

(The above nominations were reported with the recommendation that they be confirmed.)

#### 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 Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 894. A bill to establish a California Ocean Protection Zone, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOND:

S. 895. A bill to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes; to the Committee on Small Business.

By Mr. CHAFEE (for himself, Mr. MCCAIN, Mr. INOUE, Mr. BRADLEY, Mrs. KASSEBAUM, Mr. GLENN, Mrs. MURRAY, Mr. SANTORUM, Mr. CRAIG, and Mr. SIMPSON):

S. 896. A bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 897. A bill to provide for a nationally coordinated program of research, promotion, and consumer information regarding kiwifruit for the purpose of expanding domestic and foreign markets for kiwifruit; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI (by request):

S. 898. A bill to amend the Helium Act to cease operation of the government helium refinery, authorize facility and crude helium disposal, and cancel the helium debt, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH (for himself, Mr. NICKLES, and Mr. PRESSLER):

S. 899. A bill to amend the Internal Revenue Code of 1986 to prevent fraud and abuse involving the earned income tax credit, and for other purposes; to the Committee on Finance.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 900. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, and for other purposes; to the Committee on Energy and Natural Resources.

S. 901. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN:

S. 902. A bill to amend Public Law 100-479 to authorize the Secretary of the Interior to assist in the construction of a building to be used jointly by the Secretary for park purposes and by the city of Natchez as an intermodal transportation center, and for other purposes; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. NICKLES (for Mr. DOLE):

S. Res. 129. A resolution to elect Kelly D. Johnston as Secretary of the Senate; considered and agreed to.

S. Res. 130. A resolution providing for notification to the President of the United States of the election of Secretary of the Senate; considered and agreed to.

S. Res. 131. A resolution providing for notification to the House of Representatives of the election of Secretary of the Senate; considered and agreed to.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. SPECTER, and Mr. DODD):

S. Con. Res. 17. A concurrent resolution authorizing the use of the Capitol Grounds for the exhibition of the RAH-66 Comanche helicopter; to the Committee on Rules and Administration.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 894. A bill to establish a California ocean protection zone, and for other purposes; to the Committee on Energy and Natural Resources.

THE CALIFORNIA OCEAN PROTECTION ACT OF 1995

• Mrs. BOXER. Mr. President, I am pleased to introduce today the California Ocean Protection Act of 1995. This act will provide permanent protection for California's Outer Continental Shelf [OCS] from the adverse effects of new offshore oil and gas development, deep-sea mining, at-sea incineration of toxic wastes, and harmful ocean dumping. This act will make management of the Federal OCS consistent with State-mandated protection of State waters.

This act recognizes that the resources of the lands offshore California, and of the Pacific Ocean itself, are priceless. This act recognizes that the real costs of offshore fossil fuel development, mining and toxic waste disposal far outweigh any benefits that might accrue from those activities. Finally, this act recognizes that renewable uses of the ocean and OCS lands are irreplaceable elements of a healthy, growing, California economy.

California's coast, from San Diego to Crescent City, is a natural marvel. From the white sand beaches and secluded coves of southern California, to the grandeur of Big Sur, to the wild, rocky north, this coast is one of the Earth's great wonders—enjoyed by Californians and visitors from around the globe alike. But the California coast is much more than a scenic treasure; it is a dynamic convergence of land and sea—a grand yet fragile system that ultimately depends on the health of the Pacific Ocean for its continued viability.

The cold, clear waters of the Pacific give life to a wealth of plant, fish, bird and marine mammal species. Some of those species in turn support Califor-

nia's multibillion-dollar fishing industry—an industry founded on renewable resource management. Clean Pacific waters also form the basis for California's coastal tourism industry—valued at over \$27 billion annually and creator of tens of thousands of jobs in California's economy.

Fishing and tourism are just two of the industries that we must weigh in the balance against non-sustainable, polluting uses of the ocean. The other values supported by an unpolluted Pacific are less easily quantified, but every bit as important. These values are economic, scientific and, indeed, spiritual. These are the values that have somehow gotten lost in the shuffle, as the Congress and past administrations have debated the issue of developing California's offshore resources.

When those values are added to the scales and weighed against the benefits to be obtained from non-sustainable exploitation, permanent protection becomes the only viable choice. Consider that if all the unleased areas of the California coast were suddenly opened to oil and gas development, we would produce less than 60 days of oil for the nation at current rates of consumption. Such production would come at the certain cost of oil spills, contamination by the toxic wastes and air emissions generated by offshore rigs and the increased risk of tanker accidents.

The Nation's interest in future energy security does not require that we pay those costs. Conservation measures are now available that will achieve far greater oil savings than the California OCS can produce, without the environmental risks brought by development. For example, raising CAFE standards to a readily achievable 40 miles per gallon would save 20 billion barrels of oil by 2020—over 18 times the estimated total California OCS reserves in unleased areas. And California is leading the nation in adopting an energy strategy that lessens our dependence on fossil fuels. Conservation programs already put in place by the State of California will save two billion barrels of oil over the next 20 years—almost twice the oil thought to lie in the State's frontier offshore areas.

The legislation I am introducing today would bring the Federal OCS program for California into line with protection now in place for State waters. The State legislature, working cooperatively with Gov. Pete Wilson, has acted to protect most areas of the State tidelands that had not already been protected from oil and gas development. The danger is that unless we act Federal development will render protection of State waters practically meaningless. To State the obvious: water flows. An oilspill in Federal waters offshore California can rapidly foul State beaches, contaminate nutrient-rich ocean upwellings upon which California's fishing industry depends

and destroy endangered species habitat in State tidelands.

In the same way it is misleading to believe that we can limit the hazards of offshore drilling by identifying and protecting environmentally sensitive areas. The ocean is a dynamic system—it is impossible to protect one area—even if there were scientifically sound criteria by which we could identify particularly sensitive areas—without also protecting adjacent areas. Permanent protection for as much of the system as possible again emerges as the only viable option.

This act does contain an exception for existing drilling operations. In recognition of the economic importance of current offshore development in southern California, the act would only prohibit new development. Thus drilling now underway offshore Orange and Santa Barbara counties would be allowed to continue. New drilling in those areas would be stopped.

The act would also prohibit ocean mining, at-sea incineration of toxic wastes and harmful ocean dumping. Each of these activities represents a threat to the marine environment and the coastal economy. Ecologically and economically sound alternatives exist to each of these activities. The prohibitions contained in this act recognized that the optimum value of the ocean is maintained only when it remains free of marine pollution caused by unnecessary exploitation.

I don't have to remind this body of the battles that have been fought over developing oil and gas offshore California. Interior Secretaries Watt and Hodel lined up with the oil industry to push for massive new leasing along the coast. That action was met by an opposite and more-than-equal reaction from the Congress. Thirteen of the past fourteen Interior appropriations bills have contained 1-year leasing moratoria on the lands offshore California. While the unreasonable approach of past administrations has necessitated such moratoria, I think everyone agrees that a more certain, long-term policy is called for. This year with a Republican majority in Congress, we face a real threat that the moratoria will not be extended.

This Act constitutes the long term policy and provides the certainty that California needs. We now have a better understanding of the costs associated with the activities this bill prohibits than we did when Secretary Watt fired his first salvo in the long battle over offshore drilling. We have come to understand that the greenhouse effect, and the global disaster it threatens, is a long-term effect of fossil fuel use. We know that the U.S. has only 4 percent of the world's remaining petroleum reserves and that much of the remainder is in the volatile Middle East—making the development of alternative forms of energy the only true source of energy security.

