

under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); and

(2) whether such covered beneficiaries should be offered enrollment in the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code.

## THE TREASURY-POSTAL SERVICE APPROPRIATIONS ACT

### MIKULSKI AMENDMENT NO. 2227

Ms. MIKULSKI proposed an amendment to the bill H.R. 2020, *supra*, as follows:

At the end of the amendment add the following:

Notwithstanding the provisions of the preceding two sections, No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

The provision of section shall not apply where the life of the mother would be endangered if the fetus were carried to term, or that the pregnancy is the result of an act of rape or incest, or where the abortion is determined to be medically necessary.

### FEINGOLD (AND OTHERS) AMENDMENT NO. 2228

Mr. FEINGOLD (for himself, Mr. MCCAIN, Mr. SANTORUM, and Mr. GRAMS) proposed an amendment to the bill H.R. 2020, *supra*, as follows:

On page 93, below line 13, insert the following:

(c)(1) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality to employ, on or after January 1, 1996 in excess of a total of 2000 employees in the executive branch who are (i) employed in a position on the executive schedule under sections 5312 through 5316 of title 5, United States Code, (ii) a limited term appointee, limited emergency appointee, or noncareer appointee in the senior executive service as defined under section 3132 (a) (5), (6), and (7) of title 5, United States Code, respectively, or (iii) employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(2) Notwithstanding the provisions of subsection (c)(1) of this section, any actions required by such section shall be consistent with reduction in force procedures established under section 3502 of title 5, United States Code."

### D'AMATO (AND OTHERS) AMENDMENT NO. 2229

Mr. D'AMATO (for himself, Mr. DOLE, Mr. HOLLINGS, Mr. FAIRCLOTH, Mr. GRAMS, Mr. HELMS, Mr. MURKOWSKI, and Mr. DOMENICI) proposed an amendment to the bill H.R. 2020, *supra*, as follows:

At the appropriate place, insert the following new section:

#### Sec. . LIMITATION ON USE OF FUNDS FOR THE PROVISION OF CERTAIN FOREIGN ASSISTANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, none of the funds

made available by this Act for the Department of the Treasury shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would permit the Secretary of the Treasury to make any loan or extension of credit under section 5302 of title 31, United States Code, with respect to a single foreign entity or government of a foreign country (including agencies or other entities of that government)—

(1) unless the President first certifies to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives that—

(A) there is no projected cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the United States from the proposed loan or extension of credit; and

(B) any proposed obligation or expenditure of United States funds to or on behalf of the foreign government is adequately backed by an assured source of repayment to ensure that all United States funds will be repaid; and

(2) other than as provided by an Act of Congress, if that loan or extension of credit would result in expenditures and obligations, including contingent obligations, aggregating more than \$1,000,000,000 with respect to that foreign country for more than 180 days during the 12 month period beginning on the date on which the first action is taken.

(b) WAIVER OF LIMITATIONS.—The President may exceed the dollar and time limitations in subsection (a)(2) if he certifies in writing to the Congress that a financial crisis in that foreign country poses a threat to vital United States economic interests or to the stability of the international financial system.

(c) EXPEDITED PROCEDURES FOR A RESOLUTION OF DISAPPROVAL.—A presidential certification pursuant to subsection (b) with respect to exceeding dollar or time limitations in subsection (a)(2) shall be considered as follows:

(1) REFERENCE TO COMMITTEES.—All joint resolutions introduced in the Senate to disapprove the certification shall be referred to the Committee on Banking, Housing and Urban Affairs, and in the House of Representatives, to the appropriate committees.

(2) DISCHARGE OF COMMITTEES.—(A) If the committee of either House to which a resolution has been referred has not reported it at the end of 30 days after its introduction, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same matter, except no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same matter.

(B) A motion to discharge may be made only by an individual favoring the resolution, and is privileged in the Senate; and debate thereon shall be limited to not more than 1 hour, the time to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees.

