

AMENDMENTS SUBMITTED

THE LEGISLATIVE BRANCH
APPROPRIATIONS ACT, 1996

BYRD AMENDMENT NO. 1802

Mr. BYRD proposed an amendment to the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) It is the sense of the Senate that the Senate should consider a resolution in the 104th Congress, 1st Session, that requires an accredited member of any of the Senate press galleries to file an annual public report with the Secretary of the Senate disclosing the identity of the primary employer of the member and of any additional sources of earned outside income received by the member, together with the amounts received from each such source.

(b) For purposes of this section, the term "Senate press galleries" means—

- (1) the Senate Press Gallery;
- (2) the Senate Radio and Television Correspondents Gallery;
- (3) the Senate Periodical Press Gallery; and
- (4) the Senate Press Photographers Gallery.

FEINGOLD (AND OTHERS)
AMENDMENT NO. 1803

Mr. FEINGOLD (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. WELLSTONE, Mr. BRADLEY, Mr. SIMON, Mr. BIDEN, Mr. LEAHY, Mr. AKAKA, Mr. GRAHAM, Mr. KERRY, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 1854, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CAMPAIGN FINANCE REFORM.

(A) FINDINGS.—The Congress finds that—

- (1) the current system of campaign finance has led to public perceptions that political contributions and their solicitation have unduly influenced the official conduct of elected officials;
- (2) the failure to limit campaign expenditures in any way has caused individuals elected to the United States Senate to spend an increasing portion of their time in office raising campaign funds, interfering with the ability of the Senate to carry out its constitutional responsibilities;
- (3) the public faith and trust in Congress as an institution has eroded to dangerously low levels and public support for comprehensive congressional reforms is overwhelming; and
- (4) reforming our election laws should be a high legislative priority of the 104th Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that as soon as possible before the conclusion of the 104th Congress, the United States Senate should consider comprehensive campaign finance reform legislation that will increase the competitiveness and fairness of elections to the United States Senate.

MCCONNELL AMENDMENT NO. 1804

Mr. MACK (for Mr. MCCONNELL) proposed an amendment to amendment No. 1803 proposed by Mr. FEINGOLD to the bill H.R. 1854, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services and Education appropriations, Legislative Branch appropriations, Military Construction appropriations, Transportation appropriations, Treasury and Postal appropriations, and Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, job training reform, child support enforcement reform, tax reform, and a "Farm Bill" should be considered.

BROWN AMENDMENT NO. 1805

Mr. BROWN proposed an amendment to the bill H.R. 1805, supra; as follows:

On page 3, line 26, add at the end the following, "The account for the Office of Sergeant at Arms and Doorkeeper is reduced by \$10,000, provided that there shall be no new elevator operators hired to operate automatic elevators."

SPECTER AMENDMENT NO. 1806

Mr. SPECTER proposed an amendment to the bill H.R. 1805, supra; as follows:

At the appropriate place insert the following new section:

SEC. .

- (a) FINDINGS.—The Congress finds that—
 - (1) war and human tragedy have reigned in the Balkans since January 1991;
 - (2) the conflict has occasioned the most horrendous war crimes since Nazi Germany and the Third Reich's death camps;
 - (3) these war crimes have been characterized by "ethnic cleansing", summary executions, torture, forcible displacement, massive and systematic rape, and attacks on medical and relief personnel committed mostly by Bosnian Serb military, para-military, and police forces;
 - (4) more than 200,000 people, mostly Bosnian Muslims, have been killed or are missing, 2.2 million are refugees, and another 1.8 million have been displaced in Bosnia;
 - (5) the final report of the Commission of Experts on War Crimes in the Former Yugoslavia, submitted to the United Nations Security Council on May 31, 1995, documents more than 3500 pages of detailed evidence of war crimes committed in Bosnia;
 - (6) the decisions of the United Nations Security Council have been disregarded with impunity;
 - (7) Bosnian Serb forces have hindered humanitarian and relief efforts by the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and other relief efforts;
 - (8) Bosnian Serb forces have incessantly shelled relief outposts, hospitals, and Bosnian population centers;

(9) the rampage of violence and suffering in Bosnia and Herzegovina continues unchecked and the United Nations and NATO remain unable or unwilling to stop it; and

(10) the feeble reaction to the Bosnian tragedy is sending a message to the world that barbaric warfare and inhumanity is to be rewarded: Now, therefore, be it

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate hereby

(1) condemns the war crimes and crimes against humanity committed by all sides to the conflict in the Balkans, particularly the Bosnian Serbs; and

(2) condemns the policies and actions of Bosnian Serb President Radovan Karadzic and Bosnian Serb military commander Ratko Mladic and urges the Special Prosecutor of the International Criminal Tribunal for the Former Yugoslavia to expedite the review of evidence for their indictment for such crimes.

