make a couple of comments concerning the stopgap spending measure that we in Washington, DC, call a continuing resolution. The President vetoed one that we sent him the other night, on Monday night. I wish he had not. He vetoed it because of the part B, and he demagogued it and maybe scored some points. It might have helped electionwise, but it was bad policy for him to do that. I regret that.

What else did he veto? I met with the negotiators yesterday. And I compliment Senator DOMENICI and Congressman KASICH. And we met with Mr. Panetta and Secretary Rubin representing the administration, we said we will not mess with Medicare. We say what we really want is a commitment to balance the budget in 7 years. So we want to pass a continuing resolution, a stopgap spending bill, that will allow Government offices across the country to stay open, but we want a commitment from them to balance the budget in 7 years.

Mr. Panetta said that is not acceptable. Why? Because we want to use Congressional Budget Office economics because we feel those are more realistic than the Office of Management and Budget, than the President's economic figures. They said it was not acceptable. I will just remind you, Mr. President, that the President of the United States in a speech in the House of Representatives, in a State of the Union speech, said that he would use Congressional Budget Office figures. He did not want smoke and mirrors. He did not want to play games. He said, let us use the same numbers. There was a big round of applause.

Now the President does not want to use the Congressional Budget Office. You say, what difference does that make? I will tell you. Over a 10-year period of time it makes $475 billion difference, the difference in economic assumptions. So you are talking about a lot of difference. That is twice what we are talking about for changes in Medicare and so on. So we are talking about a significant difference.

The President says we can balance the budget just by having greater economic expectations and so on. We are saying, no, let us use realistic numbers, let us use the same numbers the President said he would use 2 years ago. So that is what we are saying. Then we said we want to balance the budget in 7 years.

President Clinton, as a candidate in June 1992, said we can balance the budget in 5 years. In the last 4 months, he has said we should balance the budget in 10 years, 9 years, 8 years, 7 years, and more than 7 years. He said all the above. We believe it should be done in 7 years.

Do we know what is right? Why did we pick 7 years? Because, when we had a balanced budget amendment on the floor of the Senate, we said we would balance the budget by the year 2002, and we said we would try to do it whether we had a balanced budget amendment or not. We happened to think that was the right thing to do. We should balance the budget. That is what this is all about.

Do we want to fund Government? Do we want to shut Government down? No. Do we want to pass a responsible short-term spending resolution? Yes. But we also want the President to start working with us to balance the budget. And, so far, he has been AWOL: absent without leadership. He has not been at the table.

His negotiators have said, send us a bill, we will veto it, and then we will negotiate. Why should we not negotiate now? Why should we not try to solve the problems now, not later, but now? We have not been able to get anybody's attention in the White House to make it happen. We want it to happen. We want to save Medicare and we want to balance the budget and we want to be able to give American families tax relief.

Then I just have to answer the claim that I heard two or three times by my colleague from Massachusetts, when he said Republicans want to make all these changes, they are cutting all this spending, and they want to do it so they can give their wealthy friends tax cuts. I disagree.

Are we cutting spending? Not really. Today we are spending $1.5 trillion. In 7 years we are going to spend almost $1.9 trillion. Spending rises every single year.

Do we slow the growth of spending? Yes. Do we curb the growth of entitlements? Yes. Have we done that before? For the most part, no. Congress has never really had the courage or the leadership to slow the growth of entitlements, and some entitlement programs have been exploding. So now we are saying, let us control their growth. In most cases, like Medicare, it is growing at over twice the rate of inflation. But we can do that and balance the budget, moderate their growth and save Medicare.

All the savings in Medicare go in to help save the Medicare fund, so Medicare reductions in growth have nothing whatsoever to do with tax cuts. But we are saying we can make this slope. We can actually make it happen, balance the budget by the year 2002, and allow American families to keep more of their hard-earned dollars.

Over 70-some-odd percent of our budget, 75 or 76 percent, is directed toward American families. The bulk of that is the $500 tax credit per child. Most all that—we passed it in the conference—it comes out to individuals who make less than $70,000 or families who make less than $110,000. So we target it toward working families who are paying taxes. Then they can use that.

If you have two kids, that is $1,000 a year. If you have four kids, that is $2,000 a year. If you have an income of $24,000, you will not pay any income tax. If you have income of $30,000 with two kids, we just cut your tax in half. If you have income of $40,000, we just cut your income tax by a fourth. If you have income of $75,000, we did not reduce your tax very much percentagewise, but we still allow that person to have $2,000 more. If they have four kids and they can send their kids to college, that will help them make that decision. People will be able to make that decision, not Government. To me, that is very profamily.

We do some other things. We have some IRA enhancement so people can be encouraged to save. We have some inheritance tax changes so people can be encouraged to build a small business and pass that on to their children and grandchildren. There are some very positive things in this bill that I think would be supported and should be supported by both Democrats and Republicans, and we do it in a responsible fashion.

Mr. President, I have been here for 15 years and we have never voted for a balanced budget. We have never voted for the implementing legislation to make it happen. Now we are talking about doing it.

Granted, the White House does not want to participate. They do not want it to happen. But we are really serious

about making it happen. We want to balance the budget.

To me, this battle is not about who wins, Democrats or Republicans. It is who wins as far as our children are concerned. Are we to continue piling up debt after debt after debt?

The President's budget, according to CBO, has $200 billion deficits as far as the eye can see. For 7 years, 10 years, it is over $200 billion and climbing. That is not acceptable. That is not realistic. It needs to be changed.

We are trying to convince the President he is going to have to negotiate with us to get us to a balanced budget. He says he is for a balanced budget; he just does not have one. We are producing one, and hopefully in the next couple of days we will vote on one.

Mr. President, I am optimistic. I hope the President and his advisers would quit saying ''what makes me look better in the polls'' instead of saying what is right for America. I know some of the President's advisers, and I know they know we can never ever get to a balanced budget unless we start curbing the growth of entitlements, which is about $1 trillion out of a budget today that is $1.5 trillion. They know you cannot say we are going to balance the budget and only work on a third of the budget. They know you have to work and really look at the entire budget, and that is what we are trying to do.

So I urge the President—I hope we send the President a short-term spending bill tonight. I believe the House will be taking up one soon. That bill will be a continuation—it will be a short-term spending bill, and it will also have language that we should balance the budget with real economics by the year 2002.

I hope the President receives that bill tonight. I expect he will receive that bill tonight, and I hope he will sign it. Thousands of people can go back to work and we can go back to work and we can finish our business, and that business should include balancing the budget. To me, that is not a victory for Republicans or Democrats; it is a victory for Americans. That is what we should be doing. That is what this Congress has been working on for the most part of this year, and now it is coming to a crisis point; it is coming to a head. Now is the time to do it. In my opinion, if we send the President a clean CR with language that we should be balancing the budget in 7 years, he should sign it, and I hope he will.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

A BALANCED BUDGET

Mr. THOMPSON. Mr. President, I think the Senator from Oklahoma has hit upon the real issue. I think it is important that we get back to the real issue, focus on the real issue, what all this complex debate is about. It simply boils down to whether or not we want a balanced budget—whether or not we want a balanced budget. All the discussion, all the debate, all of the figures, all of the back and forth—do we want a balanced budget, and what are we willing to do to achieve it?

Everybody says they want a balanced budget. Everybody gives lip service to a balanced budget. We came close to passing a constitutional amendment, lacking one vote, to balance the budget, and everybody said we do not need a constitutional amendment. All we have to do is balance the budget and do the right thing. The day of reckoning now has come, and we are challenged to do the right thing.

Why does everybody admit that we have to have a balanced budget? It is because of the simple fact we are in the process of bankrupting the next generation. The fact we say it over and over again, like water rolling off a duck's back, does not make it any less true.

That is what is happening. That is why many of us ran for office. That is why many of us came here—not because we want to say no to anybody; not because it will not be more comfortable to have business as usual, continue the same programs, the same levels of spending, and making everybody happy; not because of that but because we realize that there was going to be some heavy lifting to do. That is a challenge for a serious person.

I like to think there are a lot of serious people addressing this. Now the very people who are crying the loudest over students—who are the purported defenders of the elderly and all of the other people who these large deficits are hurting and creating a Nation and an economy that will hurt them because of the deficit presided over this last 30 years with the lack of a balanced budget—perhaps can tell those of us who have not been here that long why, if they are concerned about all of these little people, they allowed this country to get into the shape of a $5 trillion debt. They say, ''Well, the Republicans were in the White House part of that time.'' That is true. The Democrats controlled the Congress almost all of that time. And that is true.

And half the time that I listen to the debate here it is ''who shot John?'' Who is the bigger person that is the most blameworthy in all of this debate? We have to get past that. We have to get past this idea that one side is for the average person and the other side is not.

The real issue here is whether or not we want to balance the budget. The President says now that he wants a balanced budget. But the American people are gradually going to focus in on the fact that the President, and those that are supporting the President in this deadlock that we are in right now, are twisting and squirming and maneuvering all the time they say they want a balanced budget to do everything in the world to avoid a balanced budget. Why would they want to do that? Because, if we have a balanced budget, we cannot continue to spend the way that we have been spending for the last 30 or 40 years in this country. And everybody likes to spend.

In all of the congressional hearings we have up here nobody comes up here and testifies, ''Please cut out our grant.'' Nobody comes up here and testifies that ''we get too much money.'' Everybody loves spending. Everybody wants a little more. Everybody wants their nose in the trough, and everybody has been there for the last several decades in this country. Now we have to decide not who is going to give lip service to a balanced budget but who is willing to do what is necessary.

The fact of the matter is that the irony is if we act now, if we do a responsible thing now in order to get a balanced budget, a major step toward a balanced budget, we do not have to engage in draconian measures. We can make some incremental adjustments. We will be spending more money.

The Senator from Oklahoma pointed out that over a 7-year period we will be spending more money—$1.9 trillion in this country. We do not have to hurt anybody. But we have to get to our job. We have to start down that road toward what everybody says they want. Everybody wants to go to Heaven. Nobody wants to do what is necessary to get there.

The President now has figured out, apparently, how we can balance the budget without really making any incremental adjustments. He decided to turn his back on his own figures that he said he wanted—the Congressional Budget Office figures over all these years to let his staff come up with new figures, and they produced about a half a trillion dollars out of thin air because they changed the estimates. They changed some estimates, projections, and figures and said, ''Well, we do not really have to do anything.'' Of course, that will get them past the next election, will it not? It will get them past the next election before that little house of cards comes tumbling down just like every other projection in this country over the last decade has come tumbling down.

We are trying to use real figures over here. The President said during the campaign that he had a plan to balance the budget in 5 years. Then when he is submitting his budget, everybody kind of looked at it, and said, ''Well, that is $200 billion a year of deficits as far as the eye can see.'' They kind of acknowledge that was the case.

Then the President said, ''Well, we need to balance it maybe in 10 years.'' Then, since that time, he has been at 7 years, 8 years, and 9 years, too, I think. I do not think he has gone back to 5 years, or anywhere along the line.

Then he submitted another document purported, I guess, to be a budget document that has the new figures in it. Lo and behold, we really do not have to make many adjustments at all because we have this windfall over $400 billion

because he is using the figures now that he derives from his own staff. Bobbing, weaving, turning, and twisting all the time saying he wants a balanced budget but every few days coming up, ''Well, we can do it in this number of years,'' changing to, ''No. We can do it in that number of years.'' One of his advisers, Ms. Tyson, who says somewhere along the line we do not really need to have a balanced budget. It would hurt us to have one. The next day, I guess we really do. But we should not have it before 10 years.

Are these the comments, are these the actions, of a serious leader who really wants a balanced budget? Are these the actions of someone trying to get past the next election giving lip service to a balanced budget but not willing to do one thing—not willing to say to anybody that we cannot continue your program with a 10 percent increase a year, we can continue it maybe at 6.4 percent? I think the answer to that is clear.

But the President bobs and weaves, twists and turns, and now his latest impasse when legislation was sent down with the Medicare provision is that he cannot go along with the submission because it is raping Medicare, and we are trying to do all of these terrible things. A person dealing with the complex issue who is willing to use scare tactics—and he has the most bully of all pulpits—is going to win that argument in the short run because you can scare people on these important matters and complex issues. It takes a while for it to set in. But the truth does set in, and it will set in just like on his health care plan.

The President now says with regard to Medicare part B—and everybody acknowledges that Medicare is in terrible shape, and going bankrupt—but he wants a temporary reduction in premiums until the next election, a temporary reduction in premiums when he and all of his advisors have acknowledged in times past that premiums are going to have to be increased. What is the difference between the increase that we are saying is going to be necessary to save it and the increase that the President says is necessary? Four dollars by the year 2002; a $4 difference. We are $4 higher than he is.

If he can convince the senior citizens and get them so excited, and appeal to the worst instincts of the American people in terms of greed and selfishness, that they are not going to be willing to make any incremental adjustment, even to the extent of $4 for the benefit of the next generation, then I guess this is a hopeless cause. But I do not think we have come to that point yet.

But this is what he is trying to sell. This is what he is trying to sell at a time when it is going bankrupt, at a time when everybody knows we have to make some incremental adjustments. Between now and next November he wants actually those premiums to be able to decrease at a time when everybody knows they have to go up a little bit, and even acknowledges it but he is waiting until after the election to do it.

Why resist the balanced budget this strongly? Because spending is a hard habit to break. I guess there is nothing more attractive politically in this entire world than the proposition and the idea of being able to have your cake and eat it too. And if the American people can be convinced that the President really wants a balanced budget but that we really do not have to do anything in order to achieve it, and that anybody who suggests we have to make incremental adjustment is against students, or against his own parents, or against retirees—if a person is willing to play that game, he is going to make some points. But he is not going to win because I think people understand that is a short-term game, and that we have a long-term problem; and that, if we will face up to what we need to do, we will have to make some short-term adjustments but we will have some long-term benefits that will inure to the benefit of our children and our grandchildren that we will be extremely proud of.

The Heritage Foundation just this month issued a report using a widely regarded model of the U.S. economy and found that balancing the Federal budget between 1996 and 2002, and cutting taxes, caused the economy generally to grow more than not balancing the budget and cutting taxes. According to this simulation that they used, the balanced budget plan with tax relief would mean that gross domestic product would grow by $10.8 billion more than under current law by the year 2002. If we balanced the budget, we would get an additional $32 billion in real disposable income over that period of time. If we balanced the budget, we would have an additional $66.2 billion in consumption expenditures over that period of time. If we balanced the budget, we would have an additional $88.2 billion in real nonresidential fixed investment over that period of time.

If we balanced the budget, we would have a decrease of four-tenths of 1 percent in the conventional mortgage rate in this country. That means that a balanced budget with tax relief will save a home borrower of $100,000 about $10,000 over the life of a 30-year mortgage. If we are concerned about working people and middle-income people in this country, we need to balance the budget. People out here trying to buy a home, seeing their wages stagnated, young working people's wages actually going down, interest rates being what they are, trying to borrow, what are they going to be if we do not balance the budget? The tax rate, some say, will be 70, 80 percent if we do not balance the budget—astronomical interest rates.

Here is the result if we do balance it: additional construction of over 104,000 new family homes over the next 7 years; the additional sales of 100,000 automobiles over the next 7 years worth $10 billion, and a decrease of 7 percent in the growth rate of the Consumer Price Index, a decrease in the Consumer Price Index for things that average people go to K-Mart, Wal-Mart, or whatever, and buy.

It is not all gloom and doom. It is not all gloom and doom. We are going to have to reduce the rate of growth in some of these programs without question. But after that, we stand to see real long-term benefits in this country.

So again, Mr. President, let us get back to the real issue. The real issue is whether or not we really want to balance the budget in this country and whether or not we really want to give any more than lip service to it. We are at a point now where we are either going to put up or shut up.

The President of the United States needs to know that there are many of us here who would like to work with the President. We would like to do this thing together. I think ultimately we are going to have to do a lot over the next several years to get this job done. It is not a 1-year deal. Ultimately, it is going to have to be Democrats and Republicans together, it is going to have to be the Congress and the White House. I would like to get on about that. But if he is going to continue to stand in the way of what we all know has to be done, he ought to know there are some people in town who are just as stubborn as he is. And if we were not willing to finish the job we came here to do, we would not have taken the job in the first place.

ORDER OF PROCEDURE

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate now stand in recess subject to the call of the Chair.

Mr. EXON. I object.

The PRESIDING OFFICER (Mr. GRAMS). Is there objection?

Mr. EXON. I object.

Mr. THOMPSON. I suggest the absence of a quorum.

Mr. BUMPERS. Will the Senator yield for 1 minute? Will the Senator yield for 1 minute prior to the quorum call?

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. THOMPSON. I object.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Is there objection? Objection is heard.

The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. NICKLES. Mr. President, I ask unanimous consent that there now be 1 hour of debate equally divided under the control of Senator EXON for 30 minutes and Senator SANTORUM for 30 minutes; at the conclusion of that hour that the Senate would stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, and I will not object, I would just correct that to say that I believe the intent is it would be under the control of Senator EXON or his designee. Is that correct?

Mr. NICKLES. That is correct.

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

Mr. EXON. Mr. President, I yield myself 10 minutes under the unanimous-consent agreement just agreed to.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

BALANCING THE BUDGET

Mr. EXON. Mr. President, those who are watching the debate on television might wonder why it was that it took us so long to get to this point. Actually, this Senator had sought recognition, the Senator from Arkansas was about to seek recognition, when we were suddenly cut off with the quorum call. I am glad that the Republicans have come back and seen the light to allow us at least to discuss a proposition that is very vital to America.

As I understand it, we are awaiting the offer by NEWT GINGRICH from the House of Representatives. It would be a continuing resolution to some time in the future, maybe 10 days, maybe 15 days, and stripped of all other extraneous matters except—I underline except—the proposition that we would have a balanced budget by 7 years using CBO's estimates.

That is exactly what was proposed to us yesterday during a conference that I was a part of. I will simply say to you, Mr. President, that this Senator is for balancing the budget in 7 years. I voted for a constitutional amendment to do that. The record of this Senator in fighting for control of spending in the United States and getting our budget under control is very clear, if not legendary.

I would simply say, if we accept the continuing resolution that the Republicans have come up with, I would simply compliment them and compliment them and compliment them for the fact, after we have been pounding this podium now for almost a month, that they have finally conceded that they are not going to insist on making cuts in the Medicare proposals. At least that would be a major victory for us. And I salute them for finally recognizing the failure of their ways in that regard.

However, I would say, Mr. President, that if we accept the continuing resolution, then that continuing resolution is essentially what the Republicans offered to us yesterday, which was rejected by the administration and, I suspect, will be strenuously objected to by the majority of the Democrats. This is a shell game that is going on because, if we accept this continuing resolution, had we Democrats and the White House accepted yesterday this same offer that was offered to us in the daylong negotiations, we would essentially be locking in the Republican budget that they are trying to force down our throat and that of the American people.

They would essentially have guaranteed the $245 billion tax break for the wealthy. They would essentially guarantee a dramatic cut in the projected spending of Medicare. They would continue the unfairness that is part and parcel of their budget. What this continuing resolution is, as I understand it, is another clever means—another clever means—of trying to fool the American people.

I emphasize that this Senator is for a balanced budget in 7 years. And as the Democratic leader on the Budget Committee, I am fashioning such a program that I will offer at an appropriate time. But I am not about to sign on, and I hope none of the Democrats will, and enough of the Republicans—to stop it. If they do not, the President will veto it, in any event.

I want to explain what they are doing. They are trying to put into law in the continuing resolution the basic unfairness of the budget that they are proposing. I would also point out, Mr. President, that all during the so-called budget deliberation, the Democrats have not been involved. I am a member of a conference with the House of Representatives on four matters: the debt ceiling; debt rescission bill that we hope to receive sometime tonight that they want us to vote on even before we see the numbers; the matter of the line-item veto, which I joined with the Republicans in getting passed, but after we passed it they wanted to make sure that this President did not have a line-item veto until they got their unfair budget bill passed; and I am also a conferee on the defense authorization bill, which is a very, very important matter.

I would simply say that in all of these matters, Mr. President, I am a conferee, but I have not even been conferenced by the Republicans. They have gone behind closed doors, shut out the minority Democrats, done what they want, stamped ''Republican fairness'' on it, and sent it on its merry way.

Mr. President, there is so much wrong with the procedures that are going on in the U.S. Senate today that I am ashamed, and I would best describe it as ''a swamp.'' It is not part of the deliberative body that this body has been known for for a long, long time.

To sum up as best as I have ever seen it summed up was an editorial in U.S. News & World Report, that of November 13, 1995, by David Gergen. I am going to read that, Mr. President, because I think it puts all this in proper perspective. It exposes this once and for all by David Gergen, who is now an editor at large with the U.S. News & World Report, but is better known as a very prominent Republican who served with great distinction in the White House under President Ronald Reagan.

Here is what he has to say in the editorial of the date I mentioned:

THE GOP'S ''FAIRNESS DOCTRINE''

Give credit where ample credit is due: True to their campaign promises, Republicans in Congress are forcing the country toward a balanced budget. Only once since the Eisenhower presidency has the nation written its ledgers in black ink. Now, doing what Democrats would not, the new GOP majorities are trying to restore a habit of self-discipline.

But in the eagerness to satisfy one principle, fiscal responsibility, the Republicans would ask the country to abandon another, equally vital, principle—fair play. This is a false, cruel choice we should not make.

When George Bush and then Bill Clinton achieved large deficit reductions, we pursued the idea of ''shared sacrifice.'' Not this time. Instead, Congress now seems intent on imposing new burdens upon the poor, the elderly and vulnerable children while, incredibly, delivering a windfall for the wealthy.

Proposals passed by the House and Senate would rip gaping holes in the nation's social safety net, already low by standards of advanced nations and once considered sacrosanct. Consider how much Congress would extract from projecting spending for key social programs over the next seven years: $169 billion from Medicaid, $102 billion from welfare, $27 billion from food assistance, $133 million from Head Start, at least $23 billion from the earned income tax credit—a program enacted in the 1970s that Ronald Reagan called ''the best antipoverty, the best pro-family, the best job-creation measure to come out of Congress.''

This assault doesn't even count the $270 billion reduction in projected spending for Medicare that is frightening senior citizens and could further squeeze public hospitals. Nor does it include the possible elimination of federal standards for nursing homes—standards signed into law by Reagan to stop rip-offs of the elderly.

Now consider how our more fortunate citizens make out under these proposals:

Left largely unscathed are billions in subsidies, tax loopholes and credits for corporations.

Left largely untouched are many sacred cows—such as the mortgage interest deduction—that benefit middle- and upper-income groups.

And for sweeteners, Congress would throw in $245 billion of tax cuts (especially wrong-headed because well-to-do Americans aren't seeking them while hard-pressed Americans won't qualify for them).

U.S. News reported last week that internal studies by the executive branch estimate that the lowest 20 percent of the population would lose more income under these spending cuts than the rest of the population combined. At the other end, the highest 20 percent would gain more from the tax cuts than everyone else combined. Republicans are probably right that these estimates, coming from Democrats, are skewed. But no one disputes the basic contention that the burdens and benefits are lopsided. In a nation dividing dangerously into haves and have-nots, this is neither wise nor just.

Arguments advanced by proponents simply aren't persuasive. States will take over many of the social programs, it is said, and will make the poor whole. Huh? Who believes that in this climate state legislatures will raise taxes to help poor kids? Many of these social programs are broken, it is said, so they must be overhauled. True, there are many abuses, but we should protect the truly needy while we punish the greedy. Sometime tomorrow, it is said, balancing the budget will help everyone in the younger generation. True, but why shouldn't we all share the same sacrifices today?

Ronald Reagan is often invoked as the patron saint of this revolution. How soon we forget that as president, Reagan insisted that seven key programs in the safety net—Head Start, Medicare, Social Security, veterans, Supplemental Security Income, school lunches and summer jobs for youth—would not be touched; now, six of those seven are under the knife. Reagan believed, as he said in his memorable address accepting his party's nomination in 1980, that ''we have to move forward, but we're not going to leave anyone behind.''

That sentiment should guide upcoming budget negotiations between Congress and the White House. It expresses America's true spirit. We know that government must be changed and respect Republicans for trying when Democrats would not. But Americans also believe in another grand tradition—fair play.

What we are going to be voting on tonight is another Republican trick. It is not fair play. I hope that the debate will follow, and I hope that we will be allowed to offer some amendments by the Democrats that will be fair.

I yield the remainder of my time, half of it to the Senator from Arkansas and the other half to the Senator from California.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I yield 10 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

BUDGET CONFRONTATION

Mr. SIMPSON. Mr. President, I thank the manager for the time, and I thank the Chair.

I think the people of America must be getting pretty tired of this by now. My hunch is they are. My hunch is, in real-life America, they are saying, ''What are these jerks up to?'' That means the President, that means the people in Congress, that means all of us. That is what we are looking at.

And they must be just numb, as we are sitting here arguing about whether to go 4 or 5 bucks more a month on a program which is called part B premiums on Medicare, which is voluntary anyway. You do not have to belong. I mean, it boggles the mind.

One of the fascinating things about coming to the Senate is the experience of living in two realities. There is one that you actually live, and there is another one that you read about in the papers. That is an interesting one, too. Sometimes I wonder if, indeed, there is any possible correlation between the two.

A case in point is this current standoff, this Government shutdown. The headlines and the television would indicate that it is nearly—nearly—the same as Three Mile Island, which was back in 1979. That got a lot of hysteria. The plume was supposed to be floating towards Washington to paralyze us all in our sacks at night. This is the kind of stuff that goes with this business. Any time you have 24-hour-a-day news, you have to find the news to stick in it, and, boy, they stick it in.

This confrontation about the budget has inspired the media to new heights of hysteria, about the President bringing the Government to a halt. They say, ''No, no, the President didn't do that; the Congress did that.'' I would like to remind my colleagues about a fact or two, because one can watch all the television, read the newspapers in utter vain until your eyes pop out of their sockets and see the television until you get a migraine, and you will never hear described what has really happened here.

What has happened is that the President decided to shut down the Government. I hope you heard that. We in the Congress sent him continuing resolutions, called CR's—you have heard that before—to keep it going. And he said, no, that he was going to shut it down.

There are people lobbying the Congress now about this matter trying to pressure us into ''doing something about it.'' Someone does not realize what has happened. We cannot force the President to sign our resolutions to keep the Government operating. I hope you hear that. He does, indeed, have the power to shut the Government down, and he has. It is not something which can be changed by lobbying the Congress.

So that is just one little item that seems to have glanced off the simian skulls of many of the Nation's media for reasons quite unclear to me.

Here is another one. The President decided to veto our first continuing resolution, he said, because of a necessary measure to maintain Medicare premiums at a constant fraction of program costs.

Just a few raw facts about that particular action. Fact 1: The President himself, his very self, endorsed increases in Medicare part B premiums. Has anybody missed this, that the President of the United States has asked for these? And they are within $5 of where Republican budgets have been headed. I hope that everyone will hear that one.

Medicare part B, fact 2, was originally structured so the beneficiaries pay 50 percent of the program costs and the general taxpayers the other 50 percent. We have now let it slip to 31 percent, and if we did not take that action to arrest that decline, it would have dipped to 25 percent next year, meaning that we would have raised the effective taxes on the American public up to 75 percent of all of this program cost.

That was the action that the President was demanding when he blocked the Medicare provision. He was demanding that we increase the taxpayers' contributions to the program to 75 percent of the overall program costs. That is called raising people's taxes.