(3) FLOOR CONSIDERATION IN THE SENATE.—(A) A motion in the Senate to proceed to the consideration of a resolution shall be privileged.

(B) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

(4) In the case of a resolution, if prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the same matter from the other House, then—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(5) For purposes of this subsection, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the President under section (b) of the Treasury and Post Office Appropriations Act for Fiscal Year 1996, notice of which was submitted to the Congress on .", with the first blank space being filled with the appropriate section, and the second blank space being filled with the appropriate date.

(d) APPLICABILITY.—This section—

(1) shall not apply to any action taken as part of the program of assistance to Mexico announced by the President on January 31, 1995; and

(2) shall remain in effect through fiscal year 1996.

### KEMP THORNE (AND OTHERS) AMENDMENT NO. 2230

Mr. KEMP THORNE (for himself, Mr. GLENN, and Mr. DORGAN) proposed an amendment to the bill H.R. 2020, *Supra*, as follows:

On page 29, line 12, strike out "\$55,907,000," and insert in lieu thereof "\$55,573,000,".

On page 33, insert between lines 1 and 2 the following:

#### ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS SALARIES AND EXPENSES

For necessary expenses of the Advisory Commission on Intergovernmental Relations to carry out the provisions of title III of the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), \$334,000; Provided, that upon the completion of the Final Report required by such Title, no further federal funds shall be available for the Advisory Commission on Intergovernmental Relations.

### THOMPSON (AND OTHERS) AMENDMENT NO. 2231

Mr. THOMPSON (for himself, Mr. DOMENICI, Mr. PRESSLER, Mrs. HUTCHISON, Mr. D'AMATO, Mr. ABRAHAM, Mr. DEWINE, Mr. ASHCROFT, Ms. SNOWE, Mr. MCCAIN, Mr. GRASSLEY, Mr. DOLE, Mr. THURMOND, Mr. INHOFE, Mr. SANTORUM,

Mr. COHEN, Mr. THOMAS, Mr. EXON, and Mr. SPECTER) proposed an amendment to the bill H.R. 2020, supra, as follows:

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

SEC. . Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 1996.

**SHELBY (AND KERREY)  
AMENDMENT NO. 2232**

Mr. SHELBY (for himself and Mr. KERRY) proposed an amendment to the bill H.R. 2020, supra, as follows:

At the end of the Title V, add the following new section:

SEC. . Section 4 of the Presidential Protection Assistance Act of 1976, Public Law 94-524, is amended by striking "\$75,000" and inserting in lieu thereof "\$200,000".

**STEVENS AMENDMENT NO. 2233**

Mr. SHELBY (for Mr. STEVENS) proposed an amendment to the bill H.R. 2020, supra, as follows:

On page 104, insert between lines 19 and 20 the following new section:

SEC. 635. (a) Section 5402 of title 39, United States Code, is amended—

(1) in subsection (f) by striking out "During the period beginning January 1, 1995, and ending January 1, 1999, the" and inserting in lieu thereof "The"; and

(2) in subsection (g)(1) by amending subparagraph (D) to read as follows:

"(D) have provided scheduled service within the State of Alaska for at least 12 consecutive months with aircraft—

"(i) under 7,500 pounds payload before being selected as a carrier of nonpriority bypass mail at an applicable intra-Alaska bush service mail rate; and

"(ii) equal to or over 7,500 pounds before being selected as a carrier of nonpriority bypass mail at the intra-Alaska mainline service mail rate."

(b)(1) Subject to paragraph (2), the amendment made by subsection (a) shall be effective on and after August 1, 1995.

(2) Subparagraph (D) of section 5402(g)(1) of title 39, United States Code (as in effect before the amendment made under subsection (a)) shall apply to a carrier, if such carrier—

(A) has an application pending before the Department of Transportation for approval under Section 41102 or 41110(e) of title 39, United States Code, before August 1, 1995; and

(B) would meet the requirements of such subparagraph if such application were approved and such certificate were purchased.

