

EMERGENCY SUPPLEMENTAL
APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. MURKOWSKI. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 12 minutes 5 seconds.

Mr. MURKOWSKI. I think the Senator from New Mexico wants to speak and the Senator from Idaho wants to speak. May I ask how much time he would like? There are 12 minutes remaining.

Mr. DOMENICI. Senator CRAIG wants 2 minutes. I will take the other 10. I may not use it all.

Mr. MURKOWSKI. I am happy to make that accommodation. The Senator from New Mexico has 10 minutes, and there are 2 minutes remaining.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes and the Senator from Idaho has 1 minute 31 seconds.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes of that time, so the Chair might advise me, if you would.

I was not here when my friend from Nevada argued this matter, but let me suggest to the U.S. Senate that this is not an issue tonight of whether we ought to spend money on programs to which the distinguished Senator from Nevada wants to add money.

What we are talking about tonight is a very basic principle of fairness and equity to a large number of ratepayers, utility ratepayers across America, many in the State of the present occupant of the chair, Pennsylvania, some in almost every State in the East, because wherever there is nuclear power, there is a small percentage attached to their bills that goes into a nuclear waste fund.

Mr. President, by law, that money is supposed to be used by the U.S. Government to make sure that we prepare and implement and open a nuclear waste repository as the final destination of the end of the nuclear fuel cycle, wherein waste will be put forever.

Whether that was prudent or not is irrelevant. The truth of the matter is that millions of ratepayers have been putting the money in that account.

The Congress of the United States decided that we needed to make sure that that money was spent properly. So we did not just set the trust fund out there and say, "Have at it, Department of Energy, use it for nuclear waste disposal implementation program or plan." We said, "Let's appropriate what they need annually from that fund."

Frankly, the utilities are clamoring, they are coming to see me as chairman of this subcommittee saying, "Don't appropriate the money anymore." They are saying, "Make it an entitlement and let us and the Department of Energy spend it as we may."

We have refused as a Congress, and I can tell the Senate, I have stood there

saying I will refuse to do that, I will raise a point of order under the Budget Act. We must control that money.

Now plain and simple, we have appropriated money for the nuclear waste disposal activities in the State of Nevada. Senator REID, a dear friend of mine, has resisted the nuclear waste disposal activities in his State. And if I were he, I would do that.

But the point of it is, we do not even have enough money appropriated now to carry on the research and site characterization for which that fund was allocated and set up in trust. But because we have appropriated some of the money and it is appropriated for the year 1995, along comes Senator REID who would like very much, I assume, to tell the people in his State, and if I were he, I would do the same, I have taken some money away from that nasty activity that we do not want in our State anyway, but the Congress has said, that is the State, that is the site.

Tonight, just a little bit, he would like to take \$13 million of that appropriated money, and it is really kind of a unique appropriation because it could just as well have been left in trust and spent only for that purpose, but we decided to control it through appropriations.

Now, why should the Senate of the United States, in a rescission bill, take money out of that trust fund that has been appropriated for that purpose and spend it on any program? I am not even going to debate whether the programs he wants to fund are good programs. I am not even going to debate whether they are good programs that he would like to add money to. Knowing the distinguished Senator, they are probably good programs that, somehow or another, he ought to find money for, if he thinks that money should be added to them. Maybe if he finds it someplace else, the Senate will vote for it.

But I hope tonight we will not send a signal to the millions of utility users in America who paid a surtax, a little piece of their utility bill, and put it in a trust for nuclear waste disposal and all of a sudden find themselves tonight, in the U.S. Senate at 10 minutes of 9, and we are going to take \$13 million of that fund and pay for some social programs that may be needed.

It is the wrong thing to do, the wrong way to legislate. I regret to say that as much as I respect the senior Senator from Nevada, this really should not be something that we should ask the U.S. Senate to do. There ought to be a resounding "no." That money is not for this. It was never intended for this. If you do not use it for nuclear waste disposal, set it there until you find a nuclear waste activity that you can use it for. We are spending billions of dollars to try to make the site the right one and use it properly, and we still do not know how much it is going to cost. Would we not look foolish if, in hindsight, we said all of that is true, but we tonight plucked \$13 million out of it

and put it into some social programs that somebody thinks we need?

I yield the floor. Senator CRAIG wants to speak on the issue, and I welcome his remarks.

Mr. CRAIG. Mr. President, I, too, stand in opposition to Senator REID's amendment this evening. I think the Senator from New Mexico and the Senator from Alaska, who is chairman of the Energy and Natural Resources Committee, has outlined very clearly what this money is intended for, where it comes from, and the commitment of the U.S. Congress to the ratepayers of a variety of utilities around the country, that we would use this money in a responsible fashion to attempt to site and develop a permanent repository for high-level nuclear waste.

I do not blame the Senator from Nevada for being concerned that the Congress of the United States chose Nevada—Federal land in the State of Nevada for that waste to be located on. This money is now going for the purpose of siting. But to pull it off into substance abuse would not only be an embarrassment for this Congress to all of the ratepayers, it would just flat be wrong.

The citizens of my State have something at stake here. We have nuclear materials that would be destined for Yucca Mountain in Nevada if it were to become a permanent repository. But I tell you now, Mr. President, when we have the kind of money that the ratepayers of this country are now paying, in the billions of dollars, for the purpose of establishing a permanent repository for high-level nuclear waste, and to play games with it on the floor of the U.S. Senate is to break a commitment and to break a resolve that this country has to have to deal with nuclear waste in a responsible fashion for all of our people, not just for the States that have nuclear reactors generating nuclear electricity, and the repositories and the waste materials that are building up there. This is a national commitment. It ought to be directed to where it was dedicated, to the pledge of this Congress, and not sapped away, pulled away for the purpose of substance abuse. It makes no sense.

I hope the Senate will oppose the Reid amendment.

Mr. REID. How much time does the Senator from Nevada have, Mr. President?

The PRESIDING OFFICER. The Senator from Nevada has 7 minutes 20 seconds. The Senator from New Mexico has 2 minutes 47 seconds.

Mr. REID. Mr. President, I am glad he has 2 minutes, but how does that work?

The PRESIDING OFFICER. The Senator from New Mexico did not use his entire 10 minutes.

Mr. REID. Mr. President, we would look foolish tonight if we in fact did not do this. All the money, the \$393 million, is not all ratepayers' money.

Even if it were, it is appropriated dollars. We have the right as a Congress to do with those moneys what we want, or it would not be appropriated. The only games being played, I say, Mr. President, are with the utilities and these dollars. I have gone over very clearly and closely what this money would be used for. I think the fact that I went over the one program called HACES, where the Hispanic students' rate of dropout was lowered by 75 percent; their absenteeism, 73 percent; their interest in higher education increased by 300 percent; satisfactory academic progress reported in 94 percent of the students.

The fact of the matter is, these programs work. We should give this money to people who need it. We are talking about cutting nuclear waste money for the year 1995. They cannot spend all that money anyway. They increased it \$130 million this year, a total of \$393 million, almost a half a billion dollars. We are asking to take less than 3 percent of that money and put it into programs that save people's lives, save the family structure, help neighbors and friends, keep people out of prisons, out of welfare programs, help our educational system. This money will come back to us a thousandfold, if not more.

These programs work. We talk about an investment of \$85,000 in foster care costs. The family preservation program. These programs serve, as I indicated, families—42 families in Nevada—and 100 percent of these families lose their children if they do not comply with the program. We found that the program had a 90 percent success rate.

So I say, Mr. President, I think if we should talk about the merits of what we are doing here tonight, not some abstract thing about the ratepayers and nuclear waste. They need the money. One of the biggest, most wasteful programs in the history of America is a program that started out to cost us \$200 million and is now up to an estimated \$7.4 billion. We are talking about taking \$14.7 million and giving it to a program that saves lives, lives of real human beings.

These are not programs that some bureaucrat in Washington said, "Let us see if they will work." I have given statistics to the U.S. Senate tonight to indicate why the programs have worked and how it is a terrible thing that this Congress is going to say these programs are gone. We are going to wipe out these programs.

So I say, for this small amount of money, we would look foolish if we did not do it. And we would be playing games if we did not give needy people programs that save money. This is a taxpayers' relief amendment, Mr. President.

I hope this will receive bipartisan support. This is not a partisan matter. This is a matter that relates to the welfare of people throughout the United States.

I reserve the remainder of my time.

Mr. DOMENICI. How much time does Senator REID have?

The PRESIDING OFFICER. The Senator has 3 minutes 28 seconds.

Mr. DOMENICI. How much does the Senator from New Mexico have?

The PRESIDING OFFICER. The Senator has 2 minutes 47 seconds.

Mr. DOMENICI. Mr. President, I will use a minute and a half of my time and ask that the remainder be reserved.

There are 109 nuclear reactors in the United States—67 sites in 32 States. By the year 2030, all these reactors will have completed their initial 40-year licenses. The total cumulative discharge from these 109 reactors, some of which are shut down, will total 85,000 metric tons of radioactive waste. The trust fund that is set aside by the ratepayers who use that energy, that nuclear energy, is not taxpayers' money. Let me repeat. It is not taxpayers' money. It is trust funded to see if we can find a way to, in a safe manner, get rid of this nuclear waste, either for long periods of time, or permanently.

It does not matter very much whether there is a social program that works well. I will attest that the programs he is alluding to are working better than the nuclear waste disposal programs. Anybody will say that. We are in the midst of trying to find out how to do it. To take \$13 million out and say we have a good program going and take it from the ratepayers of Missouri, Pennsylvania, and New York, who have nuclear activities, is just not right.

I reserve the remainder of my time.

Mr. REID. Mr. President, 109 new nuclear reactors do not make up the importance of one human life. We are dealing with real people, families, children, friends, neighbors, aunts, uncles, children, tragedies like the loss to Carol O'Connor we read about in the newspaper today.

Rehabilitation programs, some of them work. We have programs that really work. Nuclear waste disposal is not going to be affected as a result of this. We are taking a pittance into real programs. We should continue to do that, Mr. President. We are talking about equity and fairness for ratepayers.

We live in a world of polls. I bet we could take a poll of the money that is in this fund, and most of it is in from ratepayers, and that money, if we ask the ratepayers whether they would have the money digging a hole in Nevada or saving one kid, I guarantee how the poll would turn out.