America has the opportunity and the creativity to lead the way in develop-

ing renewable resources and energy efficient innovations. We must commit ourselves to those goals which will enable us to face the future with confidence and hope. Offshore drilling, dumping, incineration and mining offer only short-term benefits at extremely high long-term costs. These activities should not be part of our national strategy for the future.

We have wasted far too much time fighting over a relatively insignificant energy resource. That time could have been far more productively spent devising real solutions to our energy needs. It is time to put the debate over California OCS development behind us so that we can focus on developing the strategies and technologies that will help us compete and win in the global economy of the 21st century. The only way to achieve that goal is to permanently protect this resource. Anything less than permanent protection will only produce more controversy, more fighting, and continue to distract our focus from the real energy issues facing this Nation.

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. 894

*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 "California Ocean Protection Act of 1995".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the coast of California possesses unique historical, ecological, educational, recreational, economic, and research values that are appropriate for protection under Federal law;

(2) the threat to the coast of California, a national treasure, continues to intensify as a result of fossil fuel exploration and development, mineral extraction, and the burning and dumping of toxic and hazardous wastes;

(3) the activities described in paragraph (2) could result in irreparable damage to the coast of California; and

(4) the establishment of an ocean protection zone off the coast of California would enhance recreational and commercial fisheries, and the use of renewable resources within the zone.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) DEVELOPMENT.—The term "development" has the meaning stated in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(3) EXCLUSIVE ECONOMIC ZONE.—The term "Exclusive Economic Zone" means the Exclusive Economic Zone of the United States, as defined by Presidential Proclamation 5030 of March 10, 1983.

(4) EXPLORATION.—The term "exploration" has the meaning stated in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(5) HARMFUL OCEAN DUMPING.—The term "harmful ocean dumping"—

(A) shall have the meaning provided by the Administrator, in consultation with the

heads of other Federal agencies whom the Administrator determines to be appropriate; but

(B) shall not include—

(i) a de minimus disposal of vessel waste;

(ii) the disposal of dredged material that—

(I) would meet the requirements for disposal under the criteria established under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413), including regulations promulgated under that section; or

(II) is disposed of pursuant to a permit issued pursuant to that section;

(iii) a discharge that is authorized under a National Pollutant Discharge Elimination System (NPDES) permit issued under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342); or

(iv) a disposal that is carried out by an appropriate Federal agency under title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1411 et seq.).

(6) MINERALS.—The term "minerals" has the meaning stated in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(7) OUTER CONTINENTAL SHELF.—The term "outer Continental Shelf" has the meaning stated in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(8) PERSON.—The term "person" has the meaning stated in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(9) PRODUCTION.—The term "production" has the meaning stated in section 2 of such Act (43 U.S.C. 1331).

(10) TERRITORIAL SEA.—The term "territorial sea" means the belt of sea measured from the baseline of the United States, determined in accordance with international law, as set forth in Presidential Proclamation 5928, dated December 27, 1988.

(11) ZONE.—The term "Zone" means the California Ocean Protection Zone established under section 4.

**SEC. 4. DESIGNATION OF CALIFORNIA OCEAN PROTECTION ZONE.**

There is established a California Ocean Protection Zone, consisting of—

(1) waters of the Exclusive Economic Zone that are contiguous to the waters of the territorial sea that are contiguous to the State of California;

(2) waters of the territorial sea that are contiguous to the State of California; and

(3) the portion of the outer Continental Shelf underlying those waters.

**SEC. 5. RESTRICTIONS.**

(a) MINERAL EXPLORATION, DEVELOPMENT, AND PRODUCTION.—

(1) DEFINITION.—In this subsection, the term "lease" has the meaning stated in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(2) ISSUANCE OF LEASES, PERMITS, AND LICENSES.—Notwithstanding any other law, the head of a Federal agency may not issue a lease, permit, or license for the exploration for or development or production of oil, gas, or other minerals in or from the Zone.

(3) EXPLORATION, DEVELOPMENT, AND PRODUCTION.—Notwithstanding any other law, a person may not engage in the exploration for, or the development or production of, oil, gas, or other minerals in or from the Zone after the date of the cancellation, expiration, relinquishment, or termination of a lease, permit, or license in effect on June \_\_\_, 1995, that permits exploration, development, or production.

(b) OCEAN INCINERATION AND DUMPING.—Notwithstanding any other law, the head of a Federal agency may not issue a lease, permit, or license for—

(1) ocean incineration or harmful ocean dumping within the Zone; or

(2) any onshore facility that facilitates ocean incineration or harmful ocean dumping within the Zone.

#### SEC. 6. FISHING.

This Act is not intended to regulate, restrict, or prohibit commercial or recreational fishing, or other harvesting of ocean life in the Zone. ●

By Mr. BOND:

S. 895. A bill to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes; to the Committee on Small Business.

#### THE SMALL BUSINESS LENDING ENHANCEMENT ACT OF 1995

● Mr. BOND. Mr. President, as our Nation rushes toward the 21st century, we are living in a critical time for small business men and women. For over 40 years, it has been our Government's policy to encourage the growth of small business and entrepreneurship. With all the discussion today about reinventing or reorganizing Government, I am concerned that too much emphasis has shifted away from our Government's role in promoting small business. We must be committed to deficit reduction, but we also must remain committed to the vital small business sector of our economy.

As chairman of the Committee on Small Business, I believe it is time to reassure America's small business owners and entrepreneurs that their Government is behind them 100 percent. During the past 10 years, as large businesses have restructured, laying off thousands of very able workers, small businesses have filled this void, creating up to five new jobs for each person laid off as the result of a corporate restructuring. During these years, economic growth has been fueled by small business. Fifty-four percent of America's work force now is employed by small businesses which generate 50 percent of the gross domestic product.

As we experience this period of restructuring and significant change in our business community, many small businesses have flourished. And their success has added to our Federal tax revenue base.

As small businesses are confronted with the uncertainties of a changing Government, I believe we should provide them with positive assurance that their Government will continue to support them in the future. Therefore, I have developed the following five fundamental principles for reform, that define the critical role that the Small Business Administration should play as we prepare for the next fiscal year and the next century.

First, consolidate and redesign small business loan guarantee programs: Abolish all SBA direct loan programs except for Disaster Assistance. Implement a simpler and safer credit support role for SBA to encourage private sector loans to small business.

Second, make SBA an effective small business advocate: Change SBA's struc-

ture and refocus SBA's resources to make it an effective advocate and ombudsman for small business on Federal governmental policy issues. SBA field offices and Small Business Development Centers should work together to provide regulatory compliance assistance to small businesses and act as a watchdog for excessive Federal regulatory behavior.

Third, refocus SBA's role in small business Government contracting: Retain SBA's role to encourage Federal Government contracting opportunities available to all small businesses. Discontinue the practice of having SBA act as a contracting party with the Federal Government and then subcontracting with small businesses. Consider a new Federal contracting preference for small business located in, and hiring employees from, high unemployment and low income areas.

Fourth, redesign SBA's role in small business venture capital: Increase private sector responsibilities in funding SBA's Small Business Investment Company Program. Investigate authorizing a Government sponsored enterprise to issue pooled securities to fund venture capital investments made by SBIC's.

Fifth, shift small business counseling and management assistance to the private sector: Phase out SBA's direct delivery of small business management assistance and business counseling, and shift the cost of SBA sponsored management assistance increasingly to colleges, universities, and to the States. Encourage the lending community to offer business counseling to applicants for SBA guaranteed loans.

I am setting forth these five fundamentals for reform as a positive statement to our Nation's small business community to assure them that Government reform does not mean they suddenly have been forgotten. And as a demonstration of my strong belief that we need to implement the reforms spelled out in the five fundamentals, today I am introducing the Small Business Lending Enhancement Act of 1995.