Guess who is paying the taxes? Thirty-one percent is paid by the beneficiary, regardless of their net worth or their income in a voluntary program. No one can refute that. I challenge anyone.

So 70 percent, 69 percent paid by Joe Six-Pack and now the President wants to have Joe Six-Pack paying 75 percent of the premium and doing things for the little guy? The drinks are on me.

Fact 3: Taking that action, blocking that measure will vastly worsen the deficit outlook in the years to come, because it would require the Government, that is, taxpayers, and I hope somebody has that figured out, who this Government is, to spend more and more on Medicare part B than it otherwise would. So the President was making a stand here for higher deficits. I guess that is what he wanted to do.

Fact 4: The President did not do this to protect Medicare beneficiaries from Republicans—evil Republicans—for he had already endorsed restraints on the growth of Medicare that are almost exactly the same as Republicans have. This President said he wanted a 7.1 percent annual growth limit in his own package, his budget, just assumptions—at least he said 7.1. What do Republicans want to do? Let it go up only 6.4. So we are seven-tenths of 1 percent apart and shutting down the Government.

So let us not be bamboozled into thinking that this was some principled stand, if you will, to hold Medicare harmless.

Fact 5: The President got his own way. We offered him a clean continuing resolution, no Medicare provision. Yet, he has kept the Government shut down. So what are we and the people to make about all of this? I would opine that the President has forgotten one essential factor needed for a man who

intends to stand on principle: There has to be a principle there to stand on.

What does he want now? What will convince him to let the Government operate again? We have offered him a clean continuing resolution, if only he will work with us to balance the budget in 7 years. He said he wanted to balance it in 5, 7, 8, 9, and 10—pick one, any one. That, my colleagues, is the sticking point. The administration will not agree to that.

The President would sooner keep the Government shut down than to work with us—while stockpiling mountains of debt upon our children and grandchildren—at least until after November 1996. Then there will be lots of scurried action, you bet, patching together a limping Nation, but not until after November 1996. The President is hung up over a couple of requirements. One is that he does not want to agree in advance to a deadline for a balanced budget. That, very simply, is because he simply has no plans to balance the budget. Thus, he refuses to be held to any standard which would require that this be done.

The other serious problem he has is that if he refuses to adopt the standards which he himself previously had endorsed—even demanded and required—and that is a certification by the Congressional Budget Office. He well knows that if real numbers are used, if the books are not cooked, then none of his own proposals will be judged to balance the budget and will never see the light of day. And he is out, then, on the statement he made at the State of the Union Address a couple of years ago when he said, ''Let us use CBO numbers, ladies and gentlemen, no more phony numbers. Let us use Congressional Budget Office.'' And everybody cheered. What numbers do we use now? OMB. I know that sounds like inside baseball. I call it deception.

That is the problem. The President is saying: Let me cook the books, let me avoid any deadline for balancing the budget, and I will set Government running again. That does not sound like much of a principled stand to me.

Let us try to look at this from the President's point of view for a moment. Consider what would happen if he did agree to try to balance the budget in 7 years, using real numbers, without gimmicks and chicanery in the books, and without assumptions and all the stuff we have seen both administrations use for decades; then he would have to agree with the Congress as to making really tough decisions. Then he would have to take a long, hard look at what is really happening in Medicare, and that it is going broke. His own trustees are telling him that—people he appointed, people of the stature of Robert Rubin, Robert Reich and Donna Shalala. He would have to give up the pretending.

He would have to give up the posturing and the pretending that he is the great defender of unlimited spending on the poor, the elderly, the veteran, the downtrodden, everybody. He can choose to pose now as their greatest protector because he is held to no standard at all of budgetary responsibility—none. But if the standard is required of him, then suddenly he cannot continue to say what he has been saying, that he can shield these vulnerable folks from evil depredations and balance the books all at the same time.

So that is where we are. This whole Government shut down as a result of a gap between the administration's rhetoric. They claimed to want to balance the budget 18 times in one speech yesterday, and they simultaneously claim that no favorite political constituency in this land, not a single sacred cow, needs to be touched. On the other hand, the reality is that some severe, very tough choices have to be made in order to balance the budget. The American citizens know it, and everybody in this Chamber knows it.

As soon as the administration is held to an honest standard of accountability, this gap will be exposed. And, politically, the administration simply cannot bear to face that. So they are going to keep the Government shut down.

This is a curious version and vision of leadership. The administration will not be able to play this game forever. It will be great for a short period of time. It is going to be a lot of fun. They received a temporary boost from playing the Medicare political card. But I do not think in any long-term way the public will believe that refusal to commit to balancing the budget is any worthy or worthwhile lesson or reason to shut down the Government of the United States for 5 bucks a month on a program that is voluntary, which in any other society would be called an income transfer, because 70 percent of it is paid by Joe Six-Pack, and 30 percent of it is paid by the beneficiary, regardless of their net worth or income. No wonder the people think we are nuts.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

A BALANCED BUDGET

Mr. BUMPERS. Mr. President, I yield myself 10 minutes. There is so much to be said on this subject and not very much time. I want to begin by following up on what my good friend from Nebraska, Senator EXON, said a moment ago. I do hope that we do not have any further abuse of the rules by trying to silence the minority and put in a quorum call and object to it being called off, because there are Senators on this side who want to speak. That is the kind of things they do in Third World nations, Mr. President.

We are a body of Senators who are supposed to be deliberating. We cannot deliberate if we do not get the floor to speak, and we cannot speak when this place is in recess. We all know what is going on here. There is an obvious effort to silence people. I am not going to be silenced. I am like Patrick Henry—I'm willing to sit here all night to say what I am going to say.

The other thing the Senator from Nebraska brought up is that no Democrat—not one—has been invited to participate in a conference on the so-called budget reconciliation bill. We are not even permitted in the room. The first time, probably, in history, that the minority has been completely shut out of conference. I have only been here 21 years, but it is the first time I have ever seen anything like it in my life. Normally, when the House and Senate pass different versions of a bill, they select conferees—and there are more Republicans when they are in control and more Democrats when we are in control. The conferees resolve the differences between the two bills and they send the conference report to both Houses.

This body is going to be asked to vote on Friday on the budget reconciliation bill, on which not one Democrat has even been offered the opportunity to amend, or even offer an amendment. So when the President says, no, I am not going to accept the Republican so-called 7-year budget balancing act, it is not because he does not favor a balanced budget.

I heard the Senator from Tennessee earlier tonight say that is what all of this is about. I say to all Senators, if that is all this were about, we would be recessed and home by now.

The President wants a balanced budget. The House and the Senate want a balanced budget. The American people want a balanced budget. But the President is not going to sign a bill with garbage on it which has no place on it. And he is not going to sign a bill which commits him to a reconciliation bill that is absolutely devastating to the values of this country.

What are we doing? Here is that sacred document called the Constitution. It is the reason we are still a free nation. What does it say about the Presidency? Just so you will not think I am making this up, I will read it.

> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal.

The mother tongue is English. I just read, in English, the Constitution which says if the President approves, he will sign it. If he does not approve it, he will send it back.

I will not take the time to read the rest of it, but then it says the bill shall go back to the House where it originated and that House shall vote to override the President's veto by a 67 percent vote. And if they do it, it will be sent to the other House.

What are we doing here? The President vetoed the continuing resolution. There is no effort to override it. They

have an AK–47 to the President's head, saying, ''You will accept a $20 billion cut in school lunches; you will accept a $40 billion cut in education; you will accept a $270 billion cut in Medicare; you will accept a $182 billion cut in Medicaid; you will accept a $32 billion cut in the earned-income tax credit; you will accept a $245 billion tax cut for the wealthy.''

People on this floor stand up and solemnly talk about a tax credit for our children. Let me tell you about the tax credit for our children. The people who work in this country who have children do not get it. If that is the House Speaker's idea of a revolution, deliver me from it. I hope the Speaker keeps using that term revolution. It scares people. It scares me.

When I hear people talking about a revolution, I might also say there are a lot of people who have never received the full benefits from the first revolution. And an awful lot of them do not want the benefits of his revolution, including me.

This is not about who wants a balanced budget. This is who believes in elemental values of fairness. What the reconciliation bill says is: Eight percent of the people cheat. Let us kill the whole program. Put another 1 million people in poverty by adopting the welfare reform bill. Educate 1 million fewer children in college by cutting student loans and student grants. So far as that child tax credit is concerned, Mr. President, listen to this. They act as though the parent of every child in America is going to get a $500 tax credit. Mr. President, there are 5 million households in this country, with 11 million children, that will receive part or all of the $500 tax credit.

Listen to this. There are 8 million households with 15 million children who will not get one dime, not even a nickel. Who are they? Who are these 15 million children? I will tell you precisely who they are. They are the people who ought to get a tax cut because they are from the families who do not make enough money to even pay income tax. A husband and wife that make $20,000 a year and pay no tax won't benefit from the so-called family tax credit. If you pay no tax, you get no refund. What kind of value is that?

I have never seen so much political chicanery in my life. It is scary. Some of the things that have gone around here have been absolutely shameless.

I know exactly where we are headed. We are headed to the point where the people in this country are beginning to get nervous about the Speaker's revolution. They are uneasy.

I tell you, the election a week ago yesterday was not that big a deal. We Democrats got some satisfaction out of it. To me, that election just simply said we are not sure this is what we voted for in 1994. We want a balanced budget but we did not know you were going to assault the elderly and the poor children by cutting school lunches, by cutting education funds, by cutting funds for the elderly, by a $182 billion cut in Medicaid which affects the health care of the poorest children in America. Mr. President, the Republican budget would impose a $2.6 billion Medicare cut on my little State of Arkansas. I promise you we will be lucky to even have a program worthy of the name Medicaid. We cannot do it if you cut $2.6 billion, and for what? For this miserable, for this awful $245 billion tax cut which the wealthy do not want and which the poor will not receive.

So I can see it coming now. The polls are going to continue to show the President doing very well and the people getting terribly upset about what we have done here. So what will happen? We will bring up desecration of the flag. That will take their mind off of it. Everybody loves the flag. And everybody is for prayer in school, so we will bring up prayer in school. That will get their mind off of it.

Is it not interesting? I have fought a line-item veto ever since I have been in the Senate, and this year I lost. We passed a line-item veto, and what happens? There happens to be a Democrat in the White House and we cannot get anything done.

What about term limits? Everybody was for term limits as long as the Democrats were in charge. Now all of a sudden term limits are not such a hot idea. I wonder if that has anything to do with the Republicans gaining majorities in the House and Senate?

The PRESIDING OFFICER. The Chair would like to remind the Senator from Arkansas he has consumed 10 minutes.

Mr. BUMPERS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I yield myself—we have 18 minutes remaining?

The PRESIDING OFFICER. You have 17 minutes 45 seconds.

THE FACTS

Mr. SANTORUM. I yield myself 9 minutes.

Mr. President, sitting here I was planning on what I was going to say, and talk about how we were going to balance the budget over the next 7 years. It is very difficult to sit here and listen to some of the inaccuracies that were being put forward on the floor. It is amazing to me. We should have a debate that talks about what the facts really are.

The Senator from Arkansas said 15 million children are not going to benefit as a result of the child tax credit. What he did not tell you is those 15 million children have parents who pay no income tax. In fact, the majority of those—first, for all of those 15 million children, their parents receive an earned-income tax credit, most of which is not to pay them for the income tax they pay. They paid no income taxes. But it is to pay them for their Social Security taxes that they pay. And in the majority of cases it is to give them money beyond even their Social Security taxes. So, to suggest we should then give them an additional $500, it is how much welfare you want to provide?

What we have done is, people who earned the earned-income tax credit and who pay no taxes, they are going to be at least as well off, if not better off than what they would be under current law. Those who do pay taxes will get a $500 tax credit, or a portion thereof, depending how much they pay in taxes. If they only pay $300 in taxes they will get a $300 tax credit.

Again, I guess it is statistics. There are lies, damned lies, and statistics. There is a statistic that, if you listen, on the face you would say, ''Boy, this is not fair. We are not helping out the poor folks here in this country who need help.''

Wrong. We have the earned-income tax credit that does just that. This is for families who pay taxes. That is what the tax credit is for, for families who pay taxes. I just wanted to set the record straight on that.

I would like to step back and take a look at where we are right now. Where are we? The Government is shut down. What does that mean? That means all nonessential personnel are not showing up for work and have not been showing up for work. I found it somewhat remarkable that 99 percent of the Department of Housing and Urban Development are nonessential. That makes you think about what they do over at the Department of Housing and Urban Development, that 99 percent of them are not essential. Mr. President, 89 percent of the Department of Education are not essential and 67 percent of the Department of Commerce are not essential.

One has to stop here and think. If all this is so important, how can the Department of Housing and Urban Development, almost everybody there—the only reason it is not 100 percent at HUD is because political appointments are deemed essential. Other than that, I guess everybody at HUD could go home.

This is where we are. Government is shut down. Why? I can tell you in a word why. It is because the President of the United States has refused to come to the table and negotiate on how to balance the budget. That is what this all about, all this clamor, Medicare this and that. The Senator from Wyoming was completely eloquent on the demagoguery that is going on with the Medicare part B premiums. But the bottom line is the reason Republicans and Democrats have not sat down at a conference to get a balanced budget resolution to the floor is just that the President of the United States has simply refused to participate in those discussions.

No one on the other side of the aisle has offered any kind of hope that they are willing to participate themselves in

this discussion to get to a balanced budget. Oh, you hear that I am for a balanced budget. Everybody is for a balanced budget. But wishing does not make it so. You have to make decisions. You have to come to a conclusion on how we are going to do it.

All we are trying to get from the President right now in a CR, which is the spending bill that we are going to be considering probably later tonight, is a commitment from the President that he will agree in the next few days to sit down and negotiate a balanced budget over the next 7 years using real numbers—not phony, rosy scenario numbers, not gimmicks, not smoke and mirrors, but the real thing, the thing he said he was going to use. That is what we said we wanted. That is not much.

That is exactly what the Senator from Arkansas said he is for. He is for a balanced budget. Let us get a balanced budget. Let us do what we promised the American public. Let us do what President—then candidate—Clinton promised the American public, that he had a plan to balance the budget in 5 years. Three years have gone by—no balanced budget. And how about 10 years? That is what it has been since the President said he could do it in five. That is all we are asking. That is where we are. I know there is a lot of confusion out there.

The Senator from Arkansas is correct. The people are being scared to death out there. If I listened to the Senator from Arkansas very long, I would be scared too. You would think everything is going to collapse around here. Well, the fact of the matter is that most of America has gone on pretty well the last couple of days. Life is OK. And we have a serious problem. Those of us who are here trying to solve that problem believe it is important to stand our ground and to do what is right—which is a balanced budget. That is not to say that we should not compromise. We should. We should sit down and discuss a balanced budget over the next 7 years. We will sit down with the President. We will assess his priorities. He will assess ours. But we need to do that. We need to sit down and start negotiating on how we are going to get there.

My goodness, we owe it. I have three young children, a 4-year-old, a little boy who is going to turn 3 this weekend, and a 5-month-old little boy. I cannot go home every night and look at them. I just cannot go home and look at them and say, ''Well, we are going to continue to spend more money. You are going to have to work more hours with probably less take-home pay than people are making today and have less opportunity, less chance for advancement, because I just could not make tough decisions because I was afraid that someone was going to vote against me or the polls said, you know, people do not like what we are doing. I am sorry. If anybody in this country who has listened to this can look at their children or grandchildren and say that extra $5 a month means your future, that is just that important to me, I do not think anyone can do it.

This is a historic time in our country. I had a gentleman who saw me outside on the way in. He has been sitting up in the galleries biting his tongue for the last 3 days listening to all of this. He suggested in a letter that he gave me that we should do what the Founding Fathers did in Philadelphia when they were working on the U.S. Constitution, that we should take a day off, sit and ask God to help us and intervene, and we should pray about it, and we should have a reconciliation. Maybe that is a good idea. Maybe we should get rid of all this rhetoric around here—all of these charges and countercharges—and think about what this country was founded upon. Think about how important this great experiment is to the world, and how all of this politics—that is what it is, folks; this is just all politics being played—how all this just is not necessary.

We are not that far apart. I mean, we really are not. It is amazing, if anybody—I do not know if any of the news publications have done this—would take a look at where the President wants to go, at least his public statement, and where we want to go. The Senator from Wyoming said we are seven-tenths of 1 percent away on Medicare spending. I mean, that is a few billion dollars a year out of a program that is a $250 billion program. You do not think we can come together on something? Of course we can.

Welfare reform—I have been working on welfare reform for 3 years on this bill. We have a bill in conference that is very similar to the Senate bill, one that the Senate passed 87 to 12, and one that the President said he would sign. That is going to be in the reconciliation bill. It is something he should sign. We are not far apart. There may be a few minor differences in welfare, but not substantial. It has everything the President campaigned on. It is in that bill. Tax cuts——

The PRESIDING OFFICER. The Chair reminds the Senator from Pennsylvania——

Mr. SANTORUM. I will take 45 additional seconds.

We are close together on tax cuts. He says he wants a tax cut for middle-income families. I talked before. We say EITC increases for next year and the year after. That is included in our budget, with the exception of families that do not have children. But if you have a child, you are going to get those increases.

We have a middle-income tax. Ninety percent of our tax cut goes to people under $100,000.

I think my friend from Wyoming may have a good idea. We ought to start thinking about what our calling is here and the great experiment that we have in this country, and can the politics. Let us get down to the substance, because on the substance we agree. We are not far apart, and we hope we agree that balancing the budget is the best thing for this country.

I yield the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I understand that I have 7 minutes. I ask unanimous-consent that I be granted 3 additional minutes and 3 additional minutes on that side as well.

Mr. SANTORUM. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Thank you very much, Mr. President. That just shows you the kind of cooperative spirit we have when the Senator from California asks for 3 additional minutes and that the unanimous-consent request asks for an additional 3 minutes for the other side. That that would be objected to is extraordinary.

Mr. COATS. Will the Senator yield?

Mrs. BOXER. On your time. I only have 7 minutes.

Mr. COATS. We were informed that an agreement was made with the leaders, the majority and minority leaders, that an hour of time would be allocated, 30 minutes to each side, and that Senator DOLE would then recess.

May I suggest that the Senator from California take her 7 minutes. We will check to see if that can be extended, and perhaps additional time can be added on, an equal amount on each side, while she is speaking.

(Mr. SANTORUM assumed the chair.)

Mrs. BOXER. I thank my friend very much because I do not think 6 minutes in a day like today is going to make or break the U.S. Senate. That is why I asked equally for each side.

Mr. COATS. It may not. But since there was an agreement between the leaders, we have to check with them.

Mrs. BOXER. I absolutely have no problem with that at all. I thank the Senator very much.

RECONCILIATION AND THE BUDGET

Mrs. BOXER. Mr. President, when you took to the floor, you talked about your obligation to your children. I relate to that very much because I raised two of them, and now I am a grandmother. That is what this debate is all about. You are exactly right. It is about our children, and it is about what life in America is going to be like for them.

I grew up in the years when I was able to get the American dream. I came from a very middle-class family. Actually, my mother never graduated from high school, and I am in the Senate because I got a free education, because I played by the rules of the game, because I had a community that was safe to grow up in and a caring community it was. I grew up in an inner city.

So that is what this debate is all about. It is about the Presiding Officer's children and my grandchild and generations to come.

I find it very interesting; on the one hand we hear a new cry: All we want is a little bit different than the President. All we are talking about is incremental change. That is what the Senator from Tennessee said.

Well, gee, I have listened to the Republicans. They are talking about a revolution—a revolution—not incremental change. And it is a revolution to allow Medicare to ''wither on the vine,'' to quote NEWT GINGRICH. He says he was talking about HCFA. He was talking about Medicare. Even all the analysts agree—wither on the vine. The majority leader bragging to a group that he led the charge against Medicare.

So let us not take to the floor and say one thing one day: It is a revolution, and another thing another day: No, no, it is just that we want to balance the budget.

Today the majority leader made a very eloquent speech in which he praised Republicans for their courage. He said the polls are not going our way, but we are courageous. And I think that the majority leader clearly sees it that way. But I have to ask a question: What is courageous about shutting down the Government? What is courageous about cutting Medicare by $270 billion and giving the money to the wealthiest among us? What is courageous about gutting education and environmental funds and, frankly, repealing nursing home standards? What is courageous about loading down the temporary debt extension and the continuing appropriations bills with extraneous matters such as regulatory reform, habeas corpus reform, and my all-time favorite, a debt limit extension for a few weeks that says to the President, ''Your hands are tied on the debt crisis. You cannot do anything but default.''

That is really swell. When I was a stockbroker on Wall Street, I watched the market shift, and so far they do not believe anything is going to happen, but I can tell you we are playing with fire here. For the greatest nation in the world, the dollar is under stress right now. The markets are wondering. S&P is looking at us for bond ratings. The international bond raters are saying we are on the watch list.

Swell. Real courageous. I say it is outrageous, and it is a dereliction of our duty. What is courageous about not doing our job? What is courageous about thousands and thousands of American workers being sent home, workers who have to care for their families. They, too, I say to the Presiding Officer, have beautiful little children just like you, and you do, and you adore them, and these workers adore their families. They do not know if they are going to get paid. As a matter of fact, they will not get paid until this mess is over, even if they are essential. And if they are nonessential, who knows.

That is a dereliction of duty that is not courageous. So I hope we get off of the self-congratulatory binge around here, whether Republicans or Democrats, because a pox on everyone for this mess we are in. There is nothing courageous about this continuing shutdown, about Congress not passing its appropriations bills. Let us not try to blackmail the President with a budget that destroys Medicare and rewards the wealthy. The fight should take place over the budget bill, not over these short-term extensions and trying to force the President into signing something that makes it impossible for him to negotiate. I do not know how else to say it except, ladies and gentlemen, we do have a Democrat in the White House, the Republicans control the Congress, and we better work together and not tie each other's hands. Come to the table clean.

I ask a question: Why should we get our pay when thousands of other Federal employees are not getting theirs? Why should we get our pay? It is not fair. We passed here in this Senate the Boxer-Durbin bill that essentially says if there is a shutdown, Members of Congress and the President will not get our pay and we will not get it back retroactively. And some of us have begun doing something about it. But this is about institutional failure.

I was here when we all voted for congressional accountability, and we said we are not above the law; we are going to be treated like everybody else. And yet we are the only Federal employees who are guaranteed their pay even though there is no appropriations bills signed into law for this function.

I do praise the leadership of the Senate; in a bipartisan way, Senators DASCHLE and DOLE, they came together. They supported this. But over there on the House side Speaker GINGRICH is blocking a vote as we speak. I hope people will call Speaker GINGRICH.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I hope they will tell him to support the Boxer-Durbin no budget-no pay bill. It is not courageous for us to take our pay and cut off everybody else's.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Indiana.

CALLING THE PRESIDENT'S BLUFF

Mr. COATS. Mr. President, what we are faced with here very shortly is essentially calling the President's bluff. We sent him a continuing resolution that would keep Government open, keep those workers working, keep the functions of Government going forward, and the President vetoed it, he said, because it was loaded with extraneous material. There were items on there that promoted the Republican budget, promoted the Republican plan to redefine some of the functions of Government, and therefore he could not accept it. But give him a clean CR, so-called clean continuing resolution, that is what he needed. That is what he wanted. We had all kinds of injunctions from 1600 Pennsylvania Avenue about giving the President just a clean bill.

Now, the President campaigned in 1992 vigorously on the proposal of a balanced budget in 4 years, some say 5. It might have been 5. The President has kind of been all over the lot on this. But 4 or 5 years is almost irrelevant here. The President said this country needs a balanced budget, and if I am elected, I will deliver a balanced budget.

He also campaigned vigorously on tax relief for middle-income families with children, saying it is a disgrace that they are so shortchanged in our Tax Code; the costs of raising children are increasing dramatically; we need tax relief for middle America.

That was 1992, and that was the campaign. Subsequently, we have not seen delivered from 1600 Pennsylvania Avenue a balanced budget that is scored as a real balanced budget. It was the President himself in his first address to a Joint Session of Congress after he was elected who looked at the Republican side with a big smile on his face and said we are going to use the numbers certified by the Congressional Budget Office because they are nonpartisan and they are not politically motivated as are the numbers from the Office of Management and Budget, which is the President's own budgeting people.

Now, all that the Republicans are asking for, and I assume will come over from the House of Representatives, we hope this evening, is what the President has said he wants: a continuing resolution which will bring back Federal workers to work tomorrow morning, which will continue the functions of Government. There is only one condition attached to it, and that is the condition that the President campaigned for and the President now has asked for, and that is a balanced budget.

We are saying, Mr. President, we will allow Government to go forward for a period of time while we resolve the details of a balanced budget. And unlike the 4 years or 5 years that you campaigned for, we will allow 7 years in order to accomplish this fact. That is all we are asking. And we are attaching it to this continuing resolution as a condition because, frankly, that is the only way we can bring the President to the bargaining table.

We have heard nothing but excuse and obfuscation from the White House and from the President, from Democrats, our friends across the aisle. ''Oh, yes, we're for a balanced budget, but not this one.'' Well, I have been here 15 years, and that is all I have heard from the party across the aisle. ''We're for a balanced budget, but not this one. We

need to talk some more. We need to negotiate some more.'' That is all we have been doing this year in this body.

Democrats say they have not been invited to the party. They have been at the party now for 10 months. We have debated every item that we are talking about in reconciliation. We talked about the tax cut, we talked about the changes to Medicare, to Medicaid, to welfare, to every aspect of the budget. Everybody knows what the details are. The fact of the matter is, there are people who want to maintain the status quo. They are the party of government, big government, ever-growing government. It is their ticket to political success, they think. And there are many of us who feel that our debt is of such a staggering proportion, and growing at such an extraordinary rate, that this is the moment and this is the time where, if we do not grab a hold of it now, it may be too late.

So we have put a plan together to balance that budget. What we hear from the other side of the aisle is nitpicking about portions of this plan. And so we have said, ''All right, Mr. President. We will set that aside and we will simply, in return for continuing the functioning of government, we will simply ask you to agree to sit down with us and negotiate a plan to balance the budget in a 7-year period of time, certified by the very accounting agency, the Congressional Budget Office, that you asked us to use.''

So I do not know how much more we can give the President. We have essentially given him everything he has asked for. And so we are going to find out whether or not the President is really interested in balancing the budget, is really interested in keeping the promise he made to the American people in his campaign for the Presidency. We are going to put this on his desk and say, ''Mr. President, we have now given you what you asked for. If you really believe this, sign the bill, and we're in business. If you veto it, we'll all know where you stand.''

The bluff is going to be called. It will be called very quickly. And the American people will fully understand just who is willing to put it on the line for a balanced budget and who is not willing to put it on the line for a balanced budget. So we will know now in about the next 24 hours or so just who is upfront and who is straight out with the American people about the agenda that is best and good for this country.

I think everyone instinctively knows we cannot continue on the path that we are on. To continue on that path is bankruptcy for this Nation. Republicans are saying, ''It's time to draw the line to make the tough choices, to balance the budget. Mr. President, why don't you join us?''

I thank the Chair.

The PRESIDING OFFICER. The time has expired.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, at 7:22 p.m., the Senate recessed until 9:05; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. HUTCHISON).

