

“(2) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraph (1) for any fiscal year, the Secretary first shall ratably reduce payments under subsection (b) for such year to local educational agencies that do not receive a payment under this subsection for such year.

“(ii) If additional funds become available for making payments under subsection (b) for such year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

“(B)(i) If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) after the application of subparagraph (A) for such year, then the Secretary shall ratably reduce payments under paragraph (1) to all such agencies for such year.

“(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.”.

SEC. 2. APPLICATIONS FOR INCREASED PAYMENTS.

(a) PAYMENTS.—Notwithstanding any other provision of law—

(1) the Bonesteel-Fairfax School District Number 26-5, South Dakota, and the Wagner Community School District Number 11-4, South Dakota, shall be eligible to apply for payment for fiscal year 1994 under section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such action was in effect on September 30, 1994); and

(2) the Secretary of Education shall use a subgroup of 10 or more generally comparable local educational agencies for the purpose of calculating a payment described in paragraph (1), and the local contribution rate applicable to such payment, for a local educational agency described in such paragraph.

(b) APPLICATION.—In order to be eligible to receive a payment described in subsection (a), a school district described in such subsection shall apply for such payment within 30 days after the date of enactment of this Act.

(c) CONSTRUCTION.—Nothing in this section shall be construed to require a local educational agency that received a payment under section 3(d)(2)(B) of the Act of September 3, 1950 (Public Law 874, 81st Congress) (as such section was in effect on September 30, 1994) for fiscal year 1994 to return such payment or a portion of such payment to the Federal Government.

SEC. 3. MAXIMUM PAYMENTS.

Subparagraph (B) of section 8003(f)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(3)) is amended to read as follows:

“(B) SPECIAL RULE.—The Secretary shall determine the maximum amount that a local educational agency described in clause (ii) or (iii) of paragraph (2)(A) may receive under this subsection in accordance with the following computations:

“(i) The Secretary shall multiply the average per-pupil expenditure for all States by 0.7, except that such amount may not exceed 125 percent of the average per-pupil expenditure for all local educational agencies in the State.

“(ii) The Secretary shall next multiply the product determined under clause (i) by the number of students who are served by the local educational agency and described in subparagraph (A) or (B) of subsection (a)(1).

“(iii) The Secretary shall next subtract the total amount of payments received by the

local educational agency under subsections (b) and (d) for a fiscal year from the amount determined under clause (ii).”.

NOMINATIONS TO REMAIN IN STATUS QUO, WITH EXCEPTIONS

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent that all nominations received by the Senate remain in status quo, notwithstanding the provisions of Rule 31, paragraph 6, except the following:

Henry Foster; PN234-2, Thomas J. Flanagan; PN343-2, five Navy promotions to Captain and below (list begins with Christopher J. Remshak); PN632-2, Navy Promotion of Margaret V. Abrashoff; PN628-2, Navy appointment to Lieutenant—Richard Drake.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. WARNER. Mr. President, I ask unanimous consent that all items done by the Senator from Virginia, acting on behalf of the distinguished majority leader with the exception of those done in executive session, be deemed as having been done in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR SATURDAY, DECEMBER 23, 1995 AND WEDNESDAY, DECEMBER 27, 1995

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 a.m., Saturday, December 23, for a pro forma session only, and, immediately upon convening, the Senate stand in adjournment until 1 p.m. Wednesday, December 27 and following the prayer on Wednesday, the Journal of Proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then will be a period for morning business not to extend beyond the hour of 2 p.m., with statements limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, the Senate could also be asked to consider any available appropriations bill, conference reports and other items cleared for action. However, rollcall votes are not anticipated during Wednesday's session and, at this point, do not look likely for Thursday's or Friday's session of the Senate.

I further ask unanimous consent that the cloture vote scheduled for today be postponed to occur at a time to be de-

termined by the two leaders, but not before January 3, 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. WARNER. I ask unanimous consent the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 103-227, appoints the following individual to the National Skill Standards Board:

Upon the recommendation of the majority leader: Raymond J. Robertson, of Virginia, representing organized labor.

