Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 96–38,'' received on July 29, 1996; to the Committee on Finance.

EC–3614. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report of the Treasury Bulletin for calendar year 1996; to the Committee on Finance.

EC–3615. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule concerning ammunition feeding devices (RIN1512–AB35), received on July 26, 1996; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996'' (Rept. No. 104–347).

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

H.R. 2464. A bill to amend Public Law 103–93 to provide additional lands within the State of Utah for the Goshute Indian Reservation, and for other purposes (Rept. No. 104–348).

S. 199. A bill to repeal certain provisions of law relating to trading with Indians (Rept. No. 104–349).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1952. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Nils J. Diaz, of Florida, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2001.

Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2000.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 2009. A bill to amend the Oil Pollution Act of 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. SANTORUM, Mr. GREGG, Mr. WARNER, Mr. SIMPSON, Mr. THURMOND, Mr. D'AMATO, and Mr. FAIRCLOTH):

S. 2010. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMPSON (by request):

S. 2011. A bill to ensure that appropriated funds are not used for operation of golf courses on real property controlled by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

S. 2012. A bill to redesignate the title of the National Cemetery System and the position of the Director of the National Cemetery System; to the Committee on Veterans Affairs.

By Mr. MCCAIN (for himself, Mr. COATS, Mr. STEVENS, Mrs. HUTCHISON, Mr. ABRAHAM, Mr. ASHCROFT, and Mr. LOTT):

S. 2013. A bill to amend title 31, United States Code, to provide for continuing appropriations in the absence of regular appropriations; to the Committee on Appropriations.

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 2014. A bill to authorize the Secretary of the Interior to acquire property adjacent to the city of New Orleans, Orleans Parish, Louisiana, for inclusion in the Bayou Sauvage National Wildlife Refuge, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 2015. A bill to convey certain real property located within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Mr. BYRD, Mr. HEFLIN, Mr. CAMPBELL, Mr. WELLSTONE, Mr. HOLLINGS, Mr. INOUYE, and Mr. D'AMATO):

S. 2016. A bill to assess the impact of the NAFTA, to require further negotiation of certain provisions of the NAFTA, and to provide for the withdrawal from the NAFTA unless certain conditions are met; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself, Mr. D'AMATO, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. WARNER, Mr. ROBB, Mr. BRADLEY, and Mr. LAUTENBERG):

S. Res. 286. Resolution to commend Operation Sail for its advancement of brotherhood among nations, its continuing commemoration of the history of the United States, and its nurturing of young cadets through training in seamanship; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 2009. A bill to amend the Oil Pollution Act of 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE OIL POLLUTION ACT AMENDMENTS OF 1996

● Mr. BREAUX. Mr. President, I introduce legislation to improve marine safety in the transportation of oil and petroleum products and to enhance the safety of our waterway navigational systems. It has been over 7 years since the Senate approved legislation addressing a comprehensive program regulating the transportation of oil and petroleum products, and mandating a system of responding to oilspills. Since the enactment of the Oil Pollution Act of 1990, there has been a marked improvement in the safety of maritime transportation of oil. According to a recent study, after 1990, the volume of oil pollution from maritime sources in U.S. waters dropped precipitously, and has been reduced by over 75 percent. In addition, there has been a decreasing number of large volume oilspills. For instance, in the 5-year period between 1986 and the end of 1990, there were an average of 25 major and medium oilspills per year, however, since 1990, the average number of large and medium spills decreased 33 percent to approximately 16 per year. Despite these increases in safety there are other steps that can be taken to improve safety, and the bill I am introducing today will continue the improvement of the safe transportation of oil and other petroleum products.

During consideration of the Oil Pollution Act, the Senate Commerce Committee held four hearings on the six different bills that were referred to the Commerce Committee. The end Senate legislative product incorporated the Commerce Committee's provisions on: The operations of oil tankers, enhanced Coast Guard authority to regulate the conduct of oil tankers and merchant marine personnel, requirements on Vessel Traffic Services [VTS] systems, marine oil transportation-related research, and oilspill contingency response plans as they pertain to vessels and offshore facilities. The Senate bill also included the Committee on Environment and Public Works provisions creating the Oil Spill Liability Trust Fund, increasing liability limits, and oilspill contingency response planning as it pertains to onshore facililities.

I am introducing this legislation today to build on the Commerce Committee marine safety improvements that were incorporated into the Oil Pollution Act of 1990. Title I of the bill would require the Coast Guard to finalize regulations on operational measures required for single-hull tankers, add certain new safety requirements for the tug-barge industry, and mandate a minimum underkeel clearance level for tank vessels. The bill also would create incentives to induce vessel operators to switch from single hulled vessels to double-hulled vessels in advance of their mandated phase out. The bill simplifies the procedures for resolution of oilspill claims, and allows vessel operators to consolidate all claims in one Federal proceeding.

Title II of the bill will provide the National Oceanic and Atmospheric Administration [NOAA] with the authority to allow emergency regulations for fishing grounds closures to respond to health emergencies and oilspills. The bill would also require NOAA to provide scientific support on oilspill information. Also included in title II are provisions which would authorize a grant program to establish a nonregulatory program for reducing the risk of oilspills, and authorize NOAA to

use the Oil Spill Liability Trust Fund for nautical charting. We are facing a critical juncture in the modernization of nautical charts, the United States has a responsibility to provide marine nautical chart users with accurate charts, and this provision would help NOAA to provide the shipping public with the most up-to-date navigational information. This provision also includes the authority to utilize private contractors to accomplish nautical charting objectives, and transfers the aeronautical charting responsibilities to the Federal Aviation Administration.

Title III of the bill modernizes the regulations governing deepwater ports. When the Deepwater Port Act was enacted in 1974, it was projected that there would be numerous deepwater port facilities. In fact, there is only one deepwater port in existence today. The provisions of this title will help modernize the regulations, and conform the existing regulations to the realities of deepwater port operation.

Mr. President, I look forward to continuing the effort to upgrade the safety of marine operations in the navigable waterways of the United States, and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2009

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 ''Oil Pollution Act Amendments of 1996''.

TITLE I—OIL POLLUTION ACT AMENDMENTS

SEC. 101. COMPLETION OF FINAL REGULATIONS UNDER SECTION 4115(b).

The Secretary of the department in which the Coast Guard is operating shall issue a final rule under Section 4115(b) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note) with respect to operations elements not later than September 30, 1996.

SEC. 102. TOWING VESSEL SAFETY.

(a) SINGLE HULL BARGE REQUIREMENTS.—

(1) PREVENTION MEASURES.—Subtitle I of title IV of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note), as amended by adding at the end the following:

''SEC. 4119. SINGLE HULL BARGE REQUIREMENTS.

''The Secretary shall issue rules to require that a single hull barge over 5,000 gross tons operating in open ocean or coastal waters that is affected by this section have at least 1 of the following:

''(1) a crew member on board and an operable anchor;

''(2) an emergency system on board the vessel towing the barge to retrieve the barge if the tow line ruptures; or

''(3) any other measure that provides comparable protection against grounding of the barge as that provided by a measure described in paragraph (1) or (2).

''SEC. 4120. MINIMUM UNDER-KEEL CLEARANCES FOR TANK VESSELS.

''The captain of the port for each port in which any tank vessel operates shall establish, in consultation with local marine transportation industry officials, a minimum under-keel clearance for the vessel when entering the port or place of destination and when departing port, taking into account local navigational considerations.''.

(2) CLERICAL AMENDMENT.—Section 2 of the Oil Pollution Act of 1990 is amended by adding at the end of the table of sections for subtitle I of title IV the following items:

''Sec. 4119. Single hull barge requirements.
''Sec. 4220. Minimum under-keel clearances for tank vessels.''.

(b) REQUIREMENT FOR FIRE SUPPRESSION DEVICES.—Section 4102 of title 46, United States Code, is amended by adding at the end the following:

''(f)(1) The Secretary—

''(A) in consultation with the Towing Safety Advisory Committee; and

''(B) taking into consideration the characteristics, methods of operation, and nature of the service of towering vessels,

may require, to the extent appropriate, the installation, maintenance, and use of a fire suppression system or other equipment to provide adequate assurance that an onboard fire can be suppressed under reasonably foreseeable circumstances.''.

SEC. 103. REPORTS.

(a) STUDY ON LIGHTERING REGULATIONS.—Within 12 months after the date of enactment of this Act, the Secretary of Transportation shall review existing requirements for lightering operations in the United States Exclusive Economic Zone to ensure the safe transfer of oil at sea while imposing no undue economic burdens, as compared to accepted international standards, on tank vessels transporting oil to or from the United States and report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) STUDY ON TANKER LANES.—The Secretary of Transportation shall coordinate with the Marine Board of the National Research Council on a study of how the designation of waters through which tank vessels transport oil, and the designation of shipping lanes for tank vessels, affect the risk of an oil spill. The Marine Board shall recommend to the Secretary any changes to designations of waters that would reduce the risk of oil spills to a minimum level of risk, and report its recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 104. CASUALTY REPORTING REQUIREMENTS.