This legislation will increase the supply of loans available under the Small Business Administration's 7(a) Guaranteed Business Loan Program. The direct beneficiaries of this bill are America's small business men and women who otherwise would not be able to obtain affordable financing for their companies. The formula I have chosen for this bill authorizes a combination of lower guarantee levels and higher lender fees to increase loan capacity and reduce the taxpayer subsidy of these loans.

The impact of these changes dramatically decreases the amount of the loan loss reserve that must be funded out of annual congressional appropriations. In fiscal year 1995, SBA's 7(a) loan program needed \$215 million in appropriated funds to support a \$7.8 billion guaranteed loan program. Under my bill, in fiscal year 1996, the 7(a) program can grow to \$11 billion but will

only require \$119 million in appropriations. While the loan program size increases by 41 percent, there is a 44 percent decrease in taxpayer cost to fund the program.

This bill is structured to balance the demands of the popular 7(a) Guaranteed Business Loan Program with prudent fiscal management. While I am committed to balancing the Federal budget, I will work to retain and improve effective programs, like 7(a). I believe the dual avenue I am advocating—combining increased fees from lenders with a decreased appropriations level—creates the correct balance in these times of fiscal restraint.

Small business owners need access to capital, and the Small Business Lending Enhancement Act of 1995 is the first step toward meeting the financing demands of small businesses. My bill is just a beginning. I will continue to study additional enhancements for the 7(a) program, as well as other ways to streamline and improve the manner in which we carry out our Federal policy of encouraging our small business community to continue its growth into the 21st century.

Mr. President, I ask unanimous consent that the bill and certain additional materials be printed in the RECORD.

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

S. 895

*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 "Small Business Lending Enhancement Act of 1995".

#### SEC. 2. REDUCED LEVEL OF PARTICIPATION IN GUARANTEED LOANS.

Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended to read as follows:

"(2) LEVEL OF PARTICIPATION IN GUARANTEED LOANS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in an agreement to participate in a loan on a deferred basis under this subsection (including a loan made under the Preferred Lenders Program), such participation by the Administration shall be equal to—

"(i) 75 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance exceeds \$100,000; or

"(ii) 80 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance is less than or equal to \$100,000.

"(B) REDUCED PARTICIPATION UPON REQUEST.—

"(i) IN GENERAL.—The guarantee percentage specified by subparagraph (A) for any loan under this subsection may be reduced upon the request of the participating lender.

"(ii) PROHIBITION.—The Administration shall not use the guarantee percentage requested by a participating lender under clause (i) as a criterion for establishing priorities in approving loan guarantee requests under this subsection.

"(C) INTEREST RATE UNDER PREFERRED LENDERS PROGRAM.—

"(i) IN GENERAL.—The maximum interest rate for a loan guaranteed under the Preferred Lenders Program shall not exceed the

maximum interest rate, as determined by the Administration, applicable to other loans guaranteed under this subsection.

“(i) PREFERRED LENDERS PROGRAM DEFINED.—For purposes of this subparagraph, the term ‘Preferred Lenders Program’ means any program established by the Administrator, as authorized under the proviso in section 5(b)(7), under which a written agreement between the lender and the Administration delegates to the lender—

“(I) complete authority to make and close loans with a guarantee from the Administration without obtaining the prior specific approval of the Administration; and

“(II) authority to service and liquidate such loans.”

#### SEC. 3. GUARANTEE FEES.

(a) AMOUNT OF FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended to read as follows:

“(18) GUARANTEE FEES.—With respect to each loan guaranteed under this subsection (other than a loan that is repayable in 1 year or less), the Administration shall collect a guarantee fee, which shall be payable by the participating lender and may be charged to the borrower, in an amount equal to the sum of—

“(A) 3 percent of the amount of the deferred participation share of the loan that is less than or equal to \$250,000;

“(B) if the deferred participation share of the loan exceeds \$250,000, 4 percent of the difference between—

“(i) \$500,000 or the total deferred participation share of the loan, whichever is less; and

“(ii) \$250,000; and

“(C) if the deferred participation share of the loan exceeds \$500,000, 5 percent of the difference between—

“(i) the total deferred participation share of the loan; and

“(ii) \$500,000.

(b) REPEAL OF PROVISIONS ALLOWING RETENTION OF FEES BY LENDERS.—Section 7(a)(19) of the Small Business Act (15 U.S.C. 636(a)(19)) is amended—

(1) in subparagraph (B)—

(A) by striking “shall (i) develop” and inserting “shall develop”; and

(B) by striking “, and (ii)” and all that follows through the end of the subparagraph and inserting a period; and

(2) by striking subparagraph (C).

#### SEC. 4. ESTABLISHMENT OF ANNUAL FEE.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

“(23) ANNUAL FEE.—In carrying out this subsection, the Administration shall, in accordance with such terms and procedures as the Administration shall establish by regulation, assess and collect an annual fee, which shall be payable by the participating lender, in an aggregate amount equal to not more than 0.4 percent of the outstanding balance of the deferred participation share of the loan.”

(b) CONFORMING AMENDMENT.—Section 5(g)(4)(A) of the Small Business Act (15 U.S.C. 634(g)(4)(A)) is amended—

(1) by striking the first sentence and inserting the following: “The Administration may collect a fee for any loan guarantee sold into the secondary market under subsection (f) in an amount equal to not more than 50 percent of the portion of the sale price that exceeds 110 percent of the outstanding principal amount of the portion of the loan guaranteed by the Administration.”; and

(2) by striking “fees” each place such term appears and inserting “fee”.

#### SEC. 5. TECHNICAL AMENDMENT.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

“(o) PARTICIPATING LENDER.—For purposes of this Act, the term ‘participating lender’ means any bank or other financial institution that enters into an agreement with the Administration described section 7(a) to provide financing in accordance with that section.”

TAKING THE SMALL BUSINESS ADMINISTRATION INTO THE 21ST CENTURY—FIVE FUNDAMENTAL PRINCIPLES FOR REFORM

#### 1. Consolidate and Redesign Small Business Loan Guarantee Programs.

Abolish all SBA direct loan programs except for Disaster Assistance. Implement a simpler and safer credit support role for SBA to encourage private sector loans to small businesses. Reduce the federal government’s guarantee exposure and shift more of the costs of this credit support from the taxpayer to the private sector. Create an enhanced role for secondary market transactions to compensate SBA for the value of its guarantee. Change SBA’s role in the program from approving individual loans to one of carefully regulating and overseeing increased responsibilities for private sector program participants.

#### 2. Make SBA an Effective Small Business Advocate.

Change SBA’s structure and refocus SBA’s resources to make it an effective advocate and ombudsman for small business on federal governmental policy issues. SBA field offices will have a Small Business and Agriculture Ombudsman to work together with Small Business Development Centers to offer small business regulatory compliance assistance and act as a watchdog for excessive or inappropriate regulatory enforcement against small businesses by federal agencies. SBA should receive citizen input in these activities from small business volunteers appointed to newly-created Small Business Regulatory Fairness Boards throughout the country.

#### 3. Refocus SBA’s Role in Small Business Government Contracting.

Retain SBA’s fundamental monitoring and informational role to encourage the federal government to make government contracting opportunities available to all small businesses to the maximum extent possible. Discontinue the practice of having SBA act as a contracting party with the federal government and then subcontracting with small businesses. Investigate the possibility of establishing a federal contracting preference for small businesses located in, and hiring a significant number of employees from, geographic areas with high unemployment and low average incomes.