MORNING BUSINESS

Mr. DOLE. Madam President, I now ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 2 minutes each.

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

MESSAGES FROM THE HOUSE

At 12:08 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 bills in which it requests the concurrence of the Senate:

H.R. 1014. An act to authorize extension of time limitation for FERC-issued hydroelectric license.

H.R. 2366. An act to repeal unnecessary medical device reporting requirement.

The message also announced that the House has passed the bill (S. 790) to provide for the modification or elimination of Federal reporting requirements, with an amendment, in which it requests the concurrence of the Senate.

At 1:40 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes.

At 3:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2020) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes; and insists on its disagreement to the amendment of the Senate.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2539. An act to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation to transportation, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1014. An act to authorize extension of time limitation for FERC-issued hydroelectric license; to the Committee on Energy and Resources.

H.R. 2366. An act to repeal unnecessary medical device reporting requirement; to the Committee on Finance.

H.R. 2539. An act to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

S. 1410. A bill making further continuing appropriations for fiscal year 1996.

S. 1411. A bill making further continuing appropriations for fiscal year 1996.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1597. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period April 1 to September 30, 1995; order to lie on the table.

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. BREAUX:

S. 1412. A bill to designate a portion of the Red River in Louisiana as the ''J. Bennett Johnston Waterway'', and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HELMS (for himself and Mr. FAIRCLOTH):

S. 1413. A bill to amend the Federal Water Pollution Control Act to require that an application to the Federal Energy Regulatory Commission for a license, license amendment, or permit for an activity that will result in a withdrawal by a State or political subdivision of a State of water from a lake that is situated in 2 States shall not be granted unless the Governor of the State in which more that 50 percent of the lake, reservoir, or other body of water is situated certifies that the withdrawal will not have an adverse effect on the environment in or economy of that State, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON (for herself, Mr. SIMPSON, Mr. HELMS, Mr. GRAMM, and Mr. MCCONNELL):

S. 1414. A bill to ensure that payments during fiscal year 1996 of compensation for veterans with service-connected disabilities, of

dependency and indemnity compensation for survivors of such veterans, and of other veterans benefits are made regardless of Government financial shortfalls; to the Committee on Veterans Affairs.

By Mr. D'AMATO:

S. 1415. A bill entitled ''Thrift Charter Conversion Act of 1995''; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATFIELD (for himself and Mr. MACK):

S. 1416. A bill to establish limitation with respect to the disclosure and use of genetic information, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 1412. A bill to designate a portion of the Red River in Louisiana as the ''J. Bennett Johnston Waterway,'' and for other purposes; to the Committee on Energy and Natural Resources.

THE J. BENNETT JOHNSTON WATERWAY DESIGNATION ACT OF 1995

Mr. BREAUX. Mr. President, I rise today, with respect and admiration for my colleague from Louisiana, the Honorable J. BENNETT JOHNSTON, in order to introduce legislation which will designate part of the Red River the ''J. Bennett Johnston Waterway.''

Senator JOHNSTON's diligence in serving the people of Louisiana for close to 30 years more than justifies this legislation and should be a reminder to those of us who have had the honor to serve in the Senate with him and to all who will serve here in the future what the word ''service'' truly means.

The work that Senator JOHNSTON has done to rebuild and rejuvenate the Red River and the communities that depend on it exemplifies the strength of his leadership and his commitment to the economic development of Louisiana.

For years, the many bends and excessive sedimentation in the Red River made it unnavigable to the barges and ships necessary for transporting local goods. The economy of the region that depended on the Red River became depressed.

Senator JOHNSTON has worked successfully for the last 22 years helping local communities and organizations obtain the funding necessary to create a modern waterway. As a result of this success, old and new businesses are moving back into the area, job opportunities are sprouting up again, and the hope that accompanied a new economic direction is taking root in the region.

In fact, the Army Corps of Engineers estimates that $107 million in benefits will be generated annually and approximately 56,000 new jobs will be created in 40 years. Other benefits include cleaner water, improved and increased recreational use, the possibility of hydroelectric power in the future, and potential for greater agricultural utilization of the river.

Local organizations and residents recognize the positive growth resulting from this project as well as the substantial role Senator JOHNSTON played in making this growth a reality. In fact, it was local citizens who requested this naming legislation.

The many people who have worked with Senator JOHNSTON over the years know he was the key to this project's success and want to honor him for all that he has done to make the waterway a reality.

Each time we navigate the river, each time we use it to recreate and each time we realize economic benefits from the river, we will forever be mindful of the man whose unyielding leadership and dedication made it all possible, my colleague, my friend, and my senior Senator, the Honorable J. BENNETT JOHNSTON.

By Mr. HELMS (for himself and Mr. FAIRCLOTH):

S. 1413. A bill to amend the Federal Water Pollution Control Act to require that an application to the Federal Energy Regulatory Commission for a license, license amendment, or permit for an activity that will result in a withdrawal by a State or political subdivision of a State of water from a lake that is situated in two States shall not be granted unless the Governor of the State in which more than 50 percent of the lake, reservoir, or other body of water is situated certifies that the withdrawal will not have an adverse effect on the environment in or economy of that State, and for other purposes; and the Committee on Environment and Public Works.

THE LAKE GASTON PROTECTION ACT OF 1995

Mr. HELMS. Mr. President, today Senator FAIRCLOTH and I are introducing the Lake Gaston Protection Act of 1995. The States of North Carolina and Virginia have been locked in a dispute for a decade as to whether the city of Virginia Beach should be able to withdraw water from Lake Gaston, which straddles both States.

Our bill stops the withdrawal of water from the lake until Federal officials listen to the concerns of countless thousands of citizens of both North Carolina and Virginia.

The Federal Energy Regulatory Commission [FERC] approved a permit allowing the daily withdrawal of 60 million gallons from Lake Gaston—but the FERC officials did not look closely enough at the potential negative environmental effects of withdrawing 60 million gallons a day from the lake. In short, they failed to consider either the environmental problems or the adverse impact on striped bass and other fish species. A sharply reduced quantity of water flowing through the lower Roanoke River basin may very well be harmful to the estuaries of the Albemarle Sound in the spawning of many fish species.

And, Mr. President besides the environmental impact, the withdrawal could very well pose dire consequences to the commercial and recreational fishing industry that depends so heavily on an adequate exchange of fresh water and salt water in the estuary.

The Federal Energy Regulatory Commission should have obtained certification from the State of North Carolina that there would be no degradation of water quality or the environment. Instead, FERC ran roughshod over the concerns of North Carolina.

Mr. President, Senator FAIRCLOTH's and my bill would require FERC to obtain certification from North Carolina that this project will have no, and I emphasize, no adverse impact on the environment or the local economy.

Mr. President, for the record, I believe a brief history of this dispute may be helpful.

Virginia Electric Power Co., on behalf of Virginia Beach, applied to the FERC for permission to construct a water intake on Pea Hill Cove of Lake Gaston and a 76-mile pipeline to withdraw up to 60 million gallons per day.

Both the City of Virginia Beach and the State of North Carolina have marched back and forth in the Federal courts over this issue. North Carolina raised many concerns of water quality and the adverse effects on the downstream ecosystems. North Carolina officials assert that FERC did a far too hasty job on its environmental analysis. FERC allowed only 2 months for the review of the reams of environmental data.

Furthermore North Carolina asserts that FERC staff failed to conduct studies requested by several Federal agencies, including the EPA, U.S. Fish and Wildlife Service, National Marine Fisheries, and independent biologists.

After much litigation, a Federal mediator was appointed by the Federal courts within the past 18 months, to look into the possibility of bringing the State of North Carolina and the city of Virginia Beach to an agreement on the issue.

A final settlement agreement was reached on June 26, and was supported by both Virginia Senators. I have a copy of a letter signed by both Senators to the Governors of North Carolina and Virginia in support of the agreement. I ask unanimous consent that the text of this letter be placed in the RECORD.

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

(See exhibit 1.)

Mr. HELMS. Mr. President, the settlement was subject to ratification of an Interstate compact by both State legislatures and approval by the Congress. According to the officials in North Carolina, this agreement protects the interests of the three North Carolina counties that surround the lake. As of now, neither State has ratified the compact.

The communities that surround the lake in Northampton, Warren, and Halifax Counties in North Carolina are greatly dependent on it to support their economies. According to a November 2, 1993, article in the Lake Gaston Gazette, property owners around the lake paid over $253 million in 1993 real estate and personal property

taxes. Also it is estimated that there has been $125 million in new home construction each year.

Mr. President, North Carolina and Virginia have a history of cooperation on matters affecting both States. For example the joint North Carolina and Virginia efforts to stem Lake Gaston's having been infested by hydrilla, an aquatic weed similar to kudzu. These five counties and both State governments have worked together to bring this nuisance weed under control.

If Virginia and the city of Virginia Beach object to this legislation, there is a way out; this proposed law will not apply if and when the June 26 settlement is resurrected and there is an interstate compact. So each State can urge its Governor and legislature to ratify the agreement and the compact. This will give everyone a chance to take a second look at North Carolina's environmental concerns.

This legislation is narrowly drawn to apply only to this particular situation and would not adversely affect our western friends.

We realize how sensitive our western friends are on the issue of water rights. Senator FAIRCLOTH's and my staffs have consulted with numerous experts in western U.S. water rights and have been assured that this legislation exempts western water projects.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1413

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 ''Lake Gaston Protection Act of 1995''.

SEC. 2. WITHDRAWALS OF WATER FROM LAKES SITUATED IN 2 STATES.

(a) IN GENERAL.—Section 401(a)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)(2)) is amended—

(1) by striking ''(2) Upon receipt'' and inserting the following:

''(2) ACTION BY THE ADMINISTRATOR.—

''(A) IN GENERAL.—On Receipt''; and

(2) by adding at the end the following:

''(B) LAKES SITUATED IN 2 STATES.—

''(i) CERTIFICATION OF NO ADVERSE EFFECT.—Except as provided in clause (ii), in the case of an application to the Federal Energy Regulatory Commission for a license, license amendment, or permit for an activity that will result directly or indirectly in the withdrawal by a State or political subdivision of a State of water from a lake, reservoir, or similar body of water that is situated in 2 (and not more than 2) States, the Commission shall not grant the license, license amendment, or permit unless the Governor of the State in which more than 50 percent of the lake, reservoir, or other body of water is situated certifies that the withdrawal will not adversely affect the environment in or the economy of that State.

''(ii) EXCEPTION.—Clause (i) does not apply to an application for a license, license amendment, or permit for an activity that will occur with or affect waters located within a river basin that is subject to an interstate compact, decree of the Supreme Court, or Act of Congress that specifically allocates the rights to use the water that is the subject of the application.''.

''(b) RETROACTIVE EFFECT.—The amendment made by subsection (a) shall apply to any application made on or after January 1, 1991, unless the application has been granted and is no longer subject to judicial review.

EXHIBIT 1

U.S. SENATE,
Washington, DC, July 5, 1995.

Hon. GEORGE F. ALLEN,
Governor, Commonwealth of Virginia, State Capitol, Richmond, VA.

Hon. JAMES B. HUNT, JR.,
Governor, State of North Carolina, State Capitol, Raleigh, NC.

DEAR GOVERNORS: The City of Virginia Beach has advised us that it hopes to finalize a settlement with the State of North Carolina regarding the Lake Gaston pipeline project within the next few days.

It is our understanding that one feature of the settlement contemplates that you will seek to have introduced and passed in your respective General Assemblies an Interstate Compact that will place limits on out of basin transfers of water from the Roanoke River Basin in Virginia and North Carolina.

We wish to assure you that we believe a settlement of the issues will facilitate the construction of the Lake Gaston project which we fully support. We also pledge our support to the proposed Interstate Compact should it be passed by the General Assemblies of Virginia and North Carolina and if the settlement becomes effective and is not terminated by the parties after action by the Federal Energy Regulatory Commission (FERC) on VEPCO's application.

Following enactment by both state legislatures, it is our intention to promptly introduce the Compact in the United States Senate and take every appropriate action to obtain the expeditious consent of the Congress to the Compact.

With kind regards,

Sincerely,

CHARLES ROBB.
JOHN WARNER.

Mr. FAIRCLOTH. Mr. President, I am pleased to join with Senator HELMS today in introducing a bill to help resolve a long-standing dispute between Virginia and North Carolina over Lake Gaston, a lake spanning the border between our two States. The dispute concerns Virginia's plans to construct a water pipeline from Lake Gaston to Virginia Beach for that city's municipal use—60 million gallons a day.

I am disappointed that this disagreement has come to the point where we must introduce legislation. Last spring the two States came very close to resolving the issue and actually had a settlement ready, signed, and waiting for ratification by the States and the Congress. Unfortunately, logistical problems prevented the settlement from being closed by the Virginia State legislature before their adjournment. Soon after they adjourned, however, the Federal Energy Regulatory Commission approved a permit allowing for the project to proceed. Of course, with approval in hand, Virginia was refused to return to the negotiating table. They simply have a permit. As it now stands, the citizens of North Carolina and the residents of Lake Gaston have lost the water without any agreement whatsoever between the States on how much water can be withdrawn from the lake, and other critical factors.

Mr. President, it is wrong for the Federal Government to allow this pipeline to take millions of gallons of water from Lake Gaston and North Carolina without North Carolina's approval and agreement. It is only fair that a project with this kind of impact should proceed only after an agreement has been reached between the two States—especially when an agreement is very nearly at hand—until the Federal Government went ahead and issued the permit.

Reasonable restrictions should be in place and agreed to by both States, such as the amount of water that can be withdrawn each day. The impact of withdrawing millions of gallons of water from the Roanoke River Basin is, frankly, unknown and in dispute.

I am particularly concerned about the impact the new pipeline will have on the economy of North Carolina. Many industries and towns depend on water from the Roanoke River. The property owners around the lake paid nearly $250 million in property taxes this year alone. What happens, Mr. President, when all this water is diverted to Virginia Beach? Even if the effect right now may not be severe, it could hamper growth in the future. You simply will lower the lake level to a degree where it will be unattractive. No one can tell with any certainty what the effect will be on the local economy, but predictions from homeowners and others are that they will be severe.

The environmental effects are equally unknown. Every day people are turned down for wetland permits by the Federal Government because of relatively minor environmental impacts. But here, with lake Gaston, where we are talking about an enormous and unprecedented impact on water flow and quality—and the agencies let the permit sail on through. The environmental impact study—which sometimes drag on for years—took only 3 months to sail it through.

Mr. President, the bottom line is there are simply too many questions to allow this project to proceed over the objections of North Carolina. Too much is on the line here. An agreement is just around the corner if we give it a chance and give it time.

Senator HELMS and I are representing North Carolina as a whole, the State legislature, the State house, the State Senate, and the Governor. In North Carolina we are totally unified as to what should be done—and that is not build a pipeline until an agreement is reached. An agreement is at hand, and around the corner. With some help here today it can be reached.

We look forward to working with the Senators from Virginia to conclude it, and to bring it to a proper conclusion.

By Mrs. HUTCHISON (for herself, Mr. SIMPSON, Mr. HELMS, Mr. MCCONNELL, and Mr. GRAMM):

S. 1414. A bill to ensure that payments during fiscal year 1996 of compensation for veterans with service-connected disabilities, of dependency, and indemnity compensation for survivors of such veterans, and of other veterans benefits are made regardless of Government financial shortfalls: to the Committee on Veterans' Affairs.

VETERANS' LEGISLATION

Mrs. HUTCHISON. Madam President, Senator SIMPSON and I are introducing legislation today to make sure the veterans of this country do not worry about their pension payments being made, in case the Government continues to be shut down, by November 21 or November 22. Madam President, of course we hope this will not happen. We hope the President will agree to a balanced budget, and that we can do our responsibility to the people of this country and pass the first year of the 7-year march to a balanced budget.

But the administration has chosen to tell veterans that they will not be paid; that they are not a priority payment. We are introducing this legislation to force the administration to pay veterans benefits, just as the administration would pay any other mandatory benefits that people have earned. Our veterans have earned their benefits. It is a mandatory payment. This legislation should not be necessary but for the position the administration has taken.

I am pleased to introduce this bill with Senator SIMPSON and I yield the time I have left to Senator SIMPSON to talk about the importance of making sure that veterans are not going to have to worry, that their pension checks will be in the mail December 1.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I am proud to be a cosponsor of this measure. I think Senator HUTCHISON has well described what we are trying to do. It seems extraordinary to me we would even be in this position. The President could have had every opportunity to extricate himself from the position. I think the reason it has come to pass is a very simple one, and that is the Secretary of Veterans Affairs, a Cabinet post, Secretary Jesse Brown, is acting and continues to act in an exceedingly and purely partisan mode.

On November 3, I rose in this Chamber to speak to an issue of particular concern to me. At that time I spoke of what I feel to be the wholly inappropriate use by the Secretary of Veterans Affairs of Government computers and the VA employee pay stubs to convey a blatantly partisan political message to his 240,000 employees.

The consistent message Secretary Brown has been conveying has been one of doom and destruction. Were one to listen to the Secretary, one would believe that the whole system of veterans' benefits was in grave jeopardy—a system put in place by a grateful Nation for those who fought and sacrificed that she may remain free. Indeed, in his morning message to employees that greeted them when they booted up their computers on the morning of November 9, he said no less.

That is just plain wrong. For it is simply not true. The budget proposed by this Congress—these evil Republicans—provides for a growth, that is, increase, of nearly $4 billion over the 7-year time period during which we seek a budget balance. That hardly smacks of the elimination of veterans' benefits as we know them. And during this time in which the budget for veterans will rise more than 10 percent, the number of veterans will be steadily falling from the 26.1 million currently living to approximately 23 million. Resources continue to increase. The number of beneficiaries continues to decline. How anyone can refer to that as the same draconian cut Secretary Brown keeps mentioning truly amazes and eludes me.

I want to say I have served as chairman of the Veterans' Affairs Committee and have been a member of it for some 17 years, since 1979. Since that time I have seen many good, able men at the helm of the Veterans Administration, now the Department of Veterans Affairs.

When I arrived, Max Cleland, that very spirited, brave young man, who had lost three of his limbs in combat in Vietnam, was the Administrator under a Democrat President. Following him, under the Reagan administration, Bob Nimmo, a committed decorated bomber pilot of World War II, served in that position. Then West Pointer and ''Lonesome End,'' Harry Walters was in that position. Then steady and reliable Gen. Tom Turnage. With the elevation of the VA to Cabinet status my old friend the affable and effective Ed Derwinski took the helm, and following Ed, the exceedingly bright and conscientious former staff director, Tony Principi.

Never, during all of those years, and they include both Democratic and Republican Administrators, have I ever seen the role of Administrator of Veterans Affairs or Secretary be used—and being used is the word I want to use here—for such blatant partisan political purposes, and being used in a way I would consider to be wholly embarrassing and demeaning.

In my remarks on November 3, I stated that the budget approved by the Congress was substantially more advantageous to veterans than the President's own. In an interview with Ruth Larson of the Washington Times published on November 8, Secretary Brown himself acknowledged as much saying: ''He's (meaning me) absolutely right.'' Then he goes on, with an apparently straight face: ''No problem. The President said I can come back and ask for more next year.''

I ask unanimous consent to have a copy of that article printed in the RECORD, if I may.

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

(See exhibit 1.)

Mr. SIMPSON. Madam President, that is the way the budget process works. Each year, every single agency head submits his or her own budget request for that particular year.

The budget process starts in the fall of the year. The agencies submit their budget requests to the Office of Management and Budget. After some considerable back and forth, the budget of the administration comes to us. When the Secretary says that he'll have a chance to ask for more next year—or that the President promises to treat this veteran constituency fairly in the future, I am tempted to say: ''So what. No big deal.'' Those are the very same rules by which every agency operates. And indeed, I would imagine that the President has committed to each of his Cabinet officers the very same thing saying: ''Present your best budget to me, and I'll package that for presentation to the Hill.'' One notes in this form of articulation that there are no promises made.

And really there can't be. The budget environment in which we are operating, to balance the budget as I personally would hope we do by the year 2002, or the budget proposed by the administration which would, under assumptions that are at the very best questionable, balance the budget over a 10-year period. Either way, there are limits on spending programs, and those limits will, of necessity, affect every single agency of this Government.

Indeed, Secretary Brown's criticism of the Congress assumes a straight line freeze of the VA medical care budget. While, in fact, both the Senate and House have approved significant increases.

Secretary Brown tells us the President will think about an increase next year. Well, I remind him again. The Congress has delivered one this year.

The true fact is, no country on this earth has been more generous with its veterans than has ours. The very fact that the budget of the VA goes up some $4 billion over the next 7 years, while the population of veterans will decline by 3 million, seems to be a pretty powerful indication of our continuing commitment to veterans. In this climate, other agencies are suffering actual cuts. Many of those agencies have worthy constituencies as well. But the budget of the Department of Veterans Affairs is not being cut. It continues to grow, and indeed grow at a generous rate as it has each and every year since my arrival here in the Senate in 1979. It was $20 billion then. It is almost $40 billion now. Not a cut in a carload.

Madam President, would that the Secretary could simply acknowledge that basic fact and then work with us to assure that the funds appropriated for the worthy purposes pursued by his Department were best utilized. Unfortunately, he has taken the President's tack on this. He is churning out the political message of the day as it is set forth by the White House in anticipation of the tough 1996 election year. And he is doing it in various ways that I consider to be wholly inappropriate.

It has recently come to my attention that part of this political caper is done through the use of dedicated career civil service employees of the Department who are directed by the Secretary's political underlings and henchmen to craft his message. Does one really believe that those messages flickering on the VA computer screen every morning are the work of the Secretary himself? I do not think so. They are cranked in his Office of Public Affairs, as are the drafts of the myriad political stump speeches he and his underlings deliver around the country. I'm learning fast on that too—by having my fellow veteran friends out there listening to those speeches. Those are often outrageous.

One VA employee has raised a concern with me regarding the fact that he has been asked to further the White House political message line—although it has nothing whatsoever to do with veterans. Instructions to just send the political appointees out in the land—at Government expense—with a canned speech in tow that could have been written by the White House itself. And do always attack the Republican Congress and any budget it proposes. Do whatever you will—as long as it is consistent with the White House media message of the week.

I too am a taxpayer, and I am offended. Indeed, this Nation's veterans are taxpayers as well, and they should be similarly offended that their tax dollars are being used in this way.

I have nothing whatsoever against a Secretary extolling the splendid virtues of America's veterans, exhorting his fine professional staff to ever higher levels of service to those who fought for this country, or generally informing both segments of society of information they need to effectively participate in this political process. What grievously appalls me is the blatant partisanship here exhibited. Doesn't seem to bother Jesse though.

Mr. President, Secretary Brown has referred to my criticism of him and of his message as outrageous.

Jim Holley, his media spin-master spokesman, has called it ironic as it would appear to be a criticism of the Secretary based on his advocacy for veterans. Mr. Holley, surely misses the entire point. There is a difference between advocating for our veterans, and pouring out rank political partisanship. What we see here is the latter.

Mr. President, I have no intention of holding back in my criticism of the Secretary on this matter. As I have said before, I believe what he is doing is plain wrong. I do not condone that, nor should veterans.

It is unacceptable for political agencies to lobby. We have statutes that prohibit that. It is equally inappropriate for an agency such as this to encourage its employees and its constituency, albeit by implication, to do that which they cannot legally do directly. And I shall keep expressing that message loud and clear.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SIMPSON. Madam President, I will continue to observe this process very clearly and express my objections at every possible occasion.

EXHIBIT 1

[From the Washington Times, Nov. 8, 1995]

VA CHIEF TERMS ''OUTRAGEOUS'' GOP ''CHEAP POLITICS'' CHARGE

(By Ruth Larson)

Veterans Affairs Secretary Jesse Brown said he will continue telling his employees about the effect of congressional budget proposals, despite congressional Republicans' objections that he was engaging in ''cheap politics.''

''It's outrageous to suggest that the VA shouldn't tell its 240,000 employees that as many as 61,000 jobs are at risk, or that 41 veterans hospitals may close,'' Mr. Brown said in a telephone interview yesterday.

Sen. Alan K. Simpson, Wyoming Republican and chairman of the Senate Veterans' Affairs Committee, on Friday blasted Mr. Brown's use of VA computers and employee pay stubs to criticize congressional budget proposals and warn of massive layoffs at the department. He accused Mr. Brown of using government resources to send out partisan misinformation.

Mr. Brown countered: ''I hope someone tells me that it's not going to happen—that they're not going to lock in our funding at 1995 levels for the next seven years. If somebody would tell me that, I'd apologize—sure, I would,'' Mr. Brown said.

Asked about Mr. Simpson's assertions that veterans would suffer more under the Clinton administration's proposed budget than under congressional plans, Mr. Brown said, ''He's absolutely right.''

But he was quick to explain that statement. He said that during the budget process, he'd gone to Mr. Clinton three times to tell him that the administration's government-wide cutbacks ''would have the same effect as what the Republicans are proposing.''

Mr. Clinton assured him that he would be able to negotiate the budget every year. ''I'll be sure the veterans are treated fairly,'' he quoted Mr. Clinton as saying.

''We aren't getting the same commitment from Congress. There is no flexibility,'' Mr. Brown said.

Rep. Bob Stump, Arizona Republican and chairman of the House Veterans' Affairs Committee, criticized Mr. Brown for ''intentionally misrepresenting and needlessly scaring vulnerable veterans'' about Republican budget proposals.

He said in a statement: ''The real hypocrisy lies with the Clinton 10-year budget plan which takes nearly three times as much from veterans' programs without balancing the budget.''

The Washington Times reported yesterday that some VA field employees had complained that Mr. Brown's messages represented ''political propaganda.''

Mr. Brown said he had sent out hundreds of daily messages on a variety of subjects to his 240,000 employees. ''Out of those hundreds of messages, [Mr. Simpson] chose three.''

Mr. Brown said he routinely runs the messages by his general counsel ''to make sure they don't violate any laws or ethics requirements, and they've all passed,'' he said. ''We wouldn't do it if it weren't legal.''

Administration officials often defend the legality of their actions by saying they stop short of urging employees to contact members of Congress. For example, in one of his messages, Mr. Brown cautioned, ''I am not calling on you to act.''

''No, not much,'' Mr. Simpson chided him on Friday. ''It does not take a rocket scientist to figure out that many employees might take that as a pretty good hint to take some action.''

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I understand the Senator from Texas simply wants to add some cosponsors to her bill.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I ask unanimous consent to add Senators HELMS and MCCONNELL as original cosponsors.

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

By Mr. D'AMATO:

S. 1415. A bill entitled ''Thrift Charter Conversion Act of 1995''; to the Committee on Banking, Housing, and Urban Affairs.

THE THRIFT CHARTER CONVERSION ACT

● Mr. D'AMATO. Mr. President, I am introducing today the Thrift Charter Conversion Act. I am introducing the bill exactly as it was reported out by the Subcommittee on Financial Services and Consumer Credit of the House Committee on Banking and Financial Services. I am doing this in the spirit of cooperation exhibited during the House and Senate collaboration during the reconciliation process, particularly in recapitalizing the Savings Association Insurance Fund—an action which will increase public confidence in our Federal deposit insurance system and avoid any further costs to the taxpayers.