(a) SUBMISSION OF PLAN.—Not later than one year after enactment of this Act, the Secretary of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials.

(b) PENALTIES FOR VIOLATING REPORTING REQUIREMENTS.—Section 6103(a) of title 46, United States Code, is amended by inserting ''or 6102'' after ''6101'' Code, is amended by inserting ''or 6102'' after ''6101'' the second place it appears.

SEC. 105. DOUBLE HULL INCENTIVES.

(a) SECURED LENDERS AND CERTAIN OWNERS.—Paragraph (26) of section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2710) is amended by striking ''the vessel,'' and inserting ''the vessel, but does not include (i) a person having a security interest in, or security title to, any vessel under a contract of conditional sale, equipment trust, chattel or corporate mortgage, or other instrument of similar nature, nor (ii) a lessor or charterer of any vessel under a bona fide lease or demise charter, unless such person, lessor, or charterer has actual possession or control, or participates in the management, of the vessel at the time of a discharge of oil,''.

(b) APPLICATION LIMITED TO SINGLE HULL TANKERS AND DOUBLE HULL TANK VESSELS MORE THAN 20 YEARS OLD.—Subsection (c) of section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended by adding at the end the following:

''(4) APPLICATION LIMITED.—Subparagraph (B) of paragraph (1) of this subsection applies only to—

''(A) single hull tank vessels; and

''(B) double hull tank vessels more than 20 years of age.''.

SEC 106. CONCURSUS.

Section 1017(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2717(c)) is amended by striking subsection (c) and inserting the following:

''(c) PROCEDURE.—

''(1) The responsible party or guarantor may, within 6 months after a claimant shall have presented a claim under section 1013 for costs or damages under section 1002, file a petition in the appropriate United States District Court for limitation of, or exoneration from, liability pursuant to sections 1003 or 1004 of this Act. After an action is commenced under this paragraph in a court, that court shall retain jurisdiction over the actions without regard to whether the requested relief is granted. The responsible party or its guarantor shall demonstrate to the court evidence of financial responsibility approved by the Secretary, as required by section 1016.

''(2) Upon compliance with the requirements of paragraph (1), all claims and proceedings, other than claims presented to the responsible party under section 1013(a), shall cease, and, upon application of the responsible party, the District Court shall enjoin the further prosecution of any action or proceeding in any State or United States court against the vessel, responsible party, guarantor, or their property with respect to any claim arising under this Act. The court shall issue a notice to all persons asserting claims with respect to which the complaint seeks limitation or exoneration, requiring them to present their respective claims upon the responsible party pursuant to section 1013(a). If a claim is not settled by the responsible party or guarantor as provided in section 1013(c), then those persons may file their respective claims with the clerk of the court within such time and in such manner as the court may direct.

''(3) Nothing in this section shall preclude a person from filing a concurrent limitation action under section 4203 of the Revised Statutes of the United States (46 U.S.C. App. 183), commonly known as the Limited Liability Act.''.

SEC. 107. IN REM JURISDICTION.

Section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702) is amended by adding at the end the following:

''(e) IN REM JURISDICTION.—A vessel that discharges or poses a substantial threat of a discharge of oil, within the meaning of subsection (a) of this section, shall be liable for the removal costs and damages specified in subsection (b) that result from the incident. The costs and damages shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States for any district within which the vessel is found.''.

SEC. 108. LIMITED DOUBLE HULL EXEMPTIONS.

(a) IN GENERAL.—The double hull construction requirements of section 3703a of title 46, United States Code, do not apply to—

(1) a vessel documented under chapter 121 of title 46, United States Code, that was equipped with a double hull before August 12, 1992;

(2) a barge of less than 1,500 gross tons carrying refined petroleum product in bulk as cargo in or adjacent to waters of the Bering Sea, Chukchi Sea, and Arctic Ocean and waters tributary thereto and in the waters of the Aleutian Islands and the Alaskan Peninsula west of 155 degrees west longitude; or

(3) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).

(b) AUTHORITY OF THE SECRETARY OF TRANSPORTATION.—

(1) OPERATION OF BARGES IN OTHER WATERS.—The operation of barges described in subsection (a)(2) outside waters described in that subsection shall be on such conditions as the Secretary of Transportation may require.

(2) NO EFFECT ON OTHER AUTHORITY OF THE SECRETARY.—Except as provided in subsection (a), nothing in this section affects the authority of the Secretary of Transportation to regulate the construction, operation, or manning of barges and vessels in accordance with applicable laws and regulations.

(c) BARGE DEFINED.—For purposes of this section, the term ''barge'' has the meaning given that term in section 2101 of title 46, United States Code.

SEC. 109. OIL SPILL RESPONSE VESSELS.

(a) DESCRIPTION.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraph (20a) as (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

''(20a) 'oil spill response vessel' means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.''.

(b) EXEMPTION FROM LIQUID BULK CARRIAGE REQUIREMENTS.—Section 3702 of title 46, United States Code, is amended by adding at the end thereof the following:

''(f) This chapter does not apply to an oil spill response vessel if—

''(1) the vessel is used only in response-related activities; or

''(2) the vessel is—

''(A) not more than 500 gross tons;

''(B) designated in its certificate of inspection as an oil spill response vessel; and

''(C) engaged in response-related activities.''.

(c) MANNING.—Section 8104(p) of title 46, United States Code, is amended to read as follows:

''(p) The Secretary may prescribe the watchstanding and work hours requirements for an oil spill response vessel.''.

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(e) of title 46, United States Code, is amended to read as follows:

''(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.''.

(e) MERCHANT MARINER DOCUMENT REQUIREMENTS.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (7),

(2) by striking the period at the end of paragraph (8) and inserting a semicolon and ''and''; and

(3) by adding at the end thereof the following new paragraph:

''(9) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.''.

(f) EXEMPTION FROM TOWING VESSEL REQUIREMENT.—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.''.

(g) INSPECTION REQUIREMENT.—Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(14) oil spill response vessels.''.

TITLE II—MARINE SCIENCE ENHANCEMENT FOR OIL SPILL PREVENTION AND RESPONSE

SEC. 201. OPENING AND CLOSING OF FISHING GROUNDS.

Section 305(c) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1855(c)) is amended by striking paragraph (3) and by inserting the following after paragraph (2):

''(3) Any emergency regulation which changes an existing fishery management plan shall be treated as an amendment to such plan for the period in which such regulation is in effect. Any emergency regulation promulgated under this subsection—

''(A) shall be published in the Federal Register together with the reasons therefor;

''(B) shall, except as provided in subparagraph (C), remain in effect for not more than 180 days after the date of publication, and may be extended by publication in the Federal Register for an additional period of not more than 180 days, provided the public has had an opportunity to comment on the emergency regulation, and, in the case of a Council recommendation for emergency regulations, the Council is actively preparing a fishery management plan, amendment, or proposed regulations to address the emergency on a permanent basis;

''(C) that responds to a public health emergency or an oil spill may remain in effect until the circumstances that created the emergency no longer exist, provided that the public has an opportunity to comment after the regulation is published and, in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Secretary's action; and

''(D) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, except for emergency regulations promulgated under paragraph (2) in which case such early termination may be made only upon the agreement of the Secretary and the Council concerned.''.

SEC. 202. NOAA SCIENTIFIC SUPPORT.

Section 4202(b) of the Oil Pollution Act of 1990 (33 U.S.C. 1321 note) is amended by adding at the end the following:

''(5) SCIENTIFIC SUPPORT TEAM.—

''(A) ESTABLISHMENT.—Not later than 6 months after the date of enactment of the Oil Pollution Act Amendments of 1996, the Under Secretary of Commerce for Oceans and Atmosphere shall establish and maintain a scientific support team to respond, as required, to oil spills covered by this Act.

''(B) PURPOSE.—The purpose of the scientific support team shall be to provide useful or necessary scientific information and support to the Federal On-Scene Coordinator, primarily in coastal and navigable waters, and to recommend any measures that will serve to mitigate adverse ecological impact as a consequence of the spill.

''(C) PARTICIPATION BY SCIENTISTS WITH EXPERTISE.—The scientific support team—

''(i) shall be compromised of scientists who are experts in the trajectories of oil spills and hazardous material releases, oil and hazardous material behavior and transportation, environmental impacts, and recovery from spills, releases, and related removal actions, environmental trade-off analyses, environmental aspects of contingency planning, and association management tools; and

''(ii) may include local or regional scientists identified in the area contingency plan with expertise which would help ensure a more effective response.''.

SEC 203. ACCESS TO USEFUL AND NECESSARY INFORMATION.

(A) ESTABLISHMENT OF INFORMATION CLEARINGHOUSE.—Section 7001(a) the Oil Pollution Act of 1990 (33 U.S.C. 2761(a)) is amended—

(1) by striking ''may designate'' at the end of paragraph (3) and all that follows through ''representative'' and inserting ''may designate. A representative''; and

(2) by adding at the end the following:

''(4) DISSEMINATION OF INFORMATION.—The Interagency Committee shall disseminate and compile information regarding previous spills, including data from universities, research institutions, State governments, and other nations, as appropriate.''.

