Bank, transmitting, pursuant to law, a report relative to a transaction involving Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC–885. A communication from the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the semi-annual reports of the RTC, FDIC and the TDPOB for the period October 1, 1994 to March 31, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–886. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the fiscal year 1993 report of the Congregate Housing Services Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–887. A comunication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the 1993 report pursuant to the Cigarette Labeling and Advertising Act; to the Committee on Commerce, Science, and Transportation.

EC–888. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the incidental harvest of sea turtles; to the Committee on Commerce, Science, and Transportation.

EC–889. A communciation from the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, a report on the National Marine Sanctuary Logo Pilot Project; to the Committee on Commerce, Science, and Transportation.

EC–890. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Department for fiscal year 1994; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of committee was submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

The following officer, NOAA, for appointment to the grade of Rear Admiral (O–8), while serving in a position of importance and responsibility as Director, Office of NOAA Corps Operations, National Oceanic and Atmospheric Administration, under the provisions of title 33, United States Code, section 853u: Rear Adm (lower half) William L. Stubblefield, NOAA.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SIMON:

S. 766. A bill to protect the constitutional right to travel to foreign countries; to the Committee on Foreign Relations.

By Mr. DOMENICI:

S. 767. A bill to amend the Clean Air Act to extend the deadline for the imposition of sanctions under section 179 of the Act that relate to a State vehicle inspection and maintenance program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GORTON (for himself, Mr. JOHNSTON, Mr. SHELBY, Mr. BREAUX, and Mr. PACKWOOD):

S. 768. A bill to amend the Endangered Species Act of 1973 to reauthorize the Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KOHL:

S. 769. A bill to amend title 11 of the United States Code to limit the value of certain real and personal property that the debtor may elect to exempt under State or local law, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. KYL, Mr. INOUYE, Mr. D'AMATO, Mr. HELMS, Mr. BROWN, Mr. MACK, Mr. SPECTER, Mr. BOND, Mr. THURMOND, Mr. PRESSLER, Mr. DORGAN, Mr. FAIRCLOTH, and Mr. BRADLEY):

S. 770. A bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes; ordered held at the desk..

By Mr. PRYOR:

S. 771. A bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DORGAN (for himself and Mrs. HUTCHISON):

S. 772. A bill to provide for an assessment of the violence broadcast on television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. KASSEBAUM (for herself, Mr. GREGG, Mr. GORTON, Mr. COATS, Mr. JEFFORDS, Mr. FRIST, Mr. HARKIN, Mr. CRAIG, Mr. LUGAR, Mr. INHOFE, Mr. GRASSLEY, Mr. MCCONNELL, Mr. KYL, Mr. SANTORUM, Mr. HEFLIN, Mr. BOND, Mr. PRYOR, Mr. KERREY, Mr. BENNETT, and Mr. HELMS):

S. 773. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MACK:

S. 774. A bill to place restrictions on the promotion by the Department of Labor and other Federal agencies and instrumentalities of economically targeted investments in connection with employee benefit plans; to the Committee on Labor and Human Resources.

By Mr. BAUCUS (by request):

S. 775. A bill to amend title 23, United States Code, to provide for the designation of the National Highway System, the establishment of certain financing improvements, and the creation of State infrastructure banks, and for other purposes; to the Committee on Environment and Public Works..

By Mr. CHAFEE (for himself and Mr. KERRY):

S. 776. A bill to reauthorize the Atlantic Striped Bass Conservation Act and the Aradromous Fish Conservation Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON:

S. 777. A bill to amend the National Labor Relations Act to provide equal time to labor organizations to present information relating to labor organizations, and for other purposes; to the Committee on Labor and Human Resources.

S. 778. A bill to amend the National Labor Relations Act to permit the selection of an employee labor organization through the signing of a labor organization membership card by a majority of employees and subsequent election, and for other purposes; to the Committee on Labor and Human Resources.

S. 779. A bill to amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes, and for other purposes; to the Committee on Labor and Human Resources.

S. 780. A bill to amend the National Labor Relations Act to require Federal contracts debarment for persons who violate labor relations provisions, and for other purposes; to the Committee on Labor and Human Resources.

S. 781. A bill to amend the Occupational Safety and Health Act to require Federal contracts debarment for persons who violate the Act's provisions, and for other purposes; to the Committee on Labor and Human Resources.

S. 782. A bill to amend the National Labor Relations Act and the Labor Management Relations Act, 1947, to permit additional remedies in certain unfair labor practice cases, and for other purposes; to the Committee on Labor and Human Resources.

S. 783. A bill to amend the National Labor Relations Act to set a time limit for labor rulings on discharge complaints, and for other purposes; to the Committee on Labor and Human Resources.

S. 784. A bill to amend the National Labor Relations Act to impose a penalty for encouraging others to violate the provisions of the National Labor Relations Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PACKWOOD:

S. 785. A bill to require the Trustees of the medicare trust funds to report recommendations on resolving projected financial imbalance in medicare trust funds; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ROTH (for himself, Mr. BAUCUS, Mr. D'AMATO, Mr. ABRAHAM, and Mr. KEMPTHORNE):

S. Res. 117. A resolution expressing the sense of the Senate that the current Federal income tax deduction for interest paid on debt secured by a first or second home located in the United States should not be further restricted; to the Committee on Finance.

By Mr. BYRD (for himself, Mr. DOLE, Mr. DASCHLE, Mr. BAUCUS, Mr. REID, Mr. ASHCROFT, Mr. WARNER, Mr. LEVIN, Mr. HOLLINGS, Mr. DORGAN, Mr. SARBANES, Mr. SPECTER, Mr. BROWN, and Mr. D'AMATO):

S. Res. 118. A resolution concerning United States-Japan trade relations; considered and agreed to.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 119. A resolution to authorize testimony by Senate employees and representation by Senate legal counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMON:

S. 766. A bill to protest the constitutional right to travel to foreign countries; to the Committee on Foreign Relations.

FREEDOM TO TRAVEL ACT

Mr. SIMON. Mr. President, today I introduce legislation dealing with the

constitutional right of American citizens and legal permanent residents to travel to foreign countries.

Last October 5, I held a hearing in my capacity as chairman of the Constitution Subcommittee of the Judiciary Committee on the Constitutional Right to International Travel. The hearing focused on the derivation of this well-established constitutional right, on the circumstances under which the right can be restricted, and on the wisdom as a policy matter of restricting the ability of Americans to visit nations with whom we may have political differences.

In the course of this hearing, it became clear to me that there are limited instances in which the right of Americans to travel abroad should be restricted—namely, instances where international travel endangers the safety of the traveler or implicates national security concerns. Otherwise, as a matter of both constitutional law, the first and fifth amendments as well as other constitutional provisions, and policy, the right to a free trade in ideas and to investigations into other nations and cultures should be not only left untrammelled, but encouraged.

When such restrictions on foreign travel are in place, they do great damage to a number of interests that we hold dear. When Americans are denied the right to travel to a foreign country:

Businessmen are prevented from exploring opportunities in that country that might confer economic benefits on this country;

American scholars are denied the opportunity to engage in a dialog with their foreign colleagues;

Americans with families abroad are prevented from visiting their loved ones;

Human rights organizations concerned about abuses abroad are prevented from seeing those abuses firsthand, and from giving corrupt foreign governments the kind of close scrutiny that forces reform of repressive systems;

Average Americans with an interest in world affairs are denied the opportunity to become better informed citizens by virtue of their direct exposure to nations that play an important role in our own foreign policy;

Finally, our own Government loses the ability to influence foreign governments through the transmission of American ideals of democracy and justice. It is no coincidence that in those nations to which American travel was not restricted—such as the nations of the former Soviet bloc—the infusion of American ideas contributed mightily to the downfall of repressive regimes.

The fact that travel abroad should in most cases be encouraged, and not restricted, however, has not prevented administrations both past and present from limiting the right of Americans to travel abroad. In response to these efforts, Congress has often stepped in to limit the President's right to restrict foreign travel. Most recently, last year's Foreign Relations Authorization Act limited the President's authority to impose travel related restrictions on Americans seeking to visit foreign countries that are not currently the subject of such restrictions. The Foreign Relations Authorization Act, however, permitted the President to continue to impose travel, restrictions to those countries now subject to such restrictions—even though none of these countries pose any threat to the health or safety of prospective visitors, or to America's national security. These countries include Libya, Iraq, North Korea, and, most controversially, Cuba.

The bill I now introduce—the Freedom to Travel Act of 1995—would extend the Foreign Relations Authorizations Act's limitations on the President's power to restrict travel to those countries that are currently the subject of travel restrictions. The bill would also make clear that the President may only restrict travel to countries with which the United States is at war, where armed hostilities are in progress, or where there is imminent danger to the public health or the physical safety of U.S. travelers. This is the standard that currently governs the Government's right to deny a passport to a U.S. citizen. I believe that this standard should apply to any Government effort to restrict foreign travel.

I believe this legislation to be necessary both as a matter of policy and as a matter of international and constitutional law. Protecting the right of Americans to travel abroad is constitutionally required, is internationally recognized as part of the Universal Declaration of Human Rights, and is an important way of safeguarding and furthering our intellectual, economic, and political interests. I hope my colleagues will join our efforts to work for this protection.

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

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

S. 766

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Freedom to Travel Act of 1995''.

SEC. 2. TRAVEL TO FOREIGN COUNTRIES.

(a) FREEDOM OF TRAVEL FOR UNITED STATES CITIZENS AND LEGAL RESIDENTS.—The President shall not restrict travel abroad by United States citizens or legal residents, except to countries with which the United States is at war, where armed hostilities are in progress, or where there is imminent danger to the public health or the physical safety of United States travelers.

(b) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) is amended—

(1) by striking ''or'' at the end of paragraphs (2) and (3); and

(2) by amending paragraph (4) to read as follows:

''(4) any of the following transactions incident to travel by individuals who are citizens or residents of the United States:

''(A) any transactions ordinarily incident to travel to or from any country, including the importation into a country or the United States of accompanied baggage for personal use only;

''(B) any transactions ordinarily incident to travel or maintenance within any country, including the payment of living expenses and the acquisition of goods or services for personal use;

''(C) any transactions ordinarily incident to the arrangement, promotion, or facilitation of travel to, from, or within a country;

''(D) any transactions incident to nonscheduled air, sea, or land voyages, except that this subparagraph does not authorize the carriage of articles into a country except accompanied baggage; and

''(E) normal banking transactions incident to the activities described in the preceding provisions of this paragraph, including the issuance, clearing, processing, or payment of checks, drafts, travelers checks, credit or debit card instruments, or similar instruments;

except that this paragraph does not authorize the importation into the United States of any goods for personal consumption acquired in another country other than those items described in paragraphs (1) and (3); or''.

(c) AMENDMENTS TO TRADING WITH THE ENEMY ACT.—Section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)) is amended by adding at the end the following new paragraph:

''(5) The authority granted by the President in this section does not include the authority to regulate or prohibit, directly or indirectly, any of the following transactions incident to travel by individuals who are citizens or residents of the United States:

''(A) Any transactions ordinarily incident to travel to or from any country, including importation into a country or the United States of accompanied baggage for personal use only.

''(B) Any transactions ordinarily incident to travel or maintenance within any country, including the payment of living expenses and the acquisition of goods or services for personal use.

''(C) Any transactions ordinarily incident to the arrangement, promotion, or facilitation of travel to, from, or within a country.

''(D) Any transactions incident to nonscheduled air, sea, or land voyages, except that this subparagraph does not authorize the carriage of articles into a country except accompanied baggage.

''(E) Normal banking transactions incident to the activities described in the preceding provisions of this paragraph, including the issuance, clearing, processing, or payment of checks, drafts, travelers checks, credit or debit card instruments, negotiable instruments, or similar instruments.

This paragraph does not authorize the importation into the United States of any goods for personal consumption acquired in another country other than those items described in paragraph (4).''.

SEC. 3. EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES AND EXCHANGES.

(a) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) is amended by adding after paragraph (4) the following new paragraph:

''(5) financial or other transactions, or travel, incident to—

''(A) activities of scholars;

''(B) other educational or academic activities;

''(C) exchanges in furtherance of any such activities;

''(D) cultural activities and exchanges; or

''(E) public exhibitions or performances by the nationals of one country in another country,

to the extent that any such activities, exchanges, exhibitions, or performances are not otherwise controlled for export under section 5 of the Export Administration Act of 1979 and to the extent that, with respect to such activities, exchanges, exhibitions, or performances, no acts are prohibited by chapter 37 of title 18, United States Code.''.

(b) TRADING WITH THE ENEMY ACT.—Section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)) is amended by adding at the end the following new paragraph:

''(6) The authority granted to the President in this subsection does not include the authority to regulate or prohibit, directly or indirectly, financial or other transactions, or travel, incident to—

''(A) activities of scholars;

''(B) other educational or academic activities;

''(C) exchanges in furtherance of any such activities;

''(D) cultural activities and exchanges; or

''(E) public exhibitions or performances by the nationals of one country in another country,

to the extent that any such activities, exchanges, exhibitions, or performances are not otherwise controlled for export under section 5 of the Export Administration Act of 1979 and to the extent that, with respect to such activities, exchanges, exhibitions, or performances, no acts are prohibited by chapter 37 of title 18, United States Code.''.

SEC. 4. FOREIGN ASSISTANCE ACT OF 1961.

Section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is amended by adding at the end thereof the following:

''(3) Notwithstanding paragraph (1), the authority granted to the President in such paragraph does not include the authority to regulate or prohibit, directly or indirectly, any activities or transactions which may not be regulated or prohibited under paragraph (5) or (6) of section 5(b) of the Trading With the Enemy Act.''.

SEC. 5. APPLICABILITY.

(a) INTERNATIONAL ECONOMIC EMERGENCY POWERS ACT.—The amendments made by sections 2(a) and 3(a) apply to actions taken by the President under section 203 of the International Emergency Economic Powers Act before the date of the enactment of this Act which are in effect on such date of enactment, and to actions taken under such section on or after such date.

(b) TRADING WITH THE ENEMY ACT.—The authorities conferred upon the President by section 5(b) of the Trading With the Enemy Act, which were being exercised with respect to a country on July 1, 1977, as a result of a national emergency declared by the President before such date, and are being exercised on the date of the enactment of this Act, do not include the authority to regulate or prohibit, directly or indirectly, any activity which under section 5(b)(5) or (6) of the Trading With the Enemy Act (as added by this Act) may not be regulated or prohibited.

By Mr. DOMENICI:

S. 767. A bill to amend the Clean Air Act to extend the deadline for the imposition of sanctions under section 179 of the act that relate to a State vehicle inspection and maintenance program, and for other purposes; to the Committee on Environment and Public Works.

CLEAN AIR ACT AMENDMENT LEGISLATION

Mr. DOMENICI. Mr. President, I am introducing a bill that I believe will help States and municipalities in their efforts to comply with the requirements of the Clean Air Act. Specifically, this bill will extend the deadline for sanctions under section 179 of the act that relate to State vehicle and inspection programs. Congressman SCHIFF has introduced similar legislation in the House of Representatives.

As you know, Mr. President, the 1990 amendments to the Clean Air Act set forth requirements for areas that are not in attainment for certain air pollutants. These requirements include submission and implementation by those nonattainment areas of extensive and detailed remediation plans. Since enactment of the 1990 amendments, many States and municipalities have made great strides in fulfilling these requirements.

Under section 179 of the act, however, the Environmental Protection Agency can levy sanctions on those areas that fail to meet the requirements, sanctions which include the cutting off of highway funding. Unfortunately, implementation of some of the requirements has proven to be much more time-consuming than originally thought. Prime examples of this problem are the provisions for vehicle inspection and maintenance programs, also known as I/M programs. The EPA has promulgated very complex—and often controversial—rules for I/M programs. Although States and municipalities are trying very hard to implement the I/M rules, and although many are getting very close to compliance, it has become clear that in some cases they will simply need more time.