#### 4. Redesign SBA’s Role in Small Business Venture Capital.

Increase private sector responsibilities in the funding of SBA’s Small Business Investment Company program for small business venture capital. Continue SBA’s role in the licensing and supervision of SBIC’s. Investigate the possibility of reducing federal funding of the SBIC program and limiting guarantee exposure for individual company investments by authorizing a government sponsored enterprise to issue pooled securities to fund venture capital investments made by SBIC’s.

#### 5. Shift Small Business Counseling and Management Assistant to the Private Sector.

Phase out SBA’s direct delivery of small business management assistance and business counseling. Gradually reduce SBA’s subsidization of private sector business assistance and counseling, shifting these costs increasingly to colleges and universities, and to the states. Encourage lenders participating in SBA’s small business credit support program to offer small business counseling to applicants for SBA supported loans.

THE SMALL BUSINESS LENDING ENHANCEMENT ACT OF 1995

#### PARTICIPATION IN GUARANTEED LOANS

Reduces the maximum level of participation in guaranteed loans as follows:

1. 75% guarantee rate<sup>1</sup> on any loan participation exceeding \$100,000; or,

Footnotes at end of article.

2. 80% guarantee rate<sup>2</sup> on loan participation of less than \$100,000 (i.e., LowDoc loans).

#### GUARANTEE FEES

A. Amends the guarantee fee<sup>3</sup> on 7(a) loans to:

1. 3% on the guaranteed amount between \$0 and \$250,000;

2. 4% of the guaranteed amount between \$250,001 and \$500,000; and,

3. 5% on the guaranteed amount between \$500,001 and \$750,000.

B. Repeals the option for banks to retain 50% of the guaranty fee for small (4) and rural (5) loans.

#### ANNUAL LENDER FEE

Requires lenders to pay an annual fee (6) equal to .40% on the outstanding balance of the guaranteed amount.

#### FOOTNOTES

<sup>1</sup>Existing guarantee is 85% for loans between \$155,001 and \$750,000 with maximum term of ten years. Alternatively, a 75% guarantee is available for loans between \$155,001 and \$750,000 with a term of greater than 10 years. Preferred Lenders would be able to obtain guarantees as high as 75%; currently their guarantee level is capped at 70%.

<sup>2</sup>The existing guarantee level on loans of up to \$155,001 is 90%.

<sup>3</sup>The current guarantee fee is .20% of the guaranteed amount, regardless of loan size.

<sup>4</sup>Applies to loans of up to \$50,000.

<sup>5</sup>Applies to loans of up to \$75,000. This provision is set to expire on 10/1/95.

<sup>6</sup>At present, the lender fee is charged only on those loans sold in the secondary market.●

By Mr. CHAFEE (for himself, Mr. MCCAIN, Mr. INOUE, Mr. BRADLEY, Mrs. KASSEBAUM, Mr. GLENN, Mrs. MURRAY, Mr. SANTORUM, Mr. CRAIG, and Mr. SIMPSON):

S. 896. A bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians’ services, and for other purposes; to the Committee on Finance.

#### MEDICAID LEGISLATION

● Mr. CHAFEE. Mr. President, today I am introducing legislation which makes a technical correction to the Omnibus Budget Reconciliation Act of 1990 [OBRA 90]. These changes would allow pregnant women and children enrolled in the Medicaid Program to continue receiving services from osteopathic physicians.

The 1990 provisions were meant to prevent unqualified physicians from caring for Medicaid patients. Strict guidelines were enacted, requiring physicians working with these populations to be certified in family practice, pediatrics, or obstetrics, by the applicable medical specialty board recognized by the American Board of Medical Specialties [ABMS].

While the 1990 budget legislation recognizes the importance of the ABMS in

certifying physicians trained in allopathics, it does not recognize the authority of the American Osteopathic Association [AOA] in certifying osteopathic physicians. As one out of every four Medicaid recipients receives health care from an osteopath, this policy only makes life more difficult for those on Medicaid.

It is important that we rectify this situation. Osteopaths have been an integral and vital part of our Nation's medical community for over a century. This important change ensures that our health care system continues to grow more accessible and reliable for those who depend upon it.

I urge my colleagues to join me in this effort, and look forward to working with them toward the bill's enactment.●

By Mrs. FEINSTEIN:

S. 897. A bill to provide for a nationally coordinated program of research, promotion, and consumer information regarding kiwifruit for the purpose of expanding domestic and foreign markets for kiwifruit; to the Committee on Agriculture, Nutrition, and Forestry.

THE NATIONAL KIWIFRUIT RESEARCH, PROMOTION, AND CONSUMER INFORMATION ACT

● Mrs. FEINSTEIN. Mr. President, today I am introducing legislation to provide for a nationally coordinated program of research, promotion, and consumer information regarding kiwifruit for the purpose of expanding domestic and foreign markets for kiwifruit.

This bill is identical to H.R. 1486 introduced in the House by Congressman WALLY HERGER, Congressman VIC FAZIO, and others.

The kiwifruit industry is an important and growing sector in American agriculture, with tremendous potential to expand sales both at home and abroad through increased promotion and consumer education.

California presently represents 99 percent of the U.S. kiwifruit production.

Kiwifruit are commercially grown in Kern, Tulare, Fresno, San Joaquin, Yolo, Sutter, Butte, Yuba, and Colusa Counties.

Altogether, there are about 700 kiwifruit growers in my State.

In 1993, U.S. consumption of kiwifruit was 59 percent California grown, 33 percent Chilean imports, and 8 percent New Zealand imports.

It is my understanding that Chilean exporters have expressed interest in participating with California growers in promoting kiwifruit to encourage increased domestic consumption and expand opportunities in foreign markets.

The self-help program, administered by the Department of Agriculture, would be funded almost entirely by industry user fees. The industry would assess benefiting domestic growers and importers to equitably share in the costs.

Currently there are 18 similar federally authorized commodity research and promotion programs.

Once Congress approved the authorizing legislation, the promotion program must be approved by a majority of the handlers of kiwifruit, including the handlers of imported kiwifruit.

Specifically, this bill would authorize the Secretary of Agriculture to issue a federal order for kiwifruit research, promotion, and consumer information; establish an eleven member kiwifruit board composed of six growers, four importers, and one member of the general public to run the promotion program; authorize the kiwifruit board to collect assessments, at no more than \$0.10 per seven pound tray of kiwifruit, to pay for research, promotion, and consumer information and for administrative expenses incurred by the kiwifruit board; authorize use of the assessments not only for domestic generic promotion, but also for promotion activities outside the United States; and require the kiwifruit order to be approved by a majority of the producers and importers and by a majority of those producing and importing more than 50 percent of the total volume of kiwifruit produced and imported.

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. 897

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "National Kiwifruit Research, Promotion, and Consumer Information Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

Sec. 4. Issuance of Kiwifruit Research, Promotion, and Consumer Information Order.

Sec. 5. National Kiwifruit Board.

Sec. 6. Required terms in order.

Sec. 7. Permissive terms in order.

Sec. 8. Incorporation of petition and review, enforcement, and investigation provisions by reference.

Sec. 9. Referenda.

Sec. 10. Suspension and termination of order by Secretary.

Sec. 11. Authorization of appropriations.