(b) REQUIREMENT THAT NATIONAL RESPONSE UNITS MAINTAIN INFORMATION ON ENVIRONMENTAL EFFECTS OF OIL SPILLS.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

''(9) The Under Secretary of Commerce and the Secretary of the Interior, through the United States Fish and Wildlife Service, in coordination with appropriate agencies, shall maintain and update a body of information on the environmental effects of various types of oil spills an how best to mitigate those effects, which shall be kept in a form that is readily transmittable to response teams responding to a spill under this Act;''.

SEC. 204. NOAA PROGRAM TO REDUCE OIL SPILL RISK AND IMPROVE NAVIGATION SAFETY.

(a) REDUCTION OF OIL SPILL RISK—

(1) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish a cost-effective, nonregulatory program to reduce the risk of oil spills through improving navigation safety, promote prompt and effective response and remediation when oil spills occur, enhance recovery and restoration efforts, and advance other purposes of this Act. Such a program shall—

(A) focus on particular geographic areas at risk from spills of oil or hazardous materials;

(B) collaborate closely with local maritime commerce and coastal management interests, including private industry, local, state, and federal agencies, and other appropriate institutions;

(C) include a matching grant program to provide initial funding for local forums comprised of maritime commerce and coastal management interests to advance navigation safety and other oil or hazardous materials spill prevention activities, to improve response and remediation, and to enhance the restoration of coastal zone resources. Grants made under this section shall be matched with 25 percent nonfederal funds in the first two years of the program, and 50 percent thereafter;

(D) promote efficiencies by involving, to the extent appropriate and practical, capabilities offered by National Oceanic and Atmospheric Administration and other federal and state programs that could further the purposes of this section; and

(E) meet multiple navigation or coastal management needs to the extent practicable.

(2) LOCAL OR REGIONAL ELEMENTS.—Local or regional elements for this program shall be developed in consultation with local maritime commerce and coastal management communities. Program elements may include, but are not limited to—

(A) local forums to promote safe navigation, effective oil spill or hazardous material

spill response and remediation, restoration, and related coastal management activities;

(B) Physical Oceanographic Real Time Systems and other technologies that further safe navigation and oil and hazardous materials spill response and restoration, and other coastal management activities;

(C) research and development on means to improve the safety of oil transport, the efficacy of oil and hazardous materials spill response, remediation techniques, and restoration practices;

(D) activities to improve the delivery of navigation, weather, vessel traffic, and other information required for safe navigation;

(E) providing information collected pursuant to the National Oceanographic and Atmospheric Administration's navigation and positioning responsibilities in formats useful in oil spill response, remediation, and restoration activities; and

(F) other activities as appropriate consistent with the purposes of this Act, the Coastal Zone Management Act of 1972 and the National Ocean Service navigation and positioning and coastal management authorities.

(3) IMPLEMENTATION.—The Administrator shall phase the implementation of this program by region such that it is operating nationally within 5 years of the date of the enactment of this Act.

(4) AUTHORIZATION.—For purposes of this subsection, there is authorized to be appropriated $2,000,000 in the first year, $3,000,000 in the second year, and $5,000,000 for each succeeding fiscal year.

SEC. 205. NOAA MARINE SERVICES MODERNIZATION.

(a) IN GENERAL.—For the purposes of modernizing the Administration's services that support safe and efficient maritime navigation, and accelerating the public availability of improved navigation services and products, the Administrator is authorized to withdraw from the Oil Spill Liability Trust Fund established by the Oil Pollution Act of 1990 an amount not to exceed $15,000,000 per year to remain available until expended, for each of 10 fiscal years commencing with the first fiscal year after the enactment of this provision.

(b) USE OF FUNDS.—Funds available to the Administration pursuant to subsection (a) shall be used exclusively to pay the costs of enabling, modernizing, enhancing, or expanding the capabilities of the Administration to conduct, either directly or by contract, programs and activities related to commercial marine navigation, including—

(1) the nautical charting program;

(2) marine tides and circulation programs;

(3) charting survey ship support, including support provided by private contractors; and

(4) marine weather services applicable to commercial navigation safety in the waters of the United States.

(c) CHARTING SURVEY SHIP SUPPORT.—The Administration shall obtain charting survey ship support from private sector contractors to the maximum extent feasible consistent with—

(1) maintaining quality control over navigation products and services to protect the public interest in navigation safety and prevention of maritime accidents, and to protect the United States from liability for gaining to ensure such quality control; and

(2) maintaining within the Administration the scientific and technical capabilities necessary to perform, or oversee contractor performance of, all aspects of the development of marine navigation products and services.

(d) TRANSFER OF AERONAUTICAL CHARTING.—

(1) IN GENERAL.—The following functions are transferred from the National Oceanic and Atmospheric Administration to the Federal Aviation Administration:

(A) The functions vested in the Secretary of Commerce by sections 1 and 2 of the Act of August 6, 1947 (33 U.S.C. 883a and 883b) relating to aeronautical surveys for the purposes of aeronautical charting and the compilation, printing, and distribution of aeronautical charts.

(B) The functions vested in the Secretary of Commerce by section 1307 of title 44, United States Code, relating to establishment of prices at which aeronautical charts and related products may be sold.

(C) So much of the functions of the Secretary of Commerce and the Department of Commerce as is incidental to or necessary for the performance by, or under, the Administrator of the Federal Aviation Administration of the functions transferred by this subsection or that relate primarily to those functions.

(2) INCIDENTAL TRANSFERS.—

(A) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Administrator of the Federal Aviation Administration by this section as the Director of the Office of Management and Budget shall determine shall be transferred to the Federal Aviation Administration at such time as the Director shall direct.

(B) Such other measures as the Director of the Office of Management and Budget determines to be necessary in order to effectuate the transfers described in paragraph (1) of this subsection shall be carried out in such manner as the Director shall direct.

(3) EFFECTIVE DATE.—The transfers made by this subsection shall be completed not later than September 30, 1998.

TITLE III—DEEPWATER PORT MODERNIZATION

SEC. 301. SHORT TITLE.

This title may be cited as the ''Deepwater Port Modernization Act''.

SEC. 302. DECLARATIONS OF PURPOSE AND POLICY.

(a) PURPOSES.—The purposes of this title are to—

(1) update and improve the Deepwater Port Act of 1974;

(2) assure that the regulation of deepwater ports is not more burdensome or stringent than necessary in comparison to the regulation of other modes of importing or transporting oil;

(3) recognize that deepwater ports are generally subject to effective competition from alternative transportation modes and eliminate, for as long as a port remains subject to effective competition, unnecessary Federal regulatory oversight or involvement in the ports' business and economic decisions; and

(4) promote innovation, flexibility, and efficiency in the management and operation of deepwater ports by removing or reducing any duplicative, unnecessary, or overly burdensome Federal regulations or license provisions.

(b) POLICY.—Section 2(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1501(a)) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(3) by inserting at the end the following;

''(5) promote the construction and operation of deepwater ports as a safe and effective means of importing oil into the United States and transporting oil from the outer continental shelf while minimizing tanker traffic and the risks attendant thereto; and

''(6) promote oil production on the outer continental shelf by affording an economic and safe means of transportation of outer continental shelf oil to the United States mainland.''.

SEC. 303. DEFINITIONS.

(a) ANTITRUST LAWS.—Section 3 of the Deepwater Port Act of 1974 (33 U.S.C. 1502) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (19) as paragraphs (3) through (18), respectively.

(b) DEEPWATER PORT.—The first sentence of section 3(9) of such Act, as redesignated by subsection (a), is amended by striking ''such structures,'' and all that follows through ''section 23.'' and inserting the following; ''structures, located beyond the territorial sea and off the coast of the United States and which are used or intended for use as a port or terminal for the transportation, storage, and further handling of oil for transportation to any State, except as otherwise provided in section 23, and for other uses not inconsistent with the purposes of this Act, including transportation of oil from the United States, outer continental shelf.''.

SEC. 304. LICENSES.

(a) ELIMINATION OF UTILIZATION RESTRICTIONS.—Section 4(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1503(a)) is amended by striking the last sentence.

(b) ELIMINATION OF PRECONDITION TO LICENSING.—Section 4(c) of such Act (33 U.S.C. 1503(c)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

(c) CONDITIONS PRESCRIBED BY SECRETARY.—Section 4(e)(1) of such Act (33 U.S.C. 1503(e)) is amended by striking the first sentence and inserting the following: ''In issuing a license for the ownership, construction, and operation of a deepwater port, the Secretary shall prescribe those conditions which the Secretary deems necessary to carry out the provisions and requirements of this Act or which are otherwise required by any Federal department or agency pursuant to the terms of this Act. To the extent practicable, conditions required to carry out the provisions and requirements of this Act shall be addressed in license conditions rather than by regulation and, to the extent practicable, the license shall allow a deepwater port's operating procedures to be stated in an operations manual, approved by the Coast Guard, in accordance with section 10(a) of this Act, rather than in detailed and specific license conditions or regulations; except that basic standards and conditions shall be addressed in regulations.''.