This bill addresses this situation by delaying sanctions for failure to implement I/M programs by 12 months, thus allowing States and municipalities to finish coming into compliance with these Federal mandates without losing critically needed highway funds. I urge my colleagues to join me in this effort.

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

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

S. 767

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

SECTION 1. EXTENSION OF SANCTIONS DEADLINE.

(a) EXTENSION.—Section 179(a) of the Clean Air Act (42 U.S.C. 7509(a)) is amended in the matter following paragraph (4) by inserting ''(or, in the case of a requirement relating to a State vehicle inspection and maintenance program, 30 months)'' after ''18 months''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to any finding, disapproval, or determination made under section 179(a) of the Clean Air Act after the date that is 18 months prior to the date of enactment of this Act.

By Mr. GORTON (for himself, Mr. JOHNSTON, Mr. BREAUX, Mr. SHELBY, and Mr. PACKWOOD):

S. 768. A bill to amend the Endangered Species Act of 1973 to reauthorize the act, and for other purposes; to the Committee on Environment and Public Works.

ENDANGERED SPECIES ACT REFORM ACT

Mr. GORTON. Mr. President, today is an important day for working people and their families across America whose lives have been impacted by the implementation of the Endangered Species Act. Today I am proud to introduce legislation, together with Senator JOHNSTON, Senator SHELBY, Senator BREAUX, and Senator PACKWOOD to amend the Endangered Species Act to require that the act consider people.

For 6 years, this Senator has fought to bring legislation before the Senate to amend the Endangered Species Act. For much of these 6 years, I have been unsuccessful in forcing the Senate to debate reauthorization of the act.

This year, however, is different. I believe that this year proponents of reform have a unique opportunity to bring legislation to reform the act before the Senate for debate. I intend to work very hard to see that this does, in fact, happen. I am committed to working with Senator CHAFEE, as the chairman of the Environment and Public Works Committee, and with Senator KEMPTHORNE, as chairman of the Drinking Water, Fisheries and Wildlife Subcommittee, to see that legislation to reauthorize the act is passed by the Senate this year.

The debate over the ESA is all about choices. Difficult, yet fundamental choices that as people who live in a free and productive society have to make. How important to society is this species?

What is the biological significance of the species? Is it the last of its kind? Will it provide a cure for a deadly disease? How many people will lose their jobs as a result of protecting this species? How will species protection impact the lives of people, their families, and their communities? In short, the debate will be about people, and choices we must make.

Earlier this year, a wonderful book entitled ''Noah's Choice'' focused on these choices. The title is designed to remind us of the story in the book of Genesis, where God commands Noah to build an ark to house his family and a male and female pair of every species. As the story goes, it then rained for 40 days and nights, and when the rain stopped, and the water dried, Noah had saved every living substance. The authors write:

Noah had it easy. The materials he needed to build his Ark were at hand and the design, provided by the Supreme Deity, was guaranteed to be sufficient for the task. Two by two, the creatures walked aboard, filling the vessel just to capacity. When the parade finished, Noah had fulfilled his obligations. He had saved ''every living substance.'' There had been no need to exercise judgement or agonize over tough choices. He and his sons

just stood on the gangplank and let everything in. When no creature was waiting outside, he shut the door and waited for rain.

Unfortunately our choices are not so simple. The act must be reformed to include choices, Mr. President, because currently it does not. The current act is all about uncompromising, intrusive, and unrelenting Federal mandates, and little about choices. To prove this point, you only have to take a look at the Pacific Northwest.

PACIFIC NORTHWEST AS A TEST CASE FOR THE ESA

Consider this: less than a decade ago, rural timber communities across my State were thriving. Families were strong and together. Fathers had a steady job at the mill, that paid a good family wage. Mothers could afford to stay home and take care of the children, to be there when they got home from school. Parents could save for their kids' education. Kids could be kids.

These were good places to live and work. Rural areas, surrounded by our national parks and forest lands. Communities built up around the timberlands. Families who had worked for generations in the woods, continued to pass the trade down to the next generation. These were communities where you didn't have to lock the front door. Places where strangers get a wave, or a nod of acknowledgement as they drive through town. That was 10 years ago.

Today it's different. Unemployment is up. Families that were once strong, and together, are falling apart. Divorce and incidents of domestic violence have dramatically increased. People can't find work. Mills have shut down. Food bank use has skyrocketed. Homes are for sale. Once proud, and productive members of our society, have, reluctantly, become society's burden.

All of this, Mr. President, in the period of 6 short years.

It began when the northern spotted owl was listed under the Endangered Species Act in 1989. And in the time since that listing, the destruction of rural timber communities has followed. But I want to make clear, it was not the listing of the owl that caused this devastation. It was the implementation of the act that caused it—the implementation of an act that does not consider the impacts on people, and their communities.

Last month, I held a timber family hearing in Olympia, WA. The purpose of my hearing was to hear from the people whose lives have been impacted by the Endangered Species Act, to hear from them, once again, as to why this act must be changed. Over the course of 6 years, I have heard the personal stories of people who live—or once lived—in my State's timber communities. Their stories are hard to listen to, because their stories could have been different—if only their Federal Government had listened to their plight. Here are a few of the stories I heard.

One man, probably close to 40 years old, told me that before the listing of the spotted owl, he went to work each day and came home to his wife and children. In other words, he lived a normal life. But today he's got to go across the State in order to find work. He's away from home for weeks at a time. He told me that he can't afford to buy a video camera or VCR to record his children as they grow up. He told me that he misses his children, that he misses his wife. He asked me if I could fix this law so that he could go home to stay, so that he could live with his family again.

Another story. Barbara Mossman and her husband used to own a logging truck company. Today they live day to day, and, if they are lucky enough to find work, paycheck to paycheck. Before the owl crisis, Barbara and her husband were hardworking small business owners.

Barbara told me about the first time she and her husband had to go to a food bank. They didn't want to do it, that's not the way they were raised. They were brought up to believe that if you are a hard worker, you will always find a job, that you should take care of yourself, your family, and help your neighbor. They were proud. But, as Barbara told me, they had to set aside their pride and go to the food bank, because they did not have anything to eat.

But if anything captured the spirit of my timber family hearing it was a plea from Bill Pickell, of the Washington Contract Loggers Association. The people in this room, he said, do not want a handout. They do not want a government program. They want to take care of their neighbors, help their community spring back to life. They want to work.

Mr. President, the stories are real. They are not made up. There are hundreds of stories like this from across my State. The message is the same—the act does not consider people.

Of course, if you read the newspapers, or listen to the nightly news you would never realize that people are suffering across my State, and the Nation, because of misguided Federal policies. The media spins a different tale. In 1990, in the media frenzy to pit people against nature, there was a rush to judgment. A judgment was made that people who live and work in natural resource-based industries cannot coexist with their environment. That the two are mutually exclusive. That the timber worker was an evil raper of the land. That the environment would perish because of his life's work.

In this rush to judgment, Time magazine put a spotted owl on its cover with the heading ''Who Gives a Hoot? The timber industry says that saving this spotted owl will cost 30,000 jobs. It isn't that simple.''

Time got one thing right—it is not that simple. But I wonder, in 1995, would Time put a picture of the unemployed timber worker and his community on the cover of its magazine, under the heading ''Can it be saved?'' The answer? Probably not.

It's a tactic often used by the media to oversimplify. To make it, us versus them. Jobs versus the environment. People versus owls. This Senator believes that the media does the public a great disservice in its efforts to provide trite, oversimplifications of complex issues. This Senator gives the American public more credit.

The legislation that I have introduced today, with that of my primary sponsors, recognizes that in order to find the appropriate balance between people and their desire to protect the environment difficult choices must be made. My legislation recognizes that these decisions are not simple, and that the people and the communities most directly affected by these decisions must have a say in the process. My legislation attempts to achieve the delicate balance that has long been absent from the current act.

THE ESA REFORM ACT OF 1995

Mr. President, 22 years ago Congress passed, and President Nixon signed, legislation creating the Endangered Species Act. The legislation was written in broad brush stokes—leaving the details to Federal bureaucrats to plug in. Not having been a Member of the U.S. Senate at the time the original law was enacted, one can only guess that most Members of Congress were enthusiastic about passing such legislation. This was legislation, after all, that would protect our Nation's symbol of freedom, the bald eagle, and the other precious and unique creatures that we identified with as Americans. Simply put, the legislation was as American as baseball and apple pie.

In writing the original legislation, Congress, in all its wisdom, decided that it could, in fact, become Noah. The Endangered Species Act was developed, as most laws are, to address a seemingly one-dimensional situation—to stop species from extinction. But 22 years later, the details of the legislation have been filled in, and slowly people have begun to realize that the original act was written without an eye to the consequences.

Mr. President, from the start of this debate in 1989, I have advocated for a balance—a delicate balance between the needs of people and that of their environment. The two are not mutually exclusive. In 1989, my call for balance was viewed as radical and extreme. In 1995, newspaper editorials in my State consistently use the word to describe how the act should be reformed. The administration has even put forward 10 principles for ESA reform that advocate for a more balanced decisionmaking process.

Under my legislation, sound, peer reviewed science would drive the listing process. Economic considerations are not included in the listing process. Upon a final decision to list a species, an interim management period would begin, in which the listed species would

be provided with the protection against a direct killing or injury to the species. This is a dramatic departure from current law. Under current law, with the final listing decision comes a whole host of regulations restricting the use of property and ongoing activities. Under my legislation, the Secretary is required to make a well informed decision before designating critical habitat or other regulations.

Once a final listing decision is made, the Secretary convenes a planning and assessment team to review the biological, economic, and intergovernmental impacts of the listing decision. The team would consist of representatives of affected local communities, as nominated by the communities, representatives from the State, as nominated by the Governor, and the appropriate biologists, economists, and land use specialists.

The cornerstone of the legislation is the development of the Secretary's conservation objective for the listed species. The team provides the Secretary with the information from which he will develop his conservation objective for the listed species. The team provides the Secretary with the answers to questions like this: What's the biological significance of the species? What is the critical habitat of the species? How many jobs would be lost if the species were afforded the full protections of the act? What would be the impact on the local economy? On social, and community values? In other words, the team provides the Secretary with the information to select the conservation objective for the species.

Under current law, the Secretary must provide for the full recovery of a species once it is listed. No flexibility. No questions asked. My bill changes this by providing the Secretary with a range of options.

In developing a conservation objective for the species, the Secretary selects an objective from a range consisting of, but not limited to: full recovery of the species, conservation of the existing population of the species, or a prohibition against direct injury or killing of the species. The Secretary must always provide protection for the listed species from direct injury or killing. The selection of this objective is solely at the Secretary's discretion. This is a revolutionary concept. No longer will the Secretary's hands be tied to an inflexible standard.

In selecting a conservation objective, and, if necessary, developing a conservation plan for the listed species, the Secretary is provided the broadest discretionary authority. The only challenge to the Secretary's decision in the courts would be if it could be proven that the Secretary grossly abused his authority, traditionally a very hard challenge to meet. What does this mean? In real life terms it means that the Secretary cannot hide behind the law he is charged with implementing in making a decision to conserve a species. The administration could no longer say that a plan it put together to protect a species, although it might be bad for people, was the best plan it could put forward under the law. Under my legislation, there would be no more excuses. The Secretary would be held politically accountable for his or her decision.

After the Secretary develops a conservation objective for the species, the Secretary is directed to look toward voluntary, non-Federal conservation proposals that meet the objective. My legislation recognizes that the Federal Government is not the solution to every problem—that individuals, and State and local governments, if given the incentive and opportunity, can effectively provide for the conservation of a listed species.

There is, however, a degree of risk to my legislation. The Secretary has the discretion to totally disregard all of the information—all of the social and economic consequences of draconian recovery measures—and mandate full recovery, for every single species, every time. And, if the Secretary makes this decision, under the full sunshine of public review, then so be it. But the people affected by his decision will know that it was his decision—and his alone—to make. If the people affected by the decision don't like it, they have a recourse. Their recourse comes every other November in the voting booth. Under my legislation, the Secretary and his boss, the President of the United States, will be held politically accountable for their decision.

Throughout my legislation everyday citizens are included in the process. Contrary to old ways of thinking, I believe that people, their families, and local communities know best. They know how to run things better than Washington, DC bureaucrats. To some people—especially for the opponents of change—this is a revolutionary way of thinking. For me, and for the people I have been fighting alongside for 7 years, these are not revolutionary ideas. It is just the way it should be.

ADMINISTRATION'S 10 ESA REFORM PRINCIPLES

Two short months ago, after years of insisting that the ESA did not need to be reformed, the administration put forward 10 principles for ESA reforms. When I read the reforms, I found myself nodding in agreement with each one. ''Minimize Social and Economic Impacts of the Act'' reads one. This Senator certainly agrees with that principle. ''Base ESA Decisions on Sound and Objective Science'' reads another. I agree with this principle too. In fact, Senator JOHNSTON, Senator SHELBY, and I, agreed with each and every principle put forward by the administration and included them in our legislation. I applaud the administration for recognizing that the act must be reformed.

PEOPLE MUST BE CONSIDERED

The fundamental flaw of the current act is that it does not consider people. In the case of the spotted owl in the Pacific Northwest, people, their jobs, and their communities were not considered at all in the decisionmaking process. Their life's work was denigrated. Their views were not considered. Their Federal Government did not care about their plight.

The decisions we must make to protect endangered or threatened species will involve choices. Sometimes these choices will be easy, and most often they will not. But we must give the people whose lives are directly affected by these decisions an opportunity to have their voices heard. To know that they have a say in the decisions that will forever change their lives.

Six years ago, I wish that the people in timber communities in my State had the opportunity to have a say in the decisionmaking process. To tell the Secretary on how their lives would forever be changed by his decision. Maybe the Secretary would have ignored their views, but at least they could say that they had given it a shot. That they had participated in the process. That they went down swinging. But they were not given that opportunity.

We must change the act to give people the opportunity to be heard.

I recall again, Bill Pickell's request of me last month at my timber family hearing:

> The people in this room do not want a handout. They don't want a government program. They want to take care of their neighbors, help their community spring back to life. They want to work.

A simple, heartfelt plea that speaks more eloquently than I can about the need for us to bring balance to this act. To give communities across our Nation the ability to work, to provide for their families, and be productive members of our society.

The debate that we will have this year will be about choices. Choices that will impact people's lives, their families, their communities. This Senator believes that the people who are directly affected by these decisions should have the opportunity to be heard. That is what my legislation seeks to accomplish, and I hope that my colleagues will join me in this effort.

Mr. SHELBY. Mr. President, the defenders of the current wording of the Endangered Species Act have engaged in a desperate attempt over the past few years to claim that the act is flexible, that it takes account of human economic and social needs and that it actually works at recovering species. They are dead wrong on each of these points. The ESA currently takes almost no account of human economic concerns, provides less flexibility for private land owners than for Federal agencies, and is an open-ended statute with no focus on the recovery of endangered species.

Less than 20 species have ever been delisted and most of these actions were the result of listing errors. The effort to reform this law is about bringing flexibility, common sense and effectiveness to the statute. Something

that is sorely lacking under the current law. With 4,000 listed and candidate species and virtually the entire country covered by the range of one or more endangered species, the imperative to act to change the law has never been stronger.

As currently constructed, the bill makes many needed changes to what is, in its design and application, a misguided and overly broad statute. The current law provides no mandatory requirement for the independent review of the science supporting listing decisions. This legislation would make such a peer review mandatory, upon request of an affected party. In addition, the bill would create a binding conservation and recovery plan for each listed species.