Sec. 12. Regulations.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) domestically produced kiwifruit are grown by many individual producers;

(2) virtually all domestically produced kiwifruit are grown in the State of California, although there is potential for production in many other areas of the United States;

(3) kiwifruit move in interstate and foreign commerce, and kiwifruit that do not move in such channels of commerce directly burden or affect interstate commerce;

(4) in recent years, large quantities of kiwifruit have been imported into the United States;

(5) the maintenance and expansion of existing domestic and foreign markets for

kiwifruit, and the development of additional and improved markets for kiwifruit, are vital to the welfare of kiwifruit producers and other persons concerned with producing, marketing, and processing kiwifruit;

(6) a coordinated program of research, promotion, and consumer information regarding kiwifruit is necessary for the maintenance and development of such markets; and

(7) kiwifruit producers, handlers, and importers are unable to implement and finance such a program without cooperative action.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize the establishment of an orderly procedure for the development and financing (through an assessment) of an effective and coordinated program of research, promotion, and consumer information regarding kiwifruit;

(2) to use such program to strengthen the position of the kiwifruit industry in domestic and foreign markets and maintain, develop, and expand markets for kiwifruit; and

(3) to treat domestically produced kiwifruit and imported kiwifruit equitably.

**SEC. 3. DEFINITIONS.**

As used in this Act:

(1) BOARD.—The term "Board" means the National Kiwifruit Board, as provided for under section 5.

(2) CONSUMER INFORMATION.—The term "consumer information" means any action taken to provide information to, and broaden the understanding of, the general public regarding the consumption, use, nutritional attributes, and care of kiwifruit.

(3) EXPORTER.—The term "exporter" means any person from outside the United States who exports kiwifruit into the United States.

(4) HANDLER.—The term "handler" means any person, excluding a common carrier, engaged in the business of buying and selling, packing, marketing, or distributing kiwifruit as specified in the order.

(5) IMPORTER.—The term "importer" means any person who imports kiwifruit into the United States.

(6) KIWIFRUIT.—The term "kiwifruit" means all varieties of fresh kiwifruit grown or imported in the United States.

(7) MARKETING.—The term "marketing" means the sale or other disposition of kiwifruit into interstate, foreign, or intrastate commerce by buying, marketing, distribution or otherwise placing kiwifruit into commerce.

(8) ORDER.—The term "order" means a kiwifruit research, promotion, and consumer information order issued by the Secretary under section 4.

(9) PERSON.—The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or other legal entity.

(10) PROCESSING.—The term "processing" means canning, fermenting, distilling, extracting, preserving, grinding, crushing, or in any manner changing the form of kiwifruit for the purposes of preparing it for market or marketing the kiwifruit.

(11) PRODUCER.—The term "producer" means any person who grows kiwifruit in the United States for sale in commerce.

(12) PROMOTION.—The term "promotion" means any action taken under this Act (including paid advertising) to present a favorable image for kiwifruit to the general public for the purpose of improving the competitive position of kiwifruit and stimulating the sale of kiwifruit.

(13) RESEARCH.—The term "research" means any type of research relating to the use, nutritional value, and marketing of kiwifruit conducted for the purpose of advancing the image, desirability, marketability, or quality of kiwifruit.

(14) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(15) UNITED STATES.—The term “United States” means the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. (7 U.S.C. 6202.)

**SEC. 4. ISSUANCE OF KIWI FRUIT RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER.**

(a) ISSUANCE.—To effectuate the declared purposes of this Act, the Secretary shall issue an order applicable to producers, handlers, and importers of kiwifruit. Any such order shall be national in scope. Not more than one order shall be in effect under this Act at any one time.

(b) PROCEDURE.—

(1) PROPOSAL FOR ISSUANCE OF ORDER.—Any person that will be affected by this Act may request the issuance of, and submit a proposal for, an order under this Act.

(2) PROPOSED ORDER.—Not later than 90 days after the receipt of a request and proposal for an order, the Secretary shall publish a proposed order and give due notice and opportunity for public comment on the proposed order.

(3) ISSUANCE OF ORDER.—After notice and opportunity for public comment are given, as provided in paragraph (2), the Secretary shall issue an order, taking into consideration the comments received and including in the order provisions necessary to ensure that the order is in conformity with the requirements of this Act.

(c) AMENDMENTS.—The Secretary may amend any order issued under this section. The provisions of this Act applicable to orders shall be applicable to amendments to orders.

**SEC. 5. NATIONAL KIWI FRUIT BOARD.**

(a) MEMBERSHIP.—An order issued by the Secretary under section 4 shall provide for the establishment of a National Kiwifruit Board, to consist of 11 members as follows:

(1) Six members who are producers (or their representatives) and who are not exempt from an assessment under section 6(b).

(2) Four members who are importers (or their representatives) and who are not exempt from an assessment under section 6(b) or are exporters (or their representatives).

(3) One member appointed from the general public.

(b) ADJUSTMENT OF MEMBERSHIP.—Subject to the 11-member limit, the Secretary may adjust membership on the Board to accommodate changes in production and import levels of kiwifruit, so long as producers comprise not less than 51 percent of the membership of the Board.

(c) APPOINTMENT AND NOMINATION.—

(1) APPOINTMENT.—The Secretary shall appoint the members of the Board from nominations submitted in accordance with this subsection.

(2) PRODUCERS.—The members referred to in subsection (a)(1) shall be appointed from individuals nominated by producers.

(3) IMPORTERS AND EXPORTERS.—The members referred to in subsection (a)(2) shall be appointed from individuals nominated by importers or exporters.

(4) PUBLIC REPRESENTATIVE.—The public representative shall be appointed from nominations submitted by other members of the Board.

(5) FAILURE TO NOMINATE.—If producers, importers, and exporters fail to nominate individuals for appointment, the Secretary may appoint members on a basis provided for in the order. If the Board fails to nominate a public representative, such member may be appointed by the Secretary without a nomination.

(d) ALTERNATES.—The Secretary shall appoint an alternate for each member of the Board. An alternate shall—

(1) be appointed in the same manner as the member for whom such individual is an alternate; and

(2) serve on the Board if such member is absent from a meeting or is disqualified under subsection (f).

(e) TERMS.—Members of the Board shall be appointed for a term of three years. No member may serve more than two consecutive three-year terms. However, of the members first appointed—

(1) five members shall be appointed for a term of two years; and

(2) six members shall be appointed for a term of three years.

(f) REPLACEMENT.—If a member or alternate of the Board who was appointed as a producer, importer, exporter, or public representative member ceases to belong to the group for which such member was appointed, such member or alternate shall be disqualified from serving on the Board.

(g) COMPENSATION.—Members and alternates of the Board shall serve without pay.

(h) GENERAL POWERS AND DUTIES.—The Board shall—

(1) administer orders issued by the Secretary under section 4, and amendments to such orders, in accordance with their terms and provisions and consistent with this Act;

(2) prescribe rules and regulations to effectuate the terms and provisions of such orders;

(3) meet, organize, and select from among members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines appropriate;

(4) receive, investigate, and report to the Secretary accounts of violations of such orders;

(5) make recommendations to the Secretary with respect to amendments that should be made to such orders; and

(6) employ or contract with a manager and staff to assist in administering such orders, except that, in order to reduce administrative costs and increase efficiency, the Board shall seek, to the extent possible, to employ or contract with personnel who are already associated with State chartered organizations involved in promoting kiwifruit.

**SEC. 6. REQUIRED TERMS IN ORDER.**

(a) BUDGETS AND PLANS.—An order issued under section 4 shall provide for periodic budgets and plans as follows:

(1) BUDGETS.—The Board shall prepare and submit to the Secretary a budget prior to the beginning of the fiscal year of the anticipated expenses and disbursements of the Board in the administration of the order, including probable costs of research, promotion, and consumer information. A budget shall take effect upon a two-thirds vote of a quorum of the Board and approval by the Secretary.

