

Spending taxpayer funds on politically motivated lobbying activities isn't just wasteful, it's wrong.

Taxpayers, who come from all walks of life and all ends of the political spectrum, should not be forced to finance lobbying activities on behalf of causes they might oppose, or know nothing about.

Especially in this age of fiscal austerity, no one should ever use Federal money to lobby the Federal Government. This bill goes after the most blatant examples—where Federal agencies are producing and spreading propaganda—and encouraging others to lobby on their behalf.

The abuses addressed by this bill are already illegal, but the existing law, which employs criminal sanctions, has never been enforced. It has been subject to many different interpretations by the Justice Department, but never one that included enforcement.

This bill includes civil sanctions, providing for easier enforcement, and helps clear up any ambiguities.

Under this bill, the President, the Vice President, and Senate-confirmed Federal officials are allowed to speak out on the administration's position—but they cannot place pressure on non-governmental organizations.

Executive branch officials are allowed to communicate with Congress directly about upcoming bills.

But the bill does not allow the administration to continue what has become in essence a grassroots lobbying operation at taxpayer expense.

The bill will bring a halt to the outrageous practice of Government agencies providing talking points, briefing books, pamphlets, and other activities undertaken to foster the support or opposition to pending legislation.

When the Founding Fathers designed our Government, they adhered strictly to the doctrine of separation of powers. This bill is an attempt to return our Government to their ideal.

The executive branch should concern itself with implementing the laws passed by Congress, not with trying to influence the outcome of legislation for their own—or others' special interests.

The legislative process is the purview of the legislative branch. We welcome the administration's input, but not their lobbying activities. This bill will protect the taxpayers by ending these practices.●

ADDITIONAL COSPONSORS

S. 942

At the request of Mr. BOND, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 942, a bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business con-

cerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes.

S. 1027

At the request of Mr. BROWN, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1027, a bill to eliminate the quota and price support programs for peanuts, and for other purposes.

S. 1039

At the request of Mr. ABRAHAM, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1039, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1166

At the request of Mr. LUGAR, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safeguard infants and children, and for other purposes.

S. 1355

At the request of Mr. DORGAN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1355, a bill to amend the Internal Revenue Code of 1986 to end deferral for United States shareholders on income of controlled foreign corporations attributable to property imported into the United States.

S. 1563

At the request of Mr. SIMPSON, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 1563, a bill to amend title 38, United States Code, to revise and improve eligibility for medical care and services under that title, and for other purposes.

S. 1592

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1592, a bill to strike the prohibition on the transmission of abortion-related matters, and for other purposes.

S. 1596

At the request of Mr. MURKOWSKI, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1596, a bill to direct a property conveyance in the State of California.

S. 1597

At the request of Mr. DORGAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1597, a bill to amend the Internal Revenue Code of 1986 to discourage American businesses from moving jobs overseas and to encourage the creation of

new jobs in the United States, and for other purposes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

SENATE RESOLUTION 152

At the request of Mr. ABRAHAM, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Resolution 152, a resolution to amend the Standing Rules of the Senate to require a clause in each bill and resolution to specify the constitutional authority of the Congress for enactment, and for other purposes.

SENATE RESOLUTION 217

At the request of Mrs. KASSEBAUM, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Resolution 217, a resolution to designate the first Friday in May 1996, as "American Foreign Service Day" in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

AMENDMENT NO. 3492

At the request of Mr. GRAMS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of Amendment No. 3492 proposed to H.R. 3019, a bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

SENATE RESOLUTION 231—EXTENDING SYMPATHIES TO THE PEOPLE OF SCOTLAND

Mr. WELLSTONE (for himself and Mr. BRADLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 231

Whereas all Americans were horrified by the news this morning that 16 kindergarten children and their teacher were shot and killed yesterday in Dunblane, Scotland, by an individual who invaded their school;

Whereas another 12 children and 3 adults were apparently wounded in the same terrible assault;

Whereas this was an unspeakable tragedy of huge dimensions causing tremendous feelings of horror and anger and sadness affecting all people around the world; and

Whereas the people of the United States wish to extend their sympathy to the people of Scotland in their hours of hurt and pain and grief;

Therefore be it resolved by the Senate of the United States that the Senate, on behalf of the American people, does extend its condolences and sympathies to the families of their little children and others who were murdered and wounded, and to all the people of Scotland, with fervent hopes and prayers that such an occurrence will never, ever again take place.