The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, pursuant to Public Law 98-183, as amended by Public Law 101-180, reappoints Russell G. Redenbaugh, of Pennsylvania, to the U.S. Commission on Civil Rights.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent that, in executive session, the Senate immediately proceed to consideration of the following Executive Calendar nominations, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Numbers 312, 323, 325, 329, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 349, 350, 351, 352, 353, 354, 355, 367, 368, 370, 371, 372, 373, 374, 375, 376, 377, 379, 380, 381, 382, 383, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 398, 399, 400, 401, 407, 408, 409, 429, 431, 432, 433, 435, 436, 437, 438, 440, 441, 442, and all nominations placed at the Secretary's desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be placed upon the table en bloc, the President be immediately notified of the Senate's action, that any statements relating to any of the nominations appear at the appropriate place in the RECORD, and that the Senate then immediately return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NUCLEAR REGULATORY COMMISSION

Greta Joy Dicus, of Arkansas, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 1998.

NATIONAL COUNCIL ON DISABILITY

Hughey Walker, of South Carolina, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

NATIONAL MEDIATION BOARD

Ernest W. DuBester, of New Jersey, to be a Member of the National Mediation Board for a term expiring July 1, 1998.

DEPARTMENT OF THE INTERIOR

Patricia J. Beneke, of Iowa, to be an Assistant Secretary of the Interior.

UNITED STATES ENRICHMENT CORPORATION

Charles William Burton, of Texas, to be a Member of the Board of Directors of the United States Enrichment Corporation for the remainder of the term expiring February 24, 1996.

DEPARTMENT OF THE INTERIOR

Eluid Levi Martinez, of New Mexico, to be Commissioner of Reclamation.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Eli J. Segal, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for the remainder of the term expiring February 8, 1999.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

Marc R. Pacheco, of Massachusetts, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring October 3, 2000.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Mel Carnahan, of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1999.

UNITED STATES INSTITUTE OF PEACE

Chester A. Crocker, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 1999.

Max M. Kampelman, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 1999.

Seymour Martin Lipset, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 1999.

DEPARTMENT OF EDUCATION

Thomas R. Bloom, of Virginia, to be Inspector General, Department of Education, vice James Bert Thomas, Jr.

EXECUTIVE OFFICE OF THE PRESIDENT

Kathleen A. McGinty, of Pennsylvania, to be a Member of the Council on Environmental Quality, vice Michael R. Deland.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Dwight P. Robinson, of Michigan, to be Deputy Secretary of Housing and Urban Development, vice Terrence, R. Duvernay, Sr.

Hal C. DeCell III, of Mississippi, to be an Assistant Secretary of Housing and Urban Development.

John A. Knubel, of Maryland, to be Chief Financial Officer, Department of Housing and Urban Development.

SECURITIES INVESTOR PROTECTION CORPORATION

Albert James Dvoskin, of Virginia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1995, vice Frank G. Zarb, term expired.

FEDERAL DEPOSIT INSURANCE CORPORATION

Joseph H. Neely, of Mississippi, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Kevin G. Chavers, of Pennsylvania, to be President, Government National Mortgage Association.

THE JUDICIARY

R. Guy Cole, Jr., of Ohio, to be United States Circuit Judge for the Sixth Circuit.

Barry Ted Moskowitz, of California, to be United States District Judge for the Southern District of California.

Stephen M. Orlofsky, of New Jersey, to be United States District Judge of the District of New Jersey.

John R. Tunheim, of Minnesota, to be United States District Judge for the District of Minnesota.

Susan J. Dlott, of Ohio, to be United States District Judge for the Southern District of Ohio.

DEPARTMENT OF JUSTICE

Juan Abran DeHerrera, of Wyoming, to be United States Marshall for the District of Wyoming for the term of four years.

DEPARTMENT OF LABOR

Susan Robinson King, of the District of Columbia, to be an Assistant Secretary of Labor.

Anne H. Lewis, of Maryland, to be an Assistant Secretary of Labor.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

Elisabeth Griffith, of Virginia, to be a Member of the Board of Trustees of the James Madison Memorial Foundation for the remainder of the term expiring September 27, 1996.

UNITED STATES INSTITUTE OF PEACE

Theodore M. Hesburgh, of Indiana, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 1999.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

James Charles Riley, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Walter Anderson, of New York, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2000.

DEPARTMENT OF AGRICULTURE

John David Carlin, of Kansas, to be an Assistant Secretary of Agriculture.

Michael V. Dunn, of Iowa, to be an Assistant Secretary of Agriculture.