Currently, recovery plans are not required for each listed species and have no binding effect on the Secretary of Interior even when they are promulgated. As a result, a species listing becomes an open ended commitment with no focus on recovering and ultimately delisting a species.

The bill also provides important flexibility and discretion to the Secretary of the Interior in carrying out the requirements of the act.

Under this legislation, the Secretary will be given broad discretion as to how to proceed with a species' recovery or to decide whether recovery is at all feasible for some species. In addition, the Secretary will be given the authority to issue regional exemptions from the take provisions of the act for particular activities that may or may not affect the habitat of a given species. Such an exemption process could have dramatic effects in preventing future regional train wrecks where entire categories of commercial activities are halted by a species listing.

The bill also narrows the definition of harm to a species back to its congressionally intended scope of meaning actual injury to a member of species. The current broad interpretation of ''take'' under the act is the single most egregious provision in the law with respect to assaulting the property rights of individuals caught in the path of the ESA.

Finally, I would be remiss if I did not mention that I do not regard this bill as perfect legislation, but instead as an excellent starting point for reform.

Indeed, I would have liked for this legislation to include more substantive protections under the act for private property owners. Comprehensive private property rights legislation becoming law is far from guaranteed in this Congress and I believe that this legislation should have included a provision to compensate property owners for lost land value as a result of the act. Eighty-five percent of the land in Alabama is privately owned and the State is fourth in the Nation in candidate and listed species.

These two statistics speak volumes for the concerns I have about protecting private property rights.

In addition, I would have preferred that the legislation eliminate the ability of the Interior Department to list population segments of larger, healthy species. In Alabama, and across the country, a substantial percentage of new listings and proposed listings deal with arcane population segments like snuffbox mussels and shoal sprite snails.

Preserving these population segments is less often about concerns for the larger species and more likely to be a convenient way to slow or impede commercial activity. Not surprisingly, the Fish and Wildlife Service was prepared last year to list the Alabama Sturgeon as a population segment after failing for years to establish it as a distinct species.

However, we have a long way to go in this process and as part of the team effort to reform the ESA, I will work to further strengthen this legislation in concert with my colleagues here today.

Mr. JOHNSTON. Mr. President, I am pleased today to join my colleagues, Senator GORTON and Senator SHELBY, in introducing the Endangered Species Act Reform Amendments of 1995. This is the first step in reforming and reauthorizing a law that, although well-intentioned, has proven to be unworkable and unnecessarily burdensome. Our purpose is to address the very real shortcomings of the law while maintaining our Nation's commitment to the vitality of our living natural resources.

Mr. President, Louisiana has plenty of experience with the Endangered Species Act. Its provisions have been applied with respect to the Louisiana black bear, the red cockaded woodpecker, and several species of sea turtles. My experience is that the act sometimes requires private parties to take extraordinary and unreasonable actions, such as the overly burdensome measures that are imposed on the shrimping industry with respect to the sea turtle. The result is that the act has become enormously unpopular with large groups of our citizens, particularly in the West and Southeast, which the Act has been applied most frequently.

Since I entered the Senate in 1972, I have witnessed the evolution of the Endangered Species Act from a noncontroversial bill that passed the Senate by voice vote in 1973 to our most restrictive and controversial environmental law. I particularly remember the prolonged controversy that arose when a creature known as a snail darter was discovered late in the construction of the Tellico Dam in Tennessee. As some of my colleagues may recall, that led to the Supreme Court's decision in TVA versus Hill, which held that the Endangered Species Act is supreme to all other Federal, State, and local law. Congress then created the so-called ''God Committee'' to resolve conflicts between the act and other national goals, but this mechanism has proved to be almost entirely unworkable. Ironically, the only good news is that the snail darter has been found in many others rivers since the battle over the Tellico Dam.

The time has come to thoroughly reexamine the act and its implementation. The act has been due for reauthorization since 1993, and we should delay no further. I intend to do everything I can to enact legislation in 1995, and I believe that it is vitally important that the debate be conducted on a solidly bipartisan basis. Although I have no doubt that there is room for improvement in the bill, I think it is a sound starting point for that debate.

As we begin the process of reforming this enormously complex law, we should be guided by certain principles that I believe we all share. Secretary Babbitt did an admirable job of articulating a set of principles in his March 6 publication, ''Protecting America's Living Heritage: a Fair, Cooperative, and Scientifically Sound Approach to Improving the Endangered Species Act.''

Those 10 principles are:

First, Base ESA decisions on sound and objective science; second, minimize social and economic impacts; third, provide quick, responsive answers and certainty to landowners; fourth, treat landowners fairly and with consideration; fifth, create incentives for landowners to conserve species; sixth, make effective use of limited public and private resources by focusing on groups of species dependent on the same habitat; seventh, prevent species from beginning endangered or threatened; eighth, promptly recover the delist threatened and endangered species; ninth, promote efficiency and consistency; and last, provide State, tribal, and local governments with opportunities to play a greater role in carrying out the ESA.

I believe that our bill reflects these principles. However, I understand that the devil is in the details, and am quite open to suggested modifications that will better achieve these principles.

Although I will not attempt to summarize the entire bill, there are several provisions that should be emphasized. First, the bill requires that the decision to list a species be based solely on sound science, and that the science be independently peer-reviewed. Specifically, the Secretary of the Interior or the Secretary of Commerce, as the case may be, appoints a three-person peer review panel from among qualified persons recommended by the National Academy of Sciences. As my colleagues know, the promotion of sound science is a high priority of mine, and there is no place where science is more important than in implementing the Endangered Species Act.

Second, the bill instills political accountability by requiring the Secretary to establish a specific conservation objective for each listed species. Before we expend tens of millions of public and private dollars on efforts to restore a particular species, we need a high-ranking member of the Federal

Government to stand up and take responsibility for that decision. We need the official to explain to us why the species is important. And if the species is important, we need that official to set forth a conservation plan, based on the best reasonably obtainable science, that will actually achieve that conservation goal. And if the species is important, and there is a conservation plan that will actually work, we need to know that the Secretary has formulated that plan after considering the economic and social impacts of the plan.

Third, the bill encourages and facilitates cooperative actions between the Federal Government and States, local governments, and the private sector to conserve species without the need to trigger the more restrictive provisions of the act. The most effective and efficient way to protect species is to take cooperative measures as early as possible, before a species declines to the point that more restrictive and expensive steps are needed.

Finally, I want to mention a matter that we are not addressing in the bill. At least one of the outside groups urging reform of the ESA asked Senator GORTON and me to include a provision that would have compensated private landowners whose property values are lowered by the restrictions of the act. I concluded, and Senator GORTON concurred, that this legislation is not the place to try to resolve the incredibly complex issue of when to compensate landowners for reductions in property value due to governmental regulations. That issue cuts across all of our environmental laws, not just the ESA, and it should be addressed in that larger context. Furthermore, I believe that the reforms of the act that we are proposing in this bill, along with the requirement that the bill be administered so as to minimize impacts on private property, will greatly reduce the frequency and severity of the impacts of the act on the value of private property.

I look forward to working with Senator GORTON and Senator SHELBY, the members of the Environment and Public Works Committee, and other interested Senators to revise the ESA in a way that allows us to effectively protect our natural heritage without imposing unnecessary burdens on our citizens. The present act is not working, and failure to address its problems can only lead to further crisis and confrontation, followed by calls to scrap the act altogether. The bill we are introducing today marks the opening of the debate on how to reform the ESA so as to save it. This bill is a work in progress, and I invite all interested parties to contribute their efforts toward improving it as we move through the legislative process.

Mr. BURNS. Mr. President, this morning, the Senator from Washington State, Senator GORTON, introduced his reauthorization of the Endangered Species Act. I would just like to make a few comments about that act and also the amendments that will be offered in its reauthorization.

Congress was scheduled to reauthorize it this year and, of course, last year, and it has been a while since it has been done. I think it is about time that this Congress take a look at the Endangered Species Act and try to make it more workable.

Currently, there are about 60 listed or candidate species in Montana on the Endangered Species Act. There always seems to be new species from some group that wants it put on the list just about every week. In a recent effort by a group based in Colorado, they want the black-tailed prairie dog placed on the candidate list. This petition is related to the black-footed ferret.

If you want to hear some stories about one act and how it impacts a State or community, we can probably write an entire book about this. But our largest industry in the State of Montana is agriculture. If you ask Montana farmers and ranchers what law they want Congress to fix, most will say this act, the Endangered Species Act. If you are in the western part of the State, near the wood products industry and those folks that work in the woods, and you ask them what law needs fixing, they would also reply the Endangered Species Act, because half of the economy of western Montana is based on wood products. They will tell you a lot of stories about infringing on their ability to make a living for their families, about the grizzly bears, the road closures, and once again, coming back to the old Endangered Species Act.

There is no doubt that we must reform the law. It is the single most restrictive law that Montanans and other Americans who rely on the land to make a living must deal with. The communities in Montana lack the economic stability and the predictability that they deserve.

When we have 38 percent total land mass in one State that belongs to the Federal Government, it is hard to find that stability and predictability about the policies carried out on those public lands. The current law has many communities in Montana and throughout our Nation living on pins and needles. Jobs have been lost because of this act. The bottom line, of course, is the economic well-being of communities, and our communities are suffering.

We need to change the act, that it really does protect the species and recover species, that it does not cost millions of dollars per species and it will protect the private property rights and also perhaps bring some economic viability and predictability to our communities.

This act should be amended so we can recognize species in trouble and emphasize restoring the populations to healthy levels. Emphasis must be placed on recovery, however.

The current law emphasizes the listing of species instead of protecting and recovering species. In order to do this, the new act should contain the following principles. The new act needs to be amended so it is based on better science. We know that our science has not been too good in the past. Peer review procedures need to be added to improve the overall data collected so that the right decision can be made, or at least to arrive at some decision based on proper science. We must have these decisions made outside of politics, and instead done by objective individuals who have a background in that science.

As I stated earlier, above all, we must concentrate our efforts on recovery plans. I think if we want a simplified solution to it, we have to decouple the listing process from the recovery process. If we do that, we would focus on the least costly alternative and we would have access to impacting the decisions made under the act, and of course take into consideration local economics.

In addition, this would force priorities to be set and would generate recovery plans which are reasonable. And yes, they are attainable. I think that is very, very important. The decoupling process may be the toughest part of this entire debate.

The best decisions are those that are made at the local level. I believe we need increased private participation in our conservation efforts. The fact is that local individuals are the best people to support any kind of a conservation plan. We are finding that out now, with the farm bill, in the 1985 farm bill, which required conservation plans on farms and ranches in order to participate in the farm program.

We need people who live and work in the areas that are affected, because they have a stake in what happens in their own backyard. Washington should not forget that these people want to maintain the quality of life that they have for their families now.

The act should encourage cooperative management agreements for non-Federal efforts. We just talked this morning about several activities going on in Montana that have the cooperation not only of private landowners, but also several environmental groups and Federal land management agencies that are cooperating now in order to provide the best use of a natural resource on public lands, but also to protect the environment and hang onto the economic viability of the area. Just to mention a couple, there are Willow Creek and Fleecer up in Montana and, of course, the Blackfoot challenge that we talked about this morning in our office.

However, we cannot solely rely on these cooperative management agreements. Some landowners and communities will not have the resources to pay for some of these agreements.

It is in these instances that the Federal Government will have to play a larger role. Local involvement is still essential to carry out the objectives of recovering species. Any proposal

should require local public hearings in the affected communities.

Local communities must be given the opportunity to express their support, comments and, yes, their areas of concern. Also, the conservation and recovery process must recognize State and local laws. Federal agencies should not be allowed to run roughshod over State management agencies, State laws, or their agreements.

Without a doubt, compensation must be given individuals who lose the use of their private property under a Federal Government conservation plan. Our Constitution and property rights need protection on every front. Anything short of that is selling our constitutional rights down the river.

It is also, if one has to wonder why we take property rights so seriously, because when we pass that property on to our children and our offspring, it is our only thing that we can pass along to them that ensures their freedom for generations to come.

The Endangered Species Act has a good goal. It does make everyone aware of the world. However, since it has become law, it has been twisted and misused for other purposes.

We need some common sense to put back in not only recovering the species but also taking into account the human factor. After all, part of the system, the ecosystem, is man himself. Starting from a new viewpoint in crafting the act, which would truly reflect what we want to do is to conserve and recover the species, has to be the focus.

It cannot let the existing law and regulations run multiple use off of our lands. Most of our lands are under multiple use, use for the highest economic benefit. Of course, most of the time, that is either logging, mining, running of livestock, or grazing, but sometimes it is also recreation. Even recreation can be in conflict with the recovery of the Endangered Species Act.

The bill, introduced by Senators GORTON, JOHNSTON, and SHELBY, is a good starting point. I have added my name as a cosponsor because I am very supportive of this process moving forward. I am supportive of the basic concepts of this reform bill.

The bill makes sure that better science is used. It provides peer review. It also allows for more local participation incentives and non-Federal efforts, and encourages cooperative agreements and habitat conservation plans.

This bill places the emphasis on recognizing the species that are in trouble, coming up with a plan to protect them, and most importantly, recovering the species.

We have a great job ahead of Members. It takes a great deal of cooperation between private landowners, Government agencies, and State and local communities in order to get it done. However, I am a supporter of the bill.

I have some reservations about it. The current act is complicated. I would like to see it reformed, simplified, and made easier for landowners and people who use the public lands to be in compliance with the law.

Basically, the law needs to be streamlined. I also strongly believe in private property compensation if the need arises. The bill ensures that people are not denied reasonable use of their property. However, there is no compensation provision. The consultation provision needs to be strengthened. There are just too many instances where other Federal agencies cannot use plain old common sense because the Interior or Commerce Departments will not let them, based on this and other areas of the law which I think we need to take a closer look at.

I am glad that we have finally started moving the process forward. I am thankful for the work that has been done by the sponsors of this legislation.

In addition, I have made a request to Senator KEMPTHORNE that a hearing on this issue be held in the State of Montana. I do not know whether there is a State in the Union that is impacted more by this action than the State of Montana. After all, we have been dealing with the grizzly bear a long, long time.

By the way, the recovery has been very successful. In fact, biologically, the animal now can be delisted and taken off the list of those endangered.

I hope this summer Senator KEMPTHORNE's Subcommittee on Clean Water, Fisheries and Wildlife will be able to come to my home State of Montana and hear the testimony from us folks who live in Montana.

Reforming the Endangered Species Act is essential. It is essential to our economy. Our four largest industries, agriculture, timber, mining, and oil and gas, rely on the use of those lands. It is these industries which supply the jobs and the tax base for the State of Montana.

Changing the laws on conserving and recovering endangered species is important for jobs for Montana. It is important for sound land management activities. It is time we took a look at this area. I want to reiterate on how, possibly, we can make the act work. There has to be a different process of listing a species and then the process of how to recover the species.

Right now the law is pretty hard and tough. Once a species is listed as threatened or endangered, the law kicks in and kicks out all conversation or any flexibility, in order to recover the species without large impacts where the species is to be recovered.

I applaud my colleagues for their work on this bill. I am a cosponsor of it. It is a bill that needs reforming and the time has come.

I urge all my colleagues in the Senate to get involved in this debate and let us reform the Endangered Species Act so it will work for this country and the species we are trying to recover.

By Mr. KOHL:

S. 769. A bill to amend title 11 of the United States Code to limit the value of certain real and personal property that the debtor may elect to exempt under State or local law, and for other purposes.

BANKRUPTCY ABUSE REFORM ACT

Mr. KOHL. Mr. President, I rise today to introduce legislation—the Bankruptcy Abuse Reform Act of 1995—to address a problem that threatens Americans' confidence in our Bankruptcy Code. The measure would cap at $100,000 the State homestead exemption that an individual filing for personal bankruptcy can claim. Let me tell you why this legislation is critically needed.