(d) ELIMINATION OF RESTRICTION ON TRANSFERS.—Section 4(e)(2) of such Act (33 U.S.C. 1503(e)(2)) is amended by striking ''application'' and inserting ''license''.

(e) FINDINGS REQUIRED FOR TRANSFERS.—Section 4(f) of such Act (33 U.S.C. 1503(f)) is amended to read as follows:

''(f) AMENDMENTS, TRANSFERS, AND REINSTATEMENTS.—The Secretary may amend, transfer, or reinstate a license issued under this Act if the Secretary finds that the amendment, transfer, or reinstatement is consistent with the requirements of this Act.''.

SEC. 305. INFORMATIONAL FILINGS.

Section 5(c) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)) is amended by adding the following:

''(3) Upon written request of any person subject to this subsection, the Secretary may make a determination in writing to exempt such person from any of the informational filing provisions enumerated in this subsection or the regulations implementing this section if the Secretary determines that

such information is not necessary to facilitate the Secretary's determinations under section 4 of this Act and that such exemption will not limit public review and evaluation of the deepwater port project.''.

SEC. 306. ANTITRUST REVIEW.

Section 7 of the Deepwater Port Act of 1974 (33 U.S.C. 1506) is repealed.

SEC. 7. OPERATION.

(a) AS COMMON CARRIER.—Section 8(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1507(a)) is amended by inserting after ''subtitle IV of title 49, United States Code,'' the following: ''and shall accept, transport, or convey without discrimination all oil delivered to the deepwater port with respect to which its licensed is issued,''.

(b) CONFORMING AMENDMENT.—Section 8(b) of such Act is amended by striking the first sentence and the first 3 words of the second sentence and inserting the following: ''A licensee is not discriminating under this section and''.

SEC. 308. MARINE ENVIRONMENTAL PROTECTION AND NAVIGATIONAL SAFETY.

Section 10(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1509(a)) is amended—

(1) by inserting after ''international law'' the following: ''and the provision of adequate opportunities for public involvement''; and

(2) by striking ''shall prescribe by regulation and enforce procedures with respect to any deepwater port, including, but not limited to,'' and inserting the following: ''shall prescribe and enforce procedures, either by regulation (for basic standards and conditions) or by the licensee's operations manual, with respect to''.

By Mr. HATCH (for himself, Mr. SANTORUM, Mr. GREGG, Mr. WARNER, Mr. SIMPSON, Mr. THURMOND, Mr. D'AMATO, and Mr. FAIRCLOTH):

S. 2010. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms, and for other purposes; to the Committee on the Judiciary.

THE COMMUNITY PROTECTION INITIATIVE OF 1996

Mr. HATCH. Mr. President, today I am introducing the community protection initiative of 1996. This bill will exempt current and former law enforcement officers from State and local laws prohibiting the carrying of concealed firearms. In so doing, this bill will adopt a clear, uniform rule in place of the various State and local laws that are on the books today.

This bill has the support of many law enforcement organizations and individuals, including the Law Enforcement Alliance of America, Fraternal Order of Police, National Association of Police Organizations, National Sheriffs Association, National Troopers Coalition, Southern Police Benevolent Association, National Law Enforcement Council, the Salt Lake City police chief, the Salt Lake County sheriff, and the Utah Highway Patrol Association.

This bill will prove to be a useful addition to our laws in several ways. This bill will enhance public safety. It will do so by potentially placing thousands of additional police officers on the streets of America—at no additional cost to the public. Law enforcement officers are highly trained professionals. Their classroom teaching, as well as their experience in the field, are the most valuable weapons that they possess. But all of that skill and experience will be of little benefit for a police officer if he cannot prevent A crime from occurring because he is unable to carry the firearm his community has authorized him to carry as part of his job. This bill puts more police on the street, at no cost to the taxpayer.

That result alone is a valuable one. But there is more. The bill will help law enforcement officers protect themselves and their families when they travel interstate. By itself, that is a valuable benefit. Any one police officer may make scores of arrests throughout his career, and an officer may not always remember the face of every suspect that he apprehends. Many criminals, however, remember. They remember the face of the judge, the face of the prosecutor, and, most importantly, the face of the arresting officer. This bill enables police to protect themselves and their families in the face of these long memories. Currently, police officers can protect themselves when they remain within their jurisdictions on-duty. If those jurisdictions permit, officers can carry their firearms off-duty. This bill would allow each qualified police officer to travel out of State without being at risk of criminal assault.

A firearm is an important tool in a battle with a criminal, especially an armed one. A firearm in the hands of a trained police officer, when off duty, will make our streets safer. For private citizens, a firearm is best compared to a fire extinguisher, because each one is a piece of emergency, lifesaving equipment. But for police officers, a firearm is a necessary tool of his profession.

We expect that police officers will intervene to prevent crimes from occurring. No, we demand that police officers carry out that responsibility. That is why we train them in law enforcement; and that is why we give them a badge; that is why we give them a gun. This bill will ensure that we do not disarm the police just because they have traveled interstate.

There are more than 600,000 State and local law enforcement officers in more than 17,000 police agencies. This bill would allow those officers, and many of their retired colleagues, to carry firearms when they travel out of State. That puts each of those officers on the streets in the service of law enforcement in this Nation.

To be sure, only some police officers will take advantage of this provision. But we know that there will be some officers who prevent some crimes and who prevent some people from becoming victims.

At the same time, this bill achieves those benefits in a careful manner. It does not allow unqualified officer to carry firearms interstate. Rather, it requires current police officers to be in good standing to take advantage of the benefits of this bill. The bill also does not allow all retired police officers to carry firearms. Before a retired police officer can carry a concealed firearm under this bill, the bill requires that the retired officer be authorized by his or her State of residence to carry a concealed firearm within that State. Finally, this bill does not authorize the carrying of firearms on aircraft.

I look forward to working with my colleagues on a bipartisan basis in moving this legislation. In the House, Representative CUNNINGHAM of California has introduced a similar measure.

Together, we can bring about passage of a bill that will protect the public, our Nation's law enforcement officers, and their families.

By Mr. SIMPSON (by request):

S. 2011. A bill to ensure that appropriated funds are not used for operation of golf courses on real property controlled by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

VETERANS AFFAIRS LEGISLATION

Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2011, a bill relating to the use of appropriated funds for the operation and maintenance of golf courses on real property controlled by the Department of Veterans Affairs. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 20, 1996.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed analysis of the draft legislation.

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

S. 2011

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

SEC. 2. (a) The Secretary of Veterans Affairs shall ensure that no funds appropriated by Congress are used for the maintenance and operation of golf courses on real property within the control of the Department of Veterans Affairs.

(b) Notwithstanding any other provision of law, the Secretary may provide for the maintenance and operation of golf courses on real property within the control of the Department by—

(1) entering into leases or other arrangements for a period not to exceed 20 years with (i) Department of Veterans Affairs employee associations; (ii) other nonFederal nonprofit organizations; or (iii) private entities; or

(2) entering into enhanced use leases under section 8162 of the title 38, United States Code, without regard to sections 8163 and 8168 of title 38, United States Code.

(c) In making any arrangement under subsection (b), the Secretary shall, to the extent the Secretary considers appropriate, seek to provide for therapeutic work opportunities for VA patients and members participating in programs authorized by section 1718 of title 38, United States Code.

(d) Notwithstanding any other provision of law, funds generated in connection with the use of real property within the control of the Department of Veterans Affairs that is used for a golf course shall be retained by the Department for such uses as the Secretary deems appropriate.

(e) The Secretary of Veterans Affairs shall, before leasing a golf course on real property within the control of the Department, consider the option of excessing the golf course to the General Services Administration so that the property can be screened for redeployment by another Executive Agency.

ANALYSIS

The draft bill contains the enactment section, which is section one, and a section two which contains five subsections.

Subsection (a) prohibits the Secretary of Veterans Affairs from using funds appropriated by the Congress for the maintenance and operation of golf courses at VA health care facilities.

Subsection (b) would authorize the Secretary to provide for the maintenance and operation of golf courses at VA health care facilities by leasing the property to VA employee associations or other non-Federal nonprofit organizations. Examples of other nonprofit organizations are a local government, or a veterans service organization. Subsection (b) would also authorize the Secretary to enter into enhanced use leases of golf course properties without regard to limitations set forth in section 8163 and 8168 of title 38, United States Code. Section 8168 limits the number of enhanced use leases the Secretary may enter into, and could be a barrier to the leasing of the golf courses. Section 8163 establishes a process by which properties are designated for enhanced use leasing. It is unnecessary to follow that process for the golf courses as the bill itself designates the properties subject to such leasing.

Subsection (c) would provide that in exercising the authority in subsection (b) to make arrangements for the operation of golf courses, the Secretary may, if appropriate, seek to provide for therapeutic work opportunities for patients. Thus, for example, the Secretary might include in a lease, a provision calling for the lessor to enter into an arrangement with a VA compensated work therapy program to have patients perform golf course maintenance.

Subsection (d) would permit VA to retain any funds generated by VA real property used as a golf course.