This bill would eliminate the specialized Federal thrift charter, merge the Federal thrift industry into the banking industry, and consolidate the federal thrift and bank regulatory agencies. It would create a safer and sounder and more rational framework for depository institutions. While I do not endorse all of the provisions of the House bill, I am committed to its basic goal of merging the thrift and bank charters. The Senate Banking Committee will commence its consideration of this bill immediately, and I am committed to completing this legislative task as quickly as possible consistent with the other obligations of the Banking Committee.

Mr. President, I am committed to the goal of minimizing—and eliminating to the extent possible—the risks to the taxpayer that will inevitably result from the continued existence of the thrift industry. Earlier this year, I took the first step toward this goal by introducing legislation to merge the separate federal deposit insurance funds for banks and thrifts. The introduction of the Thrift Charter Conversion Act is an important final step toward that goal.

I want to commend my colleagues in the House for their leadership on this essential next step of merging the thrift and bank charters. The House

and Senate Banking Committees considered including charter merger provisions in the budget reconciliation legislation, but Senate procedural rules prohibited us from including such provisions. The House reconciliation bill contained the text of the measure that I am introducing today. I want to commend Representative MARGE ROUKEMA, chairman of the Subcommittee on Financial Institutions and Consumer Credit, and full committee Chairman LEACH for their work on this bill.

Mr. President, our Nation's thrift industry has helped Americans finance their homes for over 160 years—with remarkable success. As we have witnessed during the past two decades, however, it has also experienced serious financial difficulties. These difficulties eventually led to the industry's collapse during the 1980's—a collapse that has cost the American taxpayers more than $150 billion.

Despite the massive bailout and the numerous laws enacted to stabilize the thrift industry, serious problems continue to plague our Nation's thrift industry. Congress cannot ignore these problems. Congress must act now before our Nation's taxpayers are asked to pay for another bailout of the thrift industry.

I am pleased that under the leadership of the House and Senate Banking Committees, Congress is already taking action to protect the American taxpayer and to avoid another thrift industry crisis. Last week, the House and Senate Banking Committees agreed to a proposal to recapitalize the ailing Federal deposit insurance fund for thrifts—called the Savings Association Insurance Fund [SAIF]. The SAIF is now so undercapitalized that the failure of one large thrift could bankrupt it. The proposal agreed to last week will recapitalize the fund-using industry—not taxpayer—money. Because the proposal saves the American taxpayers some $900 million, it has been included in Congress' budget reconciliation package—a package designed to eliminate the budget deficit in 7 years.

Mr. President, despite the recapitalization of SAIF, the thrift industry continues to pose serious and chronic safety and soundness risks to our Nation's Federal deposit insurance system. In an October 31, 1995 letter to me, Ricki Helfer, Chairman of the FDIC, explained why thrifts pose a greater safety and soundness risk of the Federal deposit insurance system than do banks, even with a recapitalized insurance fund:

> Relative to the Bank Insurance Fund [BIF], the SAIF faces risks related to the size of its membership, geographic and product concentrations, and inherent structural problems in the industry. The SAIF has fewer members than the BIF and faces greater risks with the failure of any one member. The SAIF also has a geographic concentration on the West coast. The eight largest SAIF-insured thrifts operate predominantly in California, and they hold 18.5 percent of SAIF-insured deposits. By contrast, the eight largest holders of BIF-insured deposits are located in five different states and hold 10 percent of BIF-insured deposits. SAIF members' assets are concentrated in residential real estate . . . to realize certain tax benefits. While traditional residential real estate lending can be managed in such a way as to present relatively little credit risk, substantial concentrations in the area make SAIF members susceptible to interest-rate fluctuations.

In an August 29, 1995, report, entitled ''The Thrift Charter: Should It Be Eliminated?'' the Congressional Research Service also noted that their specialization in housing finance makes thrifts more vulnerable than banks to an economic downturn:

> Support for a more flexible [thrift] charter stems from interest in protecting the Federal deposit insurance system. . . . Lending and deposit options for thrifts have been broadened over the past several years, nonetheless, thrifts' deposit and lending base is still less diversified than banks because of their specialization in housing finance. There is concern that this lack of diversification could cause institutional weaknesses in an unfavorable economic climate.

Thus, an important goal of charter merger legislation is to decrease the significant safety and soundness risks posed by thrifts to the Federal deposit insurance system.

In addition, fundamental changes in the marketplace have called into question the need for a specialized thrift industry. The role played by thrifts in the housing finance market has declined significantly. Testifying before the House Subcommittee on Financial Institutions and Consumer Credit on August 2, 1995, Alan Greenspan, chairman of the Federal Reserve Board, summarized this development as follows:

> So far this decade, savings and loans and savings banks have originated 25 percent of residential mortgages—as compared to 50 percent over the previous 20 years—and hold, on average, only 28 percent of outstanding residential mortgage debt, compared to two-thirds during the earlier period. Currently only 2 thrifts are among the top 15 mortgage services and none are among the top 10 originators. Over the last decade, when thrifts' participation in the residential mortgage market receded, the aggregate supply of housing finance was unimpaired and mortgage rates apparently unaffected.

The decreased dependence on a specialized thrift industry to originate and fund mortgages is primarily due to the development of mortgage-backed securities and a secondary mortgage market.

Mr. President, while the role of thrifts in housing finance is receding, thrifts do continue to provide niche financing that is important to the housing market, including adjustable rate mortgages and mortgages that do not conform to secondary market underwriting criteria. Thrifts could still specialize in this type of financing under current charter merger proposals, however. In this regard, I believe that, as a business matter, many institutions will want to focus on housing finance, despite any charter changes mandated by Congress.

To summarize, the continued safety and soundness risks posed by the thrift industry and the receding role of the thrift industry have resulted in proposals to eliminate the thrift charter. Federal banking and thrift regulators have expressed support for these proposals. At a September 21, 1995, hearing held by the House Subcommittee on Financial Institutions and Consumer Credit, Federal Reserve Chairman Greenspan noted:

> Two conclusions are clear. First, the nexus between thrifts and housing largely has been broken without any evident detriment to housing finance availability. Second, a public policy that induces—let alone requires—thirfts to specialize in mortgage finance threatens the continued viability of many of these entities—particularly those without wide and deep deposit franchises, tight cost controls, and the ability, when necessary, effectively to originate and sell standard mortgages that cannot profitably be held long-term. A broader charter for thrifts—such as a commercial bank charter that lets them hold a wider range of assets—thus would seem to be good public policy. . . .

At that same hearing, FDIC Chairman Helfer also expressed support for the elimination of the current thrift charter:

> The FDIC is not opposed to eliminating the distinctions between bank and thrift charters—far from it. The FDIC believes that the current charter distinctions no longer match economic reality. Moreover, forcibly concentrating a class of institutions—thrifts in this instance—into a limited range of activities with low profit margins is a prescription for trouble, as the savings and loan crisis of the 1980's and early 1990's amply demonstrated.

These statements from our Nation's top bank and thrift regulators cannot be ignored by Congress.

Mr. President, industry representatives have also recognized the inherent problems of the thrift charter and expressed support for eliminating or reforming their current charter. In a September 12, 1995, Wall Street Journal article, entitled ''Time to Kill the Thrifts for Good,'' a leading thrift industry executive stated:

> The thrift industry charter is inherently flawed, and the resulting vulnerability of the industry has been demonstrated repeatedly over the past 25 years. . . . These numbers are trying to tell us something—namely the thrift charter is obsolete. Today, a separate thrift industry cannot be justified either by standards of the market or public policy. . . . In formulating public policy, we should not seek to maintain an industry charter that impairs the viability of its institutions, strains the banking system and threatens the American taxpayer. We need to integrate thrifts into the banking industry.

It is difficult to imagine a stronger statement in favor of eliminating the thrift charter, and the statement is even more forceful coming from a thrift industry executive. In a September 20, 1995, letter to me, America's Community Bankers, the national trade association for thrifts, also noted that it ''is fully prepared to work . . . toward—thrift—charter reform and modernization.''

Finally, one of the strongest statements in support of eliminating the thrift charter has

come from the editorial board of a leading national newspaper. In a September 20, 1995 editorial, the Washington Post stated that ''S&Ls have lost their special purpose—all kinds of institutions now make mortgage loans—and in some respects have become a danger.'' The editorial concluded: ''S&Ls were work horses in their day. The day is gone, and so—as a separate kind of entity—should they be.''

Mr. President, the bill I am introducing today would eliminate the specialized Federal thrift charter, and would force all federally chartered thrifts to convert to banks. It also would require that all State-chartered thrifts be regulated like State-chartered banks. It would also allow some converted institutions and qualified thrift holding companies to engage in certain activities not permitted for banks. These grandfathered activities would be permitted only under strict constraints. Finally, it would create a new Federal charter, called a national mutual bank.

This bill also would rationalize the Federal regulation of banks and thrifts. It would merge the Federal banking and thrift regulators, saving taxpayer money, and reducing bureaucratic redtape. There is a broad consensus in favor of this initiative. As Under Secretary of the Treasury for Domestic Finance John Hawke stated, in an October 27, 1995, letter to House Banking Chairman LEACH, there is ''broad agreement on the logic of merging the Federal regulation of banks and thrifts.''

Mr. President, resolving the thrift industry's remaining problems will not be an easy task. This is not a project that can be completed overnight. There are numerous, complex legal and public policy issues that must be addressed in a careful, thoughtful way. Congress will need to collaborate with industry representatives, Federal thrift and bank regulators, and the administration. Decisions made today on these issues will have lasting consequences on the shape of our Nation's financial services industry well into the next millennium.

I ask unanimous consent that a brief description of the complex legal and public policy issues that must be addressed as we move forward with consideration of this bill be printed in the RECORD. Some of these issues are addressed by the House bill. Others are not.

Mr. President, every process needs a beginning. I believe this bill is an appropriate place for the Senate to start its consideration. I look forward to working with my Senate and House colleagues to address the very important issues raised by this bill. Working together, I believe we can create a safer and sounder and more rational framework for depository institutions.

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

ISSUES RAISED BY THE THRIFT CHARTER CONVERSION ACT

Transition Period: The House bill may not provide an adequate transition period. The bill requires federal savings associations to convert to banks or liquidate in two years. In other cases where entire classes of financial institutions have been subject to major statutory change, a longer transition period was provided. For example, when one-bank holding companies became subject to Federal Reserve Regulation by the Bank Holding Company Act Amendments of 1970, a transition period of 10 years accompanied such change to allow for proper corporate planning.

Continued Existence of State Thrifts: The House bill eliminates federal thrifts, but not state thrifts. If the reasoning of the House bill is that the thrift charter is inherently risky, it is unclear why federal deposit insurance should continue to be made available to state thrifts. Many, perhaps even most, federal thrifts may elect to become state thrifts under the House legislation, thereby frustrating whatever purpose underlies the House bill.

Grandfather Period for Savings Institutions Powers: Under the House bill, thrifts that become banks would have two years in which to terminate any activities or investments not permissible for banks. Regulators could grant two one-year extensions of that deadline, on a case-by-case basis. This two-year period may be too short and may create needless uncertainty for institutions. The case-by-case extension procedure could create needless administrative costs for institutions and their regulators.

Branching: All thrift branches established after September 13, 1995, would be subject to federal and state laws applicable to banks under the House bill. Tying grandfathering to this date could unnecessarily disrupt the operations of thrifts pending enactment of legislation. Moreover, the public policy rationale underlying the House provision prohibiting former thrifts from branching within a state in which the thrift had already established a branch should be carefully reviewed. Limiting branching by an institution in a state where it already has a presence could harm institutions heavily invested in existing branch networks.

New Rules for Thrift Holding Companies: The House bill completely changes the rules that apply to companies that own savings institutions. But there has been no evidence that the current thrift holding company framework has been a source of strength to their thrift subsidiaries. Obviously, the public policy rationale and consequences of these changes must be carefully reviewed.

Grandfather for Thrift Holding Companies: the House bill's requirements for maintaining grandfathered holding company status may be too rigid and need adjustment. Even a minor infraction of an investment limitation could trigger forfeiture of grandfather rights. These provisions must be carefully reviewed.

Regulation by Federal Reserve: The financial impact and uncertainty of regulation of grandfathered thrift holding companies by the Federal Reserve has not been thoroughly analyzed and considered.

Elimination of Commonly Used Indices: Certain indices commonly used for adjustable rate mortgages (e.g., cost of funds indices (COFI) likely will be lost under the House bill. While the bill recognizes the need to address this loss, the uncertainty surrounding their replacement could have a significant impact on the mortgage market and COFI-based mortgage related securities.

Federal Home Loan Bank Membership: The House bill would permanently prohibit federal savings associations from withdrawing voluntarily from the Federal Home Loan Bank System. It is unclear why national banks that once were thrifts should be singled out for mandatory membership.

Prohibition on New Federal Savings Association Charters: The House bill would prohibit the OTS from issuing any new federal thrift charters. A prohibition against issuing new thrift charters between the date of enactment and the date on which the federal thrift charter expires may not allow for exceptions needed to facilitate conversions and mergers (including resolution of troubled thrifts) that will not result in the creation of a new federal thrift.

Loans-to-One Borrower (''LTOB'') Rules: The House bill would grandfather for 3 years after the date of enactment any loans or legally binding commitments made by a thrift that converts to a national bank on or before January 1, 1998. Thus, thrifts with significant investments in housing loans authorized pursuant to the special real estate exception available to thrifts under the LTOB rule would be forced to liquidate existing loans made under this exception. It is unclear what purpose is served by requiring liquidation of loans that were lawful when made. It is also unclear what impact revocation of the exemption would have on a going forward basis on funding for housing.

Elimination of the OTS: The House bill provides for a complicated three-way merger of the Office of Thrift Supervision (OTS) into the other federal banking agencies. The bill omits the ''standard'' FIRREA employee protections. Treasury, OTS, and the Office of the Comptroller of the Currency have discussed agency merger transition provisions, but have yet to produce a comprehensive proposal for disposition of OTS. Adequate transfer rules for OTS employees are essential to ensure the retention of skilled and experienced personnel to supervise institutions during a period of significant economic strain on the thrift industry. They are also necessary for the smooth transition of oversight functions, and the fair treatment of existing OTS personnel.●

By Mr. HATFIELD (for himself and Mr. MACK):

S. 1416. A bill to establish limitation with respect to the disclosure and use of genetic information, and for other purposes; to the Committee on Labor and Human Resources.

THE GENETIC PRIVACY ACT OF 1995

● Mr. HATFIELD. Madam President, recent breakthroughs in science have brought great hopes in the area of genetics. The human genome project is proceeding with the goal of mapping and sequencing every gene in the human body. The potential of identifying disease characteristics through their genetic makeup brings great hope to those suffering from an array of diseases such as Huntington disease, Alzheimer's disease, cystic fibrosis, and breast cancer. Unfortunately, these advances also raise profound ethical, legal, and social questions relating to access to genetic testing, insurability, employability, and confidentiality.

While many doctors are offering genetic testing to patients with a history of a genetic-related disease to identify their own risk, many patients and physicians are not capable of dealing with the consequences of this information. For example, is the patient required to share this information with the health insurance company? How about their employer? Does the physician have an obligation to share this information?

There have already been cases of discrimination as a result of an employer learning of an employee's genetic risk. In addition, cases have arisen where health insurance access was denied as a result of a genetic predisposition.

This is problematic because we are only in the first stages of understanding the human genome. Genetic testing has proven effective in some cases but it can be argued that the presence of a gene or certain genetic characteristics will not always result in the onset of the particular illness. The potential for discrimination is great. Although several States, including my own State of Oregon, have begun to address the issue of genetic information and health insurance, there are currently no Federal laws governing the use of genetic information.

The legislation that I am introducing today with my colleague, Senator MACK, is modeled on the Genetic Privacy Act recently passed by the Oregon Legislature. It also draws on recommendations made by the NIH-sponsored ELSI Working Group and the National Action Plan on Breast Cancer.

The purpose of the Genetic Privacy Act of 1995 is to establish some initial limitations with respect to the disclosure and use of genetic information with the goal of balancing the need to protect the rights of the individual against society's interests. The bill is intended as a first step—to ensure that there are some Federal standards in place in the most critical areas of concern. I see it as a working draft to be refined as the science progresses. The bill would define the rights of individuals whose genetic information is disclosed. In addition, it would protect against discrimination by an insurer or employer based upon an individual's genetic characteristics.

First, the bill prohibits the disclosure of genetic information by anyone without the specific written authorization of the individual. This disclosure provision could apply to health care professionals, health care institutions, laboratories, researchers, employers insurance companies, and law enforcement officials. The written authorization must include a description of the information being disclosed, the name of the individual or entity to whom the disclosure is being made, and the purpose of the disclosure. This provision preserves the individual's ability to control the disclosure of his or her genetic information. There are several exceptions for the purposes of criminal or death investigations, specific orders of Federal or State courts for civil actions, paternity establishment, specific authorization by the individual, genetic information relating to a decedent for the medical diagnosis of blood relatives of the decedent, or identifying bodies.

Second, the legislation prohibits employers from seeking to obtain or use genetic information of an employee or prospective employee in order to discriminate against that person. In March 1995, the U.S. Equal Employment Opportunity Commission [EEOC] released official guidance on the definition of the term ''disability''. The EEOC's guidance clarifies that protection under the Americans With Disabilities Act extends to individuals who are discriminated against in employment decisions based solely on genetic information. Issuance of the EEOC's guidance is precedent setting—it is the first Federal protection against the unfair use of genetic information. The provision included in the bill is intended to reiterate the ruling of the EEOC and make it clear that this practice would be prohibited under Federal law.

Third, the legislation prohibits health insurers from using genetic information to reject, deny, limit, cancel, refuse to renew, increase rates, or otherwise affect health insurance. This is in line with changes that are currently under consideration with regard to health insurance and preexisting condition exclusions.

A study of genetic discrimination prepared by Paul R. Billings, M.D. and cited by the NIH–DOE ELSI Working Group in their report entitled ''Genetic Information and Health Insurance,'' indicates that there have been a number of cases of discrimination already as the result of an insurer learning of an individual's genetic predisposition. One woman who was found to carry the gene that causes cystic fibrosis was told she and her children were not insurable unless her husband was determined not to carry the cystic fibrosis gene. She went without health insurance for several months while this was determined. In another case, a man diagnosed with Huntington disease was denied health insurance on the basis that it was a preexisting condition, even though no previous diagnosis of Huntington had been made.

As the prevalence of genetic testing spreads, so does the risks of discrimination. Women found to carry the gene that indicates breast cancer susceptibility, BRCA1, fear they will lose health coverage if their insurer finds out. However, having this information may provide early treatment and prevention options for the woman. The provision relating to health insurance in the bill will provide much needed assurance to individuals with genetic predispositions. This will ensure that they will not risk losing their health coverage when they need it the most.

Finally, the bill requires the recently established National Bioethics Advisory Commission to submit to Congress their recommendations on further protections for the collection, storage, and use of DNA samples and genetic information obtained from those samples, and appropriate standards for the acquisition and retention of genetic information in all settings. This provision is intended to ensure that the social consequences of genome research are considered as the technology develops and not after the fact.

Madam President, as I said previously, this is a first step. This bill addresses the most pressing concerns surrounding genetic testing and the disclosure of genetic information as they relate to health insurer and employer discrimination. I believe this is a good beginning and I hope my colleagues will join me in supporting this important legislation.●

ADDITIONAL COSPONSORS

S. 881

At the request of Mr. PRYOR, the names of the Senator from Virginia [Mr. WARNER], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the names of the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1150

At the request of Mr. SANTORUM, the name of the Senator from Illinois [Mr. SIMON] 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.

ADDITIONAL STATEMENTS

THE LIKELIHOOD OF A GATT CHALLENGE TO AN EMBARGO ON IRAN

● Mr. D'AMATO. Mr. President, I rise today to discuss the likelihood of a GATT challenge to an embargo on Iran.

On December 13, 1994, the Congressional Research Service did a Memorandum for Representative Peter DeFazio entitled ''The Likelihood of a

GATT challenge to the Cuban embargo under the GATT 1994 and the WTO.'' This document further backs up my assertion that the United States, under Article 21 of the GATT, the United States has the broad authority to impose sanctions against another country for reasons of national security, and by connection we have that right to do so in the case of Iran. Mr. President, so that my colleagues can read this interesting memorandum, I ask that this memo be printed in the RECORD at the conclusion of my remarks.

I would also like to comment on section 8(a) of the Export Administration Act of 1979, as it relates to S. 1228, the Iran Foreign Oil Sanctions Act of 1995. For purposes of demonstration, I would like to comment on paragraph (1) of this section which reads as follows:

(1) For the purpose of implementing the policies set forth in subparagraph (A) or (B) of paragraph (5) of section 3 of this Act, the President shall issue regulations prohibiting any United States person, with respect to his activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation. . ..''

This paragraph is very instructive because it prohibits U.S. companies from dealing with a country that abides by an ''unsanctioned'' third-party boycott against another country. However, the stipulations of this paragraph are vital to the argument supporting a ''sanctioned'' third-party embargo against Iran. The intent here is to prevent support for ''* * * any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation * * *.'' The phrases ''against a country which is friendly to the United States,'' and ''which is not itself the object of any form of boycott pursuant to United States law or regulation'' are key to the argument. In the case of Iran, I think everyone would agree that Iran is not friendly to the United States and equally so, it is certainly a matter of fact that Iran is subject to sanctions by the United States.

Therefore, the opponents of this legislation cannot argue against the Iran sanctions legislation because there are provisions in the bill that would require United States companies to avoid doing business with companies that sell oil and gas equipment to Iran. The ''anti-boycott provisions in the EAA clearly permit the imposition of ''sanctioned boycotts'' against countries which are unfriendly to the United States.

The material follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, December 13, 1994.

To: Hon. PETER A. DEFAZIO.
(Attention: Peter Tyler).
From: American Law Division.
Subject: Likelihood of a GATT challenge to the Cuban embargo under the GATT 1994 and the WTO.

This memorandum is in response to your inquiry concerning the possibility of Cuba's bringing a challenge to the U.S. embargo against it before the World Trade Organization (WTO) under the terms of the General Agreement on Tariffs and Trade of 1994, the General Agreement as it emerged from the Uruguay Round.[1] Unless otherwise exempted by other provisions under the GATT 1994, the Cuban embargo is arguably inconsistent with the obligations to extend most-favored-nation (MFN) treatment under Article I: 1, of the GATT 1994,[2] to extend national treatment under Article II: 4, of the GATT 1994, and to eliminate quantitative restrictions generally under Article XI: 1, of the GATT 1994. The U.S. embargo against Cuba appears to be justifiable under the international law concept of fundamental change in circumstances, *i.e.*, Cuba's change to a communist regime and a non-market economy. The national security exception under Article XXI of GATT 1994 may also exempt the embargo as a national security measure. Also, the United States could request a waiver to permit the embargo, but this may be difficult to obtain. Apparently, there is some concern that the strengthened dispute settlement and enforcement mechanisms under the GATT 1994 may motivate Cuba to bring a challenge to the embargo. You also indicated concern about possible limitations on unilateral quantitative restrictions under the GATT 1994, but it seems these limitations generally involve limitations on quantitative restrictions that have been permissible in the past as a routine matter under textile arrangements, for balance-of-payments reasons, and the like, and not limitations on embargoes that are justifiable under other provisions of the GATT. This memorandum will briefly discuss the history of the embargo and the possible justifications for the embargo under the GATT.

Cuba is an original contracting party to the GATT,[3] yet the United States has had an embargo on Cuba since 1962.[4] Cuba has from time to time protested or commented negatively on the U.S. embargo as GATT illegal,[5] indicating that the United States has never formally justified its actions in the GATT context. These comments or protests either concern the Cuban Democracy Act of 1992 or the support of other countries subjected to sanctions by the United States. It is unclear whether Cuba made a formal complaint about the original embargo in the GATT forum.[6] The United States was apparently motivated by the communist coup and unresolved U.S. compensation claims arising from the expropriation and nationalization of U.S. property holdings in Cuba and also by concerns about human rights abuses and the lack of democracy in Cuba.[7]

THE CONCEPT OF FUNDAMENTAL CHANGE IN CIRCUMSTANCES

It appears that justification of the embargo was possible under the international law concept of fundamental change in circumstance. However, this requires notification to the other parties of action taken pursuant to the doctrine. Under the international law concept of fundamental change in circumstances, the United States and other GATT parties could have considered Cuba to no longer be a member of GATT when Castro deposed the Cuban government that had been in power when the GATT 1947 was concluded. This concept, codified in the Vienna Convention on the Law of Treaties,[8] states that where there has been a fundamental change from the circumstances existing at the time of the conclusion of an international agreement, which was not foreseen by the parties, this change may not be a ground for terminating or withdrawing from the agreement unless the circumstances were essential to the consent of the parties to be bound by the agreement and the change radically transforms the extent of obligations still to be performed under the agreement. A party may not invoke this doctrine if the fundamental change of circumstances was the result of the invoking party's breach of an obligation under the agreement or of any international obligation owed by that party to any other party to the agreement. If a party may invoke the doctrine for termination of or withdrawal from an agreement, it may also invoke it for suspension of the operation of the agreement. A party invoking this doctrine must notify other parties to the agreement.[9]

The original circumstances, that Cuba was controlled by a non-communist regime and was a market economy, were arguably essential to the Agreement. Although non-market economies have acceded to the GATT, they have done so under protocols specifying goals and measures to be met to ensure fair trade. Also, given the international political situation at the time, the cuban change to a communist-style government and the resulting political and military tensions between the two countries could be considered by the United States to constitute a fundamental change of circumstances sufficient to terminate or suspend the operation of an agreement.[10]

The United States and other GATT parties could have notified, and may still be able to notify, the GATT that, under the doctrine, they consider the GATT terminated (or suspended) with respect to Cuba.[11] There apparently was never any formal declaration by either the United States or Cuba to the GATT Contracting Parties of any inability to continue the application of the General Agreement to each other. Although the United States has not declared a formal suspension regarding agreements with Cuba generally, apparently many agreements are not being applied.[12]

APPLICATION OF ARTICLE XXI

The United States could justify its embargo for national security reasons under GATT Article XXI(b)(iii), because of the acts of hostility between the two at the time the embargo was imposed. The national security reasons need not be formally stated to the GATT Contracting Parties.[13] However, the presidential proclamation declaring the embargo against Cuba gave self-defense and national security as the reasons for it.[14]

Historically, the United States has suspended most-favored-nation treatment for various countries and justified its actions under GATT exceptions, particularly GATT Article XXI concerning security exceptions. Article XXI, provides that nothing in the Agreement shall be construed (1) to require a contracting party to reveal information the disclosure of which is contrary to its security interests; (2) to prevent measures, which a party considers necessary to the protection of its security interests and which are related to nuclear material, related to trade in arms, or taken in time of war or other international emergency; (3) or to prevent a party from taking action pursuant to its obligations under the United Nations Charter for the maintenance of international peace and security. The security exceptions have been

Footnotes at end of article.

applicable in several cases where the United States has suspended MFN treatment, although some parties have felt that the United States has relied excessively on Article XXI in justifying its actions. However, a GATT panel has decided that the underlying justification for a claim of the national security exception will not be questioned. This decision resulted from Nicaragua's GATT challenge to the embargo that the U.S. imposed on it.