**D'AMATO (AND MOYNIHAN)  
AMENDMENT NO. 2234**

Mr. Shelby (for Mr. D'AMATO for himself and Mr. MOYNIHAN) proposed an amendment to the bill H.R. 2020, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC.. Notwithstanding any other provision of law, the United States Customs Service shall transfer, without consideration, to the National Warplane Museum in Geneseo, New York, 2 seized and forfeited A-37 Dragonfly jets for display and museum purposes.

**FORD (McCONNELL) AMENDMENT  
NO. 2235**

Mr. SHELBY (for Mr. FORD for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 2020, supra, as follows:

Add the following new Section to Title V:  
SEC. . No part of any appropriation made available in this Act shall be used to implement Bureau of Alcohol, Tobacco and Firearms Ruling TD ATF-360; Re: Notice Nos. 782, 780, 91F009P.

**PRYOR AMENDMENT NO. 2236**

Mr. SHELBY (for Mr. PRYOR) proposed an amendment to the bill H.R. 2020, supra, as follows:

On page 15, line 5, strike out all after "research" through line 9 and insert in lieu thereof a period.

**SIMPSON (AND CRAIG)  
AMENDMENT NO. 2237**

Mr. SHELBY (for Mr. SIMPSON for himself and Mr. CRAIG) proposed an amendment to the bill H.R. 2020, supra, as follows:

At the appropriate place, insert the following:

**SEC. . EXEMPT ORGANIZATIONS.**

(a) IN GENERAL.—An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, or loan.

(b) DEFINITIONS.—For purposes of this section:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b))).

(7) LOBBYING ACTIVITIES.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(8) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph 2(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(9) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(10) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

(11) MEDIA ORGANIZATION.—The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(12) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(13) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(14) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(15) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(16) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(c) CONSTRUCTION AND EFFECT.—Nothing in this section shall be construed to affect the application of the Internal Revenue laws of the United States.

(d) EXCEPTIONS.—This section shall not apply to organizations described in section 501(c)(4) of the Internal Revenue Code with gross annual revenues of less than \$10,000,000, including the amounts of Federal funds received as grants, awards, or loans.

(e) EFFECTIVE DATE.—This section shall become effective on January 1, 1997.

## SHELBY (AND KERREY) AMENDMENT NO. 2238

Mr. SHELBY (for himself and Mr. KERREY) proposed an amendment to the bill H.R. 2020, supra; as follows:

SEC. . (a) Notwithstanding any other provision of law, of the funds made available to the Department of the Treasury by this or any other act for obligation at any time during the fiscal year ending September 30, 1995 or the fiscal year ending September 30, 1996, not to exceed \$500,000 shall be available to the Secretary of the Treasury during the fiscal year ending September 30, 1996 to reimburse the District of Columbia Metropolitan Police Department for personnel costs incurred by the Metropolitan Police Department between May 19, 1995 and September 30, 1995 as a result of the closing to vehicular traffic of Pennsylvania Avenue Northwest and other streets in vicinity of the White House.

(b) The amount of reimbursement shall be determined by the Secretary of the Treasury and shall be final and not subject to review in any forum.

## BINGAMAN AMENDMENT NO. 2239

Mr. SHELBY (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2020, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . (a) This section may be cited as the "Prohibition of Cigarette Sales to Minors in Federal Buildings and Lands Act".