Subsection (e) would require the Secretary, before leasing the property, to consider excessing the property for use by another Executive Agency.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, June 20, 1996.

Hon. AL GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, ''To ensure that no appropriated funds are used for the operation and maintenance of golf courses on real property controlled by the Department of Veterans Affairs.'' We request that it be referred to the appropriate committee for prompt consideration and enactment.

For many years VA has operated golf courses at a number of its medical facilities to provide patient therapy and recreation. Generally, these golf courses were in existence at the hospital facilities at the time the Department acquired the facilities. The courses are often quite small with only 9-holes, and are located at facilities with large psychiatric patient populations. Currently 22 VA golf courses exist.

VA can no longer justify the expenditure of medical care appropriations for the operation of golf courses. Scarce resources used for maintenance and operation of the courses can be more appropriately used for the direct provision of medical care to veterans. In some instances opportunities may exist to use the property more appropriately. In other instances, continued operation of a golf course may be warranted, but a better mechanism may exist for maintaining and operating the course. Accordingly, the Department has determined that it will no longer directly operate golf courses using appropriated funds.

In the last several months, the Department has looked at various mechanisms for divesting itself of golf course operations. However, legal impediments exist to pursuing some options. The enclosed draft bill would statutorily authorize the Secretary to provide for the maintenance and operation of golf courses in various ways without using any appropriated funds.

The draft bill would prohibit the use of appropriated funds to operate golf courses, and would provide specific mechanisms for continuing golf course operations. The bill would permit the Secretary to lease or make other arrangements with VA employee associations or other non-federal nonprofit entities to have them operate the courses. Such a nonprofit entity might include the local community where the VA facility is located. The bill would also allow the Secretary to arrange for operation of a course by a private organization. Finally, it would also authorize VA to enter into enhanced use leases of golf course properties.

Another provision in the bill would provide that in making arrangements for operation of golf courses, the Secretary should, if appropriate, seek to provide for therapeutic work opportunities for VA patients. VA compensated work therapy programs are always searching for ways to provide certain patients with therapeutic work. In the lease of a golf course, it might be possible to require the lessee to make an arrangement with a VA work therapy program to use patient workers. Finally, the bill would require the Secretary to consider divesting golf courses altogether before entering into lease arrangements.

This bill would affect direct spending and receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB estimates that the pay-as-you-go effect of this proposal is zero.

The Office of Management and Budget advises that there is no objection to the submission of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

JESSE BROWN.

By Mr. SIMPSON (by request):

S. 2012. A bill to redesignate the title of the National Cemetery System and the position of the Director of the National Cemetery System; to the Committee on Veterans' Affairs.

NATIONAL CEMETERY ADMINISTRATION LEGISLATION

Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2012, a bill to redesignate the National Cemetery System as the ''National Cemetery Administration,'' and to redesignate the position of Director, National Cemetery System as ''Assistant Secretary, Memorial Affairs.'' The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 24, 1996.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter.

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

S. 2012

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

SECTION 1. REDESIGNATION OF TITLE OF NATIONAL CEMETERY SYSTEM.

The title of the National Cemetery System of the Department of Veterans Affairs is hereby redesignated as the National Cemetery Administration.

SEC. 2. REDESIGNATION OF POSITION OF DIRECTOR OF THE NATIONAL CEMETERY SYSTEM.

The position of Director of the National Cemetery System of the Department of Veterans Affairs is hereby redesignated as Assistant Secretary for Memorial Affairs.

SEC. 3. ASSISTANT SECRETARIES.

Section 308(a) of title 38, United States Code, is amended by—

(a) in subsection (a) thereof, changing the period at the end of the first sentence of that subsection to a comma and adding the following at the end of that sentence: ''in addition to the Assistant Secretary for Memorial Affairs'';

(b) in subsection (b) thereof, by inserting ''other than the Assistant Secretary for Memorial Affairs'' after ''Assistant Secretaries''; and

(c) in subsection (c) thereof, by inserting ''pursuant to subsection (b)'' after ''Assistant Secretary''.

SEC. 4. TITLE 38 CONFORMING AMENDMENTS.

(a) Title 38, United States Code, is amended by striking out ''director of the National Cemetery System'' each place it appears (including in headings and tables) and inserting in lieu thereof ''Assistant Secretary for Memorial Affairs''.

(b) Section 301(c) of title 38, United States Code, is amended by striking out ''System'' in subsection (c)(4) and inserting in lieu thereof ''Administration''.

(c) Section 307 of title 38, United States Code, is amended—

(1) by striking out ''a'' in the first sentence and inserting in lieu thereof ''an'';

(2) by striking out ''Director'' in the second sentence and inserting in lieu thereof ''Assistant Secretary for Memorial Affairs''; and

(3) by striking out ''System'' in the second sentence and inserting in lieu thereof ''Administration''.

(d)(1) Section 2306(d) of title 38, United States Code, is amended by striking out ''within the National Cemetery System'' in the first sentence of subsection (d)(1) and inserting in lieu thereof ''under the control of the National Cemetery Administration''.

(2) Section 2306(d) of title 38, United States Code, is amended by striking out ''within the National Cemetery System'' in subsection (d)(2) and inserting in lieu thereof ''under the control of the National Cemetery Administration''.

(e)(1) The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by striking out ''Establishment of National Cemetery System; composition of such system; appointment of director.'' and inserting in lieu thereof ''Establishment of National Cemetery Administration; authority of such administration; appointment of Assistant Secretary.''.

(2) The heading of section 2400 of title 38, United States Code, is amended by striking out ''Establishment of National Cemetery System; composition of such system; appointment of director'' and inserting in lieu thereof ''Establishment of National Cemetery Administration; authority of such administration; appointment of Assistant Secretary''.

(3) Section 2400(a) of title 38, United States Code, is amended by striking out ''shall be within the Department a National Cemetery System'' in the first sentence and inserting in lieu thereof ''is within the Department a National Cemetery Administration responsible'' in the first sentence and by striking out ''Such system'' in the second sentence and inserting in lieu thereof ''The National Cemetery Administration''.

(4) Section 2400(b) of title 38, United States Code, is amended by striking out ''The National Cemetery System'' and inserting ''National cemeteries and other facilities under the control of the National Cemetery Administration'' in lieu thereof.

(5) Section 2402 of title 38, United States Code, is amended by striking out ''in the National Cemetery System'' and inserting ''under the control of the National Cemetery Administration'' in lieu thereof.

(6) Section 2403(c) of title 38, United States Code, is amended by striking out ''in the National Cemetery System created by this chapter'' and inserting ''under the control of the National Cemetery Administration'' in lieu thereof.

(7) Section 2405(c) of title 38, United States Code, is amended by striking out ''within the National Cemetery System'' and inserting in lieu thereof ''under the control of the National Cemetery Administration'' and by striking out ''within such System'' and inserting in lieu thereof ''under the control such Administration''.

(8) Section 2408(c) of title 38, United States Code, is amended by striking out ''in the National Cemetery System'' in subsection (c)(1) and inserting ''under the control of the National Cemetery Administration'' in lieu thereof.

SEC. 5. EXECUTIVE SCHEDULE CONFORMING AMENDMENT.

Section 5315 of title 5. United States Code, is amended by striking out ''(6)'' following ''Assistant Secretaries, Department of Veterans Affairs'' and inserting in lieu thereof ''(7)'' and by striking out ''Director of the National Cemetery System.''

SEC. 6. REFERENCES IN OTHER LAWS.

(a) Any reference to the National Cemetery System in any Federal law, Executive order, rule, regulation, delegation of authority, or document of or pertaining to the Department of Veterans Affairs, which reference pertains to the organization within that Department which controls the Department's national cemeteries shall be deemed to refer to the National Cemetery Administration.

(b) Any reference to the Director of the National Cemetery System in any Federal law, Executive order, rule, regulation, delegation of authority, or document of or pertaining to the Department of Veterans Affairs shall be deemed to refer to the Assistant Secretary for Memorial Affairs.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, June 24, 1996.

Hon. ALBERT GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmittal herewith is a draft bill to redesignate the National Cemetery System (NCS) as the ''National Cemetery Administration'' and the Director of the National Cemetery System as the ''Assistant Secretary for Memorial Affairs.'' The legislation would elevate the NCS to the same organizational status within the Department of Veterans Affairs (VA) as the Veterans Health Administration (VHA) and the Veterans Benefits Administration (VBA). I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

On March 15, 1989, the Veterans' Administration was redesignated as the Department of Veterans Affairs and elevated to cabinet-level status as an executive department. At that time, two of the three VA components that administer veterans' programs were also redesignated. The Department of Medicine and Surgery was redesignated as the Veterans Health Services and Research Administration (now the Veterans Health Administration) and the Department of Veterans' Benefits was redesignated as the Veterans Benefits Administration. The designation of the third program component, the National Cemetery System, was not changed.

On October 9, 1992, the title of the Chief Medical Director, the head of the Veterans Health Administration, was redesignated as the Under Secretary for Health and the title of the Chief Benefits Director was redesignated as the Under Secretary for Benefits. The title of the Director of the National Cemetery System was not changed.