Nicaragua became a GATT contracting party on May 28, 1950, under the terms of the 1949 Annecy Protocol of Terms of Accession.[15] In the late 1970s and early 1980s, relations between the United States and the Nicaraguan Sandinista-controlled government deteriorated as the United States cut off aid to the Nicaraguan government and supported Contra rebel efforts to bring about a free and independent government by deposing the Sandinista government.[16] On September 23, 1983, President Reagan reduced the import quota for Nicaraguan sugar.[17] Nicaragua brought a complaint before the GATT. A dispute settlement panel found that the quota reduction was in violation of GATT Article XIII, which provides that quantitative restrictions of a product are only permissible where similar measures are applied to all imports and exports of that product and where the import quota shares are distributed among the parties concerned in a way that approximates as nearly as possible the share each party would have had in the absence of restrictions.[18] The United States did not invoke any exception and seems to have effectively refused to defend itself on GATT grounds, stating merely that any actions taken were not matters of trade policy and could not be properly evaluated in the trade context, and that the United States had not benefitted in any economic manner from the reduction in Nicaragua's quota.[19] The panel report was adopted on March 13, 1984, but in November 1984, Nicaragua was complaining that the United States still had not restored its sugar quota.[20] The United States agreed that Nicaragua had rights, but maintained its position that the situation had to be viewed in a political context.[21]

President Reagan imposed an embargo on Nicaragua by executive order on May 1, 1985, pursuant to his authority under the International Economic Emergency Act and the National Emergency Act, among others.[22] He found that the ''policies and actions of the Government of Nicaragua constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and hereby declare a national emergency to deal with the threat.'' The embargo prohibited all imports of goods and services of Nicaraguan origin and all exports of goods and services destined for Nicaragua except for those destined for the democratic resistance organization. Additionally, Nicaraguan aircraft were forbidden from landing in or taking off from the United States and Nicaraguan vessels were prohibited from entering U.S.ports.

The embargo against Nicaragua is notable particularly because Nicaragua brought a formal complaint before the GATT and got the reluctant United States to agree to the formation of a dispute settlement panel.[23] Although discrete discriminatory measures had been challenged, a virtually total embargo apparently had never before been brought before a dispute settlement panel. Nicaragua also had previously sued the United States before the International Court of Justice (ICJ) and gotten a determination that the military and paramilitary actions taken against Nicaragua, including the embargo, were violations of international law.[24]

The United States claimed an exception under the national security clause of GATT Article XXI.[25] Nicaragua challenged the validity of the motives of the United States, complaining that it was improperly using a trade forum and trade measures to achieve political ends.[26] It wanted a panel to examine the validity of the United States' claim to the national security exemption by determining whether the Nicaraguan situation posed a valid national security concern for the United States.[27] But although the United States consented to the formation of a panel, it insisted that the GATT could not question the validity of a party's national security concerns.[28] It was a party's prerogative to decide what it considered a threat to national security. The GATT members agreed and did not authorize the panel to examine the justification for the invocation of GATT Article XXI. The panel could only decide whether the measures taken by the United States were consistent or inconsistent with the General Agreement. Therefore, the panel concluded that it could not determine whether the actions of the United States were inconsistent with or in compliance with its obligations under the General Agreement.[29]

Thus, the United States successfully invoked the national security exception under GATT Article XXI and used trade sanctions for political purposes, which it maintained was permissible. However, although many other GATT parties agreed that GATT Article XXI properly left to each party the judgment of what constituted its essential security interests, the parties also regretted the expansive interpretation of the exception by the United States and were concerned that frequent resort to it as an all-purposes defense would erode the GATT rules.[30] They also noted the 1982 decision regarding GATT Article XXI, indicating that actions under Article XXI, should not be overly broad in scope.[31] Free elections were held in Nicaragua in February 1990.[32] President Bush restored the sugar quota in April 1990[33] and Nicaragua, stating that it had reached an agreement with the United States on economic relations, requested the discontinuation of proceedings to determine reparations in the ICJ case in 1991.[34]

THE POSSIBILITY OF A WAIVER UNDER GATT ARTICLE XXV: 5 AND THE WTO AGREEMENT

Article IX:3 of the WTO Agreement[35] specifies a three-fourths majority vote for a waiver of a multilateral trade agreement obligation ''in exceptional circumstances.'' Article XVI:3 of the WTO Agreement provides that in case of a conflict between a WTO Agreement provision and that of a multilateral trade agreement, the WTO Agreement prevails. GATT Article XXV:5 provides that the Contracting Parties may waive an obligation for a particular party ''in exceptional circumstances not elsewhere provided for in this agreement'' by a two-thirds majority vote of approval where such majority comprises more than half of the parties.[36] So under the terms of the WTO Agreement, a three-fourths vote is now required. Under GATT Article XXV:V, the GATT parties may also by such a vote define certain categories of exceptional circumstances to which other voting requirements shall apply for a waiver and may prescribe such criteria as may be necessary for the application of Article XXV:5. Article IX:4 of the WTO Agreement provides that a waiver granted for more than one year shall be reviewed annually by the Ministerial Conference which shall examine whether the exceptional circumstances justifying the waiver still exist and whether all terms and conditions for the waiver have been met. Possibly the United States could ask for a waiver of the MFN for Cuba, but the three-fourths majority required for the grant of the waiver would be difficult to meet; the Contracting Parties are unlikely to relax the requirements for such a serious matter. Furthermore, the annual review of the waiver would make it necessary to satisfy the Ministerial Conference that the exceptional circumstances still existed in order to maintain an embargo pursuant to a waiver, thereby making it less likely that such an embargo could be maintained indefinitely. In the 1950s, the United States and Czechoslovakia were granted waivers to suspend application of the GATT to each other.

In 1951, the United States suspended application of the GATT to Czechoslovakia, although it was an original signatory to the GATT and accepted the Protocol of Provisional Application[37] and the United States had not invoked GATT Article XXXV, providing for non-application between parties upon accession, with respect to Czechoslovakia upon the accession of the two to the GATT. Czechoslovakia did not have a nonmarket economy at the time of its accession to the GATT on April 20, 1948.[38] But subsequent changes in the government of Czechoslovakia and friction with the United States over U.S. claims to compensation for postwar nationalizations led to a breach in trade relations.[39] The United States and Czechoslovakia each made declarations, using language found in GATT Article XXIII:1, that the other, through its actions, had nullified benefits which should have accrued to the declaring party.[40]

Although the GATT parties apparently considered the issue to have been resolved through dispute settlement under GATT Article XXIII:2,[41] it also appears that the Contracting Parties took joint action pursuant to GATT Article XXV:5.[42] This provides that ''under *exceptional circumstances not elsewhere provided for in this Agreement*, the Contracting Parties may waive an obligation imposed upon a contracting party by this Agreement; *Provided* that any such decision shall be approved by a two-thirds majority of the votes cast and that such majority shall comprise more than half of the contracting parties [emphasis added].'' The Contracting Parties declared that, considering ''that a contracting party may not be held subject to the provisions of the General Agreement when the fulfillment [sic] of its obligations is rendered impossible by *exceptional circumstances of a kind different from those contemplated under the General Agreement* . . . the Governments of the United States and Czechoslovakia shall be free to suspend, each with respect to the other, the obligations of the [GATT] [emphasis added].''[13]

However, more recently where the waiver has been requested by a party for discriminatory treatment of a certain other party, the discriminatory treatment was to the benefit of the other party. For example, the original GATT authority for voluntary tariff preference programs for developing countries, *e.g.*, Generalized System of Preferences (GSP), was done by waiver.[44] Also, Italy requested permission to give more favorable treatment to certain products from Libya and from Somalia; Australia asked permission to treat certain products of Papua-New Gunea more favorably.[45] The more developed country was trying to assist the economic development of the lesser developed country or to continue a traditional special relationship. So a waiver to deny MFN treatment to Cuba may be difficult to obtain, particularly since Cuba now, unlike Czechoslovakia in the 1950s, apparently has no interest in a mutual suspension of GATT application, as evidenced by its protests that the embargo is illegal.[46]

CONCLUSION

The U.S. suspension of application of the General Agreement to Cuba, embodied by the

embargo, is probably justifiable under international law on the grounds of Cuba's change to a communist regime and a non-market economy. The United States may also invoke GATT Article XXI, the national security exception, on the basis of a concern for national security, with our without a mutual declaration of suspension authorized by the Contracting Parties. A waiver to permit the embargo may be requested under Articles IX:3 and IX:4 of the WTO Agreement and GATT Article XXV:5, but may not be readily granted.

If we can be of further assistance, please let us know.

MARGARET MIKYUNG LEE,
Legislative Attorney.●

FOOTNOTES

[1] General Agreement on Tariffs and Trade of 1994 as defined in Annex 1A of the Final Act embodying the results of the Uruguay Round of Multilateral Trade Negotiations, concluded April 15, 1994 (reprinted at H. Doc. No. 103–316, Vol. I, 103d Cong., 2d Sess. 1339 (1994)).

[2] The article and paragraphs refer to the provisions of the General Agreement on Tariffs and Trade originally concluded Oct. 30, 1947, 61 Stat. (5) & (6), T.I.A.S. 1700, 55 U.N.T.S. 194, and annexed to the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee on the United Nations Conference on Trade and Employment (excluding the Protocol of Provisional Application) as amended before the entry into force of the Agreement Establishing the World Trade Organization. Hereinafter, these provisions will be referred to as "GATT Article ____."

[3] It accepted the 1947 Protocol of Provisional Application on Jan. 1, 1948. M. Bowman & D. Harris, "Multilateral Treaties: Index and Current Status" 133 (1984).

[4] Proclamation 3447, 27 Fed. Reg. 1085 (1962) (embargo proclaimed pursuant to §620(a) of the Foreign Assistance Act of 1961, 75 Stat. 445, authorizing the President to establish and maintain an embargo against Cuba and also pursuant to the Final Act of the Eighth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance, which resolved that the present Cuban government was incompatible with the Inter-American system and urged member states to take those steps they considered appropriate for their individual and collective self-defense, in light of the offensive of Sino-Soviet communism with which the Cuban government was publicly aligned).

[5] "GATT Activities 1992" 57 (1992) (Cuba protested the Cuban Democracy Act of 1992 reinforcing the trade embargo of the U.S. against Cuba); Council Hears Cuban Complaint on U.S. Sugar Imports, EC Protest on Manufacturing Clause, 3 International Trade Reporter 723 (BNA 1986) (Cuba complained that the U.S. requirement that sugar beet imports through a Third World country must be certified as not being from Cuba discriminated against Cuba and termed the measure "a clear case of aggression against Cuba"); Nicaragua Charges U.S. is "Undermining" Trading System by Cuts in Sugar Quota, 8 International Trade Reporter 330 (1983) (Cuba supported Nicaragua's protest against the U.S. embargo against Nicaragua, saying "we, too, have suffered for more than 20 years from U.S. discrimination").

[6] There do not appear to be any statements recorded in the official supplements to the Basic Instruments and Selected Documents nor reference to unpublished documents concerning such a statement. However, at the time of the suspension of MFN treatment for Poland, some GATT parties recalled that the United States-Poland dispute was the first time a suspension of MFN treatment had been brought before the GATT since the United States-Cuba breach in trade relations. Poland Unsuccessful in Attempt to Get GATT Censure of U.S. for MFN Suspension, 7 International Trade Reporter 187 (1982).

[7] U.N. Adopts Resolution Favoring Free and Fair Trade with Cuba, 9 International Trade Reporter 2045 (BNA 1992). Although it may seem that expropriation of property requires some sort of compensation under international law, the developed and developing countries have not been able to agree on this point, with the developed countries insisting on an international minimum standard and the developing countries insisting that expropriation is a domestic matter to be regulated by the expropriating country under its own laws. D. Harris, "Cases and Materials on International Law" 422–433 (1983).

[8] Art. 62, May 23, 1969, UN Doc A/Conf 39/27, 8 I.L.M. 679, 63 A.J.I.L. 875 See also Restatement (Third) of the Foreign Relations Law of the United States §336 (Am. Law Inst. 1987) [hereinafter Rest. 3rd].

[9] Rest. 3rd. supra note 8, §337, cmt. *f*, and 337 (Am. Law Inst. 1987) [hereinafter Rest. 3rd].

[10] Rest. 3rd, supra note 8, at §336(a), cmt. e and Reporters' Note 4 (1987). Although even actual, overt acts of hostility do not necessarily constitute a fundamental change of circumstances sufficient to terminate or suspend the operation of an agreement between the parties engaged in hostilities, where the agreement at issue concerns trade relations and trade is essentially disrupted by political an military tension, the agreement probably could be considered terminated or suspended between the concerned parties. Other types of agreements probably would not be considered terminated by any of the parties because of either overt hostility or political and military tensions. For example, the U.N. Charter prohibits the use of force and was intended to end war as a solution to international disputes, but obviously force is still used to resolve disputes and the Geneva Conventions on the Law of War are considered applicable for humanitarian reasons during hostilities.

[11] Ya Qin, China and GATT: Accession Instead of Resumption, 27 J. of World Trade 77, 95–97 and note 89 (1993); Rest. 3rd, supra note 8, at §336, cmt. *f*.

[12] Rest. 3rd, supra note 8, at §333, Reporters' Note 3.

[13] "Nothing in this Agreement shall be construed . . . to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests . . . taken in time of war or other emergency in international relations. . . ."

[14] See supra note 4.

[15] M. Bowman & D. Harris, supra note 3, at 133.

[16] Philip Brenner & William M. LeoGrande, Congress and Nicaragua: The Limits of Alternative Policy Making, in "In Divided Democracy: Cooperation and Conflict Between the President and Congress" 219, 222–225 (James A. Thurber ed., 1991).

[17] Proclamation No. 5104 of September 23, 1983, 48 Fed. Reg. 44057 (1983).

[18] Dispute Settlement, United States—Imports of Sugar from Nicaragua, 31 B.I.S.D. 66, 73–74 (1985).

[19] Id. at 72.

[20] GATT Council Hears Attack on FSCs and Other U.S. Moves, Delays Work Program Evaluation, 1 International Trade Reporter 586 (1984); Impass Occurs at Opening of Annual Meeting as U.S. Threatens to Link Funding to Work, 1 International Trade Reporter 644 (1984).

[21] GATT Council Hears Attack on FSCs and Other U.S. Moves, Delays Work Program Evaluation, supra note 20, at 586.

[22] Exec. Order No. 12513, 50 Fed. Reg. 18629 (1985).

[23] U.S., Nicaragua Unsuccessful in Getting GATT Action on Trade Embargo Dispute, 2 International Trade Reporter 765 (1985); U.S. Again Blocks GATT Dispute Panel Sought by Nicaragua to Investigate Trade Embargo, 2 International Trade Reporter 965 (1985); GATT Council Appoints Panel to Study U.S. Nicaragua Embargo, Reviews Other Disputes, 2 International Trade Reporter 1313 (1985).

[24] International Court of Justice: Judgment on Merits in Case Concerning Military and Paramilitary Activities In and Against Nicaragua (*Nicaragua* v. *United States*), June 27, 1986, 25 I.L.M. 1023 (1986); "GATT Activities 1986" 59 (1987).

[25] "GATT Activities 1985" 47–49 (1986); "GATT Activities 1986," supra note 24, 58–59. See also supra note 23.

[26] "GATT Activities 1985," supra note 25, at 47; U.S., Nicaragua Unsuccessful in Getting GATT Action on Trade Embargo Dispute, supra note 23.

[27] "GATT Activities 1985," supra note 25, at 57–49; "GATT Activities 1986," supra note 24, at 58–59; U.S., Nicaragua Unsuccessful in Getting GATT Action on Trade Embargo Dispute, supra note 23.

[28] Id.

[29] "GATT Activities 1986," supra note 24, at 58–59.

[30] "GATT Activities 1985," supra note 25, at 48.

[31] See also Decision Concerning Art. XXI of the General Agreement, Decision of 30 November 1982, 29 B.I.S.D. 23 (1983). The Decision stated that the Contracting Parties should consider the third party interests that may be affected in taking action under Article XXI. When such action is taken, all affected GATT parties retain full rights under the GATT (hereinafter Decision Concerning Art. XXI]. GATT decisions will become part of the GATT 1994 according to the General Agreement on Tariffs and Trade 1994, ¶ 1(b)(iv), but this provision is hortatory.

[32] Philip Brenner & William M. LoeGrande, supra note 16, at 242.

[33] Proclamation No. 6120, 55 Fed. Reg. 17744 (1990).

[34] International Court of Justice: Judgment on Merits in Case Concerning Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States), June 27, 1986, supra note 24.

[35] Agreement Establishing the World Trade Organization, as reprinted in H. Doc. No. 103–316, Vol. I, 103 Cong., Sess. 1327 (1994).

[36] See also Article XXV—Guiding Principles to be Followed by the Constructing Parties in Considering Applications for Waiver from Part I or Other Important Obligations of the Agreement, Procedures adopted on 1 November 1956, 5 B.I.S.D. 25 (1957).

[37] It signed the 1947 PPA on April 20, 1948. M. Bowman & D. Harris, supra note 3, at 133. The 1947 PPA was laid open for signature from Oct. 1947, to Nov. 15, 1947 for eight principal countries, and until June 30, 1948, for all other signatories to the General Agreement. None of the countries discussed in this section were among the eight who signed by Nov. 15, 1947.

[38] M. Bowman & D. Harris, supra note 3, at 133.

[39] Article XXI, United States Export Restrictions, Decision of 8 June 1949, II B.I.S.D. 28 (1952) (GATT parties rejected the complaint by Czechoslovakia under Articles I and XXI that U.S. export restrictions did not conform to Article I); Note, East-West Trade: The Accession of Poland to the GATT, 24 Stan. L. Rev. 743, at note 7 (1972); Czechoslovakia Renews Effort to Regain MFN, Says U.S. Firms Losing Out in Modernization, 5 International Trade Reporter 117 (BNA 1988).

[40] Suspension of Obligations between Czechoslovakia and the United States under the Agreement, Declaration of 27 September 1951, II B.I.S.D. 36 (1952).

[41] See the cumulative index at the back of all B.I.S.D. issues which list the suspension of GATT application between the United States and Czechoslovakia as an action under Article XXIII.

[42] J. Jackson & W. Davey, "Legal Problems of International Economic Relations: Cases, Materials and Text on the National and International Regulation of Transnational Economic Relations" 916 (2d Ed. 1988).

[43] Suspension of Obligations between Czechoslovakia and the United States under the Agreement, supra note 40.

[44] 18th Supp. B.I.S.D. 24 (1972).

[45] Australia and products of Papua-New Guinea, Decision of 24 October 1953, 2 B.I.S.D. 18, 93 (1954); Italy and products of Libya, Decision of 26 October 1951, II B.I.S.D. 10 (1952), Decision of 9 October 1952, 1 B.I.S.D. 14 (1953); Italy and the products of Somalia, Decision of 19 November 1960, 9 B.I.S.D. 40, 229 (1961) and other decisions listed in the cumulative index in every volume of the B.I.S.D.

[46] See supra note 5.

MANUEL T. SANCHEZ

● Mr. BINGAMAN. Mr. President, it is with pleasure that I ask the Senate to recognize Manuel T. Sanchez for his service to my home State of New Mexico. Manuel has distinguished himself as a successful family man, businessperson, and community leader.

He was born on November 15, 1901 in Las Vegas, NM, 11 years before New Mexico was admitted into the Union. Needless to say, Manuel has witnessed New Mexico flourish and change during his lifetime.

In the early 1920's, Manuel and his family moved to a section of Albuquerque known as Martineztown. There they started a grocery store to serve the community. This store is still in operation today and it still serves as an unofficial meeting place for social and political gatherings.

In 1933, Manuel was elected Democratic ward chairman of Ward 11 B. During those early years he worked closely with my uncle John Bingaman in helping Governor Tingley succeed in his campaigns. For over 60 years, he has continued to serve in this capacity as ward chair. His success is a result of his dedication to the work ethic and in the belief that a person's word is as good as a written contract. It would

have been impossible for Manuel to represent his community as Democratic ward chairman for such an extended period of time if people did not put trust in his word.

Although much about New Mexico has changed since Manuel's childhood years, one characteristic that has not changed is a strong sense of community. He is very central to that feeling in Martineztown. Whether in the grocery store or at the Barelas Cafe eating some combination of green chile, I believe he deserves recognition and our thanks for his service to the community over the years. It is with this thought that I wish Manuel many more years of health and happiness on this his 94th birthday.●

ISRAELI PRIME MINISTER YITZHAK RABIN

● Mr. GRAMS. Mr. President, although the period of official mourning in Israel for slain Prime Minister Yitzhak Rabin has ended, the time for reflection on his legacy has not. Supporters of Israel in America and around the world continue to ponder the incredible sacrifices made by Yitzhak Rabin during his relentless pursuit of peace in the Middle East. Many people continue to draw great personal strength and inspiration from the way Rabin conducted his heroic life until his tragic and untimely death.

Mr. President, I ask unanimous consent that the following statements on Yitzhak Rabin by leaders of the Jewish community in my home State of Minnesota be included in the RECORD.

Mr. Frank R. Berman: ''It is with much grief that we mourn the tragic assassination of Prime Minister Yitzhak Rabin. I had the honor of knowing the Prime Minister and came to hold him in the highest regard. He was a great leader and visionary for Israel as well as for peace-loving people everywhere. I know that the Jewish community and all citizens of Minnesota join me in expressing our deeply felt condolences to the government and people of Israel and to his family. We pray that his noble goal of peace in the Middle East will be fulfilled.''

Margo and Fred Berdass: ''We offer our heartfelt condolences to Mrs. Rabin and her family and to the people of Israel. We pray God give them the strength and wisdom to unite as a people and to overcome their great loss. May we all hope Israel may forge a policy all can support and that will lead to peace.''

Mr. Mike Fiterman: ''Prime Minister Rabin was more than a leader within his country—he was more of a visionary on how to make the world a better place. Although he was viewed as a brilliant military strategist, his role in the military only befits him as really a champion of peace and not war. His desire was never one of victory over opponent, but rather a desire to bring peace and security to his beloved country and the Israeli people. I had the great privilege of attending the historic peace signing on the White House lawn between the people of Israel and the Palestinian people. No one watching that day could help but be moved by the significance of that event whether you were personally present or watching from places around the world. It was one of the most emotional events I have ever been privileged to witness. With all of the various speeches, I think it was Prime Minister Rabin's words of 'enough killing, enough war' that were the most moving. It was not the words he spoke, but the emotion in his voice that spoke volumes. He spoke not only of his desire for peace, but also of the enormous sacrifice he personally knew was needed to earn a lasting peace. None of us knew that day the ultimate sacrifice Yitzhak Rabin would make in the name of peace for his country, his people and the world. The sacrifice that Yitzhak Rabin made that day on the White House lawn was a true exhibit for all people around the world that nothing could ever be more important than people living in harmony with one another throughout the world. He showed us if two peoples warring over the centuries could put down their weapons and pick up a pen to sign a peace agreement, it was possible for all people around the world to achieve peace with their neighbors. Prime Minister Rabin's granddaughter during the memorial service, however, remembered him for all of us as not a statesman or a general, but as a warm person who loved his family and who tried to make the world a little better for all of us. Yitzhak Rabin will be missed by all peace loving people and will be a lasting reminder to all of us that we can never stop working toward a goal to do whatever we can to make the world a little better everyday and to continue to strive to bring peace to all the people of the world.''●

GLOBAL CASINOS POSE VIRTUAL MESS; LAWMAKERS SAY ELECTRONIC GAMBLING DIFFICULT TO REGULATE

● Mr. LUGAR. Mr. President, I ask that the following article be printed in the RECORD.

The article follows:

[From the Tampa Tribune, Aug. 27, 1995]

GLOBAL CASINOS POSE VIRTUAL MESS; LAWMAKERS SAY ELECTRONIC GAMBLING DIFFICULT TO REGULATE

(By Ron Bartlett)

So you're sitting at home, somewhere in Florida, and you've got the itch to go casino gambling?

No problem. Chances are by early next year, no matter where you live in the state, such an opportunity will be at your fingertips.

Through a personal computer, you'll be able to glide down the hallways of a glittering casino, passing rooms filled with roulette wheels and slot machines. Once you pick a game, you'll be able to plunk down a bet and take on other gamblers from across the globe.

But this won't be for play. This will be for real, cold, hard cash.

Didn't state voters resoundingly reject casinos in 1994 for the third time?

Sure they did. But savvy entrepreneurs are using electronics to introduce new forms of gambling that are likely to be widely available in Florida and throughout the United States in the coming months.

In a rapidly developing market, offshore companies based mostly in the Caribbean are beginning to offer ''virtual reality'' casinos and sports book operations on the Internet, the worldwide network of computers.

From your easy chair in Tampa, it soon will be possible to place real bets through your personal computer at virtual casinos in places such as Antigua and St. Martin. Some of these games will come with sophisticated graphics and video that will give players at home the feeling that they are inside a major casino.

While the first such virtual casino isn't yet operating, predictions are that hundreds could be up and running within the next year.

Meanwhile, the Coeur d'Alene Indian tribe in Idaho plans to offer a national lottery by year's end that some experts say ultimately could offer weekly jackpots up to $200 million.

The tribe wants to set up toll-free 1–800 lines that players would use to dial in numbers and give their credit card information.

And Floridians who want to bet on sporting events already can call Connecticut or New York, which offer national telephone wagering.

The expansion of electronic gambling is not only creating new outlets for players but also bringing wagering directly into the home, which gaming entrepreneurs view as the new frontier. In Florida and other states, the trend is worrying law enforcement officials, regulators and lawmakers.

On one level, there are concerns that electronic gambling will hurt business at existing state lotteries, pari-mutuel facilities, bingo halls and Indian gaming facilities.

On another, there are fears it will be difficult, if not impossible, to regulate offshore casinos operating on the Internet, that consumers won't be adequately protected, and that the new opportunities could increase gambling addiction and all its dangers.

Earlier this month, the chairman of the Florida House Regulated Industries Committee asked state Attorney General Bob Butterworth to investigate what, if anything, the state can do to stop Floridians from betting on the emerging virtual casinos or from calling other states to wager on sports events.

State Rep. Steven Geller, a Hallandale Democrat, said his request wasn't a moral stance against gambling, rather, he wants to protect the state's struggling horse and dog tracks and jai alai frontons, which generate jobs and taxes.

''If you have access to a virtual casino and play blackjack, how do you know that the casino in Antigua is run honestly?'' Geller asked. ''How do you know that the roulette wheel isn't rigged?''

Butterworth hasn't responded to Geller's inquiry. But with the Internet gambling in particular, he says, any regulatory answers rest in Washington, not Tallahassee.

''How do you stop it from coming into states that don't want it?'' Butterworth said. ''How do you tax it in states that do want it? I don't know how you do that without the federal government taking the lead.''

Some members of Congress are grumbling about online gambling. The Justice Department has declared it illegal in the United States, saying it will act on violators. But to date, the full extent and scope of the federal response—if any—remains to be seen.

Under federal law, it's a crime for anyone in the gambling business to use an interstate

or international telephone line to transmit information assisting in the placing of bets. But it's not illegal to make a bet, as long as you're not in the gambling business. The Coeur d'Alene tribe would have callers place bets to its operations in Idaho.

I. Nelson Rose, a Whittier College law professor and gambling expert, believes Americans running offshore virtual casinos could face seizure of their assets under federal racketeering statutes. But foreign nationals operating the facilities are likely beyond Uncle Sam's reach, and players are usually hard to trace and aren't prosecuted.