I submit to this body that this is a vote for equity and fairness. We are rescinding \$14.7 million that goes into saving lives, making streets safer, and in the long run and short run saving this country 1,000 times what we invest with \$14.7 million in lower cost for education, lower cost for welfare, lower cost for law enforcement.

We should pass this amendment.

Mr. MURKOWSKI. Mr. President I yield myself 30 seconds. I would like to remind my colleagues that the U.S. Government has made a solemn compact with customers of these utilities.

As the Senator from New Mexico said, and he was absolutely correct, it is not the taxpayers, it is the recipients who participated through their utility bills, and they pay into this nuclear waste fund.

The Federal Government must use these moneys only for the purpose of taking care of nuclear waste. That is a trust that was entered into. It is up to the Government and this body to honor that trust.

Mr. DOMENICI. Mr. President, a vote for the Reid amendment is a vote to say that the 32 States which have accumulated high-level nuclear waste are not concerned about how we will take care of that. We are just going to take \$13 million that ought to be used ultimately for them, those 32 States, and spend it on two social programs that may or may not be working, but seem to not be the issue before the Senate.

The PRESIDING OFFICER. Senator REID has 1 minute 54 seconds.

Mr. REID. Mr. President, we will talk about the equity. I hope this does not become a partisan issue. The people being served by the substance abuse programs are not Democrats and Republicans. They are people who are, many times, causing significant problems throughout their neighborhoods, throughout the States. If these programs are cut, it will be more crime, more welfare dependence, and more problems with our educational system.

The Ridge House Program, as I indicated, tracked reincarceration for individuals and found the program had a recidivism rate of 22 percent after 3 years. That is as much as 400 percent lower than people not in this program.

This is a program where we should not rescind the money. We should restore the money that was appropriated last year because it is good for people. I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. I move to table the Reid amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Under the previous order, the voting sequence will occur at a later time.

Under the previous order the Senator from Nevada is recognized to offer an amendment.

AMENDMENT NO. 439 TO AMENDMENT NO. 420

(Purpose: To restore \$3,750,000 of the amount available for rural health research and \$1,875,000 of the amount available for rural health outreach grants)

Mr. REID. Mr. President, I say to my friend from New Mexico, he should be aware I have another amendment where I am going to go after the same money, and the Senator should be aware we might be able to cut down the time because the argument is basically the same as to a different subject.

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], proposes an amendment numbered 439 to amendment No. 420.

Mr. REID. Mr. President, I ask unanimous consent further reading be dispensed with.

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

The amendment is as follows:

On page 14, between lines 12 and 13, insert the following:

NUCLEAR WASTE DISPOSAL FUND
(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, \$5,625,000 are rescinded.

On page 28, line 7, strike “, \$42,071,000 are rescinded” and insert “for programs other than the rural health research program and the rural health outreach grant program, \$36,446,000 are rescinded”.

Mr. REID. Mr. President, again, this calls for removing money from the Civilian Nuclear Waste Fund and placing it in rural health outreach programs. This, Mr. President, is \$5.6 million.

Now, Mr. President, rural health outreach grants, what are they? Let me give an example of three we have in Nevada. Mount Grant General Hospital, Hawthorne, NV, Mr. President, is located in one of the most remote areas of the United States. Hawthorne, NV, was selected in the late 1920's after there was a huge explosion in a military ammunition depot in the eastern part of the United States. Hawthorne, NV, was selected because it was such a remote area.

Hawthorne, NV, to say the least, is remote. From the late 1920's until today there has been ammunition stored there. To fly over Hawthorne, NV, today, you would see hundreds and hundreds of these mounds and in each of them is explosives, ammunition.

It was the largest naval ammunition depot in the world. There was a decision made by the military to join all ammunition storage to the Army, and as a result of that it was no longer the largest ammunition depot in the military, but it is still real big, in a very sparsely populated part of the State of Nevada.

Part of these rural health outreach grants went to a consortium made up of a county hospital, a local Indian tribe, the Walker River Indians, and a senior citizens center to provide health promotion information to a county where there are about 6,000 Nevadans.

Though funded for less than a year, Mr. President, this program has provided seven programs throughout Mineral County on topics including sexually transmitted diseases, nutrition, pharmaceutical inquiry and health screening for senior citizens. Native Americans and other rural Nevadans have benefited from this program. This program will ultimately provide transportation services and adult day care where none now is currently available. Really an important program.

Why? Because it is a program, again, Mr. President, in part of the rural America that will save money. If we can, through education, teach people about disease and what happens with disease, and keep people—especially senior citizens—out of long-term care, we save lots of money. That is what this program is about.

Owyhee Emergency Medical Service. Mr. President, Owyhee, NV, the name came as a result of a group of trappers that went up in that area in the early part of the last century. They never came back. They were trappers from Hawaii. And Owyhee is a derivation from Hawaii. We have Owyhee River, Owyhee Indians. It is a very remote area.

It is so remote, Mr. President, that I was the first U.S. Senator to go to Owyhee. They remembered a couple of Nevada U.S. Senators getting within 25 miles, near of a reservoir, but I was the first to go there last September. It is a wonderful place, right off the Idaho border.

What we have in this very remote part of Nevada is a consortium of native American Indians and an Air Force base in the neighboring State of Idaho and a sheriff's department. It was designed to improve emergency medical services to a regional community which crosses State lines.

Emergency services are vital to this area, as you have about 100 miles of very mountainous roads from the nearest frontier care center and over 400 miles to the nearest tertiary level trauma center.

These are programs that really help. These are what the rural health outreach programs are. In Nevada, we have three programs.

The State of Nevada is an unusual State in the sense that about 70 percent of the people live in the Las Vegas area. It is a huge State, the seventh-largest State in the Union, but we have the most sparsely populated part of the United States but for Alaska in the northwestern part of the State. It is the most sparsely populated part of the United States except for Alaska.

In Las Vegas and Reno we have very up-to-date modern medical facilities, including ambulance service. But in these rural areas it is much like other parts of America. We have volunteer crews that serve in these rural areas. Mostly they are trained at the basic emergency medical technician level, and they ride most of the time out-dated and marginally equipped ambulances and are typically hundreds of miles from even a rural or frontier basic level hospital. Remember, frontier is even more remote than rural, by definition.

Mr. President, 13 of Nevada's 17 counties are identified as health profession shortage areas.

Most people do not realize that Pennsylvania is a very rural State. A lot of places in Pennsylvania are remote. Most people, when they think of Pennsylvania, they think of Pittsburgh and

Philadelphia. But Pennsylvania is a very rural State, much like Nevada in many instances. And rural Pennsylvania needs these Rural Health Outreach Grants that I guarantee are serving people very well and saving money for the people of the State of Pennsylvania, saving money for the taxpayers in Pennsylvania, and certainly taxpayers all over the country. Our miles may be a little longer in Nevada than Pennsylvania, but the problems are the same.

Mr. President, 25 percent of the people in America live in rural areas. They live in these areas and they need a mechanism to access primary health care, emergency care, and hospital systems. And the reason I think it is so vital we understand that these programs save lives is let us take, for example, one of the matters that would be covered in this nonrescission that I hope would occur that deals with rural health research funds, including rural telemedicine grants.

Rural telemedicine is not something that is abstract. What it means is someone in Battle Mountain, NV, could, through a television hookup at a health center in this rural community, be in contact with the Washoe County Medical Center, a first-rate medical center in Reno, NV. And a physician in Reno could be talking to a patient in Battle Mountain and watching that patient on television with a rural doctor present, and describing where they hurt, what the symptoms are. And that expert in Reno very likely could help that rural physician identify the problem. Or, if, after having gone through this procedure, separated by hundreds of miles, the physician in the major medical center says, I think you better bring him in, bring her in.

The fact is, this is going on in Pennsylvania. It is going on in New Mexico. It is going on in places all over America. If we do not put these moneys back that have been rescinded, these programs are going to be terminated. It will suspend or terminate the completion of telemedicine projects underway all across the Nation.

These are relatively new programs and these programs are not fluff. These are not programs, again, that some bureaucrat in Washington dreamed up. These are programs where there have been pilot projects in effect prior to our appropriating these moneys. We know they work and we know they save money. Again, if we can keep someone out of the hospital or long-term care settings we save money—Medicare, Medicaid, and private dollars. So we need to reestablish the Rural Health Outreach Grants that have been rescinded. Taking these moneys from the Civilian Nuclear Waste Fund is not going to affect the ratepayers. It is not going to affect the progress at Yucca Mountain at all. The other program was about 3 percent; this is about 1 percent of nuclear waste moneys for this year.

So I hope my colleagues would understand, again, that the program I wish to have the money restored to is a program that deals with people, with flesh and bones. The only thing, they do not live in the big cities. And we need in this modern era to allow them to be part of what is happening throughout urban America. They can do that with telemedicine and some of these other outreach programs.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. How much time do we have?

The PRESIDING OFFICER. The Senator from New Mexico has 20 minutes, the Senator from Nevada has 9 minutes and 20 seconds.

Mr. DOMENICI. The chairman of the Energy Committee, Senator MURKOWSKI, wants 2 minutes. I will not use all of my time, I say to the Senator. If he could consider using less than all of his time, I will yield back some of mine.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 2 minutes.

Mr. MURKOWSKI. Mr. President, again I must rise in opposition to the Reid amendment for the same reason prevailing on the previous Reid amendment. While the Senator from Nevada makes a very appealing case for the utilization of these funds, I must remind him again that there is a principle here, an underlying principle of trust, and that trust must be honored.

Mr. President, what we are talking about here again is a solemn compact, with the customers of these nuclear utilities who have paid amounts into the waste fund, that the Federal Government will use these moneys only for the purpose of taking care of nuclear waste.

We cannot meet other obligations, regardless of how worthy they might be. Diverting those funds is simply not fair to the customers of those utilities nor is diverting those funds fair to Americans everywhere.

This nuclear waste must be disposed of. It will not just go away. Without these moneys, the nuclear waste simply will not be cleaned up. It is an obligation we all have.

Mr. President, what the Senator from Nevada is proposing is making everyone else in America pay for the cleanup of nuclear waste that is basically already paid for one time by the ratepayers.