The NCS was established on June 18, 1973, in accordance with the National Cemeteries Act of 1973, Pub. L. No. 93–43, §2(a), 87 Stat. 75. The fourfold mission of the NCS is: (1) to provide for the interment in national cemeteries of the remains of deceased veterans, their spouses, and certain other dependents and to permanently maintain their graves; (2) to mark the graves of eligible persons buried in national, state, and private cemeteries; (3) to administer the State Cemetery Grants Program to aid states in establishing, expanding, or improving state veterans' cemeteries; and, (4) to administer the Presidential Memorial Certificate Program.

NCS is the only one of the three VA components responsible for delivering benefits to veterans and their dependents that is referred to as a ''System'' rather than an ''Administration.'' The proposed redesignation ''National Cemetery Administration'' would more accurately recognize NCS' status as a benefit-delivery administration.

Section 307 of title 38, United States Code, establishes the position of Director of the National Cemetery System. The present position title implies that the Director's responsibility is limited to management of the system of national cemeteries and does not adequately reflect the responsibilities associated with the fourfold mission of the NCS. The proposed redesignation ''Assistant Secretary for Memorial Affairs'' would assure that the position receives the status commensurate with its responsibilities. The redesignation would not affect the duties and responsibilities of the position, which would remain the same.

Section 308(a) of title 38, United States Code, provides that VA shall have no more than six Assistant Secretaries. Under the draft bill, the position of Assistant Secretary for Memorial Affairs, so designated in section 307, would not be counted as one of the six Assistant Secretary positions referred to in section 308(a).

Currently, the salary level for the NCS Director is set by statute at Executive Level IV. The salary level for the other VA Assistant Secretary positions is also set at Executive Level IV. The proposed redesignation of the NCS Director as the Assistant Secretary for Memorial Affairs would not affect the salary level of the position, which would remain at Executive Level IV.

Although the proposed redesignation would require changes in some forms and publications, we contemplate making these changes as the documents are reordered or revised. For this reason, and because the Director's salary level would not change, no costs or savings are associated with this proposal.

The Office of Management and Budget has advised that there is no objection to the submission of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

JESSE BROWN.

By Mr. MCCAIN (for himself, Mr. COATS, Mr. STEVENS, Mrs. HUTCHISON, Mr. ABRAHAM, Mr. ASHCROFT, and Mr. LOTT):

S. 2013. A bill to amend title 31, United States Code, to provide for continuing appropriations in the absence of regular appropriations; to the Committee on Appropriations.

THE GOVERNMENT SHUTDOWN PREVENTION ACT

Mr. MCCAIN. Mr. President, today Senators COATS, STEVENS, HUTCHISON, ABRAHAM, ASHCROFT, and myself are introducing the Government Shutdown Prevention Act. This bill would statutorily create what is in essence a permanent backup CR. This special CR would govern if any appropriations acts do not become law.

We all saw the effects of gridlock last year. The Government shut down and millions of people were affected. We want to ensure that another Government shutdown does not occur.

Mr. President, this permanent backup CR would set spending at the lower of spending levels contained in:

First, the previous year's appropriated levels; second, the House passed appropriations bill; third, the Senate passed appropriations bill; fourth, the President's Budget request; or fifth, any levels established by an independent CR passed by the Congress subsequent to the passage of this Act.

The bill specifically notes that entitlements such as Social Security—as obligated by law—will be paid regardless of what appropriations bills are passed. I want to emphasize that entitlements are protected.

This legislation does not erode the power of the appropriators and gives

them ample opportunity to do their job. As a matter of fact, we hope that Senators will realize that if they load up appropriations bills with nonrelated riders—which causes gridlock—that this permanent CR will kick in.

I want to especially note the support of my good friend Senator STEVENS. The Senator from Alaska is a senior member of the Appropriations Committee. His support of this bill is crucial and I thank him for it.

Mr. President, last year's Government shutdown hurt many. Many needed social services could not be offered. We must prevent that from occurring. Additionally, it cost the Government a considerable amount of money. We cannot and should not waste the taxpayers dollars in that fashion.

I want to raise one small example. During the last Government shutdown, I heard form people who work close to the Grand Canyon. These were not Government employees. They were independent small businessmen and women. They told me that the shutdown was costing them thousands of dollars because people couldn't go the park.

The shutdown was not fair to them—it was not fair to anyone. This legislation would prevent a similar shutdown in the future. This bill will prevent gridlock, save money, and preserve needed Government services. I hope the Senate will soon act on this matter.

I ask unanimous consent that the bill be printed in the RECORD.

S. 2013

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 ''Government Shutdown Prevention Act''.

SEC. 2. AMENDMENT TO TITLE 31.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

''§ 1311. Continuing appropriations

''(a)(1) If any regular appropriation bill for a fiscal year does not become law prior to the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

''(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

''(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

''(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

''(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year,

''(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year,

''(C) the rate of operations provided for in the House or Senate passed appropriation bill for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version,

''(D) the rate provided in the budget submission of the President under section 1105(a) of title 31, United States Code, for the fiscal year in question, or

''(E) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

''(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

''(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be, or

''(B) the last day of such fiscal year.

''(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

''(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

''(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

''(e) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

''(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period, or

''(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

''(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

''(1) Agriculture, rural development, and related agencies programs.

''(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

''(3) The Department of Defense.

''(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

''(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

''(6) The Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

''(7) Energy and water development.

''(8) Foreign assistance and related programs.

''(9) The Department of the Interior and related agencies.

''(10) Military construction.

''(11) The Department of Transportation and related agencies.

''(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

''(13) The legislative branch.''.

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

''1311. Continuing appropriations.''.

(c) PROTECTION OF OTHER OBLIGATIONS.—Nothing in the amendments made by this section shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, and Medicaid.

SEC. 3. EFFECTIVE DATE AND SUNSET.

(a) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to fiscal years beginning with fiscal year 1997.

(b) SUNSET.—The amendments made by this Act shall sunset and have no force or effect 6 years after the date of enactment of this Act.

Mr. COATS. Mr. President, I rise today with my colleague and friend, Senator JOHN MCCAIN, to introduce The Government Shutdown Prevention Act. This legislation will create a statutory continuing resolution [CR] that will ensure that the Government will not shut down again—ever.

The lessons from last year are clear. The public expects us to debate our differences vigorously but they don't want our differences to overwhelm our basic responsibility to govern. No one wins when the Government shuts down. Shutdowns only confirm the American people's suspicions that we are more interested in political gain than doing the Nation's business. People are tired of gridlock. They want the Government to work for them—not against them.

I believe the legislation we are introducing today will go a long way toward ensuring that we do not once again disappoint the American people. Last year, the Republican Congress tried to do the right thing. We passed fiscally sound appropriations bills and the first balanced Federal budget in a generation. Unfortunately, President Clinton was more interested in playing politics with the budget. President Clinton's irresponsible vetoes of numerous appropriations bills and a continuing resolution shut the Federal Government down. It is time to show the American people we can do better.

Now, we all know that the fiscal year ends on September 30 and we also know that day is approaching very quickly. Although the appropriators are working very diligently, the appropriations process is nowhere near complete. Not one of the appropriations bills has even

been sent to the President. My fear is that we are rapidly approaching a politically sensitive deadline in a political year—a virtual invitation for more budget gamesmanship on the part of the President.

Our legislation preempts this gamesmanship by a safety net CR that will allow the Government to operate even if the appropriations process is not complete and even if negotiations on a larger CR are stalled.

Neither party can afford another break of faith with the American people. Our constituents are tired of constantly being disappointed by the actions of Congress and the President. They are tired of us not being prepared for what appears to be the inevitable. This is why Senator MCCAIN and I have introduced this legislation. We want the American people to know that there are some of us in Congress who are thinking ahead and who do not want a replay of last year.

Both Senator MCCAIN and myself have been vigilant in our fight against wasting the taxpayers dollars. The legislation will save taxpayer dollars because the Government programs will be funded at the lowest of the following spending levels:

The previous year's appropriation bill or CR;

The House-passed level;

The Senate-passed level;

The President's budget request; or

The level outlined in the most recent CR.

This legislation will restore the bias in appropriations negotiations toward saving the taxpayers money not spending it. It is worth noting that last year every time Congress went to the negotiating table the President demanded more money. Although Congress saved the taxpayer nearly $19 billion last year, without President Clinton's demands we could have saved $27 billion. Passage of this legislation will guarantee that we are not faced with a choice between a Government shut down and spending taxpayer dollars irresponsibly.

Finally, the hammer of very low funding levels will keep pressure on both ends of Pennsylvania Avenue and both parties to get the appropriations work done.

Again, this is a preventative measure to ensure that politics or stalled negotiations will not stop Government operations. The time has come to show the American people that we will not allow a Government shut down, or the threat of a Government shutdown, to be used for political gain.

Time is running out. September 30 will be here in just 2 short months. We must be prepared in case election year politics get in the way of funding the Government. Senator MCCAIN and I will be offering this legislation as an amendment to the first appropriations bill the Senate turns to following the recess. Let's not continue to disappoint an already disenchanted electorate. The time has come to take control and pass this legislation.