(b) The Congress finds that—

(1) cigarette smoking and the use of smokeless tobacco products continue to represent major health hazards to the Nation, causing more than 420,000 deaths each year;

(2) cigarette smoking continues to be the single most preventable cause of death and disability in the United States;

(3) tobacco products contain hazardous additives, gases, and other chemical constituents dangerous to health;

(4) the use of tobacco products costs the United States more than \$50,000,000,000 in direct health care costs, with more than \$21,000,000,000 of these costs being paid by government funds;

(5) tobacco products contain nicotine, a poisonous, addictive drug;

(6) all States prohibit the sale of tobacco products to minors, but enforcement has been ineffective or nonexistent and tobacco products remain one of the least regulated consumer products in the United States;

(7) over the past decade, little or no progress has been made in reducing tobacco use among teenagers and recently, teenage smoking rates appear to be rising;

(8) more than two-thirds of smokers smoke their first cigarette before the age of 14, and 90 percent of adult smokers did so by age 18;

(9) 516,000,000 packs of cigarettes are consumed by minors annually, at least half of which are illegally sold to minors;

(10) reliable studies indicate that tobacco use is a gateway to illicit drug use; and

(11) the Federal Government has a major policy setting role in ensuring that the use of tobacco products among minors is discouraged to the maximum extent possible.

(c) As used in this section—

(1) the term "Federal agency" means—

(A) an Executive agency as defined in section 105 of title 5, United States Code; and

(B) each entity specified in subparagraphs (B) through (H) of section 5721(l) of title 5, United States Code;

(2) the term "Federal building" means—

(A) any building or other structure owned in whole or in part by the United States or

any Federal agency, including any such structure occupied by a Federal agency under a lease agreement; and

(B) includes the real property on which such building is located;

(3) the term "minor" means an individual under the age of 18 years; and

(4) the term "tobacco product" means cigarettes, cigars, little cigars, pipe tobacco, smokeless tobacco, snuff, and chewing tobacco.

(d)(1) No later than 45 days after the date of the enactment of this Act, the Administrator of General Services and the head of each Federal agency shall promulgate regulations that prohibit—

(A) the sale of tobacco products in vending machines located in or around any Federal building under the jurisdiction of the Administrator or such agency head; and

(B) the distribution of free samples of tobacco products in or around any Federal building under the jurisdiction of the Administrator or such agency head.

(2) The Administrator of General Services or the head of an agency, as appropriate, may designate areas not subject to the provisions of paragraph (1), if such area also prohibits the presence of minors.

(3) The provisions of this subsection shall be carried out—

(A) by the Administrator of General Services for any Federal building which is maintained, leased, or has title of ownership vested in the General Services Administration; or

(B) by the head of a Federal agency for any Federal building which is maintained, leased, or has title of ownership vested in such agency.

(e) No later than 90 days after the date of enactment of this Act, the Administrator of General Services and each head of an agency shall prepare and submit, to the appropriate committees of Congress, a report that shall contain—

(1) verification that the Administrator or such head of an agency is in compliance with this section; and

(2) a detailed list of the location of all tobacco product vending machines located in Federal buildings under the administration of the Administrator or such head of an agency.

(f)(1) No later than 45 days after the date of the enactment of this Act, the Senate Committee on Rules and Administration and the House of Representatives Committee on House Administration, after consultation with the Architect of the Capitol, shall promulgate regulations under the Senate and House of Representatives rulemaking authority that prohibit the sale of tobacco products in vending machines in the Capitol Buildings.

(2) Such committees may designate areas where such prohibition shall not apply, if such area also prohibits the presence of minors.

(3) For the purpose of this section the term "Capitol Buildings" shall have the same meaning as such term is defined under section 16(a)(1) of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (40 U.S.C. 193m(1)).

(g) Nothing in this section shall be construed as restricting the authority of the Administrator of General Services or the head of an agency to limit tobacco product use in or around any Federal building, except as provided under subsection (d)(1).

#### BROWN AMENDMENT NO. 2240

Mr. SHELBY (for Mr. BROWN) proposed an amendment to the bill H.R. 2020, supra; as follows:

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

SEC. . It is the sense of the Senate that the General Services Administration should increase use of direct delivery for high-dollar value supplies and only stock items that are profitable, that after these changes are implemented, the General Services Administration should phase out the supply depots that are no longer economically justifiable or needed.