In chapter 7 Federal personal bankruptcy proceedings, the debtor is allowed to exempt certain possessions and interests from being used to satisfy his outstanding debts. One of the chief things that a debtor seeks to protect is his home, and I agree with that in principle. Few question that debtors should be able to keep roofs over their heads. But in practice this homestead exemption has become a source of abuse.

Under section 522 of the code, a debtor may opt to exempt his home according to local, State or Federal bankruptcy provisions. The Federal exemption allows the debtor to shield up to $15,000 of value in his house. The State exemptions vary tremendously: some States do not allow the debtor to exempt any of his home's value, while a few States allow an unlimited exemption. The vast majority of States have exemptions of under $40,000.

My amendment to section 522 would cap State exemptions so that no debtor could ever exempt more than $100,000 of the value of his home.

Mr. President, in the last few years, the ability of debtors to use State homestead exemptions has led to flagrant abuses of the Bankruptcy Code. Multimillionaire debtors have moved to one of the 8 States that have unlimited exemptions—most often Florida or Texas—bought multi-million-dollar houses, and continued to live like kings even after declaring bankruptcy. This shameless manipulation of the Bankruptcy Code cheats creditors out of compensation and rewards only those whose lawyers can game the system. Oftentimes, the creditor who is robbed is the American taxpayer. In recent years, S&L swindlers, insider trading convicts, and other shady characters have managed to protect their ill-gotten gains through this loophole.

One infamous S&L banker with more than $4 billion in claims against him bought a multi-million-dollar horse ranch in Florida. Another man who pled guilty to insider trading abuses lives in a 7,000-square-foot beachfront home worth $3.25 million, all tucked away from the $2.75 billion in suits against him. These deadbeats get wealthier while legitimate creditors—including the U.S. Government—get the short end of the stick.

Simply put, the current practice is grossly unfair and contravenes the intent of our laws: People are supposed to get a fresh start, not a head start, under the Bankruptcy Code.

In addition, these unlimited homestead exemptions have made it increasingly difficult for the Federal Deposit Insurance Corporation and the Resolution Trust Corporation to go after S&L crooks. With the S&L crisis costing us billions of dollars and with a deficit that remains out of control, we owe it to the taxpayers to make it as hard as possible for those responsible to profit from their wrongs.

Mr. President, the legislation I have introduced today is simple, effective, and straightforward. It caps the homestead exemption at $100,000, which is close to the average price of an American house. And it will protect middle class Americans while preventing the abuses that are making the American middle class question the integrity of our laws.

Indeed, it is even generous to debtors. Other than the eight States that have no limit to the homestead exemption, no State has a homestead exemption exceeding $100,000. In fact, 38 States have exemptions of $40,000 or less. My own home State of Wisconsin has a $40,000 exemption and that, in my opinion, is more than sufficient.

Mr. President, this proposal is an effort to make our bankruptcy laws more equitable. We owe it to the average American to ensure that the Bankruptcy Code is more than just a beachball for millionaires who want to protect their assets. I urge my colleagues to support this important measure, and I ask that a copy of the legislation be printed in the RECORD.

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

S. 769

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bankruptcy Abuse Reform Act of 1995''.

SEC. 2. AMENDMENTS.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A) by inserting ''subject to subsection (n),'' after ''(2)(A)'', and

(2) by adding at the end the following:

''(n) As a result of electing under subsection (b)(2)(A) to exempt property under State or local law, the debtor may not exempt an aggregate interest of more than $100,000 in value in real or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor.''.

By Mr. DOLE (for himself, Mr. KYL, Mr. INOUYE, Mr. D'AMATO, Mr. HELMS, Mr. BROWN, Mr. MACK, Mr. SPECTER, Mr. BOND, Mr. THURMOND, Mr. PRESSLER, Mr. DORGAN, Mr. FAIRCLOTH, and Mr. BRADLEY):

S. 770. A bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes; ordered held at the desk.

JERUSALEM EMBASSY RELOCATION IMPLEMENTATION ACT

Mr. DOLE. Mr. President, today I am introducing legislation, along with the Senator from Arizona, Senator KYL, the Senator from Hawaii, Senator INOUYE, the Senator from New York, Senator D'AMATO, and others, to move the United States Embassy in Israel to the capital of Jerusalem. I am pleased to be joined by a number of my colleagues, and I ask unanimous consent at this time that when I send the bill to the desk, it be held at the desk until noon tomorrow for additional cosponsors.

Mr. President, I know the interest in this legislation is considerable, and that is why I have asked it be held at the desk.

The issue of Jerusalem has many elements—emotional, religious, cultural, spiritual, historical, and political. Jerusalem may be the most remarkable city in the world. Three of the world's great religions have roots in Jerusalem. No other city has been the capital of the same country, inhabited by the same people speaking the same language worshipping the same God today as it was 3,000 years ago. And yet the United States does not maintain its Embassy in Jerusalem.

This issue of where to place the American Embassy in Israel has a long history in the United States Congress. Successive Congresses and successive administrations have been on opposite sides.

At the outset, I want to commend the leadership of some of my colleagues on this issue, in particular Senator MOYNIHAN and Senator D'AMATO. They have led congressional efforts to relocate the U.S. Embassy for many years.

Years ago, I was one of those who expressed concerns about the timing of proposals to move the American Embassy from Tel Aviv to Jerusalem. I felt that doing so could have undermined our efforts and ability to act as a peacemaker. However, much has changed since those earlier efforts. The Soviet Union is gone. We successfully waged war—with Arab allies—to liberate Kuwait. Jordan and the PLO have joined Egypt in beginning a formal peace process with Israel. The peace process has made great strides and our commitment to that process is unchallengeable. Delaying the process of moving the Embassy now only sends a signal of false hopes.

I was proud to join with 92 of my colleagues—Republican and Democratic—in signing the D'Amato-Moynihan letter last March urging the administration to move our Embassy no later than May 1999. As the letter pointed out to Secretary Christopher, the United States enjoys diplomatic relations with 184 countries—but Israel is the only country in which our Embassy is not located in the functioning capital.

Yesterday, I met with Prime Minister Rabin, and we discussed this legislation. As Prime Minister Rabin said after our meeting, the people of Israel ''would welcome recognition of the fact that Jerusalem is the capital'' of Israel, and ''we will welcome embassies that will come.''

The time has come to move beyond letters, expressions of support and sense of the Congress resolutions. The time has come to enact legislation that will get the job done—to move the United States Embassy in Israel to Jerusalem by May 1999. The Jerusalem Embassy Relocation Act of 1995 is that legislation.

This is not a partisan effort, and this is not an effort to undermine the peace process. Democrats have historically supported efforts to move the Embassy. In fact, as the Democratic leader TOM DASCHLE pointed out in a speech last night, support for moving the Embassy to Jerusalem has been in the Democratic Party's platform since 1968. It has been in the Republican platform for many years as well.

Placing the American Embassy in Jerusalem is an idea whose time has come. Construction will take time, but we should begin soon. The fact is that Jerusalem has been and should remain the undivided capital of Israel. Let me close by quoting from a speech I gave 18 years ago in Jerusalem:

In the search for a solution to the dilemma which Israel's first President called ''a conflict of right with right,'' whatever else may be negotiable, the capital of Israel clearly is not.

Let me also thank my colleague from Arizona, Senator KYL, who has actually been in the forefront of this legislation, who had the initial idea. We have been working with him and now put together, I believe, legislation that can be sponsored or cosponsored by nearly all of my colleagues on both sides of the aisle. We certainly welcome cosponsors. The legislation will be held at the desk under the previous consent agreement until noon tomorrow. So anybody wishing to cosponsor the legislation just notify the clerk.

Mr. President, I ask unanimous consent that a summary of the legislation be printed in the RECORD.

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

S. 770, THE JERUSALEM EMBASSY RELOCATION IMPLEMENTATION ACT OF 1995

Provides that construction begin on a new United States Embassy in Jerusalem in 1996, and the new Embassy open by May 31, 1999.

Section 1 states the short title of the legislation is the Jerusalem Embassy Relocation Implementation Act of 1995.

Section 2 states Congressional findings on the history and status of Jerusalem as the capital of Israel.

Section 3 establishes a timetable for the relocation of the United States Embassy including groundbreaking by December 31, 1996, and official opening no later than May 31, 1999. Section 3(b) withholds 50% (approximately $200–250 million) of fiscal year 1997

State Department foreign construction funds until the Secretary of State determines and reports to Congress that construction has begun. Section 3(c) withholds 50% of fiscal year 1999 foreign construction funds until the Secretary of State determines and reports to Congress that the embassy has opened.

Section 4 earmarks $5 million of already appropriated fiscal year 1995 funds for immediate costs associated with relocating the Embassy.

Section 5 authorizes $25 million for fiscal year 1996 and $75 million for fiscal year 1997. Estimates are based on new embassy construction in a high-threat area.

Section 6 requires a report within 30 days by the Secretary of State detailing the Department's plan to implement the Act, including estimated dates of completion and costs.

Section 7 requires semiannual reports to Congress on implementation of the Act.

Section 8 defines ''United States Embassy'' to include both the offices of the diplomatic mission and the residence of the chief of mission.

MOVING THE U.S. EMBASSY TO JERUSALEM

Mr. KYL. Mr. President, as a member of the committee to commemorate—in 1996—the 3,000th anniversary of Jerusalem as the capital of the Jewish people, I am pleased to join Senator DOLE and introduce the Jerusalem Embassy Relocation Implementation Act of 1995, to begin immediate construction on a United States Embassy in Jerusalem.

It is historic and important that the majority leader and the Speaker of the House are the primary sponsors of this legislation in the Senate and House.

For three millennia—since King David established Jerusalem as the capital of the Jewish people—Jerusalem has been the center of Jewish liturgy. Twice a year, for the last 2,000 years, Jews from around the world have offered a simple prayer: ''Next Year in Jerusalem.''

And throughout the Jewish people's long exile from the land of Israel, through the Holocaust, pogroms, and countless expulsions the ''City Upon a Hill'' served as the focal point of their aspiration to rebuild Israel.

In addition to Israel's undisputable historical and biblical claim to Jerusalem, upon regaining control over East Jerusalem in 1967, Israel has restored the holy city as a place open to all for worship.

Memories may be short, but it is important to remember that while Jordan occupied East Jerusalem—1948–1967—Jews were expelled and many Christians, feeling persecuted, emigrated. During this period, proper respect was not given to the spiritual importance of the city. A highway was even built on ancient burial grounds and religious sites desecrated.

Yet, successive United States administrations since 1948—for fear of interfering with the ability of the United States to serve as an honest broker for Arab and Israeli claims—have refused to recognize Israeli sovereignty over Jerusalem, and have refused to locate the United States Embassy in the capital of Israel. While there is superficial logic to that concern, I believe it bases United States policy on a disingenuous position—that if Arab leaders hold out long enough, the United States might abandon our ally and force it to do the one thing Israel has made clear it will never do—abandon its claim to Jerusalem as its eternal and undivided capital.

The fact is, the United States will not do that. Better that all parties understand that at the outset, rather than learning it at the unsuccessful conclusions of negotiations.

United States Middle East diplomacy should be based on honesty and on the power and loyalty to our friends and our principles. Moving the Embassy to Jerusalem should aid in any peace between Israel and her neighbors by sending a clear, unambiguous message that the status of Jerusalem is not and never will be negotiable.

Israel cannot under any circumstances negotiate this issue any more than Americans would negotiate over Washington being our Capital.

Moving the United States Embassy to Jerusalem does no injustice to the Arab people, nor is it intended, in any way, to be disrespectful to them. During the hundreds of years in which Jerusalem was under Arab or Moslem rule, Jerusalem never served as a capital city for the rulers. And while East Jerusalem was under Jordanian control, Jordan's capital remained in Amman and was never moved to Jerusalem. Islam's holiest text, the Koran, does not mention Jerusalem a single time.

Even Moslems who pray at the Al-Aksa Mosque in Jerusalem face Mecca when they pray. No one can dispute, however, the historical and spiritual vitality of Jerusalem to Israel.

It is time for the United States to locate its embassy in the capital city of Israel, as is the case for every other country that the United States recognizes, whether it be ally or enemy.

Those who have expressed support for United States recognition of Jerusalem as the capital of Israel now have a way to convert words to action, by supporting the Dole-Kyl-Inouye resolution, so that construction of the United States Embassy in Jerusalem will commence in time for the city's 3,000 year anniversary as the capital of the people of Israel. ''Next Year in Jerusalem.''

Mr. D'AMATO. Mr. President, I rise today to join the distinguished majority leader, Senator DOLE, as an original cosponsor of the Jerusalem Embassy Relocation Implementation Act of 1995.

It is outrageous that the United States has diplomatic relations with 184 countries throughout the world and in every one, but Israel, our Embassy is in the functioning capital. In Israel, our Embassy is in Tel Aviv. I see no reason why this should be the case. It is wrong and it must end now. Jerusalem should not be thrown around like a bone to Yasir Arafat.

Israel has endured much throughout her history and for her to have to suffer the indignity of her main ally refusing to place its Embassy in her functioning capital is an insult. With the exception of the Sinai given back under the treaty with Egypt, she has had to fight again and again for the same pieces of land. Jerusalem, however, is a different case. Jerusalem, the holy city and ancient capital of Israel, must never again become divided.

It was for this reason that Senator MOYNIHAN, myself, and 91 other Members of the Senate sent a joint letter to the Secretary of State urging him to begin planning now for the relocation of the Embassy to Jerusalem by no later than May 1999. This letter was sent in March of this year. To date, there has been no reply. This is unfortunate.

The matter is simple. Jerusalem is and will remain the permanent and undivided capital of a sovereign Israel. I'm not going to let the State Department bureaucrats forget that.

I call on the President to recognize this and to begin the process toward moving the U.S. Embassy to Jerusalem. It is shameful that the United States continues to bend to pressure to place the American Embassy in Tel Aviv and not in Jerusalem.

Mr. President, while I understand that the present negotiations are delicate, I do not want this administration to be under the impression that Jerusalem is some prize to be claimed by the Palestinians or anyone else. Let the message be clear: A united Jerusalem is off limits for negotiation. Jerusalem belongs to Israel and our Embassy belongs in Jerusalem.

I urge my colleagues to support this important bill and I urge its swift passage so that our Embassy in Israel can finally be rightfully located in Jerusalem.

Mr. President, I ask unanimous consent that my remarks appear in the RECORD along with those of Senator DOLE and the other cosponsors of this legislation.

Mr. HELMS. Mr. President, the distinguished majority leader, Mr. DOLE, is right on target with his legislation to move the United States Embassy from Tel Aviv to Jerusalem. Action by Congress is long overdue, and I'm delighted to be a principal cosponsor of Senator DOLE'S legislation.

There has been some murmuring during the past few days by those who oppose moving the United States Embassy from Tel Aviv to Jerusalem. Their contention is that this is a sensitive time in the peace process. Fair enough, but I need to be informed as to when no sensitive time in the peace process exists.

I remember well a time in 1988 when I offered legislation to move the United States Embassy to Jerusalem. After extensive negotiations with the Department of State—that also was a sensitive time in the peace process—we ended with what I understood to be an agreement to acquire land for an Embassy in Jerusalem. I am sorry to hear that my efforts of 1988 are being used

today as an argument against passage of the legislation before us today.

Mr. President, the mere acquisition of land in Jerusalem is not enough. My purpose then, as now, was to get the United States Embassy to Jerusalem, not to begin real estate negotiations.

The point, Mr. President, is this: There is only one nation in this world where the United States mission is not in the capital city, and that is Israel.