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 2014. A bill to authorize the Secretary of the Interior to acquire property adjacent to the city of New Orleans, Orleans Parish, LA, for inclusion in the Bayou Sauvage National Wildlife Refuge, and for other purposes; to the Committee on Environment and Public Works.

THE BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE ACT OF 1996

● Mr. JOHNSTON. Mr. President, I introduce a measure that would be the culmination of many years of negotiation and effort on the part of a number of interested individuals in my State of Louisiana.

Mr. President, the State of Louisiana is rich in wildlife and wildlife habitat, the flora and fauna of legend. The State is also home to numerous wildlife refuges, including the Bayou Sauvage National Wildlife Refuge, which is the subject of my statement today.

Bayou Sauvage is located in east Orleans Parish, LA, almost entirely within the corporate limits of the city of New Orleans and approximately 18 miles east of the central business district. It has the distinction of being the largest expanse of coastal wetlands in the United States that is easily accessible to city dwellers.

The refuge was created in 1986 by legislation sponsored by then Congressman JOHN BREAUX and Representative Lindy Boggs. The measure authorized the refuge at 19,000 acres. In 1993, fee title had been acquired on 18,397 acres. An additional 4,373 acres was under management lease from the Conservation Fund and the city of New Orleans.

After discussions with the city, the Conservation Fund and private individuals with interests in the additional acreage, I am pleased to report that a critical stage of acquisition is now ready to go forward. The acreage which is the subject of this legislation is key to the ability of the managers of Bayou Sauvage to achieve specific goals, including enhancing the population of migratory, shore, and wading birds; encouraging natural diversity of fish and wildlife species; protecting endangered and threatened species; and providing opportunities for scientific research and environmental education on ecological and wetland values to the public.

Mr. President, this is an important milestone for Bayou Sauvage National Wildlife Refuge, and I urge this body to support the completion of this long effort to protect a wonderful treasure for the people of Louisiana, and the Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2014

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

SECTION 1. REFUGE EXPANSION.

Section 502 of the Emergency Wetlands Resources Act of 1986 (P.L. 99–645; 100 Stat. 3590), is amended by inserting following the first sentence in subsection (b)(1) the following sentence:

''In addition, the Secretary is authorized to acquire, within such period as may be necessary, an area of approximately 4,228 acres, consisting of approximately 3,928 acres located north of Interstate 10 between Little Woods and Pointe-aux-Herbes and approximately 300 acres south of Interstate 10 between the Maxent Canal and Michoud Boulevard that contains the Big Oak Island archeological site, as depicted upon a map entitled ''Bayou Sauvage National Wildlife Refuge Expansion'', dated August, 1996 and on file with the United States Fish and Wildlife Service.''

SEC. 2. NAME CHANGE.

Section 502 of the Emergency Wetlands Resources Act of 1986 (P.L. 99–645; 100 Stat. 3590), is further amended by deleting the word ''Urban'' wherever it appears in the section.●

By Mr. DOMENICI:

S. 2015. A bill to convey certain real property located within the Carlsbad project in New Mexico to the Carlsbad Irrigation District; to the Committee on Energy and Natural Resources.

CARLSBAD PROJECT LEGISLATION

Mr. DOMENICI. Mr. President, today I am introducing legislation that will convey tracts of land, referred to as ''acquired lands,'' to the Carlsbad Irrigation District in New Mexico.

This bill is a culmination of over a year's worth of work, addressing concerns that were raised over legislation that Senator CRAIG and I introduced early last year.

That legislation used a generic approach to direct the Secretary of the Interior to convey these acquired lands to the beneficiary districts, when those districts had completed their contractual obligations to the United States for project construction.

The administration is on record in support of the idea of transfer of facilities to the beneficiaries, ''where it makes sense,'' but it opposed that legislation, in part because of the generic nature in which it was drafted.

I hope that the legislation I am introducing today will address the administration's concerns with the earlier bill.

It is specific to the Carlsbad project in New Mexico, and directs the Carlsbad Irrigation District to continue to manage the lands as they have been in the past, for the purposes for which the project was constructed.

This bill also protects the interests that the State of New Mexico has in some of those lands, and a companion bill introduced in the House by Congressman JOE SKEEN has the full support of the Governor and the various Cabinet Secretaries who oversee those interests.

Finally, this legislation will return project lands, which were at one time held by the beneficiaries of the Carlsbad project and its predecessor, to the Carlsbad Irrigation District.

Mr. President, I encourage my colleagues to support this legislation, and

ask unanimous consent the text of the bill be printed in the RECORD.

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

S. 2015

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

SECTION 1. CONVEYANCE.

(a) OPERATION OF LAW.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to the conditions set forth in subsection (c) and section 2(b), all right, title, and interest of the United States in and to the lands described in subsection (b) (in this Act referred to as the ''acquired lands'') in addition to all interests the United States holds in the irrigation and drainage system of the Carlsbad Project and all related lands including ditch rider houses, maintenance shop and buildings, and Pecos River Flume are hereby conveyed by operation of law to the Carlsbad Irrigation District (a quasi-municipal corporation formed under the laws of the State of New Mexico and referred to in this Act as the ''District'').

(2) LIMITATIONS.—

(A) In case of a tract of acquired land on which is located any dam, or reservoir diversion structure, conveyance to the District is limited to the right, title, and interest of the United States in and to the mineral estate.

(B) The United States shall retain storage and flow easements for any tracts located under the maximum spillway elevations of Avalon and Brantly Reservoirs.

(b) ACQUIRED LANDS DESCRIBED.—The lands referred to in subsection (a) are those lands (including the surface and mineral estate) in Eddy County, New Mexico, described as the acquired lands in section (7) of the ''Status of Lands and Title Report: Carlsbad Project'' as reported by the Bureau of Reclamation in 1978.

(c) TERMS AND CONDITIONS OF CONVEYANCE.—Any conveyance of the acquired lands under this Act shall be subject to the following terms and conditions:

(1) The acquired lands shall continue to be managed and used by the District for the purposes for which the Carlsbad Project was authorized, consistent with existing management of such lands.

(2) Except as provided in paragraph (3), the District shall assume all rights and obligations of the United States under—

(A) the agreement dated July 28, 1994, between the United States and the Director, New Mexico Department of Game and Fish (Document No. 2–LM–40–00640), relating to management of certain lands near Brantley Reservoir for fish and wildlife purposes,

(B) the agreement dated March 9, 1977, between the United States and the New Mexico Department of Energy, Minerals, and Natural Resources (Contract No. 7–07–57–X0888) for the management and operation of Brantley Lake State Park.

(3) EXCEPTIONS.—

(A) The District shall not be obligated for any financial support associated with either agreement under paragraph (2).

(B) The District shall not be entitled to any revenues generated by the operation of Brantley Lake State Park.

SEC. 2. LEASE MANAGEMENT AND PAST REVENUES COLLECTED FROM THE ACQUIRED LANDS.

(a) IDENTIFICATION AND NOTIFICATION OF LEASEHOLDERS.—Within 45 days after the date of enactment of this Act, the Secretary of the Interior shall provide to the District a written identification of all mineral and grazing leases in effect on the acquired lands on the date of enactment of this Act, and the Secretary of the Interior shall notify all leaseholders of the conveyance made by this Act.

(b) MANAGEMENT OF MINERAL AND GRAZING LEASES.—Upon conveyance, the District shall assume all rights and obligations of the United States for all mineral and grazing leases on the acquired lands, and shall be entitled to any revenues from such leases accruing after such date. The District shall continue to adhere to the current Bureau of Reclamation mineral leasing stipulations for the Carlsbad Project.

(c) AVAILABILITY OF AMOUNTS PAID INTO RECLAMATION FUND.—Receipts paid into the reclamation fund which now exist as credits to the Carlsbad Project under the Mineral Lands Leasing Act of 1920 (30 U.S.C. 181 et seq.), shall be made available to the District under the distribution scheme set forth in section (4)(I) of the Act of December 5, 1924 (43 U.S.C. 501; commonly referred to as the ''Fact Finders Act of 1924'').

By Mr. DORGAN (for himself, Mr. BYRD, Mr. HEFLIN, Mr. CAMPBELL, Mr. WELLSTONE, Mr. HOLLINGS, Mr. INOUYE and Mr. D'AMATO):

S. 2016. A bill to assess the impact of the NAFTA, to require further negotiation of certain provisions of the NAFTA, and to provide for the withdrawal from the NAFTA unless certain conditions are met; to the Committee on Finance.

THE NAFTA ACCOUNTABILITY ACT

Mr. DORGAN. Mr. President, the North American Free Trade Agreement has been a colossal failure. It epitomizes what is wrong with our nation's trade policies.

This Nation has focused practically all of its efforts on achieving some theoretical system of free trade, without giving any real attention to whether what is advanced also provides fair trade and fair competition. We open our borders and provide access to our markets, without ensuring that at the same time there will be reciprocal trading opportunities with our trading partners.