#### SHELBY (AND KERREY) AMENDMENTS NOS. 2241-2242

Mr. SHELBY (for himself and Mr. KERREY) proposed two amendments to the bill H.R. 2020, supra; as follows:

##### AMENDMENT NO. 2241

At the appropriate place, insert the following new section:

#### SEC. . NATIONAL COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE.

(a) FINDINGS.—The Congress finds the following:

(1) While the budget for the Internal Revenue Service (hereafter referred to as the "IRS") has risen from \$2.5 billion in fiscal year 1979 to \$7.5 billion in fiscal year 1996, tax returns processing has not become significantly faster, tax collection rates have not significantly increased, and the accuracy and timeliness of taxpayer assistance has not significantly improved.

(2) To date, the Tax Systems Modernization (TSM) program has cost the taxpayers \$2.5 billion, with an estimated cost of \$8 billion. Despite this investment, modernization efforts were recently described by the GAO as "chaotic" and "ad hoc".

(3) While the IRS maintains that TSM will increase efficiency and thus revenues, Congress has had to appropriate additional funds in recent years for compliance initiatives in order to increase tax revenues.

(4) Because TSM has not been implemented, the IRS continues to rely on paper returns, processing a total of 14 billion pieces of paper every tax season. This results in an extremely inefficient system.

(5) This lack of efficiency reduces the level of customer service and impedes the ability of the IRS to collect revenue.

(6) The present status of the IRS shows the need for the establishment of a Commission which will examine the organization of IRS and recommend actions to expedite the implementation of TSM and improve service to taxpayers.

(b) COMPOSITION OF THE COMMISSION.—

(1) ESTABLISHMENT.—To carry out the purposes of this section, there is established a National Commission on Restructuring the Internal Revenue Service (in this section referred to as the "Commission").

(2) COMPOSITION.—The Commission shall be composed of twelve members, as follows:

(A) Four members appointed by the President, two from the executive branch of the Government and two from private life.

(B) Two members appointed by the Majority Leader of the Senate, one from Members of the Senate and one from private life.

(C) Two members appointed by the Minority Leader of the Senate, one from Members of the Senate and one from private life.

(D) Two members appointed by the Speaker of the House of Representatives, one from Members of the House of Representatives and one from private life.

(E) Two members appointed by the Minority Leader of the House of Representatives, one from Members of the House of Representatives and one from private life.

The Commissioner of the Internal Revenue Service shall be an ex officio member of the Commission.

(3) CHAIRMAN.—The Commission shall elect a Chairman from among its members.

(4) MEETING; QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chairman or a majority of its members. Seven members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) APPOINTMENT; INITIAL MEETING.—

(A) APPOINTMENT.—It is the sense of the Congress that members of the Committee should be appointed not more than 60 days after the date of the enactment of this section.

(B) INITIAL MEETING.—If, after 60 days from the date of the enactment of this section, seven or more members of the Commission have been appointed, members who have been appointed may meet and select a Chairman who thereafter shall have the authority to begin the operations of the Commission, including the hiring of staff.

(c) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—The functions of the Commission shall be—

(A) to conduct, for a period of one year from the date of its first meeting, the review described in paragraph (2), and

(B) to submit to the Congress a final report of the results of the review, including recommendations for restructuring the IRS.

(2) REVIEW.—The Commission shall review—

(A) the present practices of the IRS, especially with respect to—

(i) its organizational structure;

(ii) its paper processing and return processing activities;

(iii) its infrastructure; and

(iv) the collection process;

(B) requirements for improvement in the following areas:

(i) making returns processing "paperless";

(ii) modernizing IRS operations;

(iii) improving the collections process without major personnel increases or increased funding;

(iv) improving taxpayer accounts management;

(v) improving the accuracy of information requested by taxpayers in order to file their returns; and

(vi) changing the culture of the IRS to make the organization more efficient, productive, and customer-oriented;

(C) whether the IRS could be replaced with a quasi-governmental agency with tangible incentives for internally managing its programs and activities and for modernizing its activities, and

(D) whether the IRS could perform other collection, information, and financial service functions of the Federal Government.