Jerusalem, the Holy City, was divided by barbed wire for almost two decades. Worshippers were denied access to the Holy places under Jordanian rule in East Jerusalem. In the 28 years during which Israel has presided over a united city of Jerusalem, the rights of Christians, Jews and Moslems have been fully respected.

Time and again, the Senate has voted overwhelmingly in favor of recognizing United Jerusalem as the Capital of Israel.

I commend Senator DOLE for his leadership in this and other matters.

By Mr. PRYOR:

S. 771. A bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes; to the Committee on Governmental Affairs.

SURPLUS PROPERTY LEGISLATION

Mr. PRYOR. Mr. President, I rise today to discuss a matter that receives far too little attention here in Washington, but is of vital importance to all of our States. I am speaking about the surplus property donated by the Federal Government to various entities.

As my colleagues know, once a Federal agency has decided that a desk or a computer or some other item of personal property has been declared ''excess'' to that agency, that piece of property is then offered to other Federal agencies for their use. If no other Federal agency has a need for that property, then the surplus property can be donated to the States or other entities for their use. In 1992, 603 million dollars worth of surplus property was sent to the States.

Mr. President, the surplus property that goes to our States is very important to local jurisdictions throughout the country. For example, the State of Arkansas has received high quality equipment that enables local jurisdictions to fight forest fires, carry out rescue operations, and repair State and county highways. In each and every State, this surplus property, from trucks to air compressors, provides critical equipment to help jurisdictions to carry out their programs. Furthermore, the local jurisdictions receive this equipment at a vastly reduced rate which provides some much-needed financial relief to their budgets.

However, as a result of years of legislation amending the property disposal program, States are being denied some useful and desirable surplus property. While these legislative initiatives were well-intended, they changed the priorities and placed other entities at the front of the line, limiting the property available to States.

For example, in 1986, the Defense authorization bill contained a provision that permitted the Pentagon to make some of its excess supplies available for humanitarian relief. Originally, this program was designed to assist the refugee and resistance groups in Afghanistan. While this program had a very modest beginning, and involved only 4 million dollars worth of property the first year, which was mainly clothing, this program has grown rapidly. Some 25,802 items, worth $227 million, were shipped in 1993. Today, our States are concerned that they are losing opportunities to bid on Federal surplus property. While none of our States object to shipping surplus blankets and food items to needy people, this program has expanded and now includes heavy construction equipment as well. These road graders, front loaders, and pick-up trucks were bought and paid for by U.S. taxpayers, but our States did not even get to look at them. This is the type of surplus property that the States would very much like to receive.

Mr. President, I share the concern of our States about this program. While I am glad that our Nation can assist refugees around the world with blankets and surplus food, I think the time has come to examine this donation program. A program that began by shipping clothes to one or two countries now involves hundreds of millions of dollars worth of items going to 117 countries. We already have a number of foreign-aid programs and I do not think we should operate yet another one out of the Pentagon.

Furthermore, Mr. President, I have heard of sketchy reports that quite often this excess equipment is not being used by the recipient country. There are basically two ways that this well-intended program may be abused. First of all, this equipment can be sold immediately by the recipient nation. Instead of being put to good use, this valuable equipment can be sold and the money spent on anything the recipient nation wants. Second, there have been reports that some of this heavy construction equipment is sitting idle due to the lack of skilled mechanics and the resources to repair it. I have been disappointed to discover that despite these reports, there has been no comprehensive review of the final end-use of this equipment. Today I am writing to the Inspector General at the Pentagon to ask her to fully investigate this program to determine if these reports are factual.

Another provision of my legislation addresses another program that has caused concern in many of our States. In 1990, the Congress passed a provision that permitted DOD to make available to certain African countries property for use in the preservation of wildlife. While everyone wants to help preserve elephants, the States have a legitimate question as to why does this program receive a higher priority than the interests of U.S. taxpayers? The simple solution is to put the States first. My legislation would allow the States to take a first look at this surplus property to see if they can use any of it. Then, and only then, it could be shipped to help preserve African wildlife.

Mr. President, the legislation I am introducing today returns to the basic principal of the fair and equitable distribution of surplus Government personal property. While there are many worthy entities interested in this property, I think it is time to again put our States first in line.

My bill puts States at the head of the list before the Humanitarian Assistance program at the Department of Defense and the Foreign environmental protection program; ensures the State agencies for surplus property are part of the process in the Small Business donation program; repeals the authority for the Department of Energy to dispose of personal property outside of the regular process involving the State agencies; allows DOD to continue to donate surplus small arms and ammunition to local law enforcement agencies while excluding surplus motor vehicles from the program; and requires the General Services Administration to review the entire range of surplus personal property programs to determine how effective these programs are, the amount of property donated through these programs, and to suggest any legislative recommendations to improve the process and ensure the States participation in this process. GSA, in the course of its review, will not be able to limit the access of local communities impacted by the closure of a military base.

Mr. President, I think it is time to put our States first in line when it comes to receiving surplus property. My bill does just that and I urge my colleagues to support it. I ask unanimous consent that the bill and a summary be printed in the RECORD. I also have a letter from Mr. Gerald Marlin, manager of Federal surplus property in Arkansas that I ask unanimous consent be printed in the RECORD.

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

S. 771

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

SECTION 1. PRIORITY TO STATES FOR THE TRANSFER OF NONLETHAL EXCESS SUPPLIES OF THE DEPARTMENT OF DEFENSE.

Section 2547 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out ''The Secretary of Defense'' and inserting in lieu thereof ''Subject to subsection (d), the Secretary of Defense'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) Nonlethal excess supplies of the Department of Defense shall be made available to a State, a local government of a State, a Territory, or a possession, upon the request of the State, local government, Territory, or possession pursuant to authority provided in another provision of law, before such supplies are made available for humanitarian relief purposes under this section. The President may make such supplies available for humanitarian purposes before such supplies are made available to a State, local government, Territory, or possession under this subsection in order to respond to an emergency for which such supplies are especially suited.''.

SEC. 2. AUTHORITIES OF SECRETARY OF DEFENSE REGARDING DISPOSAL OF EXCESS AND SURPLUS PROPERTY.

(a) SUPPORT OF COUNTER DRUG ACTIVITIES.—Section 1208(a)(1) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 372 note) is amended by inserting ''and excluding motor vehicles'' after ''small arms and ammunition''.

(b) SUPPORT FOR REGIONAL EQUIPMENT CENTERS.—

(1) NEWPORT TOWNSHIP CENTER.—Section 210 of Public Law 101–302 (104 Stat. 220) is repealed.

(2) CAMBRIA COUNTY CENTER.—Section 9148 of Public Law 102–396 (106 Stat. 1941) is repealed.

SEC. 3. TRANSFERS OF PROPERTY FOR ENVIRONMENTAL PROTECTION IN FOREIGN COUNTRIES.

Section 608(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2357(d)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking ''(d) The'' and inserting ''(d)(1) Except as provided in paragraph (2), the''; and

(3) by adding at the end the following:

''(2) No property may be transferred under paragraph (1) unless the Administrator of General Services determines that there is no Federal or State use requirements for the property under any other provision of law.''.

SEC. 4. AMENDMENT TO SMALL BUSINESS ACT.

Section 7(j)(13)(F) of the Small Business Act (15 U.S.C. 636(j)(13)(F)) is amended by adding at the end the following: ''This subparagraph shall be carried out under the supervision of the Administrator of General Services in consultation with State agencies responsible for the distribution of surplus property.''.

SEC. 5. DEPARTMENT OF ENERGY SCIENCE EDUCATION ENHANCEMENT ACT AMENDMENT.

Section 3166(b) of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381e(b)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

SEC. 6. STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980 AMENDMENT.

(a) REPEAL.—Section 11(i) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(i)) is repealed.

(b) DELEGATION OF AUTHORITY TO DIRECTORS OF FEDERAL LABORATORIES.—Section 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)) is amended by adding at the end the following new paragraph:

''(6) Under such regulations as the Administrator may prescribe, the Administrator may delegate to the director of any Federal laboratory (as defined in section 12(d)(2) of the Stevension-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) the authority of the Administrator under this subsection with respect to the transfer and disposal of scientific and technical surplus property under the management or control of that Federal laboratory, if the director of the Federal laboratory certifies that the equipment is needed by an educational institution or nonprofit organization for the conduct of scientific and technical education and research.''.

SEC. 7. REPORT ON DISPOSAL AND DONATION OF SURPLUS PERSONAL PROPERTY.

No later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall review all statutes relating to the disposal and donation of surplus personal property and submit to the Congress a report on such statutes including—

(1) the effectiveness of programs administered under such statutes (except for any program that grants access to personal property by local communities impacted by the closure of a military base), and the amount and type of property administered under each such program during fiscal years 1993 and 1994; and

(2) legislative recommendations to integrate and consolidate all such programs to be administered by a single Federal authority working with State agencies while accomplishing the purposes of such programs.

BILL SUMMARY

Purpose: To ensure that certain surplus Federal personal property is available to States for their use before being made available to other organizations.

Background: In 1977 Congress approved legislation permitting Federal personal property no longer needed by an agency to be offered to other Federal agencies and afterward to State and local governments through designated state agencies for surplus property within each state (Public Law 94–519). The regulations require that the General Services Administration administer the disposition of this personal property to ensure its fair and equitable distribution.

This program was a good example of Federal-State cooperation. However, beginning in 1986 Congress has enacted legislation that placed a variety of interests higher on the priority list to receive surplus property. The National Association of State Agencies for Surplus Property (NASASP) has compiled a partial listing of these legislative provisions:

1986—Humanitarian Assistance Program. (Section 2547), 10 USC) Program gives foreign countries excess DOD property before it is available to the States.

1987—Southern Regional Amendment. Congress authorized DOD to make equipment available to base rights countries prior to its being available to other Federal agencies or states.

1989—Small Business Administration. Congress authorized SBA to make Federal surplus property available to 8A contractors before the states.

1990—Wildlife Preservation in Africa. Congress authorized DOD to make available to certain African countries excess property for use in the preservation of wildlife, prior to its becoming available to other Federal agencies or states.

1990—Law Enforcement Assistance. Authorized DOD to make property available directly to state law enforcement agencies to combat drugs prior to its becoming available to other Federal agencies or states.

The total effect of these, and other provisions, has been to erode the idea that one agency within each state would work with the Federal government and with localities to ensure ''fair and equitable distribution,'' While these programs are worthwhile, taken as a whole, they fragment our surplus property disposal system.

Summary of bill: The bill has seven sections:

Section 1—Places States before foreign countries. The humanitarian assistance program (HAP) began as an effort to get food and blankets to the Afghanistan refugees. It has grown to include the shipping of construction equipment and motor vehicles. The dollar value of the property shipped in 1994 was $136 million. Of particular interest to the States is construction equipment that is being sent overseas. The bill would leave HAP intact, but would allow states to review the DOD inventory and bid on any item for which they have a need. The truly humanitarian portion of the property (i.e. food rations, blankets) would continue without disruption.

Section 2—Excludes motor vehicles from the DOD program to aid law enforcement. The states are concerned that the larger local jurisdictions are receiving trucks and other vehicles before other jurisdictions have a chance to bid for them. DOD would still be able to provide surplus ammunition and firearms directly to local police departments, however, motor vehicles would be distributed through the state property agencies. This section also repeals the provisions creating the special equipment depots that receive the surplus before the States bid on it.

Section 3—Amends the Wildlife preservation program so that property may not be transferred unless there is a determination that there is no Federal or State use for the property. The Administrator of the General Services Administration shall make this determination.

Section 4—Amends the Small Business program to ensure distribution of property through the State agencies. The property would still be designated for and allocated to small businesses, but it would be coordinated through the existing state agency for surplus property. This has been an underutilized program and this section should increase the amount of property going to small businesses.

Section 5—Eliminates the Department of Energy's Science education program. The program is designed to give DOE the authority to give its excess property directly to schools. However, this allows certain jurisdictions to benefit to the detriment of others. By eliminating this special program this property will be distributed through the state agencies and give each and every school system an opportunity to receive this equipment.

Section 6—Modifies the Stevenson-Wydler Technology program. Instead of equipment going directly from the Federal laboratories to educational institutions without any direction from the General Services Administration, this provision requires that the laboratory certify to GSA that the particular equipment is needed for scientific and educational research. This will bring this program into the overall surplus property program and alleviate concern that some of the scientific equipment has been sold when an institution receives it.

Section 7—Requires a report on disposal and donation of surplus personal property. While the other sections of this bill will begin the process of returning our property disposal system to its original focus of fair and equitable distribution nationwide, there are still other issues and special exemptions to review. The GSA is able to study this matter and report to Congress on the volume of property going out under other authorities and whether legislative changes should be considered to alleviate any concern of unfair treatment of various entities.

The bill will not allow GSA to recommend any change to the base closure authority. Congress has only recently begun this program which gives local jurisdictions access to the personal property on the military base that is being closed. This exemption is widely supported and can be justified due to the adverse economic impact on the local jurisdiction of the closing of the base.

ARKANSAS DEPARTMENT OF EDUCATION,
North Little Rock, AR, March 14, 1995.
Hon. DAVID PRYOR,
U.S. Senate, Washington, DC.

DEAR SENATOR PRYOR: I want to thank you for the support of Federal Surplus Property Donation Program. This program has been a great help to the state for the many years it has been operating.

I am sure that our Donees that serve all segments of our state are pleased with your support. Many of our small school districts, counties, cities, and rural fire departments tell us they would not be able to provide needed services without help from this donation program.

I received, from our National Association of State Agencies for Surplus Property, a draft of your Bill to provide that Federal Surplus Property be made available to states before being made available to other entities. The Chairman of our Legislative Committee tells me our association is working with your staff on this and is thankful for the opportunity.

In fiscal year 1994, there were 17,184 line items valued at $136,752,392.00 transferred to the Humanitarian Assistance Program. The State of Arkansas receives approximately $7,500,000.00 per year, and this is property that the Humanitarian Assistance Program has rejected.

We really appreciate your work as our Senator!

Sincerely,

GERALD D. MARLIN,
Manager, Federal Surplus Property.

By Mr. DORGAN (for himself and Mrs. HUTCHISON):

S. 772. A bill to provide for an assessment of the violence broadcast on television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TELEVISION VIOLENCE REPORT CARD ACT

Mr. DORGAN. Mr. President, today my colleague Senator HUTCHISON and I are introducing legislation that will help empower parents and all consumers to take the responsibility to address the problem of television violence. Our legislation, the Television Violence Report Card Act of 1995 would authorize grants to private, not-for-profit entities to conduct quarterly assessments of violence on television.

This legislation is similar to a bill I introduced in the last Congress, but it has some significant differences. The primary difference is that this bill would not involve any direct governmental assessment of the content of television. Under this legislation, the governmental role would be limited to identifying credible and qualified research entities which will be awarded a nominal amount of funding to ensure that regular assessments of the violent content of television programming is conducted and that the public has access to this information.

Ninety-eight percent of all American households have a least one television set. More Americans have televisions than have telephones or indoor plumbing. The average American watches over 4 hours of TV each day and the average household watches over 7 hours a day. Children between the ages of 2 and 11 watch television an average of 28 hours per week.

Television is, beyond a doubt, the most influential cultural and social teacher of American children. Consider the fact that the average American teenager spends less than 2 hours per week reading, only 5½ hours doing homework and 21 hours per week watching television.

The problem is that children and adults are getting a steady diet of violence through television. According to a 1992 University of Pennsylvania study, a record 32 violent acts per hour were recorded during children's shows and several other studies have found that television violence increased during the 1980's during prime-time and children's television hours. The American Academy of Pediatrics estimates that violence on television tripled in the 1980's and the National Coalition on Television Violence found that 25 percent of prime-time television shows contain ''very violent'' material. The average child watches 8,000 murders and 100,000 acts of violence on television before finishing elementary school.