Further, there have been no hearings on this matter. We really do not understand the impact of the Senator's amendment other than it would void a portion of the funds that have been paid in by well-meaning ratepayers, based on the trust and confidence they have in the Federal Government to keep its word.

I am very concerned the Senator's amendment will do grave harm to the cleanup and the disposal of nuclear waste.

I yield back my time remaining to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the ratepayers of the United States have paid over \$8 billion into a trust fund. The money is supposed to be used to take care of nuclear waste. We have already spent substantial amounts, much of it in the State of Nevada, trying to prove up a site for permanent storage, that is the forever storage. There is now \$5.5 billion in the trust fund.

Let me draw a couple of analogies for Senators. We appropriate for the administrative costs of Social Security from the Social Security trust fund. So now we have an appropriation bill for the 1995 year, and it has \$542 million for the administrative costs of Social Security from the trust fund, paid in by workers and employers in America. Somebody comes to the floor and says, "I have an amendment. There is a whole bunch of social programs we would like to take care of, so let us take part of this \$542 million trust fund that we allocated to administer and manage Social Security and let us spend it for one of these two good programs that the Senator has in mind."

What would happen? First of all, I do not think anyone would do it because it is Social Security trust funds.

Mr. President, this trust fund is owned by millions, just like Social Security, of ratepayers who are paying higher utility bills because they expect the money to be used to dispose of nuclear waste.

Mr. President, we appropriate highway user funds. So people pay gasoline taxes into a trust fund for highways. Then we have to appropriate to take care of the contract obligations. Would anyone come to the floor, and, as part of a rescissions package say, "There is a lot of money in this trust fund for highways collected from the gasoline tax; there is a little more than we know how to use for the highways, so let us spend it for one of these two programs that the Senator has in mind?" Actually, this trust fund that I am speaking of is a better case on spending trust funds improperly than either of the two that I have given you.

The Senator in combination would ask us tonight to take \$20.325 million heretofore appropriated from this trust fund being used to proceed in as orderly a manner as we can put together for nuclear waste activities and spend it on two or three programs that the Senator can rightfully stand up and say, if you took the money out of there, it would do some good.

My final observation is this is about \$5.5 billion left in this trust fund. Friends, we could just all figure out each year when we put this money into an appropriations mode, some social or welfare or citizen need, and we could come to the floor and say, I want to move it from that appropriation to this appropriation, and then give us a nice interesting litany and discourse on how

well the program money would be used for these programs.

I choose tonight not to discuss the programs. Rural health care, no. We ought to try things. Perhaps that is what the Senator wants to do. And a few other programs. There are a lot of things we ought to spend money on. But we do not have the money, and certainly we do not have the money in the Nuclear Waste Fund to spend for this when it is already committed. We may not even have enough money in that trust fund.

Incidentally, Mr. President, we may have to go back to these ratepayers and say we have used your money, and we need some more. Will it not be nice to say, by the way, one evening in the Senate, we took \$20 million away and spent it for something else?

I do not need any more time. I am prepared to yield back, and I do yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, if I may respond, I recognize the time is arriving to 9:30. I would like to meet that deadline.

Mr. President, Senators tonight are acting as a court of fairness. What is the fair thing to do? We have talked about ratepayers. Let us talk about taxpayers. This \$5.5 billion that is in this fund, we are talking about with this amendment taking \$5.5 million and giving it to programs that benefit America, 25 percent of the people who live in places all over the country similar to the chairman of this committee—Alaska, Nevada. We think of those States as rural. But other States all over America—New York—have rural areas. We need to help rural Americans regarding their health care.

Mr. President, the chairman of the subcommittee raises a good point. What if people come here and want to spend \$5.5 billion in some other program? I was very careful in selecting the programs where I am asking that the rescissions not take place. I could have picked WIC, Head Start, Safe and Drug-Free Schools, AmeriCorps, very large amounts. But I chose these very small extremely beneficial programs.

We tonight should be concerned about taxpayers, not ratepayers. We should be concerned about doing something that is going to save this country large amounts of money. And all the money that is wasted with the DOE, they will not even know this is gone, \$130 million additional moneys the year, 1995, a total of almost \$400 million. This is money that we should not have rescinded.

I ask my colleagues to understand the importance of these programs—again, I repeat—to real persons, men and women and children who have done nothing wrong. They live in rural America. They need to be made modern. That is what we are doing with these rural health outreach programs.

AMENDMENT NO. 429

Mr. PACKWOOD. Mr. President, I want to take this opportunity today to speak in support of the Gorton emergency salvage amendment and in opposition to the substitute amendment proposed by the junior Senator from Washington.

We have heard a lot of talk today about how these are the people's forests. These forests are a national treasure. We must maintain these forests for our future generations. We must not be allowed to destroy them. Mr. President, I could not agree more. But by maintaining the status quo—and by that I mean the continued lack of any management activity—we are doing just that. We are now destroying our forests as we sit idly by and do nothing.

I do not believe the average citizen would approve of the state of deterioration of our forests. For example, the eastside forests of Oregon and Washington alone have lost 135,000 acres of forest to insects or disease. Another 543,000 acres are imperiled by insects and disease if not treated aggressively. These are Forest Service figures. And these figures do not include the threat of loss due to wildfire, which is an ever-increasing reality.

Mr. President, in the first 3 months of 1995, four more Oregon mills have closed and two more have given their 60-day notice to employees. These are mills that rely on timber from Federal lands, and without that supply, they just can't make it. I could quote statistic after statistic about how many people are directly and indirectly affected by these closures. But these people are more than statistics. They are real people. They have families to feed and clothe. Kids to send to college. Car payments. House payments. Braces and medical bills. They are people like you and me who are being displaced from good jobs for no good or rational reason.

In many cases the mill is the backbone of the community—if the mill closes, the entire town is affected. In many cases the Federal forest land that once provided raw material for these mills is literally within walking distance of the mill. These people have personally watched these forests get sick and die because of misguided Federal policy. They have urged Federal land management agencies, in vain, to do something about the deteriorating conditions. These are people who have fought the rampaging forest fires that creep ever closer to their homes and towns. These are frustrated people who don't understand why their government will not let them salvage dead and dying timber to keep their mills and the forests alive. And I share their frustration.

The forest health problem in Oregon has reached a crisis state. There are hundreds of thousands of acres of dead and dying trees, surrounded by huge fuel loads on the forest floor, just waiting to be ignited. Congress can no

longer stand idly by, fiddling while our forests burn. We are one errant match—or one random lightning strike—away from a catastrophic conflagration that would blacken hillsides in parts of my State for as far as the eye can see. We can remove this dead material, provide some small measure of hope to our timber families, and start returning our forests to their green and healthy state.

Too many family-wage jobs have been clearcut and replanted with minimum-wage jobs. The time has come for an aggressive salvage program that will give our forests—and our people—hope. I believe the people of this country want vital, healthy forests. I strongly urge a vote to table this amendment.

AMENDMENT NO. 429

Mr. LAUTENBERG. Mr. President, I rise today in opposition to Senator GORTON's timber salvage provision to this rescission bill, and in support of Senator MURRAY's alternative language.

The language currently in the bill mandates the expeditious sale of salvage timber without concern for the cost to the Federal Treasury, without concern for market demand, without concern for sound environmental practices, and without concern for citizen and judicial involvement.

This is old fashioned politics. It is a giveaway which will enrich one industry and impoverish a Nation of its natural resources.

Mr. President, at a time when we are trying to reinvent government, this is not the way to do business. Senator GORTON's provision would result in a dramatic change in the Federal Government's approach to timber management and sale—without appropriate review by the Senate and the public.

The language approved by the committee is an assault on our Nation's natural resources, an assault on sound science, an assault on existing laws, and an assault on the Senate's legislative process.

The existing provision assumes that there is a forest health crisis due to insects, disease, and fires. The timber industry feels that salvaging the diseased and dying trees is crucial to forest health. Others feel that much of what salvage logging would remove is actually crucial to the forest ecosystem. Obviously, this is a scientific matter that should best be left to the experts, or to comprehensive, fair hearings in committees—certainly not fast-track fixes on a rescission bill.

The language in Senator GORTON's provision suspends virtually every major environmental law, including, but not limited to, the Forest and Rangeland Renewable Resources Planning Act; the Federal Land Policy Management Act; the National Environmental Policy Act; the National Forest Management Act; the Endangered Species Act, and the Multiple-Use Sustained Yield Act.

This is not sound policy and could be disastrous to our Nation's forests.

That is why I support Senator MURRAY's amendment to the bill. Senator MURRAY's proposal is a balanced approach to this contentious issue. It expedites sales of timber salvage, which should satisfy the timber interests. But at the same time it respects existing law, excludes Federal lands that should not be touched, limits the definition of salvage sale, and allows for citizen and judicial involvement.

In all honesty, I would prefer a bill with no provision addressing timber salvage. This bill is not the place for such a provision, particularly one that will result in a steep cost to the Federal Treasury.

I commend the junior Member from Washington for stepping into a leadership role, and developing a sound compromise to this very difficult issue.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I would like to commend my colleague Senator GORTON's efforts to expedite timber salvage in the amendment to H.R. 1158, the bill now before us. I would also like to comment on the provisions of the amendment referring to the Endangered Species Act.

The timely and efficient salvage of burned timber is of great concern to me and to my home State of Idaho. The catastrophic forest fires that swept across the West last summer cost our Nation much in terms of lives, property, habitat, and economic resources.

Idaho suffered the greatest timber loss of any State—over 1.5 billion board feet—enough timber to build over 137,000 homes, and to provide jobs for up to 35,000 people.

The timber damaged in those fires has a limited 2 year window of opportunity for harvest, before the value of that wood is lost, and those economic resources are lost as well.

Yet some groups are already announcing their intent to appeal, even before most of the salvage sales have been proposed. This is despite the need for quick action, and despite the fact that the Forest Service has already determined that the majority of the fire-damaged areas will not be harvested. This has been done to address habitat, water quality and other important environmental concerns.

Two National Forests in Idaho were hardest hit by the fires—the Payette and the Boise National Forest. On the Payette, less than 10 percent of the burned timber is being considered for salvage. And on the Boise, they are considering less than half.