(3) It is the sense of the Senate that the Special Prosecutor for the International Criminal Tribunal for the Former Yugoslavia should investigate the recent and ongoing violations of international humanitarian law in Bosnia and Herzegovina.

(4) The Senate urges the President to make all information, including intelligence information, on war crimes and war criminals available to the International Criminal Tribunal for the Former Yugoslavia.

(5) It is the sense of the Senate that the President should not terminate economic sanctions, or cooperate in the termination of such sanctions, against the Governments of Serbia and Montenegro unless and until the President determines and certifies to Congress that President Slobodan Milosovic of Serbia is cooperating fully with the International Criminal Tribunal for the Former Yugoslavia.

DOLE AMENDMENT NO. 1807

Mr. DOLE proposed an amendment to amendment No. 1803 proposed by Mr. FEINGOLD to the bill, H.R. 1854, supra; as follows:

Strike all after the word "SEC." and insert the following: "It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services and Education appropriations, Legislative Branch appropriations, Military Construction appropriations, Transportation appropriations, Treasury and Postal appropriations, and Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, comprehensive campaign finance reform, job training reform, child support enforcement reform, tax reform, and the Farm bill should be considered".

HOLLINGS (AND OTHERS)
AMENDMENT NO. 1808

Mr. HOLLINGS (for himself, Mr. HATCH, Mr. STEVENS, Mr. ROBB, Mr.

LIEBERMAN and Mr. KENNEDY) proposes an amendment to the bill, H.R. 1854, *supra*; as follows:

Strike page 29, line 6, through page 30, line 20, and insert in lieu thereof the following:

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including official reception and representation expenses (not to exceed \$5,500 from the Trust Fund), \$15,000,000: *Provided*, That the Librarian of Congress shall report to Congress within 120 days after the date of enactment of this Act with recommendations on how to consolidate the duties and functions of the Office of Technology Assessment, the General Accounting Office, and the Government Printing Office into an Office of Congressional Services within the Library of Congress by the year 2002: *Provided further*, That notwithstanding any other provision of this Act, each of the following accounts is reduced by 1.12 percent from the amounts provided elsewhere in this Act: "salaries, Office of the Architect of the Capitol, Architect of the Capitol"; "Capitol Buildings, Architect of the Capitol"; "Capitol grounds, Architect of the Capitol"; "Senate office buildings, Architect of the Capitol"; "Capitol power plant, Architect of the Capitol"; "library buildings and grounds, Architect of the Capitol"; and "salaries and expenses, Office of the Superintendent of Documents, Government Printing Office": *Provided further*, That notwithstanding any other provision of this Act, the amounts provided elsewhere in this Act for "salaries and expenses, General Accounting Office," are reduced by 1.92 percent.

THE COMPREHENSIVE REGULATORY REFORM ACT OF 1995

HATCH (AND ROTH) AMENDMENT NO. 1809

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ROTH) submitted an amendment intended to be proposed by them to the bill (S. 343) to reform the regulatory process, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

"§ 625. Jurisdiction and judicial review

"(a) REVIEW.—Compliance or noncompliance by an agency with the provisions of this subchapter and subchapter III shall be subject to judicial review only in accordance with this section.

"(b) JURISDICTION.—(1) Except as provided in subsection (e), subject to paragraph (2), each court with jurisdiction under a statute to review final agency action to which this title applies, has jurisdiction to review any claims of noncompliance with this subchapter and subchapter III.

"(2) Except as provided in subsection (e), no claims of noncompliance with this subchapter or subchapter III shall be reviewed separate or apart from judicial review of the final agency action to which they relate.

"(c) RECORD.—Any analysis or review required under this subchapter or subchapter III shall constitute part of the rulemaking record of the final agency action to which it pertains for the purposes of judicial review.