COMMODITY CREDIT CORPORATION

Michael V. Dunn, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

Louis L. Stevenson, of Pennsylvania, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 1999.

THE JUDICIARY

Todd J. Campbell, of Tennessee, to be United States District Judge for the Middle District of Tennessee.

Kim McLane Wardlaw, of California, to be United States District Judge for the Central District of California.

E. Richard Webber, of Missouri, to be United States District Judge for the Eastern District of Missouri vice Edward L. Filippine, retired.

P. Michael Duffy, of South Carolina, to be United States District Judge for the District of South Carolina.

DEPARTMENT OF COMMERCE

Jane Bobbitt, of West Virginia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF TRANSPORTATION

Nancy E. McFadden, of California, to be General Counsel of the Department of Transportation.

EXECUTIVE OFFICE OF THE PRESIDENT

Ernest J. Moniz, of Massachusetts, to be an Associate Director of the Office of Science and Technology Policy.

DEPARTMENT OF TRANSPORTATION

George D. Milidrag, of Michigan, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

Gail Clements McDonald, of Maryland, to be Administrator of the Saint Lawrence Seaway Development Corporation for the remainder of the term expiring March 20, 1998.

MISSISSIPPI RIVER COMMISSION

Rear Admiral John Carter Albright, National Oceanic and Atmospheric Administration, to be a Member of the Mississippi River Commission.

DEPARTMENT OF COMMERCE

Phillip A. Singerman, of Pennsylvania, to be an Assistant Secretary of Commerce.

DEPARTMENT OF JUSTICE

D.W. Bransom, Jr., of Texas, to be United States Marshal for the Northern District of Texas for the term of four years.

Frank Policaro, Jr., of Pennsylvania, to be United States Marshal for the Western District of Pennsylvania for the term of four years.

STATE JUSTICE INSTITUTE

Joseph Francis Baca, of New Mexico, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1998.

Robert Nelson Baldwin, of Virginia, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1998.

David Allen Brock, of New Hampshire, to be a Member of the Board of Directors of the

State Justice Institute for a term expiring September 17, 1997.

Florence K. Murray, of Rhode Island, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1998.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Melissa T. Skolfield, of Louisiana, to be an Assistant Secretary of Health and Human Services.

DEPARTMENT OF THE TREASURY

Darcy E. Bradbury, of New York, to be an Assistant Secretary of the Treasury, vice Hollis S. McLoughlin.

David A. Lipton, of Massachusetts, to be a Deputy Under Secretary of the Treasury.

THE JUDICIARY

Joseph H. Gale, of Virginia, to be a Judge of the United States Tax Court for a term expiring fifteen after years he takes office.

Bruce D. Black, of New Mexico, to be United States District Judge for the District of New Mexico, vice Juan Guerrero Burciaga.

Hugh Lawson, of Georgia, to be United States District Judge for the Middle District of Georgia vice Wilbur D. Owens, Jr.

Patricia A. Gaughan, of Ohio, to be United States District Judge for the Northern District of Ohio vice Ann Aldrich.

DEPARTMENT OF STATE

Ralph R. Johnson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic.

FEDERAL LABOR RELATIONS AUTHORITY

Donald S. Wasserman, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2000.

DEPARTMENT OF THE TREASURY

Jeffrey R. Shafer, of New Jersey, to be an Under Secretary of the Treasury.

Joshua Gotbaum, of New York, to be an Assistant Secretary of the Treasury.

STATE JUSTICE INSTITUTE

Tommy Edward Jewell, III, of New Mexico, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1995.

Tommy Edward Jewell, III, of New Mexico, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1998.

SOCIAL SECURITY ADMINISTRATION

David C. Williams, of Illinois, to be Inspector General, Social Security Administration. (New Position)

THE JUDICIARY

Joan A. Lenard, of Florida, to be United States District Judge for the Southern District of Florida.

Barbara S. Jones, of New York, to be United States District Judge for the Southern District of New York.

Bernice B. Donald, of Tennessee, to be United States District Judge for the Western District of Tennessee.