As I noted, most of these sales are still in the proposal stages. But one, the Boise River fire recovery effort, has been available for appeal for a week. Already, the Forest Service has received one appeal. Keep in mind that the window for appeals will run until May 1 for the Boise River recovery sale, and most appeals will not be submitted until closer to the deadline.

We're running into delays from all sides, and I am glad to support my colleagues' efforts to expedite the process.

As part of those efforts, the salvage sales amendment requires preparation of a single document that combines an environmental assessment under the National Environmental Protection Act with a biological evaluation under the Endangered Species Act.

At another point in the timber salvage amendment there is language that states production of a biological evaluation shall be deemed to satisfy all applicable Federal laws, including the requirements of the ESA.

Mr. President, I have seen a number of bills have been introduced in this Congress that attempt to modify the ESA in particular ways. I am not convinced that in every case they fully address the complex problems of the ESA.

Further, I am concerned that they may have other, unintended consequences than just the consequences they seem to affect on the surface.

I hope that this amendment will have the intended effect of allowing the salvage timber to be cut in a timely manner, and that the forests of Idaho will be protected from fuel load buildup. I certainly hope that we can accomplish the very necessary salvage timber harvest, and that we can then proceed to the very important matter of reforming the ESA.

Mr. MURKOWSKI. Mr. President, I rise against the amendment to strike the Gorton salvage amendment. This amendment is an essential response to an emergency forest health situation on our Federal forests as evidenced by last year's fire season. Our committee has held oversight in this area, and has recognized the severity of the problem. I recommend we support the Gorton amendment as an appropriate emergency response to the problem.

As I listen to critics of this amendment, I have come to conclude that they must be discussing some other provision than the one offered by Senator GORTON.

First, they say that the Gorton amendment mandates increased salvage timber sales. The Gorton amendment does not mandate timber sales, it provides the administration with additional flexibility to sell salvage sales to the extent feasible. I trust the administration to properly utilize the flexibility. Opponents of the Gorton amendment apparently don't trust this administration. I can't tell whether they don't want to rehabilitate burned forests, or whether they need individual sale sign-off from Forest Service Chief Jack Ward Thomas, the Secretary of Agriculture, and—maybe even—Vice President Gore to trust the administration.

Second, they say that the Gorton amendment suspends all environmental laws. The Gorton amendment expedites existing administrative procedures under the Endangered Species Act, the National Environmental Policy Act, and other measures. If the

agencies successfully follow the expedited procedures, their performance is deemed adequate to comply with existing environmental and natural resources statutes. These expedited procedures are essential if we are to appropriately respond to the forest health emergency we face.

Third, they say that the Gorton amendment eliminates judicial review. Well it does not. The amendment provides an expedited form of judicial review that has already been upheld by the Supreme Court in previous litigation.

Fourth, they say that the Forest Service cannot meet the salvage targets. Well the amendment does not have any targets. I wish it did. Today, the Forest Service is working on its capability statement on the House version of this amendment. There are strong indications that, with the expedited procedures of the House bill—matched in pertinent part in the Gorton amendment—the Agency can meet the House targets and still comply with the substantive requirements of existing environmental and natural resources law.

Fifth, they say that this amendment will cost the Treasury. This is false. The Gorton amendment has received a positive score from the Congressional Budget Office.

Sixth, they say that the amendment may disrupt and actually reduce timber sales. If that were true, I would expect them to strongly support the Gorton amendment. But it is not. The Gorton amendment contains protective language to assure that potential environmental litigants cannot disrupt other agency functions due to this amendment.

I have been generally perplexed by the misconceptions that accompany the attacks on this amendment. But today I know why this may be the case. Yesterday Senator GORTON and Congressman CHARLES TAYLOR, along with Senator CRAIG—the author of S. 391, a measure directed at another aspect of this problem—offered to meet with a group of activists opposed to both the Gorton amendment and S. 391. Together, they cleared time on their calendars at 9 a.m. But they found the activists were more interested in preparing for their 9:30 a.m. press conference than meeting with the authors of the three provisions that they proceeded to lambast. That sort of interest group behavior cannot be tolerated if we are to continue to have informed debates in this body.

Mr. President, I rise in support of the Gorton amendment, against the amendment to strike, and against any other modifying amendments.

Mr. McCAIN. Mr. President, I rise today in support of the amendment offered by the Senator from South Dakota which will allow ranchers and their livestock to stay on U.S. Forest Service land until the National Environmental Policy Act [NEPA] process is complete.

On December 31, 1995, roughly 4,500 grazing permits in the western United States will expire. Approximately 140 of those permits are in my home State of Arizona. As part of the renewal process the Forest Service has embarked upon a new policy of requiring NEPA compliance for individual permits.

While we all agree that grazing should be done in an environmentally sensitive manner that protects the resources of our national forests, I am troubled by the very real possibility that the Forest Service will not complete the individual NEPA analyses in time to reissue the grazing permits.

If the permits are allowed to expire, ranchers and their cattle will be forced off of Forest Service land. This would be economically devastating to ranchers in many Western States where the only available grazing lands are those held by the Forest Service.

As currently proposed, this new policy will have a serious economic impact on permit holders, and will yield very little, if any, positive benefits for the environment. It serves no purpose to arbitrarily remove a rancher only to find out that their activities were not having an adverse impact on the environment.

This type of draconian action serves neither the interest of the environment, the rancher, nor the communities which rely on ranching revenues for their tax base. The amendment offered by Senator PRESSLER will ensure that the Forest Service cannot evict ranchers and their livestock from grazing allotments merely because the agency has not completed all the NEPA documentation.

It is my understanding that compliance with NEPA is required only for major Federal actions and, until recently, the Forest Service did not consider the renewal of single grazing permits to be a major Federal action. Additionally, the Forest Service already conducts an environmental analysis of ranching activities during consideration of forest management plans.

Mr. President, serious questions have been raised about the Forest Service's legal requirement to proceed with this additional environmental analysis. There are no Federal court cases requiring the Forest Service to complete either an environmental impact statement [EIS] or an environmental assessment [EA] prior to the issuance of a grazing authorization or term permit. Courts have held, however, that grazing should continue during the period of time that the NEPA process is being completed.

Along with my colleagues from Arizona, Senator KYL, I wrote to the Department of Agriculture asking the Department to review its new reissuance policy and determine if the permits could be extended until the NEPA process is complete. While we have not received a response to this letter, it is my understanding that the Forest

Service has made it clear they are unable to extend the permits under current law.

It appears that this new process for addressing the reissuance of grazing permits is unnecessarily disruptive to those involved and does nothing to further the Forest Service obligation to promote fairness and proper management of public lands. For these reasons, I believe that the Forest Service should extend the expiring permits pending completion of the NEPA studies.

Mr. President, I support the Senator's amendment and I hope the Senate conferees will work to retain it.

Mr. DASCHLE. Mr. President, today we have an opportunity to articulate in this rescission bill policy relating to timber salvage sales. It is my hope that the Senate will send a clear message to the Forest Service that considerably more timber salvage needs to be harvested in the forthcoming year.

As many of my colleagues know, the timber harvest on national forests has declined considerably during the last few years. In some cases, this has been due to problems encountered in the Pacific Northwest, as the logging practices of the 1980's led to inevitable clashes between the timber industry and environmental organizations, and the conflict was thrown into the Federal court system, which halted much of the timber activity in that region. Ultimately, through the development by the Clinton administration of a legally defensible compromise, some light is now evident at the end of the tunnel.

Nonetheless, progress has not been as rapid as the timber industry would have liked. And that is understandable. The pipeline of timber sales in the Pacific Northwest largely dried up during this period of litigation, and it has been slow to recover. Simultaneously, drought, insects and disease have taken a toll on other forests, resulting in considerable dead and dying timber and the associated fire danger throughout the west. The frequency and intensity of forest fires experienced last year were grim testament to the unacceptable situation that now exists.

And, at the same time, the Forest Service's timber program budget has shrunk, reducing its ability to harvest this timber in a timely fashion. On many national forests, the actual harvest levels are well below the levels that have been determined by the Forest Service to be sustainable.

We now are faced with developing and instituting an appropriate remedy. Serious steps should be taken to identify salvage timber and harvest it in an expedited fashion. By doing so, we can at least attempt to mitigate fire damage and begin to provide needed relief to timber-dependent communities.

Without question, the Gorton amendment to the rescission bill would move more timber and expedite the salvage program. My concern is that the Gorton amendment, in its understandable

preoccupation with encouraging greater timber sales, would waive environmental laws. Given the large amount of timber that could be harvested under this amendment, and the possible affects of this harvesting on fish and wildlife habitat, I am uncomfortable with the wholesale waiver of environmental statutes.

In some cases, these laws have hindered the ability of the Forest Service to implement a responsible timber program. Congress is actively taking steps through the committees of jurisdiction to address these circumstances.

Senator CRAIG has introduced legislation to establish a more deliberate and timely process for dealing with forest health problems. I am working with him to move this bill through the appropriate committees and to the floor this year, so that we can begin to address forest health in a systematic, deliberate, thorough and effective manner. In addition, Senator KEMPTHORNE intends to produce legislation to reform the Endangered Species Act.

I would not be surprised if both of these bills are enacted during this session of Congress.

I believe that enactment of authorizing legislation is the appropriate way to change the scope or applicability of environmental laws—not ad hoc amendment of this rescission bill. Therefore, I support the amendment offered by Senator MURRAY which, among other things, will expedite timber sales by streamlining the appeals process and by limiting consultation with the Fish and Wildlife Service and the National Marine Fisheries Service to 30 days.

Under the Murray amendment, salvage sales cannot be held up solely because the Fish and Wildlife Service or the National Marine Fisheries Service claims that they do not have adequate information. Also, a presumption is established that timber sales offered under Option Nine in the Pacific Northwest meet all environmental requirements.

These measures should significantly improve the availability of timber in that region and throughout the country. I urge my colleagues to vote for this amendment and hope that, if we adopt it today, it will be included in the final bill that is sent to the President for enactment into law.

Mr. DOMENICI. Mr. President, I rise in support of the Senate-reported version of the Emergency Disaster Supplemental Appropriations and rescission bill for fiscal year 1995.

I commend the distinguished chairman of the Appropriations Committee for his efforts to move this bill expeditiously for Senate consideration.