(d) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—(A) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths, and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may deem advisable.

(B) Subpoenas issued under subparagraph (A)(ii) may be issued under the signature of the Chairman of the Commission, the chairman of any designated subcommittee, or any designated member, and may be served by any person designated by such Chairman, subcommittee chairman, or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192-194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(2) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this section. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman.

(4) ASSISTANCE FROM FEDERAL AGENCIES.—(A) The Secretary of State is authorized on a reimbursable or nonreimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the Commission's functions.

(B) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(C) In addition to the assistance set forth in subparagraphs (A) and (B), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may deem advisable and as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(e) STAFF OF THE COMMISSION.—

(1) IN GENERAL.—The Chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(2) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—(A) Except as provided in subparagraph (B), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(B) Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(g) FINAL REPORT OF COMMISSION; TERMINATION.—

(1) FINAL REPORT.—Not later than one year after the date of the first meeting of the Commission, the Commission shall submit to the Congress its final report, as described in subsection (c)(2).

(2) TERMINATION.—(A) The Commission, and all the authorities of this section, shall terminate on the date which is 60 days after the date on which a final report is required to be transmitted under paragraph (1).

(B) The Commission may use the 60-day period referred to in subparagraph (A) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its final report and disseminating that report.

#### AMENDMENT NO. 2242

At the end of Title V, add the following new section:

SEC. . Section 5542 of title 5, United States Code is amended by adding the following new subsection at the end:

(e) Notwithstanding subsection (d)(1) of this section, all hours of overtime work scheduled in advance of the administrative workweek shall be compensated under subsection (a) if that work involves duties as authorized by section 3056(a) of title 18 United States Code and if the investigator performs, on that same day, at least 2 hours of overtime work not scheduled in advance of the administrative workweek.

#### HUTCHISON AMENDMENT NO. 2243

Mr. SHELBY (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 2020, supra; as follows:

Insert at the appropriate place:

#### SEC. . REPORT ON FEASIBILITY OF LEASING OF BORDER STATIONS.

(a) The Administrator of the General Services Administration shall, within six months of enactment of this legislation, report to Congress on the feasibility of leasing agreements with State and local governments and private sponsors for the construction of border stations on the borders of the United States with Canada and Mexico whereby:

(1) lease payments shall not exceed 30 years for payment of the purchase price and interest;

(2) the obligation of the United States under such an agreement shall be limited to the current fiscal year for which payments are due without regard to section 3328(a)(1)(B) of title 31, United States Code;

(3) an agreement entered into under such provisions shall provide for the title to the property and facilities to vest in the United

States on or before the expiration of the contract term, on fulfillment of the terms and conditions of the agreement.

#### BINGAMAN AMENDMENT NO. 2244

Mr. SHELBY (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2020, supra; as follows:

At the appropriate place, insert the following:

#### SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—

(1) IN GENERAL.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(2) COOPERATION BY GENERAL SERVICES ADMINISTRATION.—In the case of facilities under the administrative jurisdiction of the General Services Administration and occupied by another agency and for which the Administrator of General Services delegates operation and maintenance to the head of the agency, the Administrator shall assist the head of the agency in achieving the reduction in the energy costs of the facilities required by paragraph (1) by entering into contracts to promote energy savings and by other means.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

#### HATCH (AND BIDEN) AMENDMENT NO. 2245

Mr. SHELBY (for Mr. HATCH, for himself and Mr. BIDEN) proposed an amendment to the bill H.R. 202, supra; as follows:

On page 3, strike lines 1 through 24.