''Because it's so new, people don't really know how to respond to it,'' said Jeff Frentzen, who follows developments on the Internet for the magazine PC Week. ''In some corners, it's viewed as a threat.

''It reminds me of what was going on earlier this year with the Internet pornography issue. It's a global system, and it's really hard to control.''

One company on the Internet is Sports International Ltd., which says it has 25 to 30 people working at its computer operation on St. John's, Antigua. It does marketing and software development at an office outside Philadelphia.

The publicly held company, which says it handled $48 million in its first year, has been taking bets on sports events on the Internet since February. During the first quarter of 1996, it expects to offer ''Global Casino,'' in which players at home will be given software that will make it seem as though they're really inside a gambling hall.

The way the online operations are typically set up is this: Players either send money or use a credit card to establish a prepaid account on the island where the game is administered. They use that money to gamble. Their winnings are either rolled back into their account, or wired to them. That way, all the gambling takes place outside the U.S.

Jeffrey Erb, a Sports International official, said players are responsible for paying taxes on their earnings. He said the company has a simple incentive for maintaining integrity: Any customer who felt cheated could instantly put the word out to millions of Internet users.

At this stage, the phenomenon of Internet gambling is so new and so rapidly evolving that no one really knows what its ultimate impact on the gaming industry will be.

Roger Gros, the Atlantic City-based editor of two industry publications, Casino Journal and Casino Player, said that in recent months, he has heard about a half-dozen announcements for virtual casinos. But more are coming; within a year, he expects hundreds.

Still, he doesn't think they'll fundamentally alter the casino landscape. At least not now.

''It's just going to be a little sidelight for people who want to gamble and know how to use the Internet,'' he said. ''But I don't think it's going to be a major factor in the gambling industry.''

While Butterworth is still trying to determine whether he can do anything to halt electronic gambling on the Internet, he and other attorneys general from around the country already have taken a strong stand to stop the Coeur d'Alene tribe's proposed national lottery.

In March, Butterworth sent a letter to all telephone companies in Florida, warning that use of their phone lines for carrying gambling information across state lines would violate both state and federal laws.

Meanwhile, the National Association of Attorneys General passed a resolution urging the National Indian Gaming Commission and U.S. Attorney General Janet Reno to take action to prevent the ''illegal'' lottery. A bill introduced in Congress would effectively kill the planned lottery by amending current law to require that all players be physically present at the game.

The tribe wants to run its weekly game where state lotteries already exist—that's 36 states and the District of Columbia, a huge potential market that far exceeds any other lottery. The tribe contends it has received all the government approvals it needs and says its detractors are just afraid of competition.

Indeed, that fear is high in Florida. Officials say the Indian lottery could severely hurt ticket sales for the Florida Lottery, and cut into the more than $800 million it raises for public schools each year.

Butterworth vows to go to court the moment the tribe's lottery is up and running.

Yet another form of electronic gambling that is now being offered by lotteries in five states, including California and New York, is keno. But it's doubtful it will appear in Florida, at least in the near future.

Under keno, players select up to 20 of 80 numbers, and then watch randomly selected numbers flash on a screen. How much they win depends on how many of their numbers appear. The games are run every five minutes, and terminals are being installed in restaurants, bars, bowling alleys and convenience stores.

Florida Lottery Secretary Marcia Mann said her staff hasn't studied keno for possible introduction and doesn't intent to.

''Knowing our governor like I do, I think he would see that as too much of a proliferation of gambling and too much like casinos,'' she said. Gov. Lawton Chiles has generally been a staunch opponent of gambling.●

MEASURES PLACED ON CALENDAR—S. 1410 AND S. 1411

Mr. DOLE. Madam President, I understand there are two bills due their second reading.

The PRESIDING OFFICER. The clerk will read the first bill by title.

The legislative clerk read as follows:

A bill (S. 1410) making further appropriations for fiscal year 1996.

Mr. DOLE. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

The clerk will read the second bill by title.

The legislative clerk read as follows:

A bill (S. 1411) making further appropriations for fiscal year 1996.

Mr. DOLE. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

ORDERS FOR THURSDAY, NOVEMBER 16, 1995

Mr. DOLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. on Thursday, November 16; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

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

Mr. DOLE. I ask unanimous consent that immediately following the prayer, the Senate begin the continuing resolution, House Joint Resolution 122.

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

PROGRAM

Mr. DOLE. I think Senators should, therefore, be on notice that we can expect votes probably tomorrow morning. We hope to complete action on this by early afternoon, I hope. As I understand, there may be no more than two amendments, so we will just take it up at 9 o'clock. Senator HATFIELD, chairman of the Appropriations Committee, has been notified. And, hopefully, we can turn to any other available conference reports tomorrow.

I will just say I do not think it would be helpful to stay here until the House completes action. It would be after 11 o'clock, and by the time we completed action it would be 2 or 3 in the morning. So even if it were passed, it would not get to the White House until morning and that would not be in time to alert anybody, assuming he signed it, to come back to work. So I think we are not losing any time nor prejudicing anybody's rights by taking this up tomorrow morning at 9 o'clock.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I share the view expressed by the majority leader and can assure him that we are prepared to go to the resolution. We will be offering amendments. It is certainly not our intention to delay the consideration and final passage of the resolution, hopefully, sometime early afternoon.

CHANGE OF VOTE

Mr. DASCHLE. I have one housekeeping matter. It is on rollcall vote No. 576. Senator BRADLEY voted ''yea.'' It was his intention to vote ''nay.''

Madam President, I ask unanimous consent that his vote be changed. This will not affect the outcome of the vote.

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

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. DOLE. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:09 p.m., adjourned until Thursday, November 16, 1995, at 9 a.m.

EXTENSIONS OF REMARKS

A POSITIVE ASPECT TO THE MEDIGRANT DISCUSSION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. GINGRICH. Mr. Speaker, I would like to encourage my colleagues to support the principles of home- and community-based services for the disabled and to urge States to consider these services as part of State initiatives to reform Medicaid through the MediGrant proposal.

I have had a longstanding admiration for the ability of our Nation's disabled to bear the burdens imposed on their day-to-day lives and the difficulties they face. It is no wonder that individuals affected by disabilities, as well as their families and friends, have sought greater access to long-awaited advancements in providing care for the disabled. Although this process has been slow at times, we are beginning to see a mindset emerge that encourages personal liberties, not discourages them.

I practice a management technique based on listen, learn, help, and lead. Well, I have listened to the disabled around the Nation and in the 6th Congressional District of Georgia where I have appointed a task force on disabilities. This task force has developed ideas that I think are thoughtful in addressing the needs of the disabled and which add a tremendously positive aspect to the MediGrant discussion.

The task force believes that there currently exists a bias in Medicaid toward institutionalization and away from home- and community-based services. While there are circumstances where institutionalization is the only viable choice, the task force believes that home- and community-based services should be the first option when appropriate for people with disabilities. I share in their assertion that no person should be forced into an institution to receive services that can be more effectively and more economically delivered in the home or community.

The task force points to the fact that 31 percent of the current Medicaid budget goes to institutional long-term care and only 6 percent goes to community-based long-term care. Furthermore, they assert that the average cost of nursing home care per person is $38,000 annually and that allowing persons to remain in their homes and communities is more economical, as well as more humane.

I hope that my colleagues will carefully consider these ideas on behalf of their constituents and help to empower individuals to realize their maximum freedoms and potentials.

GIFT BAN LEGISLATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of legislation sponsored by my Texas colleague, Representative JOHN BRYANT, to require lobbyists to register with the House and Senate and make conforming changes to the Rules of the House of Representatives with regard to restrictions on gifts given by lobbyists. In light of my support of this legislation, I have agreed to sign a discharge petition to bring this legislation to the floor of the House for consideration.

In the past, I have not signed discharge petitions. It is my belief that such devices are generally harmful to the legislative process, as they call for the avoidance of the committee system which serves our Government well. However, because of the majority's disdain for that very process, and the lack of consideration given to the attempts to bring the legislation before the appropriate committees for action, this extreme step has become necessary. Therefore, I will add my name to those seeking to bring the legislation before the House.

Additionally, Mr. Speaker, I have added my name as a cosponsor to House Resolution 264, legislation sponsored by Republican Representative BURTON. This bill, which I hope will be up for a vote this week on the floor of the House, would require greater disclosure of gifts given to Members of Congress. I support the bill as a bipartisan solution to the need for comprehensive gift legislation. Under the Burton bill, Members are required to disclose all gifts and meals received which are worth more than $50. The bill makes other appropriate changes to the Rules of the House regarding this issue.

HONORING THE LIFE AND LEGACY OF YITZHAK RABIN

SPEECH OF

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to pay tribute to the late Prime Minister of Israel, Yitzhak Rabin, and to his historical struggle for peace; a struggle which ultimately cost him his life.

Mr. Speaker, I was very fortunate and honored to have met Prime Minister Rabin just this summer during my first visit to the State of Israel. Prime Minister Rabin impressed me as an extremely determined man who was at once genuine, engaging, and impressive in his diplomacy. In the short time we met, I caught a glimpse of those exceptional personal and political traits that were responsible for the monumental change he brought to the peace table.

As was said at the funeral on Monday, Rabin was a ''martyr'' for peace. In fact, the primary reason we visited Israel was to better understand both the desire for peace and the formidable obstacles which stood in its way.

Once in Israel, it did not take long to realize the enormity of the task that Rabin committed every day of his life to achieving. Indeed, Rabin was a warrior for peace, which is why the peace process will go on—others will follow his unparalleled leadership.

The significance of his legacy was perhaps best exemplified by the world leaders who mourned his death. The attendance of 40 world leaders, including Jordan's King Hussein and Egypt's Hosni Mubarak, demonstrates the respect he earned from so many people of so many faiths from so many corners of the world. This respect was earned by his leadership and commitment to peace.

Mr. Speaker, on this 57th anniversary of Kristallnacht—the Night of Broken Glass that marked the true beginning of the Holocaust—let us remember and salute all that Yitzhak Rabin stood for, fought for, and died for.

We must remember so we never forget. We must further be united to his life's goal—a true and lasting peace for the State of Israel.

TRIBUTE TO HARRY A. SCARR

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. ZELIFF. Mr. Speaker, I would like to take a moment today to note the unexpected passing of Mr. Harry Scarr, the Deputy Director of the Bureau of the Census.

Immediately prior to his position as Deputy Director, Mr. Scarr served as the Bureau's Acting Director for almost 22 months. In 1988, Mr. Scarr received the Department of Commerce's highest award, a Gold Medal, for his contributions to Federal economic statistics and to the preparation for the 1990 census.

Mr. Scarr's 25 years of dedicated service to the Federal Government includes tenures at the Department of Commerce, the Department of Justice, the Immigration and Naturalization Service, and the National Institute of Mental Health. Having received his degrees from the University of Michigan and Harvard University, and having taught at the University of Pennsylvania's Wharton School, Mr. Scarr chose a career in Federal service. His distinguished career is an example for all. He was among the best and brightest, and nobly chose Federal service.

As chairman of the subcommittee which exercises oversight over the Bureau of the Census, I was looking forward to working with Mr. Scarr. The Census Bureau will greatly miss his expertise and knowledge as it prepares for the 2000 census. I offer my condolences to the family of Mr. Scarr and his fellow workers at the Bureau.

CONGRATULATIONS TO BISHOP ANTHONY M. PILLA: CHOSEN AS PRESIDENT OF CATHOLIC BISHOPS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. STOKES. Mr. Speaker, I am pleased to extend congratulations to Bishop Anthony M. Pilla, a resident of my congressional district and leader of the Diocese of Cleveland. On yesterday, Bishop Pilla was elected as the new president of the National Conference of Catholic Bishops. In this influential post, he will serve as the chief spokesman for the Catholic Church and provide leadership for its 60 million American parishioners. Previously, Bishop Pilla served as vice president of this distinguished organization. On behalf of the residents of the 11th Congressional District, we express our strong support and encouragement to Bishop Pilla as he assumes the presidency.

Since 1980, Bishop Anthony Pilla has led the Diocese of Cleveland. Throughout his tenure, he has been outspoken on the social, political, and religious issues confronting our community and the Nation. His strong leadership and dedication has earned him the respect of the entire community. He is not only admired, but he is an individual of the highest integrity and commitment.

As he assumes the helm of the National Conference of Catholic Bishops, Bishop Pilla does so with the full support of the organization. In the election, he garnered 170 of the 238 votes cast, and bested 10 other candidates to win the 3-year presidency.

Mr. Speaker, on Friday, November 17, 1995, the Cleveland community will express its pride in Bishop Anthony Pilla with a Mass being held in his honor. I take pride in expressing my personal congratulations to Bishop Pilla. He is someone whom I greatly admire, and I wish him well as he assumes this major post.

PICK-SLOAN PROJECT FACILITIES TRANSFER ACT

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. ROBERTS. Mr. Speaker, one of the key reform goals of this Congress is to examine all aspects of the Federal Government's involvement in the day-to-day lives of our citizens, and determine which of those Federal roles would be more efficiently managed on the local level and/or by the private sector. The portions of the Pick-Sloan project in Kansas and Nebraska, appear to fit this category.

However, the procedures established that allow the Bureau of Reclamation to transfer title—and the management and financial responsibilities—to the irrigation districts are often contentious and inordinately time consuming.

Today I am introducing a bill to expedite this process and so all interested parties can raise their issues and concerns relative to the title transfer of the Kansas and Nebraska Pick-Sloan projects. There are sure to be provisions in this bill that some may find problematic. The introduction of this legislation will encourage a comprehensive discussion on this transfer to ensure all appropriate issues are adequately addressed.

The Missouri River Basin, Kansas and Nebraska, Pick-Sloan Facilities Transfer Act will contribute to our continuing efforts to reduce and reform the role of the Federal Government. And by the consideration of this act, Congress will provide an opportunity for all interested parties to register their concerns so they can be properly addressed.

ICC TERMINATION ACT OF 1995

SPEECH OF

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes:

Mr. EWING. Mr. Chairman, I want to commend you for moving H.R. 2539, the ICC Termination Act of 1995, forward in a timely fashion. As Members may be aware the Interstate Commerce Commission [ICC] will be terminated on December 5 of this year, and without new legislation in place, the existing cumbersome and obsolete 19th century ICC statute will remain on the books.

While there is solid bipartisan support for termination of the ICC, the difficulty of dismantling 100 years of transportation and commercial law has certainly become evident. However, in dismantling the ICC and moving its remaining critical functions to the U.S. Department of Transportation, care must be taken to protect vulnerable interests, like captive shippers.

The provisions of the bill which encourage class II railroads to purchase lines that would otherwise be abandoned by larger class I railroads must be retained or captive shippers could see their service disappear entirely. Unfortunately, adoption of Representative WHITFIELD'S proposed amendment would upset the careful balance in the bill and could discourage class II railroads from investing in lines scheduled for abandonment. Congress should not impose an unfunded mandate on class II railroads and create an environment where essential railroad service is lost because the costs of assuming existing labor agreements and severance benefits is prohibitive. For this reason, I urge my colleagues to support the committee language and reject the Whitfield amendment.

Mr. Chairman, I also appreciate your willingness to address other issues of importance to American agriculture and for working with members of the Transportation and Infrastructure Committee who represent agricultural districts. Agriculture is heavily dependent upon rail service to move products to market. For many rural and smalltown farmers there is only one grain elevator and one rail line available. The ability to move commodities in a timely fashion is critical to remaining in business. When faced with these monopolistic circumstances some reasonable regulation is essential.

I am pleased the legislation before the House today clarifies the exemptions language in the bill, grants the adjudication panel the authority to deny abandonments, includes contract summary filing language, restores investigation authority, and restores the existing 20 days rate-change-notification requirement. However, I remain concerned about potential railcar supply shortages and the percentage of rolling stock that could be contracted out under the common carrier provisions of the bill.

Railcar shortages boost the price farmers and elevators must pay to move crops to market, thereby lowering the amount farmers receive for their crops. In fact, Midwestern agriculture is already facing acute railcar shortages resulting from increased demand, instability in the railroad industry caused by proposed mergers, and high barge shipping rates. While I am not advocating excessive regulation to protect agriculture, the final ICC termination legislation should not worsen the situation unnecessarily.

Mr. Chairman, I plan to continue working with you on this issue and I urge you to consider accepting the common carrier language contained in the Senate's ICC termination bill when this legislation goes to conference.

Again, Mr. Chairman, I want to thank you for the leadership you have demonstrated in working with Members who represent agricultural interests. Although H.R. 2539 is not perfect, and some additional work is necessary, I urge my colleagues to support passage of H.R. 2539.

PERSONAL EXPLANATION

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. WILLIAMS. Mr. Speaker, on rollcall vote No. 707, recorded on October 12, 1995, I mistakenly recorded my vote as yes—it was my intention to vote no on this particular measure. Although I recognize this statement does not change my vote I would like the record to reflect my intention.

TRIBUTE TO FATHER PAUL STAUD

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to Father Paul R. Staud, the parochial vicar at Saint Malachy Parish in Coraopolis, PA. Father Paul will celebrate 25 years of service in the priesthood with an afternoon liturgy at Saint Malachy on November 26, 1995.

Father Paul was ordained at Holy Innocents Church in Sheraden, PA, on October 31, 1970. He studied at Assumption School, Avalon High School, Point Park College, Saint Gregory Seminary in Cincinnati, John Carroll University, and Saint Vincent Seminary.

Father Paul has been parochial vicar at Saint Malachy Parish since November 1991. His service to the parish has been exemplary.

His service to the church has also included stints as parochial vicar at Holy Innocents Church [from 1970 to 1974], Saint Theresa Church in Munhall, PA [from 1974 to 1975], Saint Veronica Church in Ambridge, PA [from 1975 to 1978], and Saint Joseph Church in Mount Oliver, PA [from 1978 to 1983]. He subsequently served as pastor at Saint Alphonsus Church in Murrinsville, PA, and at Epiphany Church in Boyers, PA, from 1983 to 1991, and he was also in residence at Saint Columbkille Church in Imperial, PA, in 1991.

Father Paul was deanery director of religious education at the South Pittsburgh Deanery from 1979 to 1983, and deanery director of the Butler Deanery in Butler, PA, from 1984 to 1991. Father Paul has been a master catechist for the diocese since 1979, and he is currently the program manager for religious education at Saint Malachy.

Father Paul has provided 25 years of dedicated service to many of the Catholic parishes of southwestern Pennsylvania. I want to congratulate Father Paul on his silver anniversary.

THANK YOU MRS. RUTH MACDONALD FOR YOUR YEARS OF DEDICATED PUBLIC SERVICE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. POSHARD. Mr. Speaker, I rise today to thank Mrs. Ruth Macdonald of McLeansboro, IL for her years of dedicated public service to the people of Hamilton County. In 1976 she was elected as Hamilton County coroner. Three years later Ruth was appointed circuit clerk, and was elected to that position in 1980. She subsequently was re-elected in 1984, 1988, and 1992. Ruth retired on July 31, 1995 after serving 16 years as the Hamilton County circuit clerk.

A native of Kentucky, Ruth moved to McLeansboro in 1959 with her husband and three children. Since her arrival in southern Illinois Ruth has worked hard to ensure that her family and neighbors live in a community that strives for excellence. Through her tireless efforts as a mother and public servant she has helped her children excel and contribute to their communities. Ruth's daughter, Alice, is a circuit court judge in Wayne County, IL; her son, John, is an engineer in Cincinnati, OH; and her son, James, is a professor at Weber State University in Ogden, UT.

Mr. Speaker, until the 1992 election, Hamilton County still used paper ballots. Many times the election results were not known until noon the following day, and it was Ruth's office that would remain open to the public around the clock on primary and general election nights, serving coffee and food to those interested in the election outcome.

There is no question Ruth Macdonald has been a public servant of the highest standards, and she will be missed as circuit clerk. I take great pride in honoring her service to the citizens of Hamilton County and all others she served. Ruth Macdonald has set a very good example for all of us to follow, and I wish her the very best as she begins her retirement.

DEFENSE PRODUCTION ACT AMENDMENTS OF 1995

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. METCALF. Mr. Speaker, I would like to thank Mr. CASTLE, my good friend and chairman of the Subcommittee on Domestic and International Monetary Policy, for allowing me to discuss some issues about the Defense Production Act.

The Defense Production Act has been an important tool for acquiring needed equipment and technology for our Armed Forces in the event of a national emergency. Yet, the Defense Production Act is a multi-issue law. Much of this expansive act deals with advising and working with commercial activities to study, invent, and produce materials that could be used in the event of wartime activity.

When the DPA came up in subcommittee, concerns were raised by other Members and myself. Besides the continuance of authorizing funds for such an outdated, all-encompassing and convoluted act—it also has sweeping authority given to the President. This nebulous language must be cleared to set a direct mission for use of DPA authority. What we have now can be interpreted as essentially a War Powers Act clothed in 1950's post-World War II language—language that gives heavy leeway to the executive branch.

Make no mistake, I am not favoring withholding vital equipment from our Armed Forces and thus I am favoring reappropriating this bill, but the report language fostered for this bill mandates the executive branch to review and to reform the outdated language and to set clear the mission for the DPA. It requires the President to provide an interim report and a final report before appropriations end in 1998. The goal of this report language is to help refine the bill, provide what is necessary for the Armed Forces by Presidential order, and to set a direction for a rewrite of the legislation before the next appropriation cycle.

Maintaining vital procurement in times of national emergency is imperative—but modernizing statutes to ensure proper legality is also extremely critical.

GOVERNMENT SHUTDOWN

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. PACKARD. Mr. Speaker, it absolutely galls me that the President has chosen to play politics and shut down the Federal Government rather than join us in making a downpayment on a balanced budget and a brighter future for our children.

The Government shutdown is solely on the President's shoulders. He has provided no leadership and no plan for a balanced budget. Despite his rhetoric to the contrary, the President has no balanced budget. Never has.

I urge my colleagues not to give in to the scare tactics propagated by the White House. We need to stay our course and pass the remaining bills necessary to balance the budget. We must remain committed to real reform—reform in welfare, reform in Medicare, and tax cuts for families. Once we have completed the bills, it is up to the President to do what is right and sign on for the future of America.

We have a promise to keep to America. A year ago this month, we promised to end business as usual in Government. The American people are counting on us.

IN MEMORY OF JOHN BEN SHEPPERD

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. HALL of Texas. Mr. Speaker, during the recent dedication of the Korean War Memorial and during last weekend's Veteran's Day memorial ceremonies in east Texas, I was reminded of the oratorical prowess of a legendary Texan and former constituent of mine, the late John Ben Shepperd (1915–90). John Ben was one of the first statewide officials that I met when I first entered politics in the 1950's. He was a kind and considerate man—so capable of friendship—and so strong as a leader.

The caption on the Korean War Memorial, ''Freedom Is Not Free,'' is a phrase that was coined by John Ben in the late 1940's and used in hundreds of public appearances during his civic and political career. In 1953 he published an excerpt of his speeches and entitled the booklet, ''Freedom Is Not Free.'' This and his book, ''Freedom's Advocate,'' won him the coveted George Washington Medal from the Freedom Foundation of Valley Forge, PA.

John Ben would have been pleased and proud to see his language used to memorialize the sacrifices of American soldiers who defended freedom in distant parts of the globe, and I am sure that this pleases his widow, Mamie Shepperd, who lives in my district in Gladewater, TX. He would have joined in the praise and recognition, which is so long overdue.

John Ben was one of America's strongest advocates of democracy. He often reminded us that freedom is not a gift to be enjoyed, but an ideal that must be defended. He continually called on every citizen to uphold and promote our system of government and free enterprise.

In 1948, as president of the U.S. Junior Chamber of Commerce, John Ben organized the ''Freedom Flight.'' According to Jaycee archives, he traveled over 250,000 miles and gave three hundred speeches heard by a quarter of a million people. As Texas Secretary of State and attorney general from 1950 to 1957, he continued to be an eloquent spokesman for democracy.

John Ben had a special concern for young Americans. According to our former colleague, the Hon. Jake Pickle, who first knew John Ben at the University of Texas, he passionately cared that future generations should understand their roots in order to appreciate the American legacy of democracy and heroism.

John Ben's phrase, ''Freedom is Not Free,'' on the Korean Memorial is a stirring reminder to future generations and a fitting tribute to a dynamic Texan. Mr. Speaker, John Ben Shepperd leaves behind a powerful legacy

that serves as an inspiration to us all. I ask my colleagues to join me today in paying tribute to this outstanding American. His contributions to freedom's cause cannot be forgotten.

TRIBUTE TO BOY SCOUT TROOP 283

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to the proud history, rich tradition and remarkable accomplishments of Boy Scout Troop 283 of Wayzata, MN, in my Third Congressional District.

This Sunday, November 19, Troop 283 will be celebrating its 80th anniversary.

I am particularly proud of Boy Scout Troop 283 since it is based at my own Wayzata Community Church. I know the great work this troop has done and its commitment to excellence.

Boy Scout Troop 283 has represented the highest standards in Scouting for eight decades. The hundreds of Scouts and their many volunteer leaders have displayed an inspiring dedication through these past 80 years which has had a powerful and positive impact on the quality of life in our area.

The young people of today, who now more than ever need strong adult guidance and parental involvement in learning valuable skills that will help them mature into good citizens, have been extremely well-served by the generous and dedicated volunteers and parents who have led Troop 283 through the years.

Troop 283's emphasis on providing our young people with positive role models, the importance of community service to help people in the need and protect the environment, and the critical value of exercising active, good citizenship has been truly remarkable. There is no price you can place on that kind of public service, leadership, and good citizenship.

The participation of adult volunteers and the Scouts of Troop 283 will continue to make a huge difference in the future of our community, State, and Nation. These young people are tomorrow's leaders and they are getting the skills, knowledge, moral guidance, and inspiration they need to keep America the greatest country in the world and a lighthouse for freedom and liberty into the 21st century.

Everyone who has been involved with Boy Scout Troop 283 through the years is to be congratulated on their invaluable 80-year investment in the future of our Nation. Troop 283 has our deepest admiration and sincerest gratitude for a job well done, as well as our best wishes for the future.

On behalf of all the people in our area, I wholeheartedly thank Boy Scout Troop 283 for its contributions to making our area a great place to live, work, and raise a family.

REQUEST TO DISCHARGE COMMITTEE ON APPROPRIATIONS FROM FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 119, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 1995

Mr. STOKES, Mr. Speaker, I rise in strong opposition to H.R. 2621, the bill which the Republicans say is to enforce the public debt limit and to protect the Social Security Trust Fund, and other Federal Trust fund accounts invested in public debt obligation. Once again, more Republican smoke and mirrors. Make no mistake about it, H.R. 2621 is the Republicans' measure to force the Government to default on its obligations.

It is appalling for the Republicans to hold the country, and the American people hostage to their politically contrived and premeditated train wreck. Is there no limit to the extreme tactics that the Republicans will use to force a tax cut for the wealthy. The Republicans have forced the Federal Government to shut down; are striving to force the Government to renege on its debts; are bent on forcing seniors to pay more for less health care; are set of forcing poor children and pregnant women to go without critical health care services; and are set on forcing college students to pay more for their college education. Despite the fact the Republicans' budget defies logic and common sense, they want to force the President to agree to their life threatening budget provisions.

Now, they have introduced H.R. 2621 a measure strictly designed to back the country into a corner, and to force the Government to default—all this destruction, just to give a tax cut to the rich. The Republicans' tantrum tactics must end.