NAFTA has not produced the results that were projected. It has not lived up to its promises. Since NAFTA took effect our trade deficit with Canada and Mexico has ballooned by 368 percent.

Today, Canada and Mexico are the third and fourth largest trade deficits for the United States. Rather than stopping the flight of American jobs, it has accelerated the loss of jobs to our closest trading partners.

Today, I am reintroducing the NAFTA Accountability Act. This bill establishes benchmarks for measuring whether or not NAFTA has lived up to its promises. If it doesn't then the bill outlines the procedure for withdrawing from NAFTA.

In reintroducing this bill we are updating some of the information in the findings and we are adding a section on highway safety. In addition, we are adding a number of co-sponsors. Senators D'AMATO, INOUYE, HOLLINGS, and WELLSTONE are joining the list of original co-sponsors, including Senators BYRD, HEFLIN, and CAMPBELL.

The companion bill on the House side, sponsored by Representative MARCY KAPTUR now has 107 co-sponsors.

TRADE DEFICITS CONTINUE TO GROW

One of the untold stories of NAFTA is the growing trade deficit with Canada. Prior to NAFTA, the merchandise trade deficit was over $10 billion in 1993. In 1994 it grew to $14 billion, and last year it hit a record of almost $19 billion. In the first 5 months of this year, our trade deficit with Canada is already at almost $9 billion. At this pace the trade deficit this year can be expected to be over $21 billion.

The change in our trade position with Mexico is even more dramatic. Prior to NAFTA our trade surplus with Mexico peaked in 1992 at $5.4 billion. It then dropped to $1.6 billion in 1993. In the first year of NAFTA, the positive trade balance with Mexico dropped to $1.4 billion. In the second year of NAFTA, we ended up with a $15.4 billion trade deficit.

Much has been said about the role of the devaluation of the peso as the cause of this dramatic turn-around in trade flows with Mexico. The reality is that the problems of the overvalued Mexican peso were well known at the time of the passage of NAFTA.

Yet, there was nothing in NAFTA that provided any means to address the question of rapid changes in currency values. Our bill would require the opportunity for renegotiation in such circumstances.

This year the trade deficit with Mexico has already reached almost $7 billion during the first 5 months. At this pace, it will be very close to last year's record level of $15 billion.

Since NAFTA took effect, the United States has recorded a $42 billion trade deficit with Canada in the 2 years and 5 months for which we have statistics. During that time we have recorded a $20 billion deficit with Mexico.

We have accumulated a total trade deficit of $62 billion with these trading partners since NAFTA started regulating these trade relationships. In other words our trade deficit with our NAFTA partners is draining over $2 billion a month from our national economy. These trade deficits have serious consequences for our country.

U.S. JOB LOSSES DUE TO NAFTA

Today a study by Rob Scott on the relationship between NAFTA and jobs was released by the Economic Policy Institute. This study reveals that the trade deficits we have had during the first 2 years of NAFTA has meant a loss of almost a half-million jobs and job opportunities for American workers.

The study shows that as a result of our trade imbalance with Canada, we have lost 200,026 jobs during the past 2 years. In the same period the trade deficit with Mexico has meant a loss of 283,607 jobs. The total loss of jobs and job opportunities is 483,633.

When NAFTA was being debated, the predictions were that the United

States would gain something between 120,000 and 220,000 jobs. Now 2 years later, the reality is that our trade relationships under NAFTA have cost this country 484,000 jobs.

JOBS MOVING TO MEXICO

One week ago I co-chaired the Families First Forum here in the Nation's Capitol. At that forum, a union worker in North Carolina told us about the upcoming closing of his plant. That plant closing was to be completed today and the jobs moved to Mexico.

This is a plant that produces electrical transformers. These are the transformers that hang from electrical poles, sit on pads on the ground, and even some units that are made for use underground.

They have been producing transformers at that plant for 40 years, and have been a profitable operation for most of those years. There are 343 hourly workers and 250 salaried workers who today no longer have a job.

These workers will no longer be able to be employed using the skills they have learned and developed in building electrical transformers. Their jobs our moving to Monterrey, Mexico, to a facility that pays workers less than a $1 per hour.

There is another small industry in this country. It's scattered around in rural communities in the heart of the corn belt. This industry is dominated by small family business operations which make the brooms that we use to sweep out our houses. The future of this industry is in doubt.

Stan Koschnick, manager of the France Broom Co., told a news reporter, ''I don't want to worry my employees too much when they open their newspapers, but I would guess if it was left unchecked, within 10 years there wouldn't be any brooms made in the United States.''

Kenneth Quinn, the retired president of the Quinn Broom Works, states, ''It's hard to say you can compete with somebody when they're paying 30 or 40 cents per hour. We can do everything better except for wages. We can't compete on wages.''

Since NAFTA became reality, more than 200 jobs have been lost in this industry. These companies are paying in the neighborhood of $8 per hour to their workers. They are competing with Mexican workers who will be lucky to be paid $8 per day.

The question is whether such wage competition is good for our country. There are those who would say we are raising our standard of living by being able to buy a couple of cheaper brooms every year. However, what are we gaining if at the same time our wages are being lowered and our jobs are being lost?

This industry may get a second chance, because last Friday the International Trade Commission recommended restoring a tariff on Mexican brooms. Earlier this month, the ITC determined that unfair competition from Mexican factories posed a serious threat to the domestic broom industry.

The reason they are getting a second chance is that hidden away in the fine print of the NAFTA agreement was a provision that allowed tariffs to be restored if the U.S. broom industry got hurt. Other industries are not so lucky, and don't have such provisions. They are being swept under.

INDUSTRIES EXPERIENCING JOB LOSSES

Let's take a closer look at the industries in which we are losing jobs and job opportunities under NAFTA. The study released today by the Economic Policy Institute provides some estimates of where we are losing jobs.

Our exports to Mexico have been mostly capital goods and intermediate inputs which are used to build and supply factories that assemble final products for export back to the United States.

With Mexico, we have lost over 85,000 jobs and job opportunities in auto, auto parts, and vehicles. Another 60,000 jobs were lost in electrical equipment, such as televisions and other electronic equipment. Over 26,000 jobs in nonelectrical machinery and 20,000 jobs in scientific and professional equipment were lost to Mexico.

In our trade with Canada, we have lost over 53,000 jobs and job opportunities in the paper and allied products industry. We have also lost jobs in autos, auto parts, and vehicles to Canada. This accounts for some 38,000 jobs. Another industry where we have lost jobs and job opportunities to Canada has been in the production of primary metal products. That is a loss of 26,000 jobs.

Now, these are not what is normally considered unskilled jobs. These are jobs that traditionally have paid good salaries and provided an industrial base for our country.

The fact is that manufacturing jobs have been the hardest hit within the trade framework established by NAFTA. According to the Economic Policy Institute, 73 percent of the jobs lost to our NAFTA trading partners have been lost in the manufacturing sector.

That should be of great concern to this country. Our manufacturing base has been what has provided good paying jobs for the bulk of American families. As we shift to buying more and more of our manufactured goods from beyond our own borders, we are also experiencing both a shift in jobs and an overall loss in jobs.

According to the EPI study, the United States has had a net loss of 483,633 jobs to our NAFTA trading partners since NAFTA took effect. That reflects an total job loss of 883,717 jobs, while our trade with Canada and Mexico created 400,085 jobs. Since almost three-quarters of the net job losses were in the manufacturing sector, this further underscores that we are losing our better paying jobs.

NAFTA BENCHMARKS

As a nation we need to begin systematically measuring how our trade agreements are doing. Are they living up to their promises?

Are they providing mutually beneficial reciprocal opportunities that strengthen the economies of the participating countries? Are they helping to improve the standard of living in each of the countries or are they pitting one nation against another down to the lowest common denominator?

Those are the type of questions we are asking within the NAFTA Accountability Act. We are asking these questions in nine specific areas. In three areas we are requiring some renegotiation of NAFTA so it can deal with issues of significant trade deficits, currency exchange rates, and agricultural trade distortions.

The other six areas are matters of ensuring that the results are measured and certified. These include certifications in maintaining our manufacturing base; highway safety; health and environmental standards; jobs, wages, and living standards; rights and freedoms; and, controlling drug trafficking.

We need to make NAFTA accountable. If it doesn't measure up then we need to withdraw from it. We need trade agreements that work. America can no longer afford trade agreements that work against our long-term economic interests.

That is why I am pleased to be reintroducing this bill. I am also pleased that my colleagues, Senators BYRD, HEFLIN, CAMPBELL, WELLSTONE, HOLLINGS, INOUYE, and D'AMATO are joining in this effort to make NAFTA accountable.

ADDITIONAL COSPONSORS

S. 1014

At the request of Mr. NICKLES, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1014, a bill to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes.

S. 1317

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1317, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1995, and for other purposes.

S. 1493

At the request of Mr. LAUTENBERG, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1493, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1540

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1540, a bill to amend chapter 14 of title 35, United States Code, to preserve the full term of patents.

S. 1735

At the request of Mr. PRESSLER, the name of the Senator from Vermont