C. Lynwood Smith, of Alabama, to be United States District Judge for the Northern District of Alabama.

IN THE COAST GUARD, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, PUBLIC HEALTH SERVICE

Coast Guard nominations beginning John D. Cook, and ending Charles T. Lancaster, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 1995

Coast Guard nominations beginning James E. Bussey, III, and ending Scott L. Krammes, which nominations were received by the Sen-

ate and appeared in the Congressional Record of September 19, 1995

Coast Guard nomination of Jordan D. Isaac, which was received by the Senate and appeared in the Congressional Record of October 11, 1995

Coast Guard nomination beginning Kurt J. Colella, and ending George J. Rezendes, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 1995

National Oceanic and Atmospheric Administration Nominations beginning Andrew M. Snella, and ending Jennifer D. Garte, which nominations were received by the Senate and appeared in the Congressional Record of October 13, 1995

Public Health Service nominations beginning Patricia A. Berry, and ending Catherine I. Woodhouse, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 1995

NOMINATION OF JOSEPH H. GALE TO BE A JUDGE ON THE UNITED STATES TAX COURT

Mr. MOYNIHAN. Mr. President, it is with great pride that I rise to congratulate Joseph H. Gale of Virginia, who has just been confirmed by the Senate to be a judge on the United States Tax Court for a term of 15 years. Mr. Gale, who is well known to Members of the Senate, has been a good friend and trusted counsel to the Senator from New York for 11 years now. He joined my personal staff in 1985 as Tax Counsel, just in time for the fundamental restructuring of the tax code in the Tax Reform Act of 1986, with which he was intimately involved. Since then he has been a major force in the development and passage of literally every piece of tax legislation considered by the Congress.

In 1993, Mr. Gale became Chief Tax Counsel for the Senate Committee on Finance, and in that capacity took a leading role in the drafting, and ultimately in the enactment, of the Omnibus Budget Reconciliation Act of 1993. In 1995, he became our Minority Staff Director.

Three weeks ago, when Mr. Gale appeared before the Finance Committee for his confirmation hearing, Senators from both sides of the aisle praised him highly for his professionalism, his unmatched knowledge of tax law and the legislative process, and his dedication to public service. At least one Senator attended the hearing solely for the purpose of making a statement in support of Joe Gale's nomination, and Chairman ROTH took the opportunity to declare that only our former Chairman Lloyd Bentsen got through the Committee more easily.

Mr. President, I am pleased and gratified that the Senate has confirmed Mr. Gale to be a United States Tax Court Judge. He is superbly qualified for this position, and I know he will be an outstanding jurist. Finally, I thank Joe Gale for his 11 years of distinguished service to the Senate, and I wish him well in his new career as a member of the Federal judiciary.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

RECESS UNTIL 11 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I first wish my colleague from Kentucky a merry Christmas.

Mr. FORD. Mr. President, may I also wish my distinguished friend and colleague from Virginia a merry Christmas, a happy new year, and a successful 1996.

Let me say, Mr. President, also, that we thank you for being here. It is late. Everybody else basically has gone home. We are here trying to do the Government's and the institution's business.

Let me thank the staff because if they were not here and dedicated we would have a difficult time getting through.

So I want the record to show that we appreciate the staff and all their work.

I thank my friend.

Mr. WARNER. Mr. President, I further join with my friend in expressing appreciation to the staff present in the Chamber, and throughout the Senate, the considerable infrastructure that is required, as we well know.

I now ask that the Senate stand in recess, under the previous order.

There being no objection, the Senate, at 6:54 p.m., recessed until Saturday, December 23, 1995, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate December 22, 1995:

DEPARTMENT OF ENERGY

ALVIN L. ALM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENTAL MANAGEMENT), VICE THOMAS P. GRUMBLY.

THE JUDICIARY

EDMUND A. SARGUS, JR., OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO, VICE CARL B. RUBIN, DECEASED.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 22, 1995:

NUCLEAR REGULATORY COMMISSION

GRETA JOY DICUS, OF ARKANSAS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 1998.

NATIONAL COUNCIL ON DISABILITY

HUGHEY WALKER, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1996.

NATIONAL MEDIATION BOARD

ERNEST W. DUBESTER, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 1998.

DEPARTMENT OF THE INTERIOR

PATRICIA J. BENEKE, OF IOWA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

UNITED STATES ENRICHMENT CORPORATION

CHARLES WILLIAM BURTON, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES ENRICHMENT CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING FEBRUARY 24, 1996.

DEPARTMENT OF THE INTERIOR

ELUID LEVI MARTINEZ, OF NEW MEXICO, TO BE COMMISSIONER OF RECLAMATION.