Television enables the television industry to bypass parents, slip past the front door of the home, and enter the family living room where they can speak directly to children. For better or worse, TV is one of the most powerful instruments of social and behavioral instruction in the life of a child.

Television, unfortunately, uses its potency and influence to portray violence as sexy and glamorous, not to mention Hollywood's obsession with the more violence, the better. To the networks, violence is a quick tool to better ratings. To our children, violence becomes the way of life that is taught over the airways and into the fabric of our culture.

The fact is that television is more than just entertainment, it is a potent force that shapes everyday life in American culture and society. The question is: What kind of a force is it. Newton Minow, former FCC Chairman under the Kennedy administration, referred to television as a ''vast wasteland * * * of blood and thunder, mayhem, violence, sadism, murder.'' He also said: ''In 1961, I worried that my children would not benefit much from television, but in 1991 I worry that my children will actually be harmed by it.'' And according to a March 3, 1993 poll by Times Mirror, three-fourths of the public find TV too violent and even a higher percentage of TV station managers agree (Electronic Media poll, Aug. 2, 1993). Even children believe television is a bad influence. According to a ''Children Now'' survey released in February, most children say what they see on television encourages them to engage in aggressive behavior, to take part in sexual activity too soon, to lie, and to show disrespect for their parents.

Children that are continually exposed to television violence do not perceive their own aggressive behavior as deviant or unusual, they see it as the way life is and that's how one goes about solving problems. Aggressive behavior is learned.

THE PROBLEM OF TV VIOLENCE:

Public concern about TV violence is not a new issue, Congress has been down this road before. Congressional hearings were held 40 years ago, at the beginning of the television age, on the impact that television and radio was having on children and youth. In the sixties and seventies, Congress held more hearings.

Each time, the pattern has been the same. The public expresses outrage and concern over the bloodshed that a handful of media magnates pour into the Nation's living rooms. The industry either denies the problem, or offers earnest promises of reform, but no results. The Nation's attention shifts to other problems, as it always does.

Television is a habit. One student of the industry called it a ''plug-in drug,'' especially where children are concerned. Violence on TV is an addiction too—children become addicted to watching. Television violence viewing leads to heightened aggressiveness, which in turn leads to more television violence viewing. As with any addiction, it takes constantly bigger doses to achieve the same effect.

According to ''Prime Time: How TV Portrays American Culture,'' by Lichter et al., a review of 1 month of prime-time fictional series episodes found over 1,000 scenes involving violence. One out of five violent scenes involved gunplay, and nearly half included some kind of serious personal assault. The review also showed that weekly fictional series averaged between three and four scenes of violence per episode.

In addition, Lichter's study found that violent crime is far more pervasive on television than in real life. A comparison between real life crime statistics (FBI's ''Uniform Crime Reports: Crime in the United States'') and television's crime levels shows that:

Since 1955 television characters have been murdered at a rate 1,000 times higher than real world victims. In the 1950's, there were 7 murders for every 100 characters seen on TV—this was over 1,400 times higher than the actual murder rate for the United States during the same period.

Violent crimes not involving murder accounted for 1 crime in 8 on TV during the decade 1955 to 1964, which occurred at a rate of 40 for every 1,000 characters. At that same time, the real world rate for crimes involving murder was only 2 in every 1,000 inhabitants.

During the decade covering 1965 to 1975 crime rose both on TV and the real world, but TV crime rate remained more than five times that of the real world, at 140 crimes per 1,000 characters.

While the FBI-calculated rate for violent crime also doubled to 3 incidents per 1,000 inhabitants, the TV rate for violent crimes was over 30 times greater than reality at a rate of 114 incidents per 1,000 characters.

Although television crime and real life crime have moved closer together in the past 20 years, FBI statistics showed that serious crime was about half the rate in real life than on television. Violent crime rates were only one-eighth the rate seen on television.

TV crime not only presents a higher rate of violent crime than the real world, it portrays a different type of crime. On TV, violent crime is more often calculated and felony in nature, whereas in real life, most—40 percent—of the murders committed are committed out of passion or the result of an argument.

Guns are more pervasive on TV. In the real world, about one-fourth of all violent crimes, and a majority of murders, involve guns. Almost all of television's violent crimes involve some type of gun.

Television is not only more crime-ridden than real life, it also highlights the most violent serious crimes. A majority of crimes portrayed on TV involve violence and 23 percent are murders.

There is no disputing the link between television content and human behavior. Twenty-six people died from self-inflicted gunshot wounds to the head after watching the Russian roulette scene in the movie ''The Deer Hunter'' when it was shown on national TV. It has been alleged that the cartoon Beavis and Butt-head's depiction of setting objects on fire recently led a 5-year-old in Ohio to set his family's mobile on fire, causing the death of his 2-year-old sister.

The American Psychological Association has found that ''since 1955, about 1,000 studies, reports, and commentaries concerning the impact of television violence have been published * * * the accumulated research clearly demonstrates a correlation between viewing violence and aggressive behavior.'' Here are just a few of those research studies and reports. These studies, lead to one conclusion: violence on television is a threat to our Nation's children and our society at large:

First, report to the Surgeon General, ''Television and Growing up: The Impact of Televised Violence,'' 1972. The Surgeon General concluded that there is indeed a causal effect of viewing violent television programs and subsequent aggressive behavior in children.

Second, a technical report to the Surgeon General, volume III: Lefkowitz, Eron, Walder, and Huesman, ''Television Violence and Child Aggression: A Follow-up Study.'' (Television and Social Behavior, 1972.) ''A violent television diet is related to violent behavior.'' This study shows a direct positive correlation between the amount of television viewed by third-grade boys and aggressiveness 10 years later. Early aggression in boys is a predictor of and a basis for later aggression.

Third, National Institute of Mental Health [NIMH], ''Television and Behavior,'' 1982. After 10 more years of research, in 1982, the NIMH did a follow-up report to the 1972 Surgeon General's report and concluded that violence on television does lead to aggressive behavior by children and teenagers who watch the programs. It also concluded that television violence is as strongly correlated with aggressive behavior as any other behavioral variable that has been measured.

Fourth, ''U.S. Attorney General's Task Force on Family Violence,'' 1984. This report says that ''the evidence is overwhelming—TV violence contributes to the acting out of real violence. Just as witnessing violence in the home may contribute to normal adults and children learning and acting out behavior, violence on TV and in the movies may contribute to the same result.''

Fifth, Huesmann, Eron, Lefkowitz and Walder, ''The Stability of Aggression Over Time and Generations,'' 1984. (Developmental Psychology.) After studying the viewing habits and behavior of 875 children in a rural New York county at ages 8, 19, and 30, this study concludes that the more a subject watched television at 8, the more serious the crime he was convicted for at age 30.

Sixth, Singer, Singer and Rapaczynski, ''Family Patterns and Television Viewing as Predictors of Children's Beliefs and Aggression,'' 1984. This study concluded that children who watch more than 4 hours of television violence per day during preschool years, exhibit later aggressive behavior. Children who view violent adult programs were suspicious or fearful of their neighborhood and world. And they tended to be restless when required to wait.

Seventh, American Psychological Association [APA], ''Violence on Television: APA Board of Social and Ethical Responsibility for Psychology,'' 1985. In the early 1980's, the APA did a complete review of reports and literature on television violence. As a result, the APA adopted the position that television violence has a causal effect on aggressive behavior.

Eighth, David Phillips, ''Natural Experiments on the Effects of Mass Media Violence on Fatal Aggression,'' 1986. This study provides evidence that some types of mass media violence tend to elicit fatal aggression—suicide, homicide, and accidents—among adults in the United States.

Ninth, L. Rowell Husemann and Laurie S. Miller, ''Long-Term Effects of Repeated Exposure to Media Violence in Childhood,'' 1994. The violent scenes that a child observes on television can serve to teach a child to be aggressive through several learning processes, as the child not only observes aggressive patterns of behaviors but also witnesses their acceptance and reinforcement. This study finds that there is a severe negative outcome for children who display antisocial behavior, and that televised violence is regarded as one contributor to the learning environment of children who eventually go on to develop aggressive and antisocial behavior.

Tenth, George Comstock and Haejung Paik, ''The Effects of Television Violence on Antisocial Behavior: A Meta-Analysis,'' 1994. This study suggests that the influence of violent television portrayals is not confined to childhood or early adolescence and concludes that the findings obtained in the last 15 years strengthen the evidence that television violence increases aggressive and antisocial behavior.

THE SOLUTION—PUBLIC INFORMATION AND FREE MARKET REGULATION

In my judgment, this legislation is as critically important as ever. We have to make the television industry accountable, and the way to do this is through public information. It is not the role of Government in this country to tell people what they can watch. Nor should we try to tell broadcasters and sponsors what they can put on the air. But it is the role of Government to help make the free marketplace work, by providing information to the public—information on which they can make their own free choices. That's what I'm proposing regarding violence on TV.

Under this approach, the Government wouldn't regulate; parents would. Government would do for them no more than it does for business of all kinds: gather information that would help parents express their own free choices.

Why shouldn't the Government start helping parents, the way it helps corporations? The Federal Government spends millions and probably billions of dollars a year, gathering data for use by business. The Census Bureau alone provides a treasure drove of demographic research for ad agencies and corporate marketing departments. Corporations use this Government data to target consumers. Now it's time to give parents data by which they can target advertisers who are abusing their children.

If Americans don't really care about this violence, then it would continue. If they do care about it, and send their market message accordingly, then it would change. That's the way a democracy and a market economy are supposed to work.

INDUSTRY ACTIONS

As I mentioned earlier, public concern over television violence is not new. Several hearings were held in the 103d on this issue. In addition, the industry, in response to public concern,

has adopted some measures to address this problem.

In 1990, the Congress passed legislation, the Television Violence Act of 1990, which provided the television industry a 3-year antitrust exemption to allow it to develop standards on television violence. In December 1992, the three major networks adopted ''Standards for the Depiction of Violence in Television Programs'' which included commitments by the industry to:

Only include depictions of violence when such depictions are relevant and necessary to the plot;

Reject gratuitous or excessive depictions of violence as ''unacceptable''; and

Not use depictions of violence to shock or stimulate the audience.

The National Cable Television Association adopted an industry policy in January 1993 to address the problems of television violence. The program includes voluntary industry standards and encourages cable program networks to adopt their own standards and practices.

In July 1993, the networks adopted an additional plan to impose warning labels on programming that contained violence, ''The Advance Parental Advisory Plan'' which will use the following warning label preceding violent shows: ''Due to some violent content, parental discretion advised.'' A similar advisory program was adopted by the Independent Television Association.

And late last year, both the broadcast networks and the cable industry agreed to finance independent studies that are currently monitoring and analyzing violence on television. These actions are good and I applaud the industry's efforts. In particular, I believe their monitoring studies will provide a positive contribution to the debate over television violence.

In addition to television industry actions, the Electronic Industries Association [EIA], representing television manufacturers, has been working diligently over the past year and a half toward establishing a voluntary standard which will allow for the implementation of technology to block violent programming. EIA's efforts reflect the fact that television manufacturers recognize consumers' desires and are attempting to provide adequate choice in the marketplace.

EIA's leadership demonstrates that voluntary efforts can be effective. It is my preference that voluntary industry efforts would be the solution, as opposed to a Government mandate. It is my hope that all sectors of the television industry work together with the EIA in their effort toward empowering parents and providing consumers the tools to control what is broadcast into their homes.

CONCLUSION

Although industry actions are commendable, legislation is necessary that will augment the industry-led monitoring programs. The fundamental purpose of this legislation is to ensure that consumers, especially parents, have access to useable information about what violent shows are on television and who sponsors those shows. Despite all the research and the monitoring studies established by the broadcast and cable industries, there is still a void in assuring consumers that regular, usable information in the form of a report card will be available.

It seems to me that the approach of establishing television violence report cards, created by private entities, is a very modest and appropriate response for the Congress. I encourage my colleagues to support this legislation and I ask unanimous consent that the bill be printed in the RECORD.

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

S. 772

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Television Violence Report Card Act of 1995''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Three out of every four people in the United States consider television programming too violent, according to a 1993 poll by Electronic Media.

(2) Three Surgeon Generals, the National Institute of Mental Health, the Centers for Disease Control, the American Medical Association, the American Academy of Pediatrics, and the American Psychological Association have concurred for nearly 20 years as to the deleterious effects of televised violence on children.

(3) In conjunction with other societal factors such as poverty, drug and alcohol abuse, and poor education, the depiction of violence in all forms of media contribute to violence in United States society.

(4) The entertainment industry is becoming increasingly sensitive to public sentiment against excessive violence in television programming. A recent survey of 867 entertainment executives by U.S. News and World Report and the University of California in Los Angeles reveals the following:

(A) 59 percent of such executives consider violence on television and in movies a problem.

(B) Nearly 9 out of 10 such executives say that violence in the media contributes to the level of violence in the United States.

(C) 63 percent of such executives believe that the entertainment media glorify violence.

(D) 83 percent of such executives believe that the debate on excessive violence in television programming has affected the programming decisions made by the broadcast television industry.

(5) The broadcast television and cable programming industries have undertaken efforts to decrease violence on television through joint standards on violence, implementation of an advance parental advisory plan, and the establishment of independent efforts to monitor the incidence of violence in television programming, analyze the portrayal of violence in network television programming and in other forms of video programming, and analyze the trends and changes in the treatment of violent themes by the media.

(6) The American Psychosocial Association finds that approximately 1,000 studies and reports on the effects of violence on television have been published since 1955. The accumulated research clearly demonstrates a correlation between the viewing of violence on television and aggressive behavior.

(7) To the fullest extent possible, parents and consumers should be empowered to choose which television programs they consider appropriate for their children and which programs they consider too violent.

SEC. 3. TELEVISION VIOLENCE REPORT CARDS.

(a) IN GENERAL.—The Secretary of Commerce shall, during fiscal years 1996 and 1997, make grants directly to one or more not-for-profit entities for purposes of permitting such entities to carry out in such fiscal years an assessment of the violence in television programming. The amount of the grants shall be sufficient to permit such entities to carry out the assessment.

(b) ASSESSMENT.—(1) In carrying out an assessment under this section, an entity shall——

(A) review current television programs (including programs on broadcast television, on independent television stations, and on cable television) in order to determine the nature and extent of the violence depicted in each program;

(B) prepare an assessment of the violence depicted in each program that describes and categorizes the nature and extent of the violence in the program; and

(C) take appropriate actions to make the assessment available to the public.

(2) An entity shall carry out a review under paragraph (1)(A) not less often than once every 90 days.

(3) In making an assessment public under paragraph (1)(C), an entity shall identify the sponsor or sponsors of each television program covered under the assessment.

(c) GRANT PROCEDURES.—The Secretary shall determine the entities to which the Secretary shall make grants under this section using competitive procedures. Applications for such grants shall contain such information as the Secretary may require to carry out the requirements of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to make the grants required under this section.

By Mrs. KASSEBAUM (for herself, Mr. GREGG, Mr. GORTON, Mr. COATS, Mr. JEFFORDS, Mr. FRIST, Mr. HARKIN, Mr. CRAIG, Mr. LUGAR, Mr. INHOFE, Mr. GRASSLEY, Mr. MCCONNELL, Mr. KYL, Mr. SANTORUM, Mr. HEFLIN, Mr. BOND, Mr. PRYOR, Mr. KERREY, Mr. BENNETT, and Mr. HELMS):

S. 773. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes; to the Committee on Labor and Human Resources.

ANIMAL DRUG AVAILABILITY ACT

Mrs. KASSEBAUM. Mr. President, today, together with a bipartisan group of colleagues, I am introducing the Animal Drug Availability Act of 1995. This legislation will reform the Food and Drug Administration's animal drug approval and export processes and policies.