AMENDMENTS SUBMITTED

THE 1996 BALANCED BUDGET DOWNPAYMENT ACT, II

MURRAY (AND OTHERS)
AMENDMENT NO. 3493

Mrs. MURRAY (for herself, Mr. LEAHY, Mr. BAUCUS, Mr. BUMPERS, Mrs. FEINSTEIN, Mr. BRADLEY, Ms. MOSELEY-BRAUN, and Mrs. BOXER) proposed an amendment to amend No. 3466 proposed by Mr. HATFIELD to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —TIMBER SALVAGE

SEC. 01. SHORT TITLE.

This title may be cited as the "Public Participation in Timber Salvage Act of 1996".

SEC. 02. VOIDING OF CONFLICTING PROVISION.

Section 325 of the Omnibus Rescissions and Appropriations Act of 1996 is void.

SEC. 03. FINDINGS.

Congress finds that—

(1) when events such as forest fire, wind storms, or epidemic disease or insect infestations occur, the Forest Service and the Bureau of Land Management should have available the tools necessary to harvest timber expeditiously in order to get a high commodity value from dead or dying trees;

(2) improving the health of our forests is a national priority that should be addressed through comprehensive analysis and public involvement, and should focus not only on the health of trees, but on the health of the entire forest, including watersheds, soils, fisheries, and wildlife; and

(3) timber sales, including salvage timber sales, should be conducted in accordance with all applicable laws in order to ensure the sustainability of the components and functions of the forests.

Subtitle A—Repeal of Emergency Salvage Timber Sale Program

SEC. 11. REPEAL OF EMERGENCY SALVAGE TIMBER SALE PROGRAM.

Section 2001 of Public Law 104-19 (109 Stat. 240; 16 U.S.C. 1611 note) is repealed.

SEC. 12. EXISTING TIMBER SALE CONTRACTS.

(a) SUSPENSION.—Notwithstanding any outstanding judicial order or administrative proceeding interpreting subsection (k) of section 2001 of Public Law 104-19 (109 Stat. 240; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act), the Secretary of Agriculture and the Secretary of the Interior shall suspend each timber sale that the Secretary concerned determines that was being undertaken under the authority provided in the subsection.

(b) REPLACEMENT OR TERMINATION OF TIMBER SALE CONTRACTS.—

(1) IN GENERAL.—Notwithstanding any other provision of contract law, the Sec-

retary concerned shall negotiate with a purchaser of timber offered, awarded, or released pursuant to section 318 of Public Law 101-121 (103 Stat. 745) or section 2001(k) of Public Law 104-19 (109 Stat. 246; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act) to modify the sale to comply with environmental and natural resources laws or to provide, within 1 year after the date of enactment of this Act (unless otherwise agreed by the Secretary and the purchaser), a volume, value, and kind of alternative timber as a replacement for the remaining timber offered, awarded, or released.

(2) ENVIRONMENTAL AND NATURAL RESOURCE LAWS.—Modified sales or replacement timber provided under paragraph (1) shall comply with—

(A) any applicable environmental or natural resource law;

(B) any resource management plan, land and resource management plan, regional guide or forest plan, including the Northwest Forest Plan and any plan developed under the Interior Columbia Basin Ecosystem Management Project; and

(C) any relevant standard or guideline, including PACFISH, INFISH, and Eastside screens, and shall be subject to administrative appeal and judicial review.

(3) TERMINATION.—If the Secretary and the purchaser do not reach agreement under paragraph (1), the Secretary concerned may—

(A) exercise any provision of the original contract that authorizes termination; or

(B) if the Secretary concerned determines that termination or modification of the contract is necessary to avoid adverse effects on the environment or natural resources, terminate or modify the contract.