On page 31, between lines 20 and 21, insert the following:

#### OFFICE OF NATIONAL DRUG CONTROL POLICY SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100-690; not to exceed \$8,000 for official reception and representation expenses; \$28,500,000, of

which \$20,500,000, to remain available until expended, shall be available to the Counter-Drug Technology Assessment Center for counternarcotics research and development projects and shall be available for transfer to other Federal departments or agencies: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall report to the Committees on the Judiciary of the Senate and the House of Representatives on the results of an independent audit of the security and travel expenses of the Office during the period beginning on January 21, 1993, and ending on June 30, 1995: *Provided further*, That the Director of the Office of National Drug Control Policy shall, at the direction of the President, convene a Cabinet Council on Drug Strategy Implementation to be chaired by the Director of the National Drug Control Policy: *Provided further*, That the Cabinet Council on Drug Strategy Implementation shall include, but is not limited to, the Attorney General, the Secretary of the Department of the Treasury, the Secretary of the Department of Health and Human Services, the Secretary of the Department of Defense, the Secretary of the Department of Housing and Urban Development, the Secretary of the Department of Education, the Secretary of the Department of State, and the Secretary of the Department of Transportation: *Provided further*, That the Cabinet Council on Drug Strategy Implementation shall convene on no less than a quarterly basis and provide reports on no less than a quarterly basis to the Appropriations Committees and the Judiciary Committees of the House of Representatives and the Senate on the progress of the implementation of the elements of the national drug control strategy within the jurisdiction of each member of the Council, including a particular emphasis on the implementation of strategies to combat drug abuse among children: *Provided further*, That the Director of the Office of National Drug Control Policy shall convene a bipartisan conference composed of private sector representatives from the following: Business leadership, educational and health care professionals, Federal, State, and local law enforcement, the judicial community, drug treatment and intervention professionals, the media and parents groups. Reporting requirements as set forth in the preceding proviso shall also apply to this provision: *Provided further*, That the funds appropriated for the necessary expenses of the Office of National Drug Control Policy may not be obligated until the President reports to the Appropriations Committees of the House of Representatives and the Senate that the President has directed the Office of National Drug Control Policy to convene the Cabinet Council on Drug Strategy Implementation: *Provided further*, That, on a quarterly basis beginning ninety days after enactment of this Act, the funds appropriated for the necessary expenses of the Office of National Drug Control Policy may not be obligated unless the Cabinet Council on Drug Strategy Implementation has provided the quarterly reports specified herein to the Appropriations Committees and the Judiciary Committees of the House of Representatives and the Senate.

On page 32, between lines 23 and 24, insert the following:

FEDERAL DRUG CONTROL PROGRAMS  
HIGH INTENSITY DRUG TRAFFICKING AREAS  
PROGRAM

For necessary expenses of the Office of National Drug Control Policy's High Intensity

Drug Trafficking Areas Program, \$110,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than \$55,000,000 shall be transferred to State and local entities for drug control activities; and of which up to \$55,000,000 may be transferred to federal agencies and departments at a rate to be determined by the Director: *Provided*, That the funds made available under this head shall be obligated within 90 days of the date of enactment of this Act.

On page 50, line 14, strike "\$118,449,000" and insert "\$113,527,000".

On page 57, line 9, strike "\$96,384,000" and insert "\$93,106,000".

#### COVERDELL AMENDMENT NO. 2246

Mr. SHELBY (for Mr. COVERDELL) proposed an amendment to the bill H.R. 2020, supra, as follows:

On page 2, line 21, strike "\$105,929,000" and insert \$110,929,000, of which \$5,000,000 shall be transferred to States covered by the National Voter Registration Act of 1993, to be expended by such States for costs associated with the implementation of the National Voter Registration Act of 1993, with such funds disbursed to such States on the basis of the Number of registered voters in each State on July 1, 1995, in relation to the number of registered voters in all States on such date": *Provided*, That no further funds in addition to the \$5,000,000 so transferred, may be transferred by the Secretary to the States for costs associated with the implementation of the National Voter Registration Act of 1993, during Fiscal Year 1996.