There is a serious lack of drugs for treating animals, in part because the drug review process at the Food and Drug Administration's Center for Veterinary Medicine is cumbersome and

unpredictable. This discourages the development of new drugs. The FDA has approved only four new chemical entities (new drugs) for food-producing animals in the last 5 years. Further, an internal study by the Center for Veterinary Medicine found that the agency was taking an average of 58 months to approve drug applications. By law, the process should take no more than 6 months.

The extra-label drug bill that was signed into law last year is a short-term response to this problem. It assures that veterinarians can legally prescribe drugs approved for one use or species for other uses or species. But all involved in the extra-label bill last year agreed that the real answer to the problem was reforming the animal drug approval process.

Second, because our approval process is so slow, unpredictable, and cumbersome and our export policies very restrictive, many animal drug manufacturers are moving research and manufacturing facilities—and jobs—abroad to take advantage of more efficient and predictable review and approval processes and lucrative, growing world markets.

This legislation has the broad support of the animal producer groups, the Animal Health Institute, and the American Veterinary Medical Association.

I would welcome additional cosponsors of the Animal Drug Availability Act of 1995.

Mr. HARKIN. Mr. President, I am pleased to cosponsor this legislation, which is intended to streamline and expedite the Food and Drug Administration's approval process for animal drugs without diminishing the human health protections contained in current law. This bill represents a commendable effort to address a serious impediments to the effective treatment of animal health problems, and is thus particularly important to veterinary practitioners and livestock and poultry producers.

For some time there has been an insufficient number of suitable, fully approved and labelled drugs for the treatment of animals. In significant part, this lack of approved drugs is attributable to delays in the approval process used by FDA's Center for Veterinary Medicine. Last year legislation was enacted to sanction the extra-label use of FDA-approved drugs by or at the direction of veterinarians. Even at the time that legislation was passed, however, there was general agreement that the best solution to the lack of fully-approved and labelled animal drugs is to remedy the unnecessary delays and other problems in FDA's animal drug approval process.

The legislation introduced today is a strong and substantial step toward improving FDA's animal drug approval process by reducing the potential for delays, making the process more predictable and rational, and lessening burdensome aspects of the current procedures. Again, this bill is not designed or intended to lessen human health protections in any way. Its primary focus, from a substantial perspective, is on the proof of efficacy required to gain approval.

As we continue to work on this legislation, we will need to give additional consideration to its various possible ramifications in actual practice. I will be closely following the analysis of these issues in order to ensure that the bill is appropriately modified to address concerns that may arise. In particular, we must carefully consider whether that may arise. In particular, we must carefully consider whether the bill might have the unintended consequence of diminishing human health protections in some way that is not now evident or anticipated. I also want to obtain additional information on the operation of the export provisions of the bill, including assurance that FDA will continue to have sufficient authority to limit exports of animal drugs on the basis of unacceptable risk to human health, either in this country or in foreign countries.

In conclusion, this legislation addresses a pressing need in the field of animal health. A good deal of work and thought have gone into the bill thus far, and I look forward to working with Chairman KASSEBAUM and other senators in further shaping the measure and gaining its enactment.

By Mr. MACK:

S. 774. A bill to place restrictions on the promotion by the Department of Labor and other Federal agencies and instrumentalities of economically targeted investments in connection with employee benefit plans; to the Committee on Labor and Human Resources.

PENSION PROTECTION ACT

Mr. MACK. Mr. President, today I am introducing legislation which will help protect the pensions of our Nation's seniors. The Pension Protection Act will stop the administration's ongoing efforts to raid our Nation's pension funds.

In an effort to find capital for its social projects, the Clinton administration has effectively been chipping away at the strict fiduciary standards set up by the Employee Retirement Income Security Act [ERISA]. The Department of Labor has issued new interpretations of ERISA fiduciary standards which challenge the requirement that pension funds be invested for the sole purpose of increasing the economic benefit of the pension's beneficiaries. This relaxing of ERISA standards combined with a well-defined strategy to encourage pension plan managers to invest in social projects puts at risk the hard-earned pension benefits of current and future retirees. It is no surprise that this administration wants to finance its social projects and pet political programs with private pension funds. Currently, these funds hold over $3.5 trillion in assets. Many see this pot of money as a lucrative and untapped source of funding to finance their own political agenda.

Mr. President, the Clinton administration has always viewed pension funds as a convenient source of public funding. In fact, in his book ''Putting People First,'' President Clinton proposed a $20 billion investment program paid for with pension funds. These economically targeted investments [ETI's] would use pension funds to pay for Government programs. This nice-sounding term is merely a disguise for the systematic raiding of our pension funds.

My legislation would put the brakes on a dangerous course of action which is being orchestrated by the Department of Labor. Specifically, this legislation would abolish the ETI Clearinghouse recently established by the Department of Labor. This Clearinghouse is designed to identify investments that the administration deems socially beneficial. The legislation would also nullify Secretary Reich's 1994 Interpretive Bulletin that encourages ETI's and would in effect ensure that pension managers do not select investments which have a purpose other than serving the ''sole interest of the plan participant.'' In addition, this legislation would instruct the Labor Department to cease acting as a promoter of ETI's and instead act as the enforcer of ERISA's fiduciary standards. Finally, this bill would deny funding to any Government agency for the purpose of operating an ETI database or list.

Last year, the American people sent a loud and clear mandate for less spending, less taxes, and less government. But this administration has decided to ignore that mandate by trying to increase spending on Government programs. First they raised taxes to pay for their programs and now they seek to spend our retirees' hard-earned pension funds. This is wrong.

Mr. President, directing private pension funds to replace public funding of Government programs is yet another example in a long line of ''spend now, pay later'' policies that the Federal Government has adopted over the years. Encouraging pension funds to participate in risky investments deserves our strongest opposition. We should not be compromising fiduciary standards and the financial security of our Nation's retirees in order to meet partisan, political goals.

I urge my colleagues to support this important legislation.

By Mr. CHAFEE (for himself and Mr. KERRY):

S. 776. A bill to reauthorize the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STRIPED BASS ACT

Mr. CHAFEE. Mr. President, the legislation that I introduce today reauthorizes a law that has been a great success: The Atlantic Striped Bass

Conservation Act. This legislation will allow the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to continue their important research and oversight role in support of state efforts to conserve the Atlantic striped bass fishery.

From Maine to North Carolina, the striped bass has been an important species for Atlantic coast fishermen for centuries. And, the presence of the striped bass fishery has provided significant economic and cultural benefits to the Atlantic Coastal States, and to the Nation.

Striped bass—often called rockfish in the Chesapeake Bay area—are anadromous fish. They spawn in freshwater streams and migrate to estuarine or marine waters. During their relatively long lives—up to 29 years—stripers are on the move. They migrate north during the summer and south during the winter. Consequently, striped bass pass through the jurisdictions of several States, and conservation efforts must be well coordinated.

In 1979, I offered an amendment to the Anadromous Fish Conservation Act that directed the Fish and Wildlife Service and the National Marine Fisheries Service to conduct an emergency study of striped bass. Why was this study necessary? Fishermen had sounded the alarm that striped bass landings had declined precipitously. The commercial striped bass harvests dropped from 15 million pounds in 1973 to 3.5 million pounds in 1983. The Federal study found that, although habitat degradation played a role, overfishing was the primary cause of the population decline.

In order to prevent overfishing, restrictions on the striped bass harvest were necessary in 14 jurisdictions. The Atlantic Striped Bass Conservation Act helped promote a coordinated approach to management by requiring that the States fully implement a striped bass fishery management plan developed by the Atlantic States Marine Fisheries Commission. If a State is found to be out of compliance with the Commission's management plan, a Federal moratorium on striped bass fishing is to be imposed jointly by the Secretary of the Interior and the Secretary of Commerce. It is a testament to the efficacy of the Atlantic Striped Bass Conservation Act and the cooperative efforts of countless Federal and State biologists and managers, and commercial and recreational fishermen, that the Federal sanction has only been applied once in the past 10 years.

What else has happened over the past decade? The Atlantic striped bass populations have made a dramatic recovery. All Atlantic striped bass populations are recovering or improving. In the Chesapeake Bay, the spawning ground for 90 percent of the Atlantic striped bass, the population has been declared recovered. The Delaware stock is recovering. The Albemarle Sound/Roanoke River stock is improving. According to the U.S. Fish and Wildlife Service, without the State-imposed moratoria and restrictions on harvest, fishing mortality rates on the Chesapeake Bay striped bass stock would have exceeded the level where the population could be maintained. In other words, without the State-Federal partnership promoted through the Atlantic Striped Bass Conservation Act, the striper might have been fished to oblivion.

The striped bass have proven once again that, given half a chance, nature will rebound and overcome tremendous setbacks. But, we must give it that half a chance. Reauthorization of the Atlantic Striped Bass Conservation Act will allow the U.S. Fish and Wildlife Service to continue its coastwise tagging program, populations monitoring, and other data collection efforts to provide information that informs the management decisions essential to maintaining healthy populations of striped bass. The oversight authority shared by the Interior and Commerce Departments regarding the management of the striped bass fishery will ensure that States move cautiously as they reopen the harvest. I believe that a continued Federal involvement is important at this crucial time—a time to celebrate, and to monitor closely, the recovery of the Atlantic striped bass.

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

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

S. 776

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Striped Bass Act of 1995''.

SEC. 2. ATLANTIC STRIPED BASS CONSERVATION ACT

Section 7(a) of the Atlantic Striped Bass Conservation Act (Public Law 98–613; 16 U.S.C. 1851 note) is amended by striking ''1986'' and all that follows through ''1994'' and inserting ''1995 through 1998''.

SEC. 3. ANADROMOUS FISH CONSERVATION ACT.

Section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(d)) is amended by striking ''1991, 1992, 1993, and 1994'' and inserting ''1995 through 1998''.

Mr. KERRY. Mr. President, today I am pleased to join my friend from Rhode Island, Senator CHAFEE, in introducing the Atlantic Striped Bass Act of 1995. This legislation reauthorizes the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act. Atlantic striped bass is an important commercial and game fish that ranges from Maine to North Carolina. Its comeback from overfishing and habitat destruction in the late 1980's is one of the great success stories of fisheries management. One of the most critical contributors to that recovery was the enactment of the Atlantic Striped Bass Conservation Act in 1984.

The Striped Bass Act has provided the incentive for implementing coordinated and comprehensive management of a wide-ranging species that migrates throughout Atlantic coastal waters. The affected States came together, made the hard decisions, and enacted the restrictions on fishing that were necessary for the stocks to recover. Although great sacrifices were required during the rebuilding period, now sport anglers and commercial fishermen are seeing the benefits of effective management. In Massachusetts, the commercial quota has been increased substantially, and bag limits for the recreational fisherman have doubled. These harvest increases are even more heartening since the management program for striped bass is still very conservative—only 25 percent of the available adult population may be taken this year. This success proves that conservative fishery management can work and provides a blueprint for other fisheries that face difficult management problems. I complement the Senator from Rhode Island for his leadership on this legislation and I encourage my colleagues to join with us in supporting the extension of the Striped Bass Act and the Anadromous Fish Conservation Act.

By Mr. SIMON:

S. 777. A bill to amend the National Labor Relations Act to provide equal time to labor organizations to present information relating to labor organizations, and for other purposes; to the Committee on Labor and Human Resources.

S. 778. A bill to amend the National Labor Relations Act to permit the selection of an employee labor organization through the signing of a labor organization membership card by a majority of employees and subsequent election, and for other purposes; to the Committee on Labor and Human Resources.

S. 779 A bill to amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes, and for other purposes; to the Committee on Labor and Human Resources.

S. 780. A bill to amend the National Labor Relations Act to require Federal contracts debarment for persons who violate labor relations provisions, and for other purposes; to the Committee on Labor and Human Resources.

S. 781. A bill to amend the Occupational Safety and Health Act to require Federal Contracts debarment for persons who violate the act's provisions, and for other purposes; to the Committee on Labor and Human Resources.

S. 782. A bill to amend the National Labor Relations Act and the Labor Management Relations Act, 1947, to permit additional remedies in certain unfair labor practice cases, and for other purposes; to the Committee on Labor and Human Resources.

S. 783. A bill to amend the National Labor Relations Act to set a time limit for labor rulings on discharge complaints, and for other purposes; to the

Committee on Labor and Human Resources.

S. 784. A bill to amend the National Labor Relations Act to impose a penalty for encouraging others to violate the provisions of the National Labor Relations Act, and for other purposes; to the Committee on Labor and Human Resources.

LABOR RELATIONS LEGISLATION

Mr. SIMON. Mr. President, today I am introducing legislation that will promote a more even playing field for workers and employers. Conditions have worsened for workers and their families in recent years. It is time to reexamine our labor laws and see if we can't make them fairer for the average working man and woman.

To improve working conditions and enhance workplace productivity, we must reject both the adversarial approach to worker-management relations and the oppressive, let's hold them down, attitude held by some in management and government. Both of these extreme approaches reduce productivity by destroying workplace comity. What we need to enhance our productivity is a strong spirit of cooperation in the workplace. And in order to bring this about, we need strong, vital labor unions.

While unions have remained strong in other industrialized nations over the past two decades, they have been steadily declining here in the United States. Union membership has now fallen to about 15 percent of the American workforce, and to 10.9 percent of private non-agricultural workers. In Canada, by contrast, about 37 percent of the workers belong to a union; in Germany, about 39 percent, in Great Britain, 41 percent; and in Japan, about 24 percent. Of all the industrialized democracies, only South Korea ranks below the United States in union membership.

Not coincidentally, as union membership has declined, so had the average manufacturing wage. As late as 1986, the average hourly manufacturing wage in the United States was higher than that of any other nation. Today, 10 nations have average manufacturing wages higher than ours.

This decline in American workers' wages relative to those of workers in other industrialized countries has been accompanied by increased income disparities within our country. A recent study of worldwide wealth and income trends by Prof. Edward Wolff of New York University concludes that the United States now has the widest wealth and income disparities of any advanced industrialized nation. The wealthiest 1 percent of Americans now own 40 percent of all the Nation's wealth. By contrast, in England, a nation which we tend to think of as much more class-based than our own, the top; 1 percent own only 18 percent of the wealth, less than half the share of the wealthiest 1 percent of Americans.

The distribution of income in the United States is similarly skewed. While the top 20 percent of households—those making $55,000 per year or more—take home 55 percent of all after-tax income paid to individuals, the lowest-earning 20 percent of Americans receive only 5.7 percent of all after-tax individual income. Since 1979, the 20 percent of families in the lowest income brackets have seen their average real wages decline by 15 percent. Those in the second 20 percent have suffered a 7 percent decrease. In contrast, those in the top 20 percent income bracket have enjoyed an 18 percent increase.

To reverse these unfortunate trends, we need to take steps to facilitate the revival of organized American labor.

In addition to their importance in fighting for a fair wage for American workers, American labor unions have played a vital role in enhancing workplace safety and in supporting progressive social legislation such as child labor laws, minimum wage laws, and Social Security. And there is no question in my mind but that we would have a much better health care delivery system in the United States if we had as high a percentage of our workers organized as do Canada, Germany and many other nations.

The causes of the decline of unions in America are numerous and complex. Our large and persistent trade deficits have certainly played a role in this decline, as have our Federal budget deficits. Part of the decline has also been caused by past failures on the part of a few unions to include women and minorities in their membership.

But the principal cause of this decline, in my view, has been a public policy that has permitted and even encouraged some employers to actively resist union organizing activities.

The legislation I am introducing today seeks to reverse this trend by facilitating workers' efforts to organize and bargain collectively for better wages and working conditions, to receive prompt adjudication of their grievances when problems arise, and to enjoy better working conditions.