(c) PAYMENT FOR TIMBER SALE CONTRACTS RELINQUISHED.—Any claim, whether as a result of a judgment or an agreement, against the Federal Government arising from a timber sale contract offered, awarded, or released under section 318 of Public Law 101-121 (103 Stat. 745), from section 2001(k) of Public Law 104-19 (109 Stat. 246; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act), from this Act, or from the exercise of the Secretary's right to suspend, modify, or terminate the contract may be—

(1) paid from funds made available under section 1304 of title 31, United States Code, and shall not require reimbursement under section 13(c) of the Contract Disputes Act of 1978 (41 U.S.C. 612(c));

(2) paid through a certificate of bidding rights credits to be used by the purchaser (or a successor or assign of the purchaser) as payment for past, current or future timber sales; or

(3) paid through funds appropriated for the purpose.

(d) REPAYMENT OF GOVERNMENT GUARANTEED LOANS.—The Secretary may repay any government-guaranteed loan related to a timber processing facility.

(e) NEGOTIATIONS BETWEEN THE SECRETARY CONCERNED AND THE PURCHASER.—The Secretary concerned and the timber sale purchaser may use any combination of methods provided in subsections (b) and (c) or other authorized means to dispose of a timber sale contract under this section.

(f) DISPUTES.—Any claim by a purchaser against the Federal Government relating to a contract replaced, modified, suspended, or terminated under this section shall be subject to the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) except that reimbursement under section 13(c) of that Act is not required.

(g) FUNDING.—The Secretary concerned shall pay purchasers for agreements nego-

tiated in this subsection from any funds available to the Secretary.

SEC. 13. SALES INITIATED UNDER EXISTING LAW.

(a) IN GENERAL.—A sale initiated but not awarded to a purchaser by the Forest Service or the Bureau of Land Management under subsection (b) or (d) of section 2001 of Public Law 104-19 (109 Stat. 240; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act) as of March 5, 1996, shall be subject to all environmental and natural resource laws. The Secretary concerned may elect to proceed with sales initiated under subsection (b) of section 2001 of Public Law 104-19 either under the provisions of subtitle C of this Act or other applicable law authorizing the Secretary concerned to conduct salvage timber sales. *Provided however*, that if, prior to enactment to this Act, an environmental assessment or environmental impact statement has been issued for public comment, the public comment period shall not be repeated and the proposal shall proceed through the applicable agency appeal process.

(b) SALES AWARDED TO PURCHASERS.—

(1) IN GENERAL.—A timber sale contract that has been awarded to a purchaser under subsection (b) or (d) of section 2001 of Public Law 104-19 (109 Stat. 240; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act) shall, notwithstanding the commencement of contract performance, be subject to—

(A) in the case of Forest Service sales, administrative appeal in accordance with section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (106 Stat. 1419; 16 U.S.C. 1612 note);

(B) in the case of Bureau of Land Management sales, protests filed in accordance with section 5003.3 of title 43, Code of Federal Regulations (or any successor regulation); and

(C) judicial review.

(3) REQUIREMENTS.—Section 2001 of Public Law 104-19 (109 Stat. 240; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act) shall apply to any claim under paragraph (1) related to compliance with any expedited procedural requirement. Any other claim shall be subject to applicable law.

(4) TERMINATION OR MODIFICATION.—If the result of the protest or judicial review indicates a need to terminate or modify the awarded contract, the Secretary concerned may—

(A) exercise any provision of the original contract that authorizes termination and payment of specified damages, where applicable; or

(B) if the Secretary concerned determines that termination or modification of the contract is necessary to avoid adverse effects on the environment or natural resources, terminate or modify the contract.

Subtitle B—Northwest Forest Plan

SEC. 21. NORTHWEST FOREST PLAN.

(a) DIRECTION TO COMPLETE TIMBER SALES.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts consistent with the Northwest Forest Plan.

(b) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of the Interior shall, to the maximum extent practicable, make funds available for qualified personnel, such as biologists, hydrologists, and geologists, to complete any watershed assessment or other analyses required for the preparation, advertisement, and award of timber sale contracts in order to meet the probable