(2) PLANS.—Each budget shall include a plan for research, promotion, and consumer information regarding kiwifruit. A plan under this paragraph shall take effect upon approval by the Secretary. The Board may enter into contracts and agreements, upon approval by the Secretary, for—

(A) the development and carrying out of such plan; and

(B) the payment of the cost of such plan, with funds collected pursuant to this Act.

(b) ASSESSMENTS.—Such order shall provide for the imposition and collection of assessments with regard to the production and importation of kiwifruit as follows:

(1) RATE.—The assessment rate shall be recommended by a two-thirds vote of a quorum of the Board, approved by the Secretary, but shall not exceed \$0.10 per seven pound tray of kiwifruit or equivalent.

(2) COLLECTION BY FIRST HANDLERS.—Except as provided in paragraph (4), the first handler of kiwifruit shall—

(A) be responsible for the collection from the producer, and payment to the Board, of assessments under this subsection; and

(B) maintain a separate record of the kiwifruit of each producer whose kiwifruit are so handled, including the kiwifruit owned by the handler.

(3) IMPORTERS.—The assessment on imported kiwifruit shall be paid by the importer to the United States Customs Service at the time of entry into the United States and shall be remitted to the Board.

(4) EXEMPTION FROM ASSESSMENT.—The following persons or activities are exempt from an assessment under this subsection:

(A) A producer who produces less than 500 pounds of kiwifruit per year.

(B) An importer who imports less than 10,000 pounds of kiwifruit per year.

(C) Sales of kiwifruit made directly from the producer to a consumer for a purpose other than resale.

(D) The production or importation of kiwifruit for processing.

(5) CLAIM OF EXEMPTION.—To claim an exemption under paragraph (4) for a particular year, a person shall—

(A) submit an application to the Board stating the basis for the exemption and certifying that the person will not exceed any poundage limitation required for the exemption in such year; or

(B) be on a list of approved processors developed by the Board.

(c) USE OF ASSESSMENTS.

(1) AUTHORIZED USES.—Such order shall provide that funds paid to the Board as assessments under subsection (b) may be used by the Board—

(A) to pay for research, promotion, and consumer information described in the budget of the Board under subsection (a) and for other expenses incurred by the Board in the administration of an order;

(B) to pay such other expenses for the administration, maintenance, and functioning of the Board, including any enforcement efforts for the collection of assessments as may be authorized by the Secretary, including interest and penalties for late payments; and

(C) to fund a reserve established under section 7(d).

(2) REQUIRED USES.—Such order shall provide that funds paid to the Board as assessments under subsection (b) shall be used by the Board—

(A) to pay the expenses incurred by the Secretary, including salaries and expenses of Government employees, in implementing and administering the order; and

(B) to reimburse the Secretary for any expenses incurred by the Secretary in conducting referenda under this Act.

(3) LIMITATION ON USE OF ASSESSMENTS.—Except for the first year of operation of the Board, expenses for the administration, maintenance, and functioning of the Board may not exceed 30 percent of the budget.

(d) FALSE CLAIMS.—Such order shall provide that any promotion funded with assessments collected under subsection (b) may not make—

(1) any false claims on behalf of kiwifruit; and

(2) any false statements with respect to the attributes or use of any product that competes with kiwifruit for sale in commerce.

(e) PROHIBITION ON USE OF FUNDS.—Such order shall provide that funds collected by the Board under this Act through assessments may not, in any manner, be used for

the purpose of influencing legislation or governmental policy or action, except for making recommendations to the Secretary as provided for in this Act.

(f) BOOKS, RECORDS, AND REPORTS.—

(1) BY THE BOARD.—Such order shall require the Board—

(A) to maintain books and records with respect to the receipt and disbursement of funds received by the Board;

(B) to submit to the Secretary from time to time such reports as the Secretary may require for appropriate accounting; and

(C) to submit to the Secretary at the end of each fiscal year a complete audit report by an independent auditor regarding the activities of the Board during such fiscal year.

(2) BY OTHERS.—So that information and data will be available to the Board and the Secretary that is appropriate or necessary for the effectuation, administration, or enforcement of this Act (or any order or regulation issued under this Act), such order shall require handlers and importers who are responsible for the collection, payment, or remittance of assessments under subsection (b)—

(A) to maintain and make available for inspection by the employees of the Board and the Secretary such books and records as may be required by the order; and

(B) to file, at the times and in the manner and content prescribed by the order, reports regarding the collection, payment, or remittance of such assessments.

(g) CONFIDENTIALITY.—

(1) IN GENERAL.—Such order shall require that all information obtained pursuant to subsection (f)(2) be kept confidential by all officers and employees of the Department and of the Board. Only such information as the Secretary considers relevant shall be disclosed to the public and only in a suit or administrative hearing, brought at the request of the Secretary or to which the Secretary or any officer of the United States is a party, involving the order with respect to which the information was furnished or acquired.

(2) LIMITATIONS.—Nothing in this subsection prohibits—

(A) issuance of general statements based on the reports of a number of handlers and importers subject to an order, if the statements do not identify the information furnished by any person; or

(B) the publication by direction of the Secretary of the name of any person violating an order issued under section 4(a), together with a statement of the particular provisions of the order violated by such person.

(3) PENALTY.—Any person who willfully violates the provisions of this subsection, upon conviction, shall be subject to a fine of not more than \$1,000, or to imprisonment for not more than one year, or both, and, if a member, officer, or agent of the board or an employee of the Department, shall be removed from office.

(h) WITHHOLDING INFORMATION.—Nothing in this Act shall be construed to authorize the withholding of information from Congress.

**SEC. 7. PERMISSIVE TERMS IN ORDER.**

(a) PERMISSIVE TERMS.—On the recommendation of the Board, and with the approval of the Secretary, an order issued under section 4 may include the authorities specified in this section and such additional terms and conditions as the Secretary considers necessary to effectuate the other provisions of the order and are incidental to, and not inconsistent with, the terms and conditions required by this Act.

(b) ALTERNATIVE PAYMENT AND REPORTING SCHEDULES.—Such order may authorize the Board to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures.

(c) WORKING GROUPS.—Such order may authorize the Board to convene working groups drawn from producers, handlers, importers, exporters, or the general public and utilize the expertise of such groups to assist in the development of research and marketing programs for kiwifruit.

(d) RESERVE FUNDS.—Such order may authorize the Board to accumulate reserve funds from assessments collected pursuant to section 6(b) to permit an effective and continuous coordinated program of research, promotion, and consumer information in years in which production and assessment income may be reduced. However, any reserve fund so established may not exceed the amount budgeted for operation of this Act for one year.

(e) PROMOTION ACTIVITIES OUTSIDE UNITED STATES.—Such order may authorize the Board to use, with the approval of the Secretary, funds collected under section 6(b) for the development and expansion of sales in foreign markets of kiwifruit produced in the United States.

**SEC. 8. INCORPORATION OF PETITION AND REVIEW, ENFORCEMENT, AND INVESTIGATION PROVISIONS BY REFERENCE.**

The following provisions of the Lime Research, Promotion, and Consumer Information Act of 1990 (subtitle D of title XIX of Public Law 101-624) shall apply to this Act and any order or regulation issued under this Act:

(1) Section 1957 (7 U.S.C. 6206), relating to petitions filed by persons subject to an order issued under this Act and review of administrative rulings on such petitions.

(2) Section 1958 (7 U.S.C. 6207), relating to violations of any order or regulation issued under this Act.

(3) Section 1959 (7 U.S.C. 6208), relating to the authority of the Secretary to make investigations, administer oaths and affirmations, and issue subpoenas in connection with inquiries under this Act.