I am well aware that we face firm opposition to these reforms. Steps taken in recent months by the majority party would drive down the wages of working families, threaten workplace health and safety, and further weaken labor unions. Among the changes that have been proposed in recent months are: repeal of the Davis-Bacon Act, which would lower the wages of workers in the construction industry; the weakening of workplace safety and health laws; and a watering down of the time-and-a-half provisions of the Fair Labor Standards Act. Even proposals to help those at the lowest rung of the income ladder by raising the minimum wage, after fifteen years of decline in its real purchasing power, have been greeted with scorn or indifference by many of those in power.

Still, I believe that once we take a serious look at the conditions of the hardest working and most vulnerable members of our society, the conclusion will be unavoidable that we must do more to ensure that their interests are represented fairly and equitably.

Following are brief descriptions of the eight bills I am introducing today; and I ask unanimous consent that a copy of each bill be printed in the RECORD following my statement.

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

S. 777

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Labor Organizations Equal Presentation Time Act of 1995''.

SEC. 2. EMPLOYER AND LABOR ORGANIZATIONS PRESENTATIONS.

Section 8(c) of the National Labor Relations Act (29 U.S.C. 158) is amended—

(1) by inserting ''(1)'' after the subsection designation; and

(2) by adding at the end the following new paragraphs:

''(2) If an employer or employer representative addresses the employees on the employer's premises or during work hours on issues relating to representation by a labor organization, the employees shall be assured, without loss of time or pay, an equal opportunity to obtain, in an equivalent manner, information concerning such issues from such labor organization.

''(3) Subject to reasonable regulation by the Board, labor organizations shall have—

''(A) access to areas in which employees work;

''(B) the right to use the employer's bulletin boards, mailboxes, and other communication media; and

''(C) the right to use the employer's facilities for the purpose of meetings with respect to the exercise of the rights guaranteed by this Act.''.

S. 778

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Labor Relations Representative Amendment Act of 1995''.

SEC. 2. RECOGNITION OF SELECTED LABOR REPRESENTATIVE.

Section 9 of the National Labor Relations Act (29 U.S.C. 159) is amended by adding at the end the following new subsection:

''(f)(1) Not later than 30 days after the receipt of signed union recognition cards, which designate an entity as the employee's labor organization, from 60 percent of the employees of the employer, the Board shall direct an expedited election with respect to the selection of the entity as the exclusive collective bargaining representative of such employees.

''(2) The expedited election, as directed by the Board, may not be delayed for any reason or purpose.

''(3) The Board shall promulgate regulations that implement rules and procedures to address any challenges with respect to the designation or selection of an exclusive collective bargaining representative under this subsection.

''(4) The challenges described in paragraph (3) may be brought only after the expedited election described in paragraph (1).''.

S. 779

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Labor Relations First Contract Negotiations Act of 1995''.

SEC. 2. INITIAL CONTRACT DISPUTES.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

''(h)(1) If, not later than 60 days after the certification of a new representative of employees for the purpose of collective bargaining, the employer of the employees and the representative have not reached a collective bargaining agreement with respect to the terms and conditions of employment, the employer and the representative shall jointly select a mediator to mediate those issues on which the employer and the representative cannot agree.

''(2) If the employer and the representative are unable to agree upon a mediator, either party may request the Federal Mediation and Conciliation Service to select a mediator and the Federal Mediation and Conciliation Service shall upon the request select a person to serve as mediator.

''(3) If, not later than 30 days after the date of the selection of a mediator under paragraph (1) or (2), the employer and the representative have not reached an agreement, the employer or the representative may transfer the matters remaining in controversy to the Federal Mediation and Conciliation Service for binding arbitration.''.

S. 780

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Contractor Labor Relations Enforcement Act of 1995''.

SEC. 2. DEBARMENT.

The National Labor Relations Act (29 U.S.C. 151 et seq.) is amended by adding at the end the following new section:

''FEDERAL CONTRACTS DEBARMENT

''SEC. 20. (a) Any person or entity that, with a clear pattern and practice, violates the provisions of this Act shall be ineligible for all Federal contracts for a period of 3 years.

''(b) The Secretary of Labor shall promulgate regulations regarding debarment provisions and procedures. The regulations shall require that Federal contracting agencies shall refrain from entering into further contracts, or extensions or other modifications of existing contracts, with any person or entity described in subsection (A) during the 3-year period immediately following a determination by the Secretary of Labor that the person or entity is in violation (as described in subsection (a)) of this Act.

''(c) A debarment may be removed, or the period of debarment may be reduced, by the Secretary of Labor upon the submission of an application to the Secretary of Labor that is supported by documentary evidence and that sets forth appropriate reasons for the granting of the debarment removal or reduction, including reasons such as compliance with the final orders that are found to have been willfully violated, a bond fide change of ownership or management, or a fraud or misrepresentation of the charging party.''.

S. 781

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Contractor Safety and Health Enforcement Act of 1995''.

SEC. 2. DEBARMENT.

The Occupational Safety and Health Act (29 U.S.C. 651 et seq.) is amended—

(1) by redesignating sections 33 and 34, as sections 34 and 35, respectively;

(2) by inserting after section 32 the following new section:

''FEDERAL CONTRACTS DEBARMENT

''SEC. 33. (a) Any person or entity that, with a clear pattern and practice, violates the provisions of this Act shall be ineligible for all Federal contracts for a period of 3 years.

''(b) The Secretary shall promulgate regulations regarding debarment provisions and procedures. The regulations shall require that Federal contracting agencies shall refrain from entering into further contracts, or extensions or modifications of existing contracts, with any person or entity described in subsection (a) during the 3-year period immediately following a determination by the Secretary that the person or entity is in violation (as described in subsection (a)) of this Act.

''(c) A debarment may be removed, or the period of debarment may be reduced, by the Secretary upon the submission of an application to the Secretary that is supported by documentary evidence and that sets forth appropriate reasons for the granting of the debarment removal or reduction, including reasons such as compliance with the final orders that are found to have been willfully violated, a bona fide change of ownership or management, or a fraud or misrepresentation of the charging party.''.

S. 782

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Labor Relations Remedies Act of 1995''.

SEC. 2. BOARD REMEDIES.

Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting after the fourth sentence the following new sentence: ''If the Board finds that an employee was discharged as a result of an unfair labor practice, the Board in such order shall (1) award back pay in an amount equal to three times the employee's wage rate at the time of the unfair labor practice and (2) notify such employee of such employee's right to sue for punitive damages and damages with respect to a wrongful discharge under section 303 of the Labor Management Relations Act, 1947 (29 U.S.C. 187), as amended by the Labor Relations Remedies Act of 1995.''.

SEC. 3. COURT REMEDIES.

Section 303 of the Labor Management Relations Act, 1947 (29 U.S.C. 187), is amended by adding at the end the following new subsections:

''(c) It shall be unlawful, for purposes of this section, for any employer to discharge an employee for exercising rights protected under the National Labor Relations Act (29 U.S.C. 158).

''(d) An employee whose discharge is determined by the National Labor Relations Board under section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) to be as a result of an unfair labor practice under section 8 of such Act may file a civil action in any district court of the United States, without respect to the amount in controversy, to recover punitive damages or if actionable, in any State court to recover damages based on a wrongful discharge.''.

S. 783

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Labor Relations Board Ruling Time Limit Act of 1995''.

SEC. 2. BOARD RULING.

Section 10(b) of the National Labor Relations Act (29 U.S.C. 160(b)) is amended by inserting after the second sentence the following new sentence: ''In the case of an unfair labor charge filed with the Board that involves the discharge of an employee, the Board shall rule on such charge within 30 days of the receipt of such charge by the Board.''.

S. 784

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Labor Relations Penalty Act of 1995''.

SEC. 2. PENALTIES.

The National Labor Relations Act (29 U.S.C. 151 et seq.) is amended by adding at the end the following new section:

''PENALTY

''SEC. 20. (a) It shall be unlawful for any person including a consulting firm or legal firm to encourage an employer or labor organization to violate the provisions of this Act.

''(b) If a person described in subsection (a) violates the provisions of such subsection, the person shall be fined by the Secretary not more than $10,000.''.

BILL SUMMARIES

The ''Labor Organizations Equal Presentation Time Act of 1995'' will counteract the unfair advantage employers enjoy in using company time and resources to discourage union organizing by giving labor organizations equal time to present their side of the story.

This Act provides that if an employer addresses employees on issues relating to representation by a labor organization, the employees shall then have an equal opportunity to obtain, without loss of time or pay, information concerning such issues from the labor organization. The Act also promotes fair access to company work areas, bulletin boards, mailboxes, and other facilities, to facilitate the free flow of information to employees.

The ''Labor Relations Representative Amendment Act of 1995'' is designed to streamline the union election and certification process by eliminating undue administrative delays at the Federal level.

At present, the union election and certification process can be very time-consuming. In many instances, employees have had to wait for years for this process to be completed. My bill provides that once the NLRB receives union recognition cares from 60 percent of the employees of a given firm, the Board shall have 30 days to determine whether the labor organization shall be recognized as the bargaining representative representative of employees.

In the United States, approximately one-third of unions never get a first collective bargaining agreement once they have been

certificated. To address this problem, I am introducing the ''Labor Relations First Contract Negotiations Act of 1995,'' a bill which will require the arbitration of initial contract negotiation disputes.

Under this Act, if an employer and a newly elected representative have not reached a collective bargaining agreement within 60 days of the representative's certification, the employer and the representative shall jointly select a mediator to help them reach an agreement. If they cannot agree on a mediator, one will be appointed for them by the Federal Medication and Conciliation Service. In the even that the parties do not reach an agreement in 30 days, the remaining issues may be transferred to the Federal Medication and Conciliation Service for binding arbitration.

The Federal government can do more to sanction firms that demonstrate a pattern and practice of National Labor Relations Act violations. By debarring such firms from Federal contracts, the ''Federal Contractor Labor Relations Enforcement Act of 1995'' will encourage higher levels of compliance with the law.

Under the Act, firms that are determined by the Secretary of Labor to have shown a clear pattern the practice of NLRA violations will be debarred from receiving contracts, extensions of contracts, or modifications of existing contracts with agencies of the Federal government for a period of three years.

Similarly, the ''Federal Contractor Safety and Health Enforcement Act of 1995'' directs the Secretary of Labor to withhold Federal contracts in cases where firms show a clear pattern and practice of Occupational Safety and Health Act violations. This Act will help to ensure that employees who repeatedly disregard the safety and health of their workers will face consequences for their failure to abide by the law.

The ''Labor Relations Remedies Act of 1995'' protects workers by making it unlawful for an employer to discharge an employee for exercising rights protected under the National Labor Relations Act. The Act also directs the National Labor Relations Board to award additional damages in the event that it finds that an employee has of his right to sue for punitive damages and damages under any other state or Federal law.

The ''National Labor Relations Board ruling Time Limit Act of 1995'' will require that employees receive a prompt ruling on claims of wrongful discharge. The Act provides that the National Labor Relations Board shall rule on wrongful discharge complaints within thirty days of receiving them.

I am also introducing legislation today that will address the problem of law firms and consulting firms that stray over the line into counseling their clients to implement illegal policies or practices. Under the ''National Labor Relations penalty Act'' persons or firms who encourage an employer or a labor organization to violate the National Labor Relations Act will be subject to a fine of up to $10,000.

By Mr. PACKWOOD:

S. 785. A bill to require the trustees of the Medicare trust funds to report recommendations on resolving projected financial imbalance in Medicare trust funds; to the Committee on Finance.

MEDICARE LEGISLATION

Mr. PACKWOOD. Mr. President, the 1995 annual reports of the trustees on the status of the two Medicare trust funds, released on April 3, 1995, raise serious concerns about future financial viability of the Medicare Program.

The trustees conclude that the Federal hospital insurance trust fund—called Medicare part A:

First, has taken in less in Medicare payroll taxes than it has paid out in Medicare benefits every year since 1992;

Second, starts having to liquidate assets next year, 1996; and

Third, will run out of money by the year 2002.

The status of the supplemental medical insurance trust fund—called Medicare part B—is not much better. The trustees ''note with great concern the past and projected rapid growth in the cost of the program.''

Four Cabinet members of this administration are trustees of the Medicare trust funds—the Secretary of the Treasury, the Secretary of Labor, the Secretary of Health and Human Services, and the Commissioner of the Social Security Administration. These Cabinet members all signed the 1995 trustee report, agreeing with the conclusions that the Medicare trust fund is in serious financial trouble.

But this administration refuses to become engaged in proposing any solutions. Repeatedly, the President and his Cabinet members have said they are waiting for the Republicans' budget resolution before they offer any suggestions to save Medicare.

In my memory, this is the first time an administration has so completely refused to be a part of the budget process. The administration claims to have done its part because it submitted its 1996 budget to the Congress. However, the President's 1996 budget leaves Medicare virtually untouched. Medicare proposals in that budget do not even do enough to delay Medicare insolvency for 1 year.

The financial problems of the Medicare Program are real. They exist regardless of whether or not there is a budget resolution, or the content of a budget resolution. We simply cannot avoid addressing this issue, and the sooner the better.

Today, I am introducing a bill requiring the trustees of the Medicare trust funds to report back to Congress by June 30, 1995, with their recommendations for the specific program legislation to deal with Medicare's financial condition that they call for in their 1995 annual reports on the Medicare trust funds. This is an urgent responsibility of this administration and they must come forward with initiatives so that we can preserve the Medicare Program, not only for future generations, but for our current senior population.

I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD.

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

S. 785

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

SECTION 1. TRUSTEES' CONCLUSIONS REGARDING FINANCIAL STATUS OF MEDICARE TRUST FUNDS.

(A) HI TRUST FUND.—The 1995 annual report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, submitted on April 3, 1995, contains the following conclusions respecting the financial status of such Trust Fund:

(1) Under the Trustees' intermediate assumptions, the present financing schedule for the hospital insurance program is sufficient to ensure the payment of benefits only over the next 7 years.

(2) Under present law, hospital insurance program costs are expected to far exceed revenues over the 75-year long-range period under any reasonable set of assumptions.

(3) As a result, the hospital insurance program is severely out of financial balance and the Trustees believe that the Congress must take timely action to establish long-term financial stability for the program.

(b) SMI TRUST FUND.—The 1995 annual report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, submitted on April 3, 1995, contains the following conclusions respecting the financial status of such Trust Fund:

(1) Although the supplementary medical insurance program is currently actuarially sound, the Trustees note with great concern the past and projected rapid growth in the cost of the program.

(2) In spite of the evidence of somewhat slower growth rates in the recent past, overall, the past growth rates have been rapid, and the future growth rates are projected to increase above those of the recent past.

(3) Growth rates have been so rapid that outlays of the program have increased 53 percent in aggregate and 40 percent per enrollee in the last 5 years.

(4) For the same time period, the program grew 19 percent faster than the economy despite recent efforts to control the costs of the program.

SEC. 2. RECOMMENDATIONS ON RESOLVING PROJECTED FINANCIAL IMBALANCE IN MEDICARE TRUST FUNDS.

(a) REPORT.—Not later than June 30, 1995, the Board of Trustees of the Federal Hospital Insurance Trust Fund and the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund shall submit to the Congress recommendations for specific program legislation designed solely—

(1) to control medicare hospital insurance program costs and to address the projected financial imbalance in the Federal Hospital Insurance Trust Fund in both the short-range and long-range; and

(2) to more effectively control medicare supplementary medical insurance costs.

(b) USE OF INTERMEDIATE ASSUMPTIONS.—The Boards of Trustees shall use the intermediate assumptions described in the 1995 annual reports of such Boards in making recommendations under subsection (a).

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. 16, a bill to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes.

S. 256

At the request of Mr. DOLE, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for