

Mr. Mier joined the faculty of the University of Illinois in 1975, specializing in teaching and research on community economic development, social policy planning and methods of implementation. As founder of the University of Illinois' Center for Urban Economic Development, Mier prepared future generations in a "bottom up" approach to dealing with the problems facing our cities. The center continues today to provide technical assistance to community-based development organizations and policy research on local development.

More recently, Mr. Mier focused on writing and teaching, while still remaining active in developing urban economic programs in Chicago, as well as Los Angeles, Denver, and Belfast, Ireland.

Robert Mier's passing leaves a great void that will be felt not only by his family, friends, and colleagues, but by the world as well. His life is a sterling example of an activist leader of an important cause, whose insight and commitment will inspire generations to come.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-31. A resolution adopted by the Association of Hawaiian Civic Clubs relative to agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

POM-32. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on the Judiciary.

##### "RESOLUTION NO. 1

"Whereas, the 50 States, including the State of Minnesota, have long been required by their state constitutions to balance their state operating budgets; and

"Whereas, the States have long done so by making difficult choices each budget session to insure that their expenditures do not exceed their revenues; and

"Whereas, without a federal balanced budget, the deficit may continue to grow within the next ten years from \$150 billion gross domestic product (GDP) per year to \$400 billion GDP per year, continuing the serious negative impact on interest rates, available credit for consumers, and taxpayer obligations; and

"Whereas, the Congress of the United States, in the last two years, has begun to reduce the annual federal deficit by making substantial reductions in federal spending; and

"Whereas, achieving a balanced budget by the year 2002 will require continued reductions in the annual deficit, averaging almost 15 percent per year over the next seven years; and

"Whereas, it now appears that the Congress is willing to impose on itself the same discipline that the States have long had to follow, by passing a balanced-budget amendment to the United States Constitution; and

"Whereas, the Congress, in working to balance the federal budget, may impose on the States unfunded mandates that shift to the States responsibility for carrying out programs that the Congress can no longer afford; and

"Whereas, the States will better be able to revise their own budgets if the Congress

gives them fair warning of the revisions Congress will be making in the federal budget; and

"Whereas, if the federal budget is to be brought into balance by the year 2002, major reductions in the annual deficit must continue without a break; and

"Whereas, these major reductions will be more acceptable to the people if they are shown to be part of a realistic, long-term plan to balance the budget; now, therefore, be it

*"Resolved by the Legislature of the State of Minnesota,* That it urges the Congress of the United States to continue its progress at reducing the annual federal deficit and, when the Congress proposes to the States a balanced-budget amendment, to accompany it with financial information on its impact on the budget of the State of Minnesota for budget planning purposes.

*"Be it further resolved,* That the Secretary of State of Minnesota shall transmit copies of this memorial to the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the presiding officers of both houses of the legislature of each of the other States in the Union, and to Minnesota's Senators and Representatives in Congress."

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs, with amendments:

S. 244. A bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes (Rept. No. 104-78).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DASCHLE (for himself, Mr. CONRAD, and Mr. HARKIN):

S. 399. A bill to amend the Food Security Act of 1985 to provide more flexibility to producers, and more effective mitigation, in connection with the conversion of cropland to wetland, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. 400. A bill to provide for appropriate remedies for prison conditions, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 401. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of hard apple cider; to the Committee on Finance.

By Mr. KOHL:

S. 402. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. DASCHLE, Mr. WELLSTONE, Mr. INOUE, and Mr. JEFFORDS):

S. 403. A bill to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related coun-

seling, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SNOWE:

S. 404. A bill to consolidate the administration of defense economic conversion activities in the Executive Office of the President; to the Committee on Armed Services.

S. 405. A bill to amend the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 to give priority in the provision of community economic adjustment assistance to those communities most seriously affected by reductions in defense spending, the completion, cancellation, or termination of defense contracts, or the closure or realignment of military installations; to the Committee on Armed Services.

S. 406. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies to the recipient's surviving spouse, subject to a reduction of 50 percent in the last monthly payment if the recipient dies during the first 15 days; to the Committee on Finance.

S. 407. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

S. 408. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives relating to the closure, realignment, or downsizing of military installations; to the Committee on Finance.

S. 409. A bill to amend the Internal Revenue Code of 1986 to allow defense contractors a credit against income tax for 20 percent of the defense conversion employee retraining expenses paid or incurred by the contractors; to the Committee on Finance.

S. 410. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Finance.

S. 411. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of long-term care insurance, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. COHEN):

S. 412. A bill to amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. HARKIN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. LEAHY, Mr. LAUTENBERG, and Mr. KERRY):

S. 413. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. MURRAY (for herself and Mr. HATFIELD):

S. 414. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. GRAHAM, and Mr. BINGAMAN):

S. 415. A bill to apply the antitrust laws to major league baseball in certain circumstances, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. LEAHY):

S. 416. A bill to require the application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL:

S. 417. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing; to the Committee on Finance.

By Mr. CONRAD. (for himself, Mr. DASCHLE, Mr. WELLSTONE, and Mr. BAUCUS):

S. 418. A bill to amend the Food Security Act of 1985 to extend, improve, increase flexibility, and increase conservation benefits of the conservation reserve program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HEFLIN:

S. Res. 78. A resolution to request the President to issue a proclamation designating February 16, 1995, as "Haleyville, Alabama, Emergency 911 Day," and for other purposes; considered and agreed to.