**SEC. 9. REFERENDA.**

(a) INITIAL REFERENDUM.—

(1) REFERENDUM REQUIRED.—During the 60-day period immediately preceding the proposed effective date of an order issued under section 4, the Secretary shall conduct a referendum among kiwifruit producers and importers who will be subject to assessments under the order, to ascertain whether producers and importers approve of the implementation of the order.

(2) APPROVAL OF ORDER.—The order shall become effective, as provided in section 4, if the Secretary determines that the order has been approved by a majority of the producers and importers voting in the referendum and these producers and importers produce and import more than 50 percent of the total volume of kiwifruit produced and imported by persons voting in the referendum.

(b) SUBSEQUENT REFERENDA.—The Secretary may periodically conduct a referendum to determine if kiwifruit producers and importers favor the continuation, termination, or suspension of any order issued under section 4 and in effect at the time of the referendum.

(c) REQUIRED REFERENDA.—The Secretary shall hold a referendum under subsection (b)—

(1) at the end of the six-year period beginning on the effective date of the order and at the end of every six-year period thereafter;

(2) at the request of the Board; and

(3) if not less than 40 percent of the kiwifruit producers and importers subject to assessments under the order submit a petition requesting such a referendum.

(d) VOTE.—Upon completion of a referendum under subsection (b), the Secretary shall suspend or terminate the order that

was subject to the referendum at the end of the marketing year if—

(1) the suspension or termination of the order is favored by not less than a majority of the producers and importers voting in the referendum; and

(2) these producers and importers produce and import more than 50 percent of the total volume of kiwifruit produced and imported by persons voting in the referendum.

(e) CONFIDENTIALITY.—The ballots and other information or reports that reveal, or tend to reveal, the vote of any person under this Act as well as the voting list shall be held strictly confidential and shall not be disclosed.

**SEC. 10. SUSPENSION AND TERMINATION OF ORDER BY SECRETARY.**

(a) UPON FINDING.—If the Secretary finds that an order issued under section 4, or a provision of such an order, obstructs or does not tend to effectuate the purposes of this Act, the Secretary shall terminate or suspend the operation of such order or provision.

(b) LIMITATION.—The termination or suspension of any order, or any provision thereof, shall not be considered an order within the meaning of this Act.

**SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for each fiscal year such funds as are necessary to carry out this Act.

**SEC. 12. REGULATIONS.**

The Secretary may issue such regulations as are necessary to carry out this Act.●

By Mr. MURKOWSKI (by request):

S. 898. A bill to amend the Helium Act to cease operation of the government helium refinery, authorize facility and crude helium disposal, and cancel the helium debt, and for other purposes; to the Committee on Energy and Natural Resources.

THE HELIUM DISPOSAL ACT OF 1995

● Mr. MURKOWSKI. Mr. President, on behalf of the administration, I introduce the Helium Disposal Act of 1995. This legislation was submitted to the Senate Committee on Energy and Natural Resources by the administration as a legislative proposal needed to implement the President's budget for fiscal year 1996.

While I support ending helium refining and marketing operations by the U.S. Bureau of Mines, I do not support the administration's legislation.

I am a cosponsor of Senator THOMAS' legislation, S. 738, the Helium Act of 1995. I support Mr. THOMAS' legislation and look forward to working with him to enact responsible legislation that will end the Federal Government's involvement in the refining and marketing of helium in the United States.●

By Mr. BENNETT (for himself and Mr. HATCH):

S. 900. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, and for other purposes; to the Committee on Energy and Natural Resources.

THE CENTRAL UTAH PROJECT PREPAYMENT  
AMENDMENT ACT OF 1995

Mr. BENNETT. Mr. President, today I am introducing along with my colleague from Utah, Senator HATCH, a bill to extend the authority of the Secretary of the Interior to accept prepayment of portions of the Central Utah Project [CUP]. In 1992, Congress enacted Public Law 102-575 which contained the Central Utah Project Completion Act of CUPCA. Section 210 of CUPCA authorized the Secretary to negotiate and accept early payment from the waterusers for the Jordan Aqueduct component of CUP. This prepayment ultimately proved to be a win/win deal for both the Federal Government and for the waterusers. Shortly after the agreement was signed on October 18, 1993, which concluded the terms of the prepayment, the Federal Government received a check from the local waterusers totaling \$35.2 million. The local water districts have also saved money through the refinancing by shortening the total number of payments they must make.

The legislation we introduce today amends section 210 of the CUPCA broadens the Secretary's ability to accept prepayment from the Central Utah Water Conservancy District for the rest of the District's debt to the Federal government on the same terms and conditions that were negotiated for the Jordan Aqueduct. According to estimates provided by the district's bonding counsel, it is expected that prepayment of the district's remaining debt could yield the Federal Treasury between \$145 to \$200 million over the next 4 to 5 years. Mr. President, this is a significant amount of money which we are in certain need of as we move to balance the Federal budget over the next 7 years. I want to say that this bill does nothing with respect to title to the water project features. They will remain in the name of the United States. This bill is a simple prepayment which will save the Central Utah Water Conservancy District money by shortening its repayment term and will provide the Federal Government a significant amount of revenue at a most critical time. It is my understanding that the extension of this prepayment authority has been reviewed by the district with the Secretary's official representative to the CUP and that the Department of the Interior will support this legislation. I want to thank the district and the Department of the Interior for working together to bring about this win-win scenario.

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. 900

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

**SECTION 1. PREPAYMENT OF REPAYMENT CERTAIN CONTRACTS BETWEEN THE UNITED STATES AND THE CENTRAL UTAH WATER CONSERVANCY DISTRICT.**

Section 210 of the Reclamation Projects Authorization and Adjustment Act of 1992 (106 Stat. 4624) is amended by striking the second sentence and inserting the following: "The Secretary shall allow for prepayment of repayment contracts between the United States and the District dated December 28, 1965 and November 26, 1985, providing for repayment of the municipal and industrial water delivery facilities for which repayment is provided pursuant to those contracts, under the same terms and conditions as are contained in the supplemental contract providing for the prepayment of the Jordan Aqueduct System dated October 28, 1993."

By Mr. BENNETT (for himself and Mr. HATCH):

S. 901. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects, and for other purposes; to the Committee on Energy and Natural Resources.

THE RECLAMATION PROJECTS AUTHORIZATION  
AND ADJUSTMENT ACT AMENDMENTS OF 1995

Mr. BENNETT. Mr. President, today I rise to introduce the Reclamation Projects Authorization and Adjustment Act Amendments of 1995. This legislation amends title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 to expand participation of public water providers in water reuse and recycling projects. This bill provides a sensible and lasting solution to the growing problem of dwindling municipal, industrial, and agricultural water supplies in many areas of the country. This bill will also help protect and preserve environmentally sensitive watershed environments by reducing demand for freshwater supplies.

In my home State, Utah, water is a precious commodity and this legislation will allow for the better use and management of our limited water supply. In particular, both Salt Lake City and St. George will greatly benefit from this legislation.

Economically and environmentally, the next step to guaranteeing more dependable and cheaper supplies of water is water reuse and recycling. Recycling programs treat wastewater so that it can be safely used to irrigate land, golf courses, crops, and freeway medians, and replenish groundwater basins. Recycled water is also increasingly being used by industry.

In addition, the Bureau of Reclamation has ended their chapter of building large western dams. Their mission now is to assist in the water management of existing water supplies. From a public policy point of view, it is far cheaper to help our local western communities recycle their water than it is to construct new reservoirs and water deliv-

ery facilities. This legislation accomplishes this goal.

Past Federal legislation such as the Endangered Species Act and the Central Valley Improvement Act have placed tremendous stress on fresh water reserves by mandating that large portions of water sources be diverted from use by municipal water suppliers to be dedicated to general fish and wildlife and habitat purposes.