The Senate substitute provides emergency disaster assistance totaling \$6.7 billion as requested by the President to assist the victims of the Northridge earthquake in California and natural disasters in 40 other States.

The bill provides \$1.9 billion to be available for the remainder of fiscal

year 1995, and \$4.8 billion as a "continuity" appropriation, which can be obligated by the President beginning in fiscal year 1996 with specific notification of the Congress.

The bill provides \$27 million in non-emergency program supplementals requested by the President, which can be accommodated within the overall cap on discretionary spending.

Finally, the bill includes rescissions totaling \$13.1 billion in budget authority and \$1.2 billion in outlay savings for fiscal year 1995 to offset the costs of the disaster aid and provide further deficit reduction as the Congress seeks to move toward a balanced Federal budget.

I urge my colleagues to support the bill and put a "mini downpayment" on the significant deficit reduction that will be required to balance the budget and begin to alleviate the burden of debt we are leaving to our children and our children's children.

The fact that the Senate and House are paying for the supplemental spending for defense programs and disaster assistance is to be commended. It will prevent some \$15 billion from being added to the Federal deficit, and puts the Congress on the right path toward a balanced budget.

The administration has indicated in its communications on this bill that it remains committed to deficit reduction. However, the administration then proceeds to object to most of the savings included in these bills.

In many cases, the rescissions are from programs proposed for reduction or termination by the President, are from unobligated balances that will not realistically be spent, or reduce significant increases provided for programs at a time when the overall budget is constrained.

The administration also focused on its commitment to deficit reduction in the President's fiscal year 1996 budget submission, but made no proposals whatsoever to deal with escalating spending on entitlement programs, and claimed phony savings in discretionary programs under the methodology OMB used to calculate the spending caps.

Now is the time for Congress to embark on a serious journey to get its fiscal house in order. This bill is but a first step on what will be a long and difficult, but necessary, journey.

I urge the passage of the bill.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point two tables showing the relationship of this bill to the section 602 allocations to the Appropriations Committee and to the current level which displays congressional action to date for fiscal year 1995.

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

STATUS OF S. 617, EMERGENCY SUPPLEMENTAL AND RECESIONS; SENATE-REPORTED

(Fiscal year 1995; in millions of dollars, CBO scoring)

Subcommittee	Current status ^a	S. 617 ^b	Sub-committee total	Senate 602(b) allocation	Total comp to allocation
Agriculture-RD:					
BA	58,117	-189	57,927	58,118	-191
OT	50,330	-104	50,226	50,330	-104
Commerce-Justice:^c					
BA	26,873	-264	26,608	26,903	-295
OT	25,429	-108	25,321	25,429	-108
Defense:					
BA	243,628	.....	243,628	243,630	-2
OT	250,661	.....	250,661	250,713	-52
District of Columbia:					
BA	712	.....	712	720	-8
OT	714	.....	714	722	-8
Energy-Water:					
BA	20,493	-332	20,161	20,493	-332
OT	20,884	-166	20,717	20,888	-171
Foreign Operations:					
BA	13,679	-100	13,579	13,830	-251
OT	13,780	-11	13,770	13,780	-10
Interior:					
BA	13,578	-312	13,267	13,582	-315
OT	13,970	-137	13,832	13,970	-138
Labor-HHS:^d					
BA	266,170	-2,906	263,264	266,170	-2,906
OT	265,730	-352	265,378	265,731	-353
Legislative Branch:					
BA	2,459	-26	2,434	2,460	-26
OT	2,472	-18	2,454	2,472	-18
Military Construction:					
BA	8,836	-231	8,605	8,837	-232
OT	8,525	-38	8,488	8,554	-66
Transportation:					
BA	14,265	-1,671	12,593	14,275	-1,682
OT	37,087	-36	37,050	37,087	-37
Treasury-Postal:^e					
BA	23,589	-248	23,342	23,757	-415
OT	24,221	-17	24,204	24,261	-57
VA-HUD:					
BA	90,256	-6,819	83,437	90,257	-6,820
OT	92,438	-174	92,264	92,439	-175
Reserve:					
BA .....	.....	.....	.....	2,311	-2,311
OT .....	.....	.....	.....	1	-1
Total Appropriations:^f					
BA	782,655	-13,097	769,558	785,343	-15,785
OT	806,241	-1,162	805,079	806,377	-1,298

^a In accordance with the Budget Enforcement Act, these totals do not include \$1,394 million in budget authority and \$6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and \$877 million in budget authority and \$935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

^b In accordance with the Budget Enforcement Act, these totals do not include \$1,838 million in budget authority and \$335 million in outlays in funding for emergencies that have been designated as such by the President and the Congress in this bill.

^c Of the amounts remaining under the Commerce-Justice Subcommittee's 602(b) allocation, \$28.1 million in budget authority and \$6.2 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

^d Of the amounts remaining under the Labor-HHS Subcommittee's 602(b) allocation, \$11.1 million in budget authority and \$2.6 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

^e Of the amounts remaining under the Treasury-Postal Subcommittee's 602(b) allocation, \$1.3 million in budget authority and \$0.1 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

^f Of the amounts remaining under the Appropriations Committee's 602(a) allocation, \$30.5 million in budget authority and \$8.9 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

NOTE: Details may not add to totals due to rounding; Prepared by SBC Majority Staff, March 27, 1995.

FY 1995 CURRENT LEVEL, S. 617, EMERGENCY SUPPLEMENTAL AND RECESIONS BILL

(In billions of dollars)

	Budget authority	Outlays
Current level (as of March 24, 1995) ^a	1,236.5	1,217.2
S.617, Emergency Supplemental and Rescissions, as reported by the Senate ^b	-13.1	-1.2
Adjustment to conform mandatory items with Budget Resolution assumptions	(*)	(*)
Total current level	1,223.4	1,216.0
Revised on-budget aggregates ^c	1,238.7	1,217.6
Amount over (+)/under (-) budget aggregates	-15.4	-1.6

Note: Details may not add to totals due to rounding;

^a Less than \$50 million.

^b In accordance with the Budget Enforcement Act, the total does not include \$1,394 million in budget authority and \$6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and \$877 million in budget authority and \$935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

^b In accordance with the Budget Enforcement Act, these totals do not include \$1,838 million in budget authority and \$335 million in outlays in funding for emergencies that have been designated as such by the President and the Congress in this bill.

^c Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

Prepared by SBC Majority Staff, 03/29/95.

ENDANGERED SPECIES ACT LISTINGS AND CRITICAL HABITAT DESIGNATIONS

Mr. CHAFEE. Mr. President, earlier this month, while considering the Department of Defense supplemental appropriations bill, the Senate adopted an amendment that was offered by the Senator from Texas. Senator HUTCHISON's amendment will rescind \$1.5 million from the U.S. Fish and Wildlife Service's account for Endangered Species Act listings and critical habitat designations. That bill is currently before a House-Senate conference committee. At the moment, I have not heard whether the conferees have agreed to accept the Senate position and include the Hutchison amendment in the final DOD supplemental bill.

The bill we are considering today includes a provision to rescind funds from the same account as the original amendment by Senator HUTCHISON. It is my understanding that the intention of the managers of the bill is to rescind these funds in either the DOD bill or in this one, but not to rescind the funds in both bills. In fact, on page 32 of the Senate Appropriations Committee Report it states: "The issue of a revised funding level for Endangered Species Act programs will be considered by the Committee in the context of conference actions on both this bill and the Department of Defense supplemental." Would the Senator from Washington confirm my understanding and would he please explain the meaning of this report language?

Mr. GORTON. Mr. President, I appreciate the opportunity to set the record straight on this. It is not my intention to include a rescission from the endangered species listing program in two separate rescission bills. When it becomes clear that the Hutchison amendment will be accepted by the DOD conference committee, I plan to offer an amendment to eliminate the rescission from the listing account that is included in this bill.

Mr. CHAFEE. I am pleased to hear the Senator's response and I thank him for his cooperation.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. All time has been yielded back on the Republican side.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to send, along with Senator D'AMATO, a second-degree amendment to amendment No. 427, and ask that it be taken up at the appropriate time.

Mr. DOMENICI. Mr. President, might I, before that activity, move to table the Reid amendment that is im-

mediately pending and ask for the yeas and nays?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, reserving the right to object, could the Senator from Alaska repeat what the unanimous consent request is?

Mr. MURKOWSKI. Simply to submit a second-degree amendment to amendment No. 427 and ask that it be taken up at the appropriate time.

Mr. REID. Mr. President, I do not serve on the Banking Committee. There are two, three, four Republicans on the floor, five, all my friends. I know that they are not going to take advantage of anyone. But I just cannot do that because I do not understand the banking issue before this body.

I will object.

Mr. MURKOWSKI. This is simply a second degree to the D'Amato amendment which is the pending business.

Mr. DOMENICI. Senator D'AMATO is not here. I object, if the Senator is not here. Did Senator D'AMATO approve?

Mr. MURKOWSKI. Senator D'AMATO is joining me.

Mr. REID. I join my friend from New Mexico in objecting.

Mr. DOMENICI. Could I get the yeas and nays on the Reid amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOMENICI. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

VOTE ON AMENDMENT NO. 437

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to amendment No. 437 offered by the Senator from Alabama [Mr. SHELBY].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I also announce that the Senator from Minnesota [Mr. GRAMS] and the Senator from Kansas [Mrs. KASSEBAUM] are absent due to a death in the family.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. CONRAD], and the Senator from North Dakota [Mr. DORGAN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 79, nays 15, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—79

Abraham	Frist	Mack
Akaka	Glenn	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Biden	Grassley	Nickles
Bingaman	Gregg	Nunn
Bradley	Harkin	Packwood
Breaux	Hatch	Pell
Brown	Hatfield	Pressler
Bryan	Heflin	Pryor
Bumpers	Helms	Reid
Burns	Hollings	Robb
Campbell	Hutchison	Roth
Chafee	Inhofe	Santorum
Coats	Jeffords	Shelby
Cochran	Kempthorne	Simpson
Cohen	Kennedy	Smith
Coverdell	Kerrey	Snowe
Craig	Kerry	Specter
D'Amato	Kohl	Stevens
Daschle	Kyl	Thomas
DeWine	Lautenberg	Thompson
Dodd	Leahy	Thurmond
Dole	Levin	Warner
Domenici	Lieberman	Wellstone
Exon	Lott	
Feingold	Lugar	

NAYS—15

Bond	Graham	Moynihan
Boxer	Inouye	Murray
Byrd	Johnston	Rockefeller
Feinstein	Mikulski	Sarbanes
Ford	Moseley-Braun	Simon

NOT VOTING—6

Baucus	Dorgan	Grams
Conrad	Faircloth	Kassebaum

So the amendment (No. 437) was agreed to.