"(d) STANDARDS FOR REVIEW.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with this subchapter or subchapter III may

not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law).

ROTH (AND HATCH) AMENDMENT NO. 1810

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by them to the bill S. 343, *supra*; as follows:

At the end of the amendment add the following:

"Notwithstanding any other provision of this act, 623(i), 625(d), 625(e) and 706(a)(2)(F) shall not be effective, and the following shall apply:

(d) COMPLETION OF REVIEW OR REPEAL OF RULE.—If an agency has not completed review of the rule by the deadline established under subsection (b), the agency shall immediately commence a rulemaking action pursuant to section 553 of this title to repeal the rule and shall complete such rulemaking within 2 years of the deadline established under subsection (b).

(e) STANDARDS FOR REVIEW.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with this subchapter or subchapter III may not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law).

HATCH (AND ROTH) AMENDMENTS NOS. 1811-1814

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ROTH) submitted four amendments intended to be proposed by them to the bill S. 343, *supra*; as follows:

AMENDMENT No. 1811

In lieu of the matter proposed to be inserted, insert the following:

"Notwithstanding the provision of 623(e)(3) the following shall apply:

"(3) A petition for review of final agency action under subsection (b) or subsection (c) shall be filed not later than 60 days after the agency publishes the final rule under subsection (b). The court shall, to the extent practicable, consolidate such actions in one proceeding."

AMENDMENT No. 1812

In lieu of the matter proposed to be inserted, insert the following:

"Notwithstanding section 553(1) of title 5 of the United States Code, the following shall apply:

"(1) RULEMAKING PETITION.—(1) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule."

AMENDMENT No. 1813

In lieu of the matter proposed to be inserted, insert the following:

"Notwithstanding the provisions of 624(a), the following shall apply: CONSTRUCTION WITH OTHER LAWS.—The requirements of section 624 shall supplement and not supersede, any other decisional criteria otherwise provided by law. If, with respect to any rule to be promulgated by a Federal agency, the agency cannot comply as a matter of law,

both with a requirement of section 624 and any requirement of the statute authorizing the rule, such requirements of section 624 shall not apply to the rule."

AMENDMENT No. 1814

In lieu of the matter proposed to be inserted, insert the following:

"Notwithstanding any provision of this Act to create a subsection(c) of section 604 of Title 5 of the United States Code, the following shall apply:

(b) REGULATORY FLEXIBILITY ANALYSIS.—

(1) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604 of title 5, United States Code, is amended by adding at the end thereof of the following new subsection:

"(c)(1) Except as provided in paragraph (2), no final rule for which a final regulatory flexibility analysis is required under this section shall be promulgated unless the agency finds that the final rule minimizes compliance burdens on small entities to the maximum extent possible, consistent with the purposes of this subchapter, the objectives of the rule, and the requirements of applicable statutes.

"(2) If an agency determines that a statute requires a rule to be promulgated that does not satisfy the criterion of paragraph (1), the agency shall—

"(A) include a written explanation of such determination in the final regulatory flexibility analysis; and

"(B) transmit the final regulatory flexibility analysis to Congress when the final rule is promulgated."

CRAIG (AND OTHERS) AMENDMENTS NOS. 1815-1817

(Ordered to lie on the table.)

Mr. CRAIG (for himself, Mr. HATCH, and Mr. ROTH) submitted three amendments intended to be proposed by them to an amendment to the bill S. 343, *supra*; as follows:

AMENDMENT No. 1815

In the matter to be inserted strike "the agency head may promulgate" and insert in lieu thereof "the agency head may (and if the agency has a nondiscretionary duty to issue a rule, shall) promulgate".

AMENDMENT No. 1816

In lieu of the matter proposed, insert the following:

"Notwithstanding the provisions of section 626 of this Act, the following shall apply:

"§ 626. Deadlines for rulemaking

"(a) STATUTORY.—All deadlines in statutes that require agencies to propose or promulgate any rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

"(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

"(b) COURT-ORDERED.—All deadlines imposed by any court of the United States that would require an agency to propose or promulgate a rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

"(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

"(c) OBLIGATION TO REGULATE.—In any case in which the failure to promulgate a rule by a deadline occurring during the 2-year period beginning on the effective date