Mr. Speaker, a family would not pay off its mortgage in 7 years it if meant that they had to take food out of the mouths of their children. Both food and shelter are a necessity, it is not a one, or the other situation. The Republicans need to take a lesson from families. Families sensibly balance their responsibilities. Families sensibly spread their debt—and their payments for services over time.

The Republican budget measure is not a balanced budget mechanism—it is a measure that is specifically designed to destroy the quality of life for the most vulnerable in our society—children and the elderly. Those who have entrusted us with their future, and who are most vulnerable to the Republicans' assault.

I applaud the President for this strong leadership, and wholeheartedly support his veto of the Republicans' front-loaded continuing resolution, and debt limit measures.

Day after day, we have heard our Republican colleagues refer to Medicaid and Medicare as ''socialized programs.'' We have heard them use phrases like ''we have to get on with it,'' ''the pain is not so severe,'' and ''we have to hold the President's feet to the fire.'' We have also continuously heard the Republicans speak with concern for the unborn children of the future, while showing no compassion for the children who walk among us today—despite the fact that the Republican budget takes food out of mouths of poor children; takes the roof from over the heads of door seniors; and takes away health care services from pregnant women. These senior's and children's future will be crippled and their very survival jeopardized.

Mr. Speaker, the Republicans have never had any intention of sending the President a clean continuing resolution measure, or a clean debt limit bill. The Republican touted crown jewel in their contract—the tax cut give away for the rich—knows no bounds. As early as April, House Speaker NEWT GINGRICH vowed to create a titanic legislative standoff with the President by adding vetoed bills to must pass debt ceiling legislation. As recently as July, the GOP admitted that default was a major political weapon in their arsenal. The Republicans' escalating mean spirited attack is firm evidence that they think that no child's cry is too harsh, and no senior's pain is too bitter to forgo their tax cut give away to the rich.

Over the past 11 months, the Nation has witnessed the unfolding of the Republicans' premeditated assault on the most vulnerable in our society—children and the elderly. Nearly 6 weeks into the new fiscal year, work on 10 of the 13 appropriations bills is still pending. The Republicans are dragging their feet. If Speaker GINGRICH and his cohorts performed their responsibilities in a timely and responsible manner, there would be no need to bring the Federal Government to a halt.

With each day of the Republican-forced shut down of the Federal Government, 20 thousand new Social Security claims will not be processed. With each day of the Republican-forced shut down of the Federal Government, 2,500 to 3,000 veterans' benefits claims will not be processed. The American people must not be held hostage to the GOP's tax cut for the rich.

Again, I applaud President Clinton for vetoing the Republicans' life threatening budget and debt ceiling measures. I commend him for his principled stand to protect the American people. And, I join President Clinton in condemning the Republican leadership for its shameful attempt to blackmail the oval office by holding seniors, children, veterans, and our Nation's economy hostage.

Mr. Speaker, I strongly believe that it is the height of irresponsibility for the Republicans in Congress to force American citizens to suffer inconvenience and hardship simply because they are trying to score political points. I strongly urge my colleagues to vote ''no'' on H.R. 2621.

SALUTE TO AMERICORPS PARTICIPANTS OF SOUTH DAKOTA

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today to commend the participants of the second AmeriCorps team in South Dakota. On October 24, 1995, at an Oath of Service ceremony in Rosebud, SD, 15 dedicated individuals committed themselves to 1 year of community service in South Dakota as participants in the AmeriCorps Program. I strongly

support the concept of national community service, and I commend each of the participants who will provide much-needed assistance to communities all over the country.

The AmeriCorps team will be working on two projects both of which will help rebuild rural America and protect the environment. The first project, headquartered at the Bad River watershed area in Ft. Pierre, SD, involves five members of the AmeriCorps team, and focuses on range and water quality improvements, as well as youth and adult education projects. The second project on the Rosebud Reservation involves a 10-member team which is helping with locally identified projects. These projects include range improvement, water quality activities, and other locally identified natural resource improvement projects.

I am confident that the experiences of the participants as members of AmeriCorps will establish a lasting ethic of civic duty in each of them. Therefore, Mr. Speaker, I wish to recognize each member of the second AmeriCorps team of South Dakota: Matthew Blumer, Ft. Pierre, SD; Kevin Boyd, Rosebud, SD; Roger Brush Breaker, Rosebud, SD; Michele Edelbach, Ft. Pierre, SD; Harvey Elk Looks Back, Rosebud, SD; Paula Hoerner, Ft. Pierre, SD; Kathy Knife, Rosebud, SD; Lester Leader Charge, Rosebud, SD; Joseph Nichols, Ft. Pierre, SD; Clarence Poorman, Rosebud, SD; Pat Buscher, Ft. Pierre, SD; John Sitting Bear, Rosebud, SD; Melvin Staples, Rosebud, SD; Richard Traversie, Rosebud, SD; and Emily White Hat, Rosebud, SD. I am confident that the work of these individuals will not only provide much-needed assistance to the Rosebud Reservation and the Bad River watershed project, but also that the next year will be immensely rewarding for each of the participants. I congratulate each participant on their commitment to service and to furthering their education—I firmly believe that education is essential to a productive life and vital to American efforts to remain a first-class economic power.

Today, I would also like to commend the USDA for its innovative and extensive participation in AmeriCorps, and the members of the Rosebud Sioux Tribe. AmeriCorp-Team USDA provides for a truly unique partnership involving tribal, State, and Federal Government, and this effort will address a lot of the traditional native concerns for the environment. So, as the GOP threatens to terminate funding for AmeriCorp, I am proud that rural enhancement and environmental protection is taking place in the great State of South Dakota and I believe that these programs are examples of why the continuation of the AmeriCorps program is critically important.

IN APPRECIATION OF DR. HARRY SCARR

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, I join with Chairman BILL CLINGER in expressing our deepest sympathy to the wife and children of Dr. Harry Scarr, the Deputy Director of the Census Bureau.

Dr. Scarr is one of those outstanding individuals who devoted his professional time and energies to making the Federal Government work better to serve the public. Trained at Harvard and the University of Michigan, Dr. Scarr chose to devote his considerable talent to public service, and we are all the better for it.

There are a number of sensitive positions in the Federal Government that require a manager with both skill and tact. Dr. Scarr held several of those posts. During the 1970's he worked at the Department of Justice guiding policy and planning decisions for research and statistics on the Federal Justice System. Among the positions he held there were the assistant director in the Office of Policy and Planning, administrator of the Federal Justice Research Program, and Director of the Bureau of Justice Statistics.

In the 1980's he moved to the Department of Commerce Economic and Statistics Administration. He subsequently was appointed Deputy and then Acting Director of the Census Bureau. Dr. Scarr brought stability to the Census Bureau which was without a director for a year and a half.

The Federal Government has many dedicated and hard working employees. The dedication and contribution of Dr. Harry Scarr was among its best.

IN RECOGNITION OF THE SECOND SOUTH CENTRAL LEADERSHIP PROGRAM GRADUATION CEREMONY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. TORRES. Mr. Speaker, on November 17, 1995, the Mexican American Legal Defense and Educational Fund [MALDEF] will hold its second South Central Leadership Program Graduation Ceremony. At the ceremony, 100 graduates of the program will be honored for their successful completion of the program and dedication to community service in the South Central Los Angeles area.

This year were four projects: the Youth and Parent Empowerment Conference, the Citizenship Conference, the Economic Development Conference, and Alternative Methods for Education. The Youth and Parent Empowerment Conference deserves special merit for its collaborative effort with the leadership development in inter-ethnic relations program. The Citizenship Conference, with assistance from the National Association of Appointed and Elected Officials [NALEO], resulted in the processing of more than 100 applications for citizenship. The Economic Development Conference, working with L.A. Councilman Mark Ridley Thomas' district 8, enlisted several organizations, such as Bank of America, the Mexican American Opportunities Foundation, and the University of Southern California, to name a few, and designed new strategies and opportunities for local economic growth. The alternative method for education project, using the Montessori School Model, shared the successes of the tested and innovative approach to education.

The South Central Leadership Program is another example of MALDEF's efforts to help the Latino community build and strengthen the social, economic, and political infrastructure in this neglected area of Los Angeles. Through the program's grassroots leadership training and support of existing and emerging community based organizations, MALDEF plays an important role in opening new doors of access for Latinos.

Mr. Speaker, I ask my colleagues to join me today in honoring this distinguished graduates. From the Technical Assistance Program the graduates are: Maria Alvarez; Marina Alvarez; Sonia Alvarez; Rosa Avelar; Gloria Barragan; Maria Campos; Kwame Cooper; Eduardo Cordero; Jeanette Lopez Escobar; Maria Flores; Grace Galindo; Rudy Garavito; Maria Gonzales; Vivian Harmon; Ramiro Hernandez; Letisia Mauricio; Bertha Melgoza; Gloria Mendez; Dina Moreno; Maria T. Palacios; Faustina Palomares; Yolanda Perales; Eduardo Peregrina; Sonia Ramos; Ana Maria Rodriguez; Irma Rodriguez; Maria Rubalcava; Gloria Saldana; Reina Schmitz; Leticia Vega; Laura Villegas, and Enrique Carrillo.

Graduating from the Leaders of the Future Program are: Gloria Barragan; Maria Campos; Magdalena Cervantes; Maria Dubon; Maria Gonzalez; Evelia Landaverde; Margarita Landeros; Rosalia Lucero; Gloria Mendez; Ana Alicia Munoz; Sara Olivera; Eduardo Peregrina; Guillermina Perez; Alicia Ramirez; Estela Tortoledo; Hermelinda Gonzalez; Sonia Alvarez; Maria Alvarez; Wendy Rivera; Laura Villegas; Fermin Rivera; Marina Meraz; Ivone Garcia; Maria Palacios; Ana Maria Rodriguez; Enrique Carrillo; Marcos Aguilar; Pastel Mireles; Maria Ortiz, and Salvador Rios.

IN HONOR OF S. REID GUSTAFSON

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Ms. LOFGREN. Mr. Speaker, it is a distinct privilege for me to rise today to recognize and honor S. Reid Gustafson, a man who, for many years, has contributed greatly to the community of Santa Clara County, CA.

On Tuesday, the 21st of November, 1995, Mr. Gustafson is being honored as the 1995 Distinguished Citizen, at the 21st Annual Distinguished Citizen Award Dinner of the Santa Clara County Council of the Boy Scouts of America. The dinner will take place in the Imperial Ballroom of the Fairmont Hotel in San Jose, CA. I am honored to join with the Santa Clara County Council of the Boy Scouts of America in congratulating Mr. Gustafson on this momentous occasion.

As the Santa Clara County Council of the Boy Scouts of America has noted in their event program from the Distinguished Citizen Award Dinner, Mr. Gustafson is, ''a person who exemplifies a commitment to the community, integrity and leadership.'' Those who know Reid Gustafson know that his spirit and dogged commitment of the community, make it a better place for all of us to live and work.

By profession, Mr. Gustafson is a leader in the housing industry, having been president of Shea Holmes of northern California for the last 12 years. In spite of a very busy work schedule, Mr. Gustafson has also found the time to become involved in numerous community programs and activities, and is a role model for all of us in terms of his outstanding commitment to community service. From a personal

standpoint, I admire Reid Gustafson very much for this dedication to the people of Santa Clara County.

Mr. Gustafson's extensive community involvement includes serving as the current chairman of the Board of Directors of the San Jose Symphony. Mr. Gustafson also serves on the board of directors of the San Jose Metropolitan Chamber of Commerce, and is a past chairman of the board of managers for the central branch of the YMCA in Santa Clara County.

Mr. Speaker, I also want to honor Mr. Gustafson for the very important role he has played in raising funds for many outstanding community based programs. Through Shea Holmes, Mr. Gustafson has played an integral part in supporting such worthy organizations as the Boy Scouts of Santa Clara County, the YMCA Current Support Campaign, the Crippled Children's Society and the new Children's Shelter of Santa Clara County.

Throughout his career, Mr. Gustafson has served on numerous building industry associations, and has helped to shape the planning of numerous homes and communities throughout California. He has served as the past chairman of the board of directors of the Building Industry Association of northern California, and has also served on the boards of both the State and National Homebuilders' Association. In addition, Mr. Gustafson has served as a commissioner on the Bay Vision 20/20 Taskforce, a key regional planning body in northern California.

Mr. Speaker, I would like to invite you and my colleagues in the House of Representatives to join with me in expressing gratitude and appreciation to Reid Gustafson for his efforts to make our community a better place. I also would like to thank the Santa Clara Council of the Boy Scouts of America for their outstanding leadership in our community, and for giving me the opportunity to share in their recognition of Reid Gustafson as the 1995 Distinguished Citizen Award recipient.

THE FIFTIETH ANNIVERSARY OF HOLY CROSS POST NO. 417 CATHOLIC WAR VETERANS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to pay tribute to the Catholic War Veterans, Holy Cross Post 417 in Trenton, NJ on the 50th anniversary of their founding.

Mr. Speaker, in the fall of 1945, shortly after the surrender of Japan, the young men of Holy Cross Parish, like young men all across the country including my dad who was a combat veteran in the South Pacific began returning from the Armed Forces. At a young age they had stood up to aggression and prevailed. Now they were home, and anxious to get on with their lives that had been interrupted by tyranny. Monsignor Francis Kasprowicz, pastor of Holy Cross Parish took a great interest and concern for the young veterans. So he granted permission to have a Catholic War Veterans Post formed in the Parish. This interest in our returning servicemen led to the founding of Catholic War Veterans, Holy Cross Post 417.

Over the years, Post 417 has opened membership to all those who served in the Armed Forces during World War II, the Korean and Vietnam wars, and beyond. During those years they have been honored for having the largest membership of any post in New Jersey. Others have fallen by the roadside, but Post 417 continues to serve the veterans, not only in Holy Cross Parish, but in all of Mercer County, NJ.

That service is found in the Post Catholic Action and Americanism programs which are year round efforts. Post 417's Palm Sunday Breakfast, Wafer Supper, Fifth Sunday Corporate Communions, Memorial Day Mass, Veterans and Pearl Harbor Day Services are annual events. A Christmas party and an Easter egg hunt are also held yearly for the children of members of the Post as well as the children of auxiliary members.

The Welfare Program also plays an important role in Holy Cross Post 417. Members give of their time to visit disabled veterans at the VA home in Menlo Park, NJ. Often they will play bingo and provide refreshments during their visits with the veterans. The Post holds an annual Cross of Peace collection and they send cards to sick veterans.

The Post organized a Ladies Auxiliary in 1949. They have grown to become not only the largest auxiliary in the State, but also the largest auxiliary in the Nation. The members of Post 417 are well aware that their programs would not be possible without the assistance of their impressive auxiliary.

Mr. Speaker, many influential voices on the American scene today are of the opinion that the United States' greatest ailment is not a lack of wealth, or opportunity. Rather, they see a breakdown in the communal bonds that give people a sense of belonging in an otherwise uncertain and often hostile world. Few would argue with these voices that a sense of community is essential to a cohesive society. Obviously the family must provide the primary bulwark—grounding the individual with a sense that they are not alone in the world. But it is difficult for the family alone to enrich life with the kind of meaning and fraternity we all crave. Certainly careers and Government services can not fill the void either. It is precisely organizations such as Catholic War Veteran, Holy Cross Post 417 which best link us all with the larger community that exists beyond our homes and individual lives.

Post 417, by their long record of involvement in our community is a model of exactly the type of organization which brings us all together in a stable and free society. The service and fellowship they provide to each other, as well as numerous other veterans of our Nation's armed conflicts, certainly yield countless benefits to us all as members of the human family and residents of central New Jersey. We are all truly blessed for their 50 years of service to, as their motto proclaims, God, Country, and Home.

Catholic War Veterans, Holy Cross Post 417, I salute you and all your members both living and deceased on your first half-century of service and wish you the best of success for the many, many years your future surely holds.

FINALLY, BUSINESS AS UN-USUAL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. SOLOMON. Mr. Speaker, let's cut right through the political fog and rhetoric and take a good, objective look at what is actually driving the budget impasse and showdown we are currently embroiled in with President Clinton. The heart of the debate boils down to ideology and principles. Are we going to reign in the role of the Federal Government or not? It has been 40 long years of Democrat rule in the House of Representatives. In that time, the welfare state has ballooned out of control because the answer to all the societal problems is to spend more, more, more.

Well, Mr. Speaker, all we need to do is look at the indisputable facts. As Federal spending skyrocketed, so too has crime and violent crime, drug use, illegitimate children, fatherless homes, and the number of welfare recipients. These trends are indicative of the degree to which the very fabric of American ideals have been shredded. But what was it that actually ripped and tore at the core principles and values upon which this Nation was founded? Clearly, the policies of the welfare state are at the root of this destruction. Now, the only questions that remain are what made the welfare state such a failure and how do we fix it.

This is the crux of the current debate and what makes this moment truly historic. The overwhelming majority of the American public can tell you that the root cause is the inherent message of the welfare state that people not only can get, but deserve, something for nothing. Even President Clinton knows this is the popular opinion. He campaigned on real welfare reform and being tough on crime and drugs yet this week he has said he will veto the Republican proposal to bring real reform to the welfare state and the facts show that drug use is on an undeniable upswing. He has said he is for a balanced budget but now he refuses to even commit to one, yet alone act on it. Why? Because in reality, he is entrenched in this failed ideology along with all the leftist leaders of the Democrat Party. He is entrenched in this bureaucratic mindset which resists change at all costs, even when the American public recognizes and has demanded such change. That's why people are leaving the party in droves.

Mr. Speaker, it is indeed unfortunate that political pandering, class warfare and outright scare tactics are the only responses they have left because their only core principles are tax and spend. However, I would like to submit to the RECORD an editorial from the Wall Street Journal of November 13, 1995, which cuts right to the chase. I hope we can all take their lead and keep an eye on the real debate because it is a truly momentous period in American history.

[From the Wall Street Journal, Nov. 13, 1995]

REVIEW AND OUTLOOK—AT LAST, A CHOICE

So President Clinton vows to shut down the federal government tomorrow if Republican majorities in Congress don't bow to his budget will. Well, be our guest. By all means, let's shut down ''non-essential'' parts of the government and see if anyone cares.

At least a shutdown might focus Americans, and maybe even a bored media, on the

real stakes in this year's budget debate: Is the United States, for the first time since the 1920s, going to rein in the federal government, or not? This is the heart of the matter. The rest is political fog.

Republicans are close to putting on Mr. Clinton's desk a bill that does more or less what they promised to do last November. For the first time in decades, Congress would actually cut some spending. A few parts of Leviathan would even go out of business. The tax burden would ease. Welfare policy would be opened up to 50 state experiments. And so on.

Readers of these columns know we've criticized some parts of this GOP budget. We wish it cut more spending, especially on pet Congressional fiefs, and that it cut taxes in a way that better promoted economic growth. We wish a lot of things, But if this effort fails, the alternative isn't a better budget. The alternative is a victory for the Beltway status quo. That's why this budget fight really is a seminal moment in American politics.

Precisely because Bill Clinton knows this, he wants to delay or obfuscate the real choice. They very last thing he wants is to have to decide whether to sign or veto this budget. For months, ever since Dick Morris came back as his strategist, Mr. Clinton has had it both ways. He claims to be for all of the things the public wants—tax cuts, a balanced budget, welfare reform—but he hasn't had to do anything to prove it.

Meanwhile, his left wing has come down on him with a wrath usually reserved for Republicans. Marian Wright Edelman, Hillary Clinton's mentor and mother superior of the welfare state, wrote an open letter all but accusing Mr. Clinton of child abuse for endorsing a welfare bill that got 35 Democratic votes in the Senate.

So Mr. Clinton has, for now, dropped his compromise budget zig and adopted an opposition zag. His advisers are openly bragging that this will help him on the ''character'' issue. If he vetoes the budget, he'll lose his reputation for flip-flopping! At least, we suppose, until the Dec. 15 filing deadline for the New Hampshire primary, after which the left won't be able to field a challenger against him.

Which brings us back to the real issue of reining in government. On this score the GOP budget is hardly radical. Over seven years, it would shrink federal spending's share of the economy only slightly—to 18.5% of GDP in fiscal 2002, from 21.7% in 1995, says the Congressional Budget Office. Total federal spending would continue to rise.

We repeat: Total spending would rise—to $1.844 trillion in 2002 from $1.530 trillion.

Tax revenues would climb even faster—to $1.853 trillion from $1.355 trillion in 1995. As a share of the economy, taxes would fall only slightly—to 18.6% of GDP in 2002 from 19.3% this year. Taxation's share of GDP has stayed remarkably near 19% for 20 years now, so this is no great change either. Congress is merely bringing its spending into line with the maximum tax burden Americans seem willing to pay.

It's hard to know what Mr. Clinton means whey he says this budget is ''extreme.'' Does he want Congress to spend $1.9 trillion a year, or $2 trillion, or what? How much is enough?

The president has been most shameless on Medicare and Medicaid, which are growing by 10% a year. Under current law these and other entitlements plus interest are growing so fast they will consume all federal tax revenues by 2012. Every dime. There'll be nothing left for defense or education or anything else Mr. Clinton claims to value.

The logic of Mr. Clinton's demagoguery is that taxes will have to go up, sooner or later. Medicare is financed in part by a payroll tax that in 1937 was 2% on incomes up to $3,000. Today it is 15.3% on $62,600 of income. How high does Mr. Clinton want the payroll tax to go if he doesn't want to accept Republican reforms? And by the way, where are the budget scolds (Warren Rudman, Pete Peterson. David Broder) who've griped for years that politicians lack the courage to tackle middle-class entitlements? When Republicans finally do it, they temporize.

These are the real stakes in this budget debate. They have been obscured by a president who wants to change the subject. And by a media class which decries political ''bickering'' while ignoring the substance of the debate. The shouting is so loud inside Washington this year precisely because this is the first budget in years that is not business as usual. Mr. President, it's time to choose.

100TH ANNIVERSARY OF TEMPLE ISRAEL

HON. SUE MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mrs. MYRICK. Mr. Speaker, I insert the following for the RECORD:

In the United States House of Representatives November 18, 1995.

Whereas Temple Israel in Charlotte, North Carolina is celebrating its 100th Anniversary; and

Whereas Temple Israel is the oldest and largest Conservative congregation in the Carolinas; existing to strengthen Judaism through worship, study, celebration and the promotion of human well-being; and

Whereas Temple Israel has been an integral part of the Jewish community in Charlotte and surrounding areas, and has given her congregants a warm environment in which to expand their mines, hearts, and souls; and

Now, Therefore I, Sue Myrick, Member of Congress for North Carolina's 9th District of Congress, do honor the congregation and of the Temple Israel as it celebrates 100 years of spiritual growth; and heartily congratulate the entire synagogue family. Best wishes for continued success, health and happiness; and

In Witness Whereof I have hereunto set my hand this Seventeenth day of November, Nineteen Hundred and Ninety-Five.

OUTRAGE OVER CONTINUING RESOLUTION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Ms. JACKSON-LEE. Mr. Speaker, I rise today to express my outrage over the continuing resolution shutdown of the Federal Government and the furlough of 800,000 Federal employees nationwide. No American is being left unaffected. The House leadership is holding the American people hostage to a radical philosophy that has little credibility. Some of the services that all Americans depend upon are now unavailable. An example of these services include the following:

The Social Security Administration can no longer accept any new applications for benefits.

The Veterans' Administration is unable to issue benefit payments for December 1, 1995.

Individuals cannot receive passports.

Federal Home Administration cannot make housing loans.

National parks and the Smithsonian Institution are closed.

In Houston, 2,200 Federal employees at Johnson Space Center have been furloughed.

The House considered another continuing resolution today that eliminates some of the extraneous provisions such as the increase in Medicare part B premiums that caused the President to veto the second continuing resolution. I still have some concerns about this new continuing resolution because of some of the assumptions used in drafting the bill. It remains to be seen whether President Clinton will veto this resolution.

The ironic aspect of this shutdown is that the Federal Government is not saving any money. When a budget impasse occurred in 1990 and the Government shutdown over the Columbus Day weekend, it cost $1.6 million. According to White House Budget Director Alice Rivlin, the Government incurs expenses to secure vacant Federal buildings, pay penalties on contracts that cannot be honored and expenses to reimburse furloughed Federal employees since those employees that are usually paid for the time away from the office.

I would like to remind my colleagues that Americans are closely watching these deliberations. A USA Today/CNN? gallup poll taken yesterday indicated that 49 percent of those individuals survey blame the Republican leadership for the shutdown.

Moreover, 61 percent of those individuals are angry about the impasse. Forty-nine percent prefer the Democratic Party's approach to reducing the Federal deficit and maintaining critical Federal programs. Finally, 48 percent of the respondents approve of the President's handling of the budget negotiations whereas only 22 percent of the respondents agree with the manner in which the Speaker of the House has handled the negotiations.

Therefore, we must end the political posturing and end the disruption of the lives of millions of Americans. Another issue is the impending default by the Federal Government on its debt obligations. A major interest payment on the Federal debt is due today. We like to boast that we are a superpower and that the world should look to us for leadership. We are a poor example for the rest of the world if we allow the Federal Government to be in default. This is unacceptable to the American people. It should be unacceptable to every Member of the House of Representatives. We must pass legislation to extend the debt ceiling without delay. And we should pass a streamlined continuing resolution to get America working again.

MONTEREY BAY AND LANGUAGE LEARNING

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. FARR. Mr. Speaker, on November 1, 1995, I had the honor of introducing a resolution heralding the Monterey Language Capital of the World initiative.

H. Res. 266 commends the Monterey Bay public-private partnership for its recognition of the unique language resources that are located in the 17th Congressional District and its strong commitment to promoting language diversity.

Monterey is directly involved with 25 percent of the Nation's postsecondary learning in languages other than English. What Research Triangle Park is to applied academics, what Silicon Valley is to high technology, Monterey Bay will be to language learning.

California's central coast has a rich heritage of professional language resources, including: the Defense Language Institute, the U.S. Naval Postgraduate School, the AT&T Language Line Services, the Monterey Institute of International Studies, California State University at Monterey Bay, the University of California at Santa Cruz, Monterey Peninsula College, CTB McGraw-Hill, and American Global Studies Institute.

One of my earliest initiatives after being elected in 1993 was to convene a higher education summit in the district. The participants—CSUMB, USSC, Monterey Peninsula College, MIIS—all agreed to hammer out a language memorandum of understanding whereby the educational institutions agreed to share resources in language training.

In order to make the Defense Language Institute a participant in the Language MOU, I secured passage of a provision in the fiscal year 1994 defense bill which allows civilians to attend the DLI. With a faculty of 900 and a student body of 3,000, DLI is the largest language training institution in the world. It has been located in Monterey since 1946, and teaches foreign languages to other Federal agencies like the FBI, NASA, and the DEA. For instance, when an American astronaut participates in a joint United States-Russian space mission, he has been trained in Russian at the DLA so that he can talk to his mission counterpart.

The U.S. Naval Postgraduate School provides professional, service-oriented educational programs for the U.S. Armed Forces and foreign militaries, and has played host to students from more than 100 nations. While no foreign languages are taught at the NPGS, its students learn other languages at DLI and contribute to the multicultural fabric of Monterey.

The AT&T Language Line Services, the largest provider of telephone-based language services in the world, provides around the clock interpretation for business, emergency service providers, communities and institutions across the United States and Canada, and the United Kingdom in 140 languages.