VOTE ON AMENDMENT NO. 435, AS AMENDED

The PRESIDING OFFICER. The question occurs on amendment No. 435, as amended, by the Senator from Nebraska, [Mr. KERREY].

Mr. KERREY. Mr. President, I ask unanimous consent to vitiate the yeas and nays on my amendment.

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

The question is on agreeing to the amendment.

The amendment (No. 435), as amended, was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 438

The PRESIDING OFFICER Under the previous order, the question occurs on a motion to table amendment No. 438 offered by the Senator from Nevada [Mr. REID].

Mr. HATFIELD. Mr. President, I ask unanimous consent that the following votes be 10 minutes in duration.

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

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

I also announce that the Senator from Minnesota [Mr. GRAMS] and the Senator from Kansas [Mrs. KASSEBAUM] are absent due to a death in the family.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. CONRAD], and the Senator from North Dakota [Mr. DORGAN], are necessarily absent.

The PRESIDING OFFICER (Mr. COATS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 17, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—77

Abraham	Frist	Lugar
Akaka	Glenn	Mack
Ashcroft	Gorton	McCain
Bennett	Gramm	McConnell
Bingaman	Grassley	Moseley-Braun
Bond	Gregg	Murkowski
Bradley	Hatch	Murray
Brown	Hatfield	Nickles
Bumpers	Helms	Nunn
Burns	Hollings	Packwood
Campbell	Hutchison	Pressler
Chafee	Inhofe	Robb
Coats	Inouye	Roth
Cochran	Jeffords	Santorum
Cohen	Johnston	Shelby
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	Stevens
Dole	Kyl	Thomas
Domenici	Lautenberg	Thompson
Exon	Leahy	Thurmond
Feingold	Levin	Warner
Feinstein	Lieberman	Wellstone
Ford	Lott	

NAYS—17

Biden	Graham	Pryor
Boxer	Harkin	Reid
Breaux	Heflin	Rockefeller
Bryan	Mikulski	Sarbanes
Byrd	Moynihan	Simon
Daschle	Pell	

NOT VOTING—6

Baucus	Dorgan	Grams
Conrad	Faircloth	Kassebaum

So the motion to lay on the table the amendment (No. 438) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask unanimous consent to vitiate the roll-call on the REID amendment.

Mr. DOLE. Mr. President, if we could have order?

The PRESIDING OFFICER (Mr. COATS). The Senate will be in order.

Without objection, it is so ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 439

The PRESIDING OFFICER. The question then occurs on the motion to lay on the table amendment 439, offered by the Senator from Nevada [Mr. REID].

The motion to lay on the table the amendment (No. 439) was agreed to.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I would like to ask the distinguished Democratic leader—as I understand it, he would prefer to have no more votes this evening. Is there any way we could reach some agreement on bringing this matter to conclusion? Otherwise, I am tempted to take the bill down.

But I can say we are not going to send any other supplemental to the President until we deal with this one. So if they are waiting for the defense supplemental, it is not going to happen. I think what we have here is just a lot of amendments coming by the bucketsful from that side. Certainly it is everybody's right. But we thought we could finish this bill in 2 days. Apparently we cannot.

I have asked the distinguished Democratic leader if it would serve any purpose to stay here any further tonight?

Mr. DASCHLE. Mr. President, I guess I would remind our colleagues the reason we are here at 10:15 is we spent the entire day working on an amendment offered by the Senator from New York, on an amendment that had nothing to do with the supplemental. I am sure the bulk of the amendments thus far have been offered in good faith by Members on both sides of the aisle.

I would be prepared to lay down the amendment that we have been talking about now for a couple of days tomorrow morning at 10 o'clock. We could have a good debate on it. I think we could narrow the list, as we have been able to do in the past, to try to come up with a list that we could dispose of in due course. But certainly I would be prepared to work out a time agreement on the amendment tomorrow and continue our work.

Mr. DOLE. As I understand it, the Democratic leader would like to start, what, 10 o'clock? Is that what he indicated?

Mr. DASCHLE. That is correct, start at 10 o'clock. We could get a time agreement. I know people are going to want to make travel schedules tomorrow, but we could finish perhaps at 2 o'clock in the afternoon.

Mr. DOLE. I also understand the managers of the bill would like to stay tonight if any amendments can be accepted. Are there amendments that could be accepted tonight, I might ask the chairman of the Appropriations Committee?

Mr. HATFIELD. Not to my knowledge. Mr. Leader, I do not have a list of the amendments that are floating around. We have a number, a few amendments here that we can accept, to move ahead and do that. But I do not have a list from the minority side, nor from the majority side, on what amendments are intended to be offered.

Mr. DOLE. Is there anyone willing to debate an amendment tonight and have the vote tomorrow at, say, 9:45, before we start on the major amendment by the Democratic leader?

Mr. D'AMATO. Mr. President, I will be delighted.

Mr. DOLE. Your effort has been noted.

Are there any volunteers? We might be able to do that. I think the managers—I think Senator HATFIELD had hoped we would stay all night and finish the bill, but I do not believe that is possible after visiting with the Democrat leader. But it may be possible for someone to lay down an amendment—on either side of the aisle? Are there any amendments on either side of the aisle we can lay down and have a vote on, say tomorrow at 9:45 in the morning?

Mr. HATFIELD. Would the majority leader and minority leader at least let us try to stay in all night and finish it?

Mr. DASCHLE. No, we could not do that.

Mr. HATFIELD. I feel fine.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. KERRY. Would the majority leader yield for a question?

Mr. DOLE. Sure.

Mr. KERRY. If someone were to stay tonight and offer an amendment for a vote in the morning, would that obviate a vote subsequent to that? Or would there still be a vote later in the afternoon?

Mr. DOLE. There would be a vote hopefully not too late in the afternoon, hopefully 1:30 or 2.

I do not like getting everybody over to vote with the Sergeant at Arms. I think that is a waste of time and punishes people who may not be here for some good reason. I know on our side there are a couple of people here who had deaths in the family.

But if there was some amendment we could lay down tonight and vote on in the morning? If not, we will just wait and take up the leader's amendment at 10 a.m.

Mr. DOMENICI. Mr. Leader, could you yield for a question?

Mr. DOLE. I will.

Mr. DOMENICI. Is there any way between the minority leader and the chairman of the committee that we could find out how many amendments there really are?

Mr. DASCHLE. Sure. We can work on that. We have been.

Mr. DOLE. We will work on that overnight and bring it up in the morning.

Mr. DOMENICI. I thank the Chair.

Mr. DOLE. There will be no more votes then this evening.

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from New York.

Mr. SIMON. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Would it be in order on the floor of the Senate to mention that our colleague, Senator Bob GRAHAM, became a grandfather of triplets this evening?

The PRESIDING OFFICER. The Senator from Illinois may speak on any subject he wishes. The Senator has done just that.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the D'AMATO amendment be temporarily laid aside in order to take up the amendment.

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

AMENDMENT NO. 440

Mr. HATFIELD. Mr. President, I send an amendment to the desk proposed by Senator HOLLINGS for himself and Senator BIDEN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] for Mr. HOLLINGS, for himself and Mr. BIDEN, proposes an amendment numbered 440.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 8 of the substitute amendment strike line 1 through line 6 and insert in lieu thereof the following:

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103-317, \$5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, \$5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103-317, \$17,100,000 are rescinded.

Mr. HOLLINGS. Mr. President, This amendment, on behalf of myself and Senator BIDEN, would restore some of the funding in the Department of Justice's Drug Court Program. The House-passed bill and the committee-reported bill both rescind \$27.1 million from drug courts. My amendment reduces the rescission to \$17.1 million, and allows \$10.0 million for the program this year.

Last week Attorney General Janet Reno sent me a letter expressing her strong support for the Drug Court Program and her desire to have this funding restored. I ask unanimous consent that her letter, in its entirety, appear in the RECORD.

This Drug Court Program is funded through the violent crime trust fund. We already cut all discretionary programs last year to make offsets for this program and other crime bill programs. But, now here we are considering a bill that eliminates funding for a crime reduction, antidrug program—and here I am proposing yet additional offsets to pay for the program a second time.

Mr. President, Members might wonder why the House is trying to eliminate this program. Why? Because drug courts always was a Senate-sponsored program. It was included in the Senate version of the crime bill and was supported on a bipartisan basis. And, frankly, I don't understand why the Appropriations Committee would want to concur in their rescission.

Mr. President, we have a crime problem in this country caused by drugs. Just 2 weeks ago, DEA Administrator Constantine testified before the Commerce, Justice and State Subcommittee about the rise in drug-related crime. More than half of those arrested who enter the criminal justice

system have some level of substance abuse problems. Our criminal justice system functions like a revolving door in which drug offenders continue to pass through.

Drug courts are designed to specifically deal with this inherent problem in our criminal justice system. Drug courts employ the coercive power of the court to subject nonviolent offenders to the kind of intensive supervision that can break the cycle of substance abuse and crime that infects too many communities in this country.

These drug courts require mandatory periodic drug testing, mandated substance abuse treatment for each program participant, and graduated sanctions for participants who fail to show satisfactory progress in their assigned treatment regimens.

All this is under the direct supervision of drug court judges. I believe many Members met with these judges in the last few weeks, two drug court judges were in my office recently to speak on behalf of this program. Both Judge Jeffrey Tauber of Oakland, CA, and Judge Steven Ryan of Las Cruces, NM, stressed that drug courts are not a "Washington knows best program." It is a locally determined program, every drug court is different and unique.

Mr. President, I think we now have one of the best Attorney Generals we've ever had, and I have known a lot of them. She's tough and understands law enforcement. Janet Reno came up through the ranks. She really believes in this Drug Court Program and knows from her experience in Dade County, FL, that it works. My amendment lets her prove the program's worth and get it off the ground.