On page 46, line 12, strike "\$2,329,000,000" and insert "\$2,324,000,000".

#### BROWN (AND KERREY) AMENDMENT NO. 2247

Mr. SHELBY (for Mr. BROWN, for himself and Mr. KERREY) proposed an amendment to the bill H.R. 2020, supra, as follows:

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

SEC. . (a) Section 6304(f) of title 5, United States Code, is amended—

(1) in paragraph (2) by striking "described in paragraph (1)" and inserting "for an individual described subparagraphs (B) through (E) of paragraph (1)"; and

(2) by adding at the end the following:

"(3) For purposes of applying any limitation on accumulation under this section with respect to any annual leave for an individual described in paragraph (1)(A)—

"(A) '30 days' in subsection (a) shall be deemed to read '60 days'; and

"(B) '45 days' in subsection (b) shall be deemed to read '60 days'."

(b)(1) The amendments made by subsection (a) shall take effect January 1, 1996.

(2) Any individual serving in a position in the Senior Executive Service on December 31, 1995 may retain any annual leave accrued as of that date until the leave is used by that individual.

#### LAUTENBERG AMENDMENT NO. 2248

Mr. SHELBY (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 2020, supra, as follows:

At the appropriate place, insert the following:

#### SEC. . TRANSFER OF CERTAIN FEDERAL PROPERTY IN NEW JERSEY.

The first section of the Act entitled "An Act transferring certain Federal property to

the city of Hoboken, New Jersey", approved September 27, 1982 (Public Law 97-268; 96 Stat. 1140), is amended—

(1) in subsection (a), by adding "and" at the end; and

(2) by striking "Stat. 220), and" in subsection (b) and all that follows through "New Jersey; concurrent with" and inserting the following: "Stat. 220); concurrent with".

#### GRASSLEY (AND OTHERS) AMENDMENT NO. 2249

Mr. SHELBY (for Mr. GRASSLEY for himself, Mr. HEFLIN, Mr. ROTH, Mr. LEVIN, Mr. KOHL, Mr. THURMOND, and Mr. GLENN) proposed an amendment to the bill H.R. 2020, supra, as follows:

On page 33, insert between lines 1 and 2 the following:

#### ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

##### SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established under subchapter V of chapter 5 of title 5, United States Code, including not to exceed \$1,000 for official reception and representation expenses, \$1,800,000.

On page 35, line 22, strike out "\$5,087,819,000," and insert in lieu thereof "\$5,086,019,000".

On page 46, line 12, strike out "\$2,329,000,000," and insert in lieu thereof "\$2,327,200,000".

On page 48, line 12, strike out "\$5,087,819,000," and insert in lieu thereof "\$5,086,019,000".

#### MIKULSKI AMENDMENT NO. 2250

Mr. SHELBY (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2020, supra, as follows:

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

SEC. . Service performed during the period January 1, 1984, through December 31, 1986, which would, if performed after that period, be considered service as a law enforcement officer, as defined in section 8401(17) (A)(i)(II) and (B) of title 5, United States Code, shall be deemed service as a law enforcement officer for the purposes of chapter 84 of such title.

#### BROWN AMENDMENT NO. 2251

Mr. SHELBY (for Mr. BROWN) proposed an amendment to the bill H.R. 2020, supra, as follows:

At the appropriate place in the bill insert the following:

It is the Sense of the Senate that:

The General Service Administration and the Federal Aviation Administration should review and reform current personnel rules and labor agreements regarding federal assistance when relocating because of a change of duty station.

The Senate is concerned about reports that, under FAA and GSA rules, employees at the Denver, Colorado ATCT and TRACON were permitted to claim personal housing relocation allowances in connection with their transfer from FAA facilities at Stapleton Field to the new Denver International Airport, even in some cases where an employee's new home was farther from the new job site than the employee's former home.

The FAA should immediately investigate this misuse of public funds at Denver International Airport and reform their personnel rules to end this kind of abuse.