It was created from the vision of a former San Jose police officer who saw the critical need for law enforcement officers to be able to communicate with the people they served.

AT&T bought the service in 1989. Eighty percent of major hospitals in the United States and more than 45 percent of all hospitals subscribe to the service, as do the INS, the U.S. Coast Guard, the SBA, and most major insurance companies and financial institutions throughout the United States. In fact, at my suggestion the attending physician of U.S. Congress subscribes to the service in order to be able to communicate with any foreign speaking tourists who may require medical treatment while visiting the U.S. Capital.

The Monterey Institute of International Studies has an extensive graduate school curriculum that includes the only master's degree in translation and interpretation in the Western Hemisphere. It was established in 1955 to teach modern languages in their cultural context. The programs at the MIIS are designed to develop bilingual professionals, integrating advanced foreign language education into professional programs in business, public administration and policy studies.

California State University at Monterey Bay will house the new Center for Intensive Language and Culture and an Institute of Collaborative Human Services that will provide nonemergency telephone help, like 911, for non-English speakers.

Working with the AT&T Language Line Services for simultaneous translation, CSUMB, which just opened this fall, will expand its basic language programs for teaching students enrolled overseas. It is these types of innovative, collaborative partnerships that reinforce Monterey's foundation as the language capital of the world.

Monterey Peninsula College offers eight foreign languages, a significant number for a 2-year community college, including Arabic, Mandarin Chinese, Japanese, and Russian. It is committed to maintaining a strong language department with emphasis on Pacific rim languages, in keeping with international economic trends for business and commerce.

What is unique about this public-private initiative is that all the language resources interface with each other to create a seamless language web. For example, graduates of the MIIS work at the AT&T Language Line and at the DLI. CSUMB will enjoy employ faculty from the DLI and MIIS to teach language classes. Some NPGS students may be assigned to the DLI for specific language training classes.

Moreover, there are very sound economic reasons to promote language diversity, particularly as they relate to the travel and tourism industry, the Nation's second largest employer which provides more than 13 million jobs.

For instance, did you know that: $58 billion in Federal, State and local tax revenues were generated through travel and tourism in 1994; the typical American household spends $3,900 per year on travel; the World Tourism Organization projects that in the year 2000, more than 661 million people will travel internationally; and international visitor spending now accounts for over 14 percent of all travel expenditures in the United States, compared to five percent in 1983.

What these statistics indicate to me is that we must compete aggressively for the international travel and tourism dollar and the international traveler—who is most likely multilingual. We can only do that by strengthening our commitment to language training and encourage language development in the citizenry of our own country.

I encourage my colleagues to cosponsor H. Res. 266 and to support your local language resources to ensure continued U.S. global leadership and enhance U.S. economic competiveness.

PARTIAL SHUTDOWN OF GOVERNMENT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 15, 1995

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues this editorial which appeared in the Omaha World-Herald on Nov. 15, 1995.

[From the Omaha World-Herald, Nov. 15, 1995]

PARTIAL SHUTDOWN OF GOVERNMENT RESULT OF DEMOCRATIC SCARE TACTICS

Government workers and the public were plunged into unnecessary inconvenience by a partial government shutdown Tuesday. The reason: President Clinton put politics ahead of the public.

Clinton vetoed a stopgap spending bill that would have temporarily kept the museums open, the passport office functioning and the national parks in full operation. The ''continuing resolution'' that would let the government go on spending was needed because the White House and Congress haven't passed a final budget for the fiscal year that began Oct. 1.

The president had been saying for days that he couldn't sign the stopgap spending bill because it contained an increase in the monthly premium paid by retirees for Medicare. Then, as Republican Sen. Pete Domenici offered a compromise on the Medicare premium issue, Clinton added that he also objected to decreases in some other spending programs, including his pet, Ameri-Corps. Of the Medicare change, he said that the price of signing the bill was too high ''if America must close down access to . . . affordable health care for our seniors.''

Of course the legislation would do nothing of the kind. Clinton's words were a reflection of a cynical and deceptive campaign that Democrats are waging. They try to scare retirees by saying that the Republicans are out to eliminate Social Security and Medicare. This cruel Democratic distortion deserves strong condemnation. In addition, as Republican Sen. Bob Dole pointed out, Clinton has been ''playing the Medi-scare game all weekend. That wasn't their real problem. It was cutting spending.''

Republicans are proposing a reasonable change. They want to cancel a 1990 Democratic-sponsored measure that, left alone, would have the unintended effect of reducing the monthly premium for Medicare. Without action, the monthly payment would drop from $46.10 to $42.50 as of Jan. 1. The GOP wants to raise the payment to $53.50, thereby keeping the current recipient-funded portion of the program costs at 31.5 percent. Domenici came a long way around by offering to freeze premiums at $46.10.

The increase to $53.50 would prevent a larger burden from shifting to the taxpayers and prepare the way for the long-term adjustments that the public is going to have to make to keep Medicare solvent.

Taxpayers should applaud this responsible suggestion. General-fund expenditures must be cut wherever possible if the budget is ever going to be balanced. Certainly this is no time to be reducing the amount of money that retirees are asked to contribute to the insurance program from which they benefit.

Furthermore, the logical time to make the change is now. To leave it until Clinton and the GOP hammered out all their differences could mean that the rate would drop in January. That would make it even harder to raise it later.

The increased payment by retirees would not be substantial. An average Social Security recipient would be $10.60 ahead each month after collecting the Social Security cost-of-living increase and having the higher Medicare premium withheld.

But Clinton said it was preferable to furlough hundreds of thousands of federal employees Tuesday, suspending a wide variety of services for the public. He made it sound as though he did that to preserve hospital care for the elderly, or to avoid driving them into bankruptcy. He said he cast the veto because he refused to ''destroy'' Medicare.

Such talk is highly misleading. It frightens people unnecessarily. It tarnishes public debate by creating anger and suspicion that are unwarranted by the facts. President Clinton is known to have advisers who want him to project a more centrist, more reasonable image in the hope of winning moderate support in the next election. If he is ever to succeed at that, he must first learn to keep his Medicare demagoguery under control.

HONORING THE LIFE AND LEGACY OF YITZHAK RABIN

SPEECH OF

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 8, 1995

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to a great patriot, statesman, warrior, peacemaker, and national leader.

Yitzhak Rabin was all of these things and more. He was a brave, tough, dedicated man who served his country faithfully for almost 50 years. He was a reserved public figure and a loving family man. He was a brilliant soldier who could plan successful military campaigns—and, paradoxically, he was also a visionary who could see the need for a peace agreement between the Israelis and the Palestinians.

Yitzhak Rabin began his service to his country before Israel even existed. He fought with the Haganah under British in Palestine during World War II. He fought in the Israel war of independence in 1948. He rose to the ranks of the Israeli Army and helped to build the military machine that won the Six-Day War in 1967. He served as Israel's Ambassador to the United States and as Irael's Defense Minister. Finally, he has been honored twice with the country's most important office—Yitzhak Rabin served as Prime Minister of Israel twice—nearly 20 years apart. In his first term as Prime Minister, he helped to negotiate the disengagement of Israeli and Egyptian forces in the Sinai Desert, paving the way for the Camp David accords. In his second term in office he embraced a bold plan to make peace with the Palestinians. This action cost him his life.

This gifted man—a man of great complexity and courage—was gunned down Saturday by one of his own countrymen, whose actions deprived Israel of the services of a wise, decisive leader at a critical time in the Middle East peace process.

All Americans share the grief of the Israeli people as the attempt to come to grips with the aftermath of this revolting murder. Our country, too, has seen important national leaders like Abraham Lincoln and Martin Luther King murdered by assassins just at the time when we needed their guidance and wisdom most. The assassination of other great Americans—John and Robert Kennedy being the most prominent—have undermined our faith in human nature and destroyed our sense of security and unity. Inevitably, political assassinations strike at the heart and foundation of civilized nations—particularly nations with democratic governments. Assassination is the antithesis of democratic government, which is predicated upon the peaceful resolution of conflicts between competing beliefs and interests.

Our hearts and prayers to out to the Israeli people as they mourn this tragic loss. It is my fervent hope that this tragic loss will not derail the ongoing peace process, but that the successful conclusion of negotiations between the Israelis and the Palestinians will be a lasting and most fitting tribute to the memory to this great man.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 16, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 17

9:00 a.m.
Judiciary
To hold hearings on H.R. 1833, Partial-birth Abortion Ban Act.
SH–216

10:00 a.m.
Commission on Security and Cooperation in Europe
To hold a briefing on the biennial Implementation Review Meeting on Human Dimension Issues held last month in Warsaw, Poland.
SD–562

NOVEMBER 29

10:00 a.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on issues relating to franchise relocation in professional sports.
SD–226

NOVEMBER 30

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

DECEMBER 5

10:00 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on S. 984, to protect the fundamental right of a parent to direct the upbringing of a child.
SD–226

DECEMBER 6

9:30 a.m.
Indian Affairs
To hold oversight hearings on the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101- 601).
SR–485

CANCELLATIONS

NOVEMBER 16

10:00 a.m.
Special on Special Committee
To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine certain issues relative to the Whitewater Development Corporation, focusing on the handling of certain documents following the death of Deputy White House Counsel Vincent Foster.
SH–216

NOVEMBER 17

10:00 a.m.
Special on Special Committee
To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine certain issues relative to the Whitewater Development Corporation, focusing on the handling of certain documents following the death of Deputy White House Counsel Vincent Foster.
SH–216

POSTPONEMENTS

NOVEMBER 16

9:30 a.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings to examine United States policy toward Angola.
SD–419

2:00 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to mark up S. 1394, to reform the legal immigration of immigrants and nonimmigrants to the United States.
SD–226

Daily Digest

HIGHLIGHTS

Senate agreed to Treasury/Postal Service Appropriations & Foreign Operations Appropriations Conference Reports.

House agreed to the conference report on Treasury-Postal Service appropriations.

Senate

Chamber Action

Routine Proceedings, pages S17045–S17102

Measures Introduced: Five bills were introduced, as follows: S. 1412–1416. **Pages S17090–91**

Foreign Operations Appropriations—Conference Report: By 54 yeas to 44 nays (Vote No. 575), Senate tabled Senate Amendment No. 115, relating to the prohibition of funds to foreign non-government organizations which employ abortion as a means of family planning (and thereby receded from its amendment No. 115), to the conference report on H.R. 1868, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, thus clearing the measure for the President.

Pages S17064–67

Treasury/Postal Service Appropriations—Conference Report: By 63 yeas to 35 nays (Vote No. 576), Senate agreed to the conference report on H.R. 2020, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1996, clearing the measure for the President.

Pages S17068–78

Senate receded from its amendment No. 132.

Page S17078

Messages From the House: **Page S17090**

Measures Referred: **Page S17090**

Measures Placed on Calendar: **Pages S17090, S17102**

Communications: **Page S17090**

Statements on Introduced Bills: **Pages S17091–97**

Additional Cosponsors: **Page S17097**

Additional Statements: **Pages S17097–S17102**

Record Votes: Two record votes were taken today. (Total—576) **Pages S17067, S17078**

Adjournment: Senate convened at 12 noon, and adjourned at 9:09 p.m., until 9 a.m., on Thursday, November 16, 1995. (For Senate's program, see the remarks of the Majority Leader in today's RECORD on page S17102.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 10 public bills, H.R. 2636–2645; and 4 resolutions, H.J. Res. 120–122, H. Con. Res. 113 were introduced. **Pages H12505–06**

Reports Filed: Reports were filed as follows:

H. Res. 268, providing for consideration of H. Res. 250, to amend the Rules of the House of Representatives to provide for gift reform (H. Rept. 104–341);

H. Res. 269, providing for consideration of H.R. 2564, to provide for the disclosure of lobbying activities to influence the Federal Government (H. Rept. 104–342);

H. Res. 270, providing for consideration of H.J. Res. 122, making further continuing appropriations for the fiscal year 1996 (H. Rept. 104–343);

Conference report on H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996 (H. Rept. 104–344);

Conference report on S. 440, to amend title 23, United States Code, to provide for the designation of the National Highway System (H. Rept. 104–345);

H. Res. 271, waiving points of order against the conference report on H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996 (H. Rept. 104–346); and

Conference report on H.R. 2451, to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996 (H. Rept. 104–347).

Pages H12415–90, H12505 (continued next issue)

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Bunning of Kentucky to act as Speaker pro tempore for today. **Page H12351**

Foreign Operations Appropriations: By a yea-and-nay vote of 237 yeas to 183 nays, Roll No. 794, the House agreed to the Callahan motion to disagree to the Senate amendment to the House amendment to the Senate amendment numbered 115 to H.R. 1868, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996—returning the measure to the Senate. **Pages H12356–62**

Treasury-Postal Service Appropriations: By a yea-and-nay vote of 374 yeas to 52 nays, Roll No. 797, the House agreed to the conference report on H.R. 2020, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996. **Pages H12371–80**

House insisted on its disagreement to Senate amendment numbered 132—clearing the measure for Senate action. **Page H12380**

H. Res. 267, the rule which waived points of order against the conference report, was agreed to earlier by a yea-and-nay vote of 285 yeas to 133 nays, Roll No. 796. Agreed to order the previous question on the rule by a yea-and-nay vote of 233 yeas to 189 nays, Roll No. 795. **Pages H12362–71**

Interior Appropriations: By a yea-and-nay vote of 230 yeas to 199 nays, Roll No. 799, the House agreed to the Yates motion to recommit the further conference report on H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, to the committee of conference with instructions to insist on the House position on Senate amendment numbered 108, prohibiting use of funds on the Tongass National Forest except in compliance with Alternative P, and Senate amendment numbered 158, concerning fair market value for mineral patents. **Pages H12389–H12404**

H. Res. 253, the rule waiving points of order against the conference report, was agreed to earlier by a yea-and-nay vote of 237 yeas to 188 nays, Roll No. 798. **Pages H12380–89**

Recess: House recessed at 5:47 p.m. and reconvened at 6:38 p.m.; and recessed at 6:39 p.m. and reconvened at 7:45 p.m. **Page H12405**

Bill Re-Referred: The bill H.R. 2552, to transfer the Tatum Salt Dome Property to the State of Mississippi to be designated by the State as the Jamie Whitten Wilderness Area, was re-referred to the Committee on National Security. **Page H12405**

Caucus Membership: Read a letter from the Chairman of the Democratic Caucus wherein he stated that Representative Parker was no longer a member of the Democratic Caucus. **Page H12405**

Committee Membership: Read letters from the Speaker wherein he advised the Chairman of the Committees on Transportation and Infrastructure and Budget that Representative Parker's previous election to those committees had been vacated.

Page H12405

Two-thirds Vote Waiver: House agreed to H. Res. 265, waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules.

Pages H12405–06

Further Continuing Appropriations: By a yea-and-nay vote of 277 yeas to 151 nays, Roll No. 802, the House passed H.J. Res. 122, making further continuing appropriations for the fiscal year 1996.

Pages H12490–H12504

Rejected the Obey motion to recommit the joint resolution to the Committee on Appropriations with instructions to report the joint resolution back forthwith containing an amendment that reduces the minimum level for funding operations from 40 percent to 10 percent and inserts language in title III that would provide that tax cuts will start after the budget is balanced; that there be no reductions in

education; that there be no alterations in the Medicare program; and that no money be appropriated and no targeted tax benefit be provided that is not subject to a line item veto in providing a commitment to a seven-year balanced budget (rejected by a yea-and-nay vote of 187 yeas to 241 nays, Roll No. 801). **Pages H12501–03**

H. Res. 270, the rule under which the joint resolution was considered, was agreed to earlier by a yea-and-nay vote of 249 yeas to 176 nays, Roll No. 800). **Pages H12406–15**

Committees To Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the 5-minute rule: Committees on Commerce, Economic and Educational Opportunities, Government Reform and Oversight, House Oversight, International Relations, Resources, Science, Transportation and Infrastructure, Veterans Affairs, and Select Intelligence. **Page H12504**

Recess: House recessed at 12:10 a.m. and reconvened at 1:10 a.m. **Page H12504**

Senate Messages: Messages received from the Senate today appear on pages H12351 and H12405.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule today appear on pages H12507–08.

Quorum Calls-Votes: Seven yea-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H12361–62, H12370, H12371, H12379, H12389, H12403–04, H12414-15, H12503, and H12503–04. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 1:11 a.m., November 16.

Committee Meetings

TRITIUM PRODUCTION

Committee on Commerce: Subcommittee on Energy and Power held an oversight hearing on Tritium Production and the Report of the Speaker's Task Force entitled "Getting on with Tritium Production". Testimony was heard from Representatives Graham and Ensign; Charles Curtis, Deputy Secretary, Department of Energy; Paul Lisowski, Project Leader, Accelerator Production of Tritium, Los Alamos National Laboratory; and public witnesses.

ALLEGATIONS OF FDA ABUSES OF AUTHORITY

Committee on Commerce: Subcommittee on Oversight and Investigations continued hearings on Allegations of FDA Abuses of Authority. Testimony was heard from David A. Kessler, M.D., Commissioner, FDA, Department of Health and Human Services.

FEDERAL-AID FACILITY PRIVATIZATION ACT

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held a hearing on H.R. 1907, Federal-Aid Facility Privatization Act of 1995. Testimony was heard from Representative McIntosh; Michael B. Cook, Director, Office of Wastewater Management, Office of Water, EPA; and public witnesses.

POSTAL REORGANIZATION ACT

Committee on Government Reform and Oversight: Subcommittee on the Postal Service held a hearing on "The Postal Reorganization Act Twenty-Five Years Later: Time For A Change?". Testimony was heard from Representatives Crane and Rohrabacher; Anthony M. Frank, former Postmaster General; Patti Birge Tyson, former Commissioner, Postal Rate Commission; Murray Comarow, former Executive Director, Kappel Commission and former Senior Assistant Postmaster General; and the following representatives of the Congressional Research Service, Library of Congress: Donald W. Kiefer, Chief, Economics Division; Bernard A. Gelb, Specialist in Industry Economics, Economics Division; Frederick M. Kaiser, Specialist in American National Government, Government Division; Bernevia M. McCalip, Analyst in Business and Government Relations, Economics Division; Carolyn Merck, Specialist in Social Legislation, Education and Public Welfare Division; and Thomas J. Nicola, Legislative Attorney, American Law Division.

COMMITTEE BUSINESS

Committee on House Oversight: Met to consider pending Committee business.

BOSNIA

Committee on International Relations: Held a hearing on Human Rights, Refugees, and War Crimes: The Prospects for Peace in Bosnia. Testimony was heard from public witnesses.

SOUTH PACIFIC—NUCLEAR ISSUES

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on Nuclear Issues in the South Pacific. Testimony was heard from Thomas E. McNamara, Assistant Secretary, Political-Military Affairs, Department of State; and public witnesses.

FEDERAL LAW ENFORCEMENT

Committee on the Judiciary: Subcommittee on Crime held a hearing on Nature, Extent, and Proliferation

of Federal Law Enforcement: Part 1, An Introduction and Overview. Testimony was heard from the following officials of the Office of Administration of Justice Issues, GAO: Norman J. Rabkin, Director; and Weldon McPhail, Assistant Director; the following former Attorney Generals: Griffin Bell; and Dick Thornburgh; and Salvatore R. Martoche, former Assistant Secretary, Enforcement, Department of the Treasury.

UNITED STATES GROUND FORCES IN BOSNIA

Committee on the National Security: Continued hearings on the proposed deployment of United States ground forces to Bosnia. Testimony was heard from Jeane J. Kirkpatrick, former Permanent Representatives of the United States to the United Nations; and a public witness.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 33, Stuttgart National Aquaculture Research Center Act of 1995; H.R. 2243, amended, Trinity River Basin and Wildlife Management Reauthorization Act of 1995; and H.R. 1784, amended, to validate certain conveyances made by the Southern Pacific Transportation Company within the cites of Reno, Nevada, and Tulare, California.

The Committee began markup of H.R. 2402, Snowbasin Land Exchange Act of 1995.

Will continue tomorrow.

LOBBYING DISCLOSURE ACT

Committee on Rules: Committee granted, by voice vote, a rule providing 2 hours of debate on H.R. 2564, Lobbying Disclosure Act of 1995. The rule waives clause 2(l)(6) of rule XI (three day layover) against consideration of the bill. All points of order are waived against any amendment printed in the report of the Committee on Rules. The rule provides one motion to recommit, with or without instructions. The rule further provides that if the House passes a bill that is identical to the Senate bill, it will be in order to consider the Senate bill in the House without the intervention of any point of order. Finally, the rule provides one motion to recommit on the Senate bill. Testimony was heard from Representatives Canady, Clinger, Shays, Mica, Istook, English of Pennsylvania, Fox of Pennsylvania, McIntosh, Weller, Bryant of Texas, Dingell, and Traficant.

GIFT REFORM

Committee on Rules: Granted, by voice vote, a rule providing for consideration in the House without intervening point of order of H. Res. 250, to amend the Rules of the House of Representatives to provide for gift reform, as modified by the Committee amendments printed in the resolution. The rule provides that the previous question is considered as ordered to adoption of the resolution, as modified, without intervening motion except as provided below. The rule provides 30 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. The rule provides for consideration of the amendment printed in the report of the Rules Committee if offered by Representative Burton of Indiana or his designee, debatable for 30 minutes divided between the proponent and an opponent. The rule further provides that, if the amendment by Representative Burton or his designee is not agreed to, it is in order to consider the amendment printed in the report of the Committee on Rules if offered by Representative Gingrich of Georgia or his designee, debatable for 30 minutes. Finally, the rule waives all points of order against the amendment printed in the report. Testimony was heard from Representatives Burton of Indiana, Shays, Barrett of Wisconsin, and Minge.

FURTHER CONTINUING APPROPRIATIONS

Committee on Rules: Granted, by a vote of 6 to 4, a rule providing for one hour of general debate in the House, without the intervention of any point of order, H.J. Res. 122, making further continuing appropriations for the fiscal year 1996. The rule provides that the previous question is considered as ordered without intervening motion except one motion to recommit, which may include instructions only if offered by the Minority Leader or his designee. Testimony was heard from Chairman Livingston and Representatives Obey and Jackson-Lee.

DEFENSE APPROPRIATIONS

Committee on Rules: Granted a rule waiving points of order against the conference report on H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

Joint Meetings

NATIONAL INFORMATION INFRASTRUCTURE COPYRIGHT PROTECTION ACT

Joint Hearing: Senate Committee on the Judiciary concluded joint hearings with the House Committee on the Judiciary's Subcommittee on Courts and Intellectual Property on S. 1284 and H.R. 2441, bills to adapt the copyright law to the digital, networked

environment of the National Information Infrastructure, after receiving testimony from Bruce A. Lehman, Assistant Secretary of Commerce/Commissioner of Patents and Trademarks and Chair, Working Group on Intellectual Property Rights, Information Infrastructure Task Force; Marybeth Peters, Register of Copyrights, Copyright Office, Library of Congress; and Mihaly Ficsor, World Intellectual Property Organization, Geneva, Switzerland.

COMMITTEE MEETINGS FOR THURSDAY, NOVEMBER 16, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Energy and Natural Resources, to hold joint hearings with the Committee on Indian Affairs, and with the House Committee on Resources to review the Alaska Natives Commission's report to Congress transmitted in May 1994 on the status of Alaska's natives, 10:30 a.m., 1324 Longworth Building.

Committee on Governmental Affairs, Subcommittee on Oversight of Government Management and The District of Columbia, to hold hearings on S. 1224, to amend subchapter IV of chapter 5 of title 5, United States Code, relating to alternative means of dispute resolution in the administrative process, 2:30 p.m., SD–342.

Committee on the Judiciary, business meeting, to consider pending calendar business, 10 a.m., SD–226.

Committee on Indian Affairs, to hold joint hearings with the Committee on Energy and Natural Resources, and with the House Committee on Resources to review the Alaska Natives Commission's report to Congress transmitted in May 1994 on the status of Alaska's natives, 10:30 a.m., 1324 Longworth Building.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see page E2192 in today's RECORD.

House

Committee on Commerce, Subcommittee on Health and Environment, to mark up the following bills: H.R. 325, to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe; and H.R. 1787, to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement, 9:30 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, Subcommittee on Early Childhood, Youth and Families, to mark up H.R. 2570, Older Americans Amendments of 1995, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Human Resources and Intergovernmental Relations and the Subcommittee on Government Management, Information, and Technology, joint hearing on the Status of the Medicare Transaction System: The Health Care Financing Administration's Planned Data System to Control Fraud/Abuse, 10 a.m., 2154 Rayburn.

Committee on House Oversight, to continue hearings on Campaign Finance Reform, with emphasis on Political Action Committees, 10 a.m., 1310 Longworth.

Committee on Resources, to continue markup of H.R. 2402, Snowbasin Land Exchange Act of 1995, 9:30 a.m., 1324 Longworth.

Subcommittee on Water and Power Resources, hearing on the following: H.R. 1232, Reclamation Facilities Transfer Act; Texas Reclamation Projects Indebtedness Purchase Act; and the Missouri River Basin, Pick-Sloan Projects Facility Transfers Act; 10 a.m., 1334 Longworth.

Committee on Science, Subcommittee on Energy and Environment, hearing on Climate Models and Projections of Potential Impacts of Global Climate Change. 9:30 a.m., 2318 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 2 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, to mark up the following: H.R. 2594, Railroad Unemployment Insurance Amendments Act of 1995; H.R. 308, Hopewell Township Investment Act of 1995; H.R. 255, to designate the Federal Justice Building in Miami, FL, as the "James Lawrence King Federal Justice Building;" H.R. 395, to designate the U.S. courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, NV, as the "Bruce R. Thompson United States Courthouse and Federal Building;" H.R. 653, to designate the U.S. courthouse under construction in White Plains, NY, as the "Thurgood Marshall United States Courthouse;" H.R. 840, to designate the Federal building and U.S. courthouse located at 215 South Evans Street in Greenville, NC, as the "Walter B. Jones Federal Building and United States Courthouse;" H.R. 869, to designate the Federal building and U.S. courthouse located at 125 Market Street in Youngstown, OH, as the "Thomas D. Lambros Federal Building and U.S. Courthouse;" H.R. 965, to designate the Federal building located at 600 Martin Luther King, Jr. Place in Louisville, KY, as the "Romano L. Mazzoli Federal Building;" H.R. 1804, to designate the U.S. Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, AR as the "Judge Isaac C. Parker Federal Building;" a measure to transfer certain property in the District of Columbia for the construction of a national memorial to Japanese-American patriotism during World War II; and pending prospectuses, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, to continue hearings on IC21: The Intelligence Community in the 21st Century, 1 p.m., 2118 Rayburn.

Joint Meetings

Conferees, H.R. 2099, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, 10 a.m., S–207, Capitol.

Next Meeting of the SENATE

9 a.m., Thursday, November 16

Senate Chamber

Program for Thursday: Senate will consider H.J. Res. 122, providing further continuing appropriations, and any available conference reports.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, November 16

House Chamber

Program for Thursday: Consideration of the conference report on H.R. 2126, Defense Appropriations for fiscal year 1996 (rule waiving points of order);

H. Res. 250, House Gift Reform (rule providing for consideration in the House, 30 minutes of debate); and

H.R. 2564, Lobbying Disclosure Act (open rule, 2 hours of general debate).

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