The amendment's offsets are simple.

The amendment proposes rescinding \$5 million of the unobligated balances in the Justice Department's working capital fund. This account funds ADP equipment, accounting systems, administrative support, and law enforcement related equipment. I know justice has various things they want to reprogram dollars for; saving the drug court program is a high priority. The only reason these balances are in the fund is because of language the Congress put in the bill 3 years ago that enabled Justice to recapture expiring balances.

Second, the amendment proposes a rescission of \$5 million from unobligated balances in the Justice assets forfeiture fund. These funds are excess to annual requirements and were not expected to be spent in the current year. It will not impact any State or local law enforcement participation in the assets forfeiture program.

So, what we are trying to do in this amendment is to strike a balance—to make minor reductions in two Justice accounts—to save at least \$10 million for drug courts. We should give Attorney General Reno a chance to prove this program's worth instead of simply

concurring with the House-proposed rescission. Our amendment is fully offset. I urge its adoption. I ask unanimous consent a letter from Attorney General Reno be printed in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, March 24, 1995.

Hon. ERNEST F. HOLLINGS,
Ranking Minority Member, Subcommittee on the
Departments of Commerce, Justice, and
State, The Judiciary and Related Agencies,
Committee on Appropriations, U.S. Senate,
Washington, DC.

DEAR SENATOR HOLLINGS: As you know today the Full Committee will consider H.R. 1158, a bill that among other things would rescind funding for certain programs established in the Violent Crime Control and Law Enforcement Act of 1994 (VCCA). Included in this bill is a rescission of \$27,170,000 for the Drug Court Grant Program.

I am writing to register my strong objection to this rescission, which would eliminate funding to help implement a proven cost-effective approach of integrated services and sanctions which I have witnessed first hand to be successful in combatting drug-related crime. The Drug Court Grant Program can help ensure certainty and immediacy of punishment for non-violent arrestees with drug problems who might otherwise go both unpunished and unsupervised. They are an essential element of a comprehensive and fiscally responsible approach to improve the criminal justice system.

The House action—the rescission of more than 95 percent of the appropriation for the current fiscal year—is devastating to this Administration's drug-fighting efforts. It also represents a serious setback for communities around this country working to improve public safety by breaking the powerful connection between substance abuse and crime.

TRUST FUND

At the outset, I would like to comment on how this rescission affects the integrity of the Violent Crime Reduction Trust Fund.

Both the Drug Court program and the Trust Fund were included in S. 1607, the Senate crime bill from last Congress, which passed the Senate on November 19, 1993 by the overwhelming vote of 95 to 4.

The concept of the Trust Fund was to offset the cost of crime-fighting initiatives—such as Drug Courts—with the savings accumulated from reducing the Federal workforce. The Trust Fund was the result of a true bipartisan effort because the Senate had concluded—as a body—that crime-fighting programs should be paid for and protected from other spending programs.

Rescinding the funding for the Drug Court Program will set a precedent that the Trust Fund can be raided at any time for any other spending program.

DRUG COURTS ARE AN IMPORTANT CRIME-FIGHTING TOOL

We know that more than half of those arrested enter the criminal justice system with some substance abuse problem. We also know that too frequently, the current criminal justice system functions like a revolving door through which substance-abusing offenders pass without being required to deal with the drug abuse that is inextricably tied to their criminal behavior. Seeking to capitalize on that knowledge, the VCCA established the Drug Court Grant Program.

Drug courts employ a court's coercive power to subject non-violent offenders to the kind of intensive supervision that can break

the cycle of substance abuse and crime that inflicts suffering in too many communities in this country.

Title V of the Violent Crime Control & Law Enforcement Act of 1994 authorizes the Department of Justice to make discretionary grants to support drug court programs that involve continuing judicial supervision over offenders. Violent offenders are excluded from this program.

States, state courts, local courts, units of local government and tribal governments are eligible to apply for drug court program funding. Programs that receive Crime Act funding will subject substance abusing, non-violent offenders to intensive court supervised intervention that provides the mix of services and sanctions necessary to coerce abstinence and force criminals to alter their behavior.

To achieve those goals, funded programs must include the research identified key elements of success: mandatory periodic drug testing; mandated substance abuse treatment for each program participant; and graduated sanctions for participants who fail to show satisfactory progress in their assigned treatment regimens.

This initiative will support locally tailored approaches—it is not a "Washington knows best" program. No single drug court model can effectively break the cycle of substance abuse and crime in every community. Thus, this program will support local determinations about how to structure funded drug court programs, while ensuring that statutorily-required bedrock principles are in place.

THE FACTS ON DRUG COURTS

The facts are clear that drug courts work. According to a National Institute of Justice-sponsored evaluation, participants in the Dade County, Florida drug court program—one that I witnessed first-hand—showed substantially lower rates for rearrest than non-participating defendants. Even those drug court participants who did re-offend, did so after significantly longer periods than non-participating offenders.

Studies of the drug court programs in Portland, Oregon, Washington, D.C., and Chicago, Illinois, have also shown lower rates of recidivism for program participants. The California Drug and Alcohol Treatment Assessment (CALDATA) showed that substance abuse treatment reduced participants' involvement in criminal activity by 43.3 percent.

Encouraged by these positive law enforcement results, prosecutors, judges, public defenders, law enforcement officials, and treatment professionals in jurisdictions around the country are embracing this concept and moving forward to implement treatment drug court.

Twenty-nine drug courts have been fully operational for at least 6 months. Another 31 drug courts have been either recently launched or are under development.

MOVING IN THE RIGHT DIRECTION

Since the Crime Bill became law, the Office of Justice Programs (OJP) in the Department of Justice has moved forward aggressively to implement this initiative. OJP had created a Drug Court Program Office to administer the program. OJP has published proposed Drug Court Regulations and is currently responding to comments submitted in response to that publication. In addition, OJP has disseminated Program Guidelines and Application Information regarding the Drug Court Program.

Jurisdictions around the country are poised to move forward with planning for drug courts. That more than 600 people attended the January conference of the National Association of Drug Court Profes-

sionals demonstrates the burgeoning support for this program nationwide. In light of that widespread support and interest, the Office of Justice Programs intends to make up to 100 small (\$35,000 each) planning grants to eligible jurisdictions. This small sum, dedicated as it is to planning, will help jurisdictions lay the ground work for effective drug courts that work to break the cycle of substance abuse and crime.

Many jurisdictions, inspired by the common sense appeal of the treatment drug court concept, have already engaged in significant drug court planning. For those locales, OJP will make available up to 13 grant awards (no more than 10 for up to \$1 million and no more than 3 of up to \$2 million) for those jurisdictions to complete their planning processes and move into full implementation.

In addition, there are some 35 treatment drug courts currently in operation around the country. These jurisdictions are pleased with the results they have achieved thus far, but would seek Federal support to improve, enhance, or expand their efforts. OJP will make available up to 20 grants, of no more than \$1 million, to existing drug courts so that they can more effectively work to attack the linkage between substance abuse and criminal behavior in their communities.

OJP also intends to develop the capacity to provide a broad range of training and technical assistance nationwide. While this assistance will focus on jurisdictions that receive OJP Drug Court grants, the intention is to develop the capacity to provide assistance beyond those jurisdictions which receive grant awards.

The House-passed rescission action eviscerates the Department's ability to move forward to help make drug courts—an important crime fighting tool—available to our nation's states and localities.

HOUSE ACTION ON H.R. 1158

Finally, the House Appropriations Committee Report accompanying H.R. 1158 stated that the Drug Court rescission "simply conforms the appropriation to the most recent House action." The reference to the last House action is the passage of H.R. 728 last month, which eliminated the authorization for the Drug Court Program.

As you know, since the Senate has yet to act upon any revisions to the Crime Law, the House's rationale for eliminating Fiscal Year 1995 funding for the Drug Court Program is inapplicable to the Senate.

During consideration of any revisions to the Crime Law in the Senate this Congress, the Administration will be working very hard to preserve the authorization for the Drug Court program and we expect bipartisan support in this effort.

Since the Senate is yet to act upon any authorization revisions to the Crime Law, I believe that a rescission of the Drug Court Fiscal Year 1995 funding should not be included in any Senate action on H.R. 1158.

This Administration is strongly committed to streamlining government and reducing the deficit. However, it is also committed to an issue that is so important to each and every American—the fight against crime. The proposed rescission of the Drug Court Program from the VCCA Trust Fund will greatly thwart our efforts to fight crime. It sends the wrong message to the American public. We should be moving forward not backward from the gains we made last year.

I appreciate your consideration of my views.

Sincerely,

JANET RENO.

Mr. BIDEN. Mr. President, I rise to speak about an amendment that has

been accepted by both sides. The amendment restores \$10 million in crime law trust fund dollars that would be rescinded by the legislation now before the Senate.

My amendment restores \$10 million of the \$27 million rescinded from the Drug Courts Program. And, let me be clear, all of this \$10 million is offset by cuts of \$10 million in Justice Department funds that will not diminish law enforcement. They are funds that both the subcommittee chairman and ranking member have agreed to rescind because they will not adversely impact Justice Department operations.

This amendment is necessary for two key reasons:

First, we must stick to the promise we made in the violent crime reduction trust fund—we have already cut Federal bureaucrats to pay for the crime law, so the \$30.2 billion crime law does not increase the deficit.

Second, unless we restore this \$10 million more than 5,000 drug offenders who are today released on probation will not be tested for drugs, will not be supervised, and will not be punished until many more American citizens have been the victim of a crime, because without drug testing, about the only way any offender is kicked off probation and into jail is to get caught committing another crime—in other words, after there is yet another victim.

And as I mentioned, my amendment identifies \$10 million in offsetting cuts so my amendment does not change the overall deficit cutting of this bill. This amendment simply takes a step to help preserve the integrity of the Drug Court Program.

Let me review just some of the facts that point out just how great the need is to add real teeth to our probation system.

Nationwide, about 3 million offenders are released on probation. Of these 3 million, about half, 1.4 million, of these offenders are drug abusers. And, of these 1.4 million offenders, only about 800,000 receive some drug testing and/or drug treatment.

That all means that nationwide we have about 600,000 offenders, out on probation who are drug-abusers and who are not tested for drugs, not treated for their addiction, and barely supervised by our overwhelmed probation officers.