As a result, public water agencies have begun to search for alternative sources of water to meet the demands of rising populations and the limiting effects of regulatory burdens. The costs of importing water over great distances or storing vast reserves of water have begun to make other sources of water more economically feasible. The added environmental benefits also make these sources increasingly desirable.

Title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 provides for water recycling projects and has been a major success. It should be considered a model for other infrastructure funding efforts. Compared to other Federal programs it is "user friendly" and virtually free of red tape, and because the program is highly leveraged, meaning 75 percent local cost sharing, it is not subject to criticism for subsidizing unworthy projects. As a result the water recycling program has enjoyed wide bipartisan support in Congress and from both the Bush and Clinton administrations. It is also backed by national and local environmental organizations.

Because of the success of Title XVI, communities from around the country are beginning to look at water recycling as not only an attractive new way to serve their customers but also the environment.

This is a unique, win-win program which goes a long way toward preparing for the future, preserving fresh water reserves protecting the Nation's environment.

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. 901

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

**SECTION 1. WATER RECYCLING PROJECTS.**

Section 1602 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h) is amended by adding at the end the following:

"(e) PARTICIPATION IN CERTAIN PROJECTS.—  
"(1) IN GENERAL.—The Secretary, in cooperation with the appropriate State and local authorities, is authorized to participate in the design, planning, and construction of the following water reclamation and reuse projects:

"(A) The North San Diego County Area Water Recycling Project, consisting of projects to reclaim and reuse water in the service areas of the San Elijo Joint Powers Authority, the Leucadia County Water District, and the Olivenhain Municipal Water District, California.



“(B) The Calleguas Municipal Water District Water Recycling Project to reclaim and reuse water in the service area of the Calleguas Municipal Water District in Ventura, California.

“(C) The Central Valley Water Recycling Project to reclaim and reuse water in the service areas of the Central Valley Reclamation Facility and the Salt Lake County Water Conservancy District in Utah.

“(D) The St. George Area Water Recycling Project to reclaim and reuse water in the service area of the Washington County Water Conservancy District in Utah.

“(E) The Watsonville Area Water Recycling Project, in cooperation with the city of Watsonville, California, to reclaim and reuse water in the Pajaro Valley in Santa Cruz County, California.

“(F) The Southern Nevada Water Recycling Project to reclaim and reuse water in the service area of the Southern Nevada Water Authority in Clark County, Nevada.

“(G) The Albuquerque Metropolitan Area Water Reclamation and Reuse Study, in cooperation with the city of Albuquerque, New Mexico, to reclaim and reuse industrial and municipal wastewater and reclaim and use naturally impaired ground water in the Albuquerque metropolitan area.

“(H) The El Paso Water Reclamation and Reuse Project to reclaim and reuse wastewater in the service area of the El Paso Water Utilities Public Service Board.

“(2) FEDERAL SHARE.—The Federal share of the cost of a project described in paragraph (1) shall not exceed 25 percent of the total cost.

“(3) NO FUNDING FOR OPERATION AND MAINTENANCE.—The Secretary shall not provide funds for the operation or maintenance of a project described in paragraph (1).”.

#### SEC. 2. DESALINATION RESEARCH AND DEVELOPMENT PROJECT.

Section 1605 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h-3) is amended—

(1) by striking “The Secretary” and inserting “(a) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(b) LONG BEACH DESALINATION RESEARCH AND DEVELOPMENT PROJECT.—

“(1) IN GENERAL.—The Secretary, in cooperation with the city of Long Beach, the Central Basin Municipal Water District, and the Metropolitan Water District of Southern California, may participate in the design, planning, and construction of the Long Beach Desalination Research and Development Project in Los Angeles County, California.

“(2) FEDERAL SHARE.—The Federal share of the cost of the project described in paragraph (1) shall not exceed 50 percent of the total.

“(3) NO FUNDING FOR OPERATION AND MAINTENANCE.—The Secretary shall not provide funds for the operation or maintenance of the project described in paragraph (1).

“(c) LAS VEGAS AREA SHALLOW AQUIFER DESALINATION RESEARCH AND DEVELOPMENT PROJECT.—

“(1) IN GENERAL.—The Secretary, in cooperation with the Southern Nevada Water Authority, may participate in the design, planning, and construction of the Las Vegas Area Shallow Aquifer Desalination Research and Development Project in Clark County, Nevada.

“(2) FEDERAL SHARE.—The Federal share of the cost of the project described in paragraph (1) shall not exceed 50 percent of the total.

“(3) NO FUNDING FOR OPERATION AND MAINTENANCE.—The Secretary shall not provide funds for the operation or maintenance of the project described in paragraph (1).”.

#### ADDITIONAL COSPONSORS

S. 101

At the request of Mr. LEVIN, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 101, a bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

S. 448

At the request of Mr. GRASSLEY, the names of the Senator from Utah [Mr. HATCH] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 448, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 678

At the request of Mr. AKAKA, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Maine [Mr. COHEN], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 678, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes.

S. 770

At the request of Mr. DOLE, the names of the Senator from Virginia [Mr. WARNER], the Senator from Idaho [Mr. CRAIG], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 792

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 792, a bill to recognize the National Education Technology Funding Corporation as a non-profit corporation operating under the laws of the District of Columbia, to provide authority for Federal departments and agencies to provide assistance to such corporation, and for other purposes.

S. 794

At the request of Mr. LUGAR, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 830

At the request of Mr. SPECTER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 830, a bill to amend title 18, United States Code, with respect to fraud and false statements.

S. 838

At the request of Mr. D'AMATO, the name of the Senator from Connecticut

[Mr. LIEBERMAN] was added as a cosponsor of S. 838, a bill to provide for additional radio broadcasting to Iran by the United States.

#### SENATE RESOLUTION 97

At the request of Mr. THOMAS, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Resolution 97, a resolution expressing the sense of the Senate with respect to peace and stability in the South China Sea.

#### SENATE CONCURRENT RESOLUTION 17—RELATIVE TO THE CAPITOL GROUNDS

Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. SPECTER, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

#### S. CON. RES. 17

Whereas the RAH-66 Comanche is the new reconnaissance helicopter of the Army;

Whereas the Comanche will save the lives of military aviators acting in the defense of the Nation;

Whereas the technologies employed in the Comanche makes it a revolutionary, highly effective, and survivable helicopter;

Whereas the Comanche development program is on budget, on schedule, and encompasses the latest concepts of design and testing to drastically reduce performance risk and ensure ease of manufacturing and maintenance; and

Whereas many members of Congress have expressed support for the Comanche and an interest in seeing the Comanche and learning more about its technology: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. USE OF CAPITOL GROUNDS FOR THE EXHIBITION OF THE COMANCHE HELICOPTER AND ASSOCIATED TECHNOLOGIES.

The Boeing Company and United Technologies Corporation Joint Venture (hereinafter in this resolution referred to as the “Joint Venture”), acting in cooperation with the Secretary of the Army, shall be permitted to sponsor a public event featuring the first flying prototype of the RAH-66 Comanche helicopter on the East Front Plaza of the Capitol Grounds on June 21, 1995, or on such other date as the President pro tempore of the Senate and the Speaker of the House of Representatives may jointly designate.

#### SEC. 2. CONDITIONS.

(a) IN GENERAL.—The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Joint Venture shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

(b) FLYING PROHIBITION.—The Comanche helicopter referred to in section 1 shall be transported by truck to and from the event to be carried out under this resolution and shall not be flown as part of the event.

#### SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Joint Venture is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, a portable