By Mr. MACK (for himself, Mr. D'AMATO, Mr. SHELBY, Mr. BOND, Mr. FAIRCLOTH, Mr. GRAMS, Mr. FRIST, Mr. BROWN, Mr. MURKOWSKI, Mr. BENNETT, and Mr. GRAMM):

S. Con. Res. 6. A concurrent resolution to express the sense of the Congress that the Secretary of the Treasury should submit monthly reports 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 concerning compliance by the Government of Mexico regarding certain loans, loan guarantees, and other assistance made by the United States to the Government of Mexico; to the Committee on Foreign Relations.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. CONRAD, and Mr. HARKIN):

S. 399. A bill to amend the Food Security Act of 1985 to provide more flexibility to producers, and more effective mitigation, in connection with the conversion of cropped wetland, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

##### WETLANDS REFORM LEGISLATION

Mr. DASCHLE. Mr. President, in 1985, as part of the farm bill, Congress enacted landmark legislation to protect America's wetlands. The swampbuster provision, as it is called, significantly reduced artificial incentives to drain agricultural wetlands.

In 1990, Congress reauthorized the farm bill. In the process, it evaluated problems that emerged from the implementation of the swampbuster provision and modified the law to meet those concerns.

It is now time for Congress to pass a new multiyear farm bill. Once again, this exercise provides an opportunity to address legitimate problems in wetlands policy.

Let me be clear. America's agricultural producers understand the need

for wetlands conservation. Farmers accept that agricultural wetlands provide critical habitat for birds, animals and plants, and supply a mix of other benefits such as water storage, water purification and aesthetics that often decline when wetlands are altered.

But farmers are also rightfully concerned about the arbitrary way in which certain wetlands regulations are enforced by the USDA. And so am I.

I've spoken with farmers all across South Dakota who are deeply frustrated by the inflexibility of certain USDA wetlands regulations. I've heard horror stories about farmers who have been slapped with huge fines—ruinous fines—for unintentional and accidental violations of the law.

I've looked into many of these claims and found the complaints to be legitimate. Farmers have been penalized unfairly because of the inflexibility of agricultural wetlands policy. And some of the problems are a result of a lack of agreement between various Federal agencies regarding the intent of the swampbuster legislation.

The vast majority of farmers are doing everything they know how to preserve wetlands. They understand it is in their interest to do so. But no one can comply with regulations if they cannot understand them, or if the agencies responsible for enforcing them can't agree on policy.

The bill we are introducing today establishes a simpler, more flexible agricultural wetlands policy. It provides a reasonable, commonsense approach to real problems that farmers face while at the same time protecting our Nation's precious wetlands.

Our legislation addresses three major problems. First, it simplifies the rules under which farmers may mitigate wetlands.

Second, it reforms the penalty system to distinguish between inadvertent or accidental damage and willful destruction of wetlands.

And third, it provides farmers who voluntarily agree to conserve wetlands with a fair return from their land.

Under the current law, farmers are allowed to move and replace an existing wetland, but only if they agree to restore a wetland that had been drained prior to December 31, 1985. This process is called mitigation.

The new law extends this option to agricultural wetlands that are frequently farmed but were not drained before 1985. It will add flexibility for producers by giving them another option to choose from while still protecting valuable wetlands.

That's the first section of this bill.

The bill also makes a distinction between accidental and willful harm to wetlands. As many of you know, the penalties for wetlands violations—even minor violations—sometimes are so harsh that they can literally force farmers out of business. I spoke with one South Dakota farmer, for instance, who was going to be fined \$97,000 because someone else had driven a trac-

tor through a wetlands area on his farm without his knowledge or consent. The tractor had caused deep ruts and altered the condition of the wetland.

Fortunately, the USDA agreed to reduce the fine if the farmer restored the property to its original condition. However, he still had to pay a fine of \$2,000 for a violation he did not commit.

This bill reduces the penalty for first-time violations if—and only if—the producer acted in good faith. Instead of being subjected to huge fines, the farmer would be required to restore the wetland to its former condition. The proposal would still deal firmly with repeat violators by subjecting them to graduated fines up to \$10,000. And those who willfully destroy wetlands would face repayment of program benefits and expulsion from future farm programs.

Finally, this legislation gives farmers who voluntarily retire some of their acreage a fair return for their land by permitting them to enroll wetlands in the Federal Conservation Reserve Program. Farming is risky business that often operates on narrow profit margins. Farmers cannot afford to retire productive acreage without receiving some compensation.

Mr. President, our proposal is based on the original intent of the Swampbuster legislation, which was to encourage producers to do the right thing, not to drive them out of business. We can protect America's fragile wetlands without ruining producers financially or punishing them unjustly. The key is sensible, flexible regulations that motivate, rather than discourage, compliance. This legislation meets that test, and I hope that the appropriate congressional committees will give it timely and serious consideration.

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

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

S. 399

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

#### SECTION 1. CONVERSION OF CROPPED WETLAND.

(a) EXEMPTIONS.—Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended—

(1) in subsection (f)(2), by inserting after "1985," the following: "through the enhancement of cropped wetland described in section 1231(b)(4)(F), or through the creation of a wetland,"; and

(2) in subsection (h)—

(A) in paragraph (1), by striking "may be reduced under paragraph (2)" and inserting "shall be waived";

(B) by striking paragraph (2) and inserting the following:

"(2) GRADUATED SANCTIONS.—In lieu of making a person ineligible under section 1221, the Secretary shall reduce by not less than \$750 nor more than \$10,000, depending on the degree to which wetland functions and values have been impaired by the violation