In fact, in the Nation's largest States, probation officers' caseloads range from 90 to 100 offenders per officer; to 240 offenders per officer. Even at the 100-offender level, that means that in an average 40 hour week, a probation officer could spend about 20 minutes on each offender under his or her authority. At the higher levels, probation officers have less than 10 minutes every week to make sure that each offender is staying on the straight and narrow.

Plainly, few of these offenders are being supervised the way they should.

Unless these offenders face certain punishment, with the chance of treat-

ment to beat their addiction, they will be the violent offenders of tomorrow.

Unless we monitor these offenders on probation, they are probably continuing to take drugs, as well as committing crimes for which they have not yet been arrested. Drug testing means that these offenders will no longer get a free ride on probation.

And that is the only choice these intensive drug testing and treatment, and certain punishment programs ask us to make. Instead of these offenders walking around the streets, unmonitored, they will have to check in every day or so and confirm that they have not been using drugs through a drug test or suffer the consequences.

While all of us might wish that these offenders were all behind bars, I do not believe we have that choice. We all know that we can't build cells fast enough—even if we could afford to build 3 million new prison cells at a cost of at least \$150 billion and that is based on a conservative construction cost estimate of \$50,000 per cell.

Let me also point out that these are not programs for violent offenders. These are cost-effective programs that combine the concepts of prevention plus responsibility to reach those offenders whose minor crimes have just brought them into the criminal justice system.

The language in the Senate-passed bill specifically exempted violent offenders from participation in these intensive drug testing programs. And, the language in the crime law goes even further—adding language that prevents any offender who has ever been convicted of a violent offense from participating in the drug courts.

The results of the Drug Court Program in Attorney General Reno's hometown are impressive:

From June 1989 to December 1991, 1,740 offenders successfully graduated from the program—and only 3 percent have been rearrested.

In addition, about 1,500 offenders failed out of the Drug Court Program—however, the strength of the drug testing program means that these offenders who should not be released on probation were identified early and sent to jail—where they belong.

Before the Drug Court Program, was instituted, the re-arrest rate for these offenders was 33 percent.

And the program is saving money—money that can be redirected to incarcerating and treating violent, career criminals. In Miami, it costs \$17,000 a year to keep an offender in the county jail. That same offender can get the benefits of the drug court at a price of about \$2,000 a year.

The results from many other jurisdictions are similarly impressive:

In my home State of Delaware, Judge Richard Gebelein wrote to tell me that in just the first 8 months of operation the Delaware drug court had put:

Over 250 people who would have been placed on probation with little or no supervision have been placed in a [drug court] pro-

gram where they are tightly controlled and monitored. We have increased public safety through this program.

In Coos County, OR, the rate of positive drug tests dropped from more than 40 percent to less than 10 percent after the probation department subjected offenders to a tough program of drug treatment and drug testing.

In Michigan, some judges have instituted a drug testing program which imposes progressively harsher sanctions with each failure. Most offenders—no matter how serious their addiction—seem to learn quickly: Of 200 offenders in the program, only 28 have failed.

An Oakland, CA, Drug Court Program with regular drug testing found that the re-arrest rate was reduced by 45 percent when the program went into effect. And, based on this figure, the program estimated that participants spent—in total—35,000 fewer days in custody because they were not re-arrested. The bottom line: Alameda County generated more than \$2 million in savings from the unused prison space.

I would like to thank Commerce/State/Justice Appropriations Subcommittee Chairman GRAMM for his assistance on this important matter. I am happy that we could reach agreement and I am sure that Senator GRAMM will continue to work on this important program when this bill reaches—as I believe it will—a conference with the House of Representatives. Senator GRAMM was a key player when the Senate developed the crime law trust fund, so I know that he shares my support for this key funding mechanism.

I would also thank the subcommittee's ranking member, Senator HOLLINGS, for his efforts and assistance to preserve at least a portion of the drug court funding, and uphold the integrity of the trust fund.

Appropriations Chairman Senator HATFIELD also has my appreciation for his support of the Drug Court Program.

Finally, I would express my personal gratitude to ranking member Senator BYRD for agreeing to this amendment. As my colleagues in the Senate know, the violent crime reduction trust fund that fully funded the \$30.2 billion crime law without adding to the deficit was the product of the hard work and incredible creativity of Senator BYRD. I will do everything I can to maintain the integrity of the trust fund, but I would just acknowledge that there would be no trust fund for which to fight were it not for Senator BYRD.

Mr. HATFIELD. Mr. President, again, I note that the ranking member of this committee is on the floor, Senator HOLLINGS. It has been cleared on both sides.

I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 440) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 427

Mr. MURKOWSKI. Mr. President, may I make an inquiry? What is the pending business? Are we on D'Amato?

The PRESIDING OFFICER. The pending question occurs on the D'Amato amendment number 427.

AMENDMENT NO. 441 TO AMENDMENT NO. 427

Mr. MURKOWSKI. If there is no objection, I would like to send a second-degree amendment in behalf of myself, Senator D'AMATO, to amend amendment No. 427 and ask it be taken up at the appropriate time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] for himself and Mr. D'AMATO proposes an amendment numbered 441 to amendment numbered 427.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of line 10 of page 2, prior to the period insert the following:

"Provided, That as the bearer bonds issued by the Government of Mexico are redeemed with monies provided by the Government of the United States, the Government of the United States first be provided with the names and addresses of those redeeming such bonds".

Mr. MURKOWSKI. I thank the Chair.

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

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

MORNING BUSINESS

IN HONOR OF ROBERT J. PFEIFFER, RETIRING CHAIRMAN OF THE BOARD OF ALEXANDER & BALDWIN, INC.

Mr. AKAKA. Mr. President, it is a privilege for me to rise today to honor, congratulate, and extend my very best wishes and aloha to a dear, and very close friend to me and my family, Mr. Robert J. "Bobby" Pfeiffer, on his retirement as Chairman of the Board of Alexander & Baldwin, Inc.

His life represents a true American success story, a self-made man who started as a deck hand, rose to president of Hawaii's largest navigation company, and later made it to the board room of one of Hawaii's largest corporations. Bobby Pfeiffer will con-

clude 57 years of exemplary service on March 31, when he resigns as chairman of Alexander & Baldwin, Inc. (A&B), a Fortune 500 company. Mr. Pfeiffer has a long and distinguished record of contributions to his company, and because of the leadership he has provided, he has been unanimously elected to the post of chairman emeritus. Mr. Pfeiffer has enjoyed a 37-and-a-half year career with A&B, including longer service as CEO than any other individual in the company's 124 year history except John Waterhouse, son-in-law of A&B founder Samuel T. Alexander.

Mr. Pfeiffer, who stepped down as A&B's chief executive officer on March 31, 1992, indicated that because he wanted his retirement to be complete, he also wished to leave his current positions as director and chairman of the board of both of A&B's principal subsidiaries, A&B-Hawaii, Inc. and Matson Navigation Company, Inc. the A&B-Hawaii and Matson directors, at their January meetings, unanimously elected him chairman emeritus of those boards as well. Mr. Pfeiffer was Matson CEO longer than anyone except Captain William Matson, who founded the company 112 years ago.

Born in Fiji in 1920, Pfeiffer came to Hawaii the following year. He graduated from McKinley High School in 1937 and went to work as a deckhand for the Inter-Island Steam Navigation Company, Ltd., of which he later became president. He served as an officer in the U.S. navy during World War II.

Mr. Pfeiffer's career with Alexander and Baldwin began in 1956. He worked for Matcinal Corporation, a Matson subsidiary and a stevedoring and terminal company in the San Francisco Bay area, as vice president and general manager. In 1962 he was promoted to president of Matson Terminals, Inc., another Matson subsidiary. He was appointed Matson president and CEO in 1973; he has served as Matson's chairman continuously since 1979. At Matson, he guided the company through a period of tremendous growth and success and in the process transformed it into one of the world's most efficient, modern ocean transportation companies.

Mr. Pfeiffer was named to A&B's board of directors in 1978; he was appointed president of A&B the next year. He assumed the posts of chief executive officer and chairman of the board in 1980. Under his leadership, A&B has grown, modernized, and diversified. Mr. Pfeiffer also earned the company a solid reputation for involvement in philanthropic activities and community affairs, both in Hawaii and California, its two principal places of business. Today, the Alexander and Baldwin Foundation, which he created, has established a level of giving in excess of \$1 million a year.

Mr. Pfeiffer has served on many corporate, professional and non-profit boards and organizations, often in leadership positions. These include First Hawaiian, Inc.; First Hawaiian Bank;

the Conference Board; the Hawaii Business Roundtable; the Chamber of Commerce of Hawaii; the American Bureau of Shipping; the Maritime Transportation Research Board of the National Academy of Sciences (as chairman); the Containerization & Intermodal Institute; the International Cargo Handling Coordination Association (as chairman); the Propeller Club of the United States, Port of Honolulu (as president) and Port of San Francisco; the National Association of Stevedores (as president); the National Cargo Bureau, Inc.; the Hawaii Maritime Center; the McKinley High School Foundation; the University of Hawaii Foundation (as chairman); the Aloha Council, Boy Scouts of America; the Girl Scout Council of the Pacific; the Pacific Aerospace Museum; and the Research Round Table of the American Heart Association, Alameda County Chapter.

Mr. Pfeiffer's community and professional leadership earned him numerous honors. The latest was on January 25th when he received the Charles Reed Bishop Medal from Honolulu's Bishop Museum, which cited his "leadership and personal example" in making A&B "a leader in corporate citizenship * * * through its exemplary support of community organizations * * *". In 1986 the Aloha Council of the Boy Scouts of America honored him with its Distinguished Citizen of the Year Award. In 1985 the United Seamen's Service gave him its Admiral of the Ocean Sea award in New York. Mr. Pfeiffer has been granted honorary doctorates by the Marine Maritime Academy, the University of Hawaii, and Hawaii Loa College.

Mr. Pfeiffer's professionalism, corporate citizenship, and commitment to the highest standards throughout his career have inspired many. I ask my colleagues to join my wife Millie and me in wishing Bobby Pfeiffer the very best, God's blessing on his retirement, and mahalo for a job well done.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:21 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the