The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. (Selectee) Charles S. Abbott, 000–00–0000.

The following-named officer for appointment to the grade of lieutenant general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. William M. Steele, 000–00–0000.

The following-named officer for appointment to the grade of lieutenant general in the U.S. Marine Corps while assigned to a position of importance and responsibility under the provisions of section 601(a), title 10, United States Code:

To be lieutenant general

Maj. Gen. Peter Pace, 000–00–0000.

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, sections 601 and 5141:

CHIEF OF NAVAL PERSONNEL

To be vice admiral

Rear Adm. Daniel T. Oliver, 000–00–0000.

The following-named officer for appointment to the grade of lieutenant general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Dennis L. Benchoff, 000–00–0000.

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

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably the attached listing of nominations. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD of June 18 and June 21, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of June 18 and June 21, 1996, at the end of the Senate proceedings.)

**In the Air Force there are 31 appointments to the grade of second lieutenant (list begins with Brian K. Bakshas) (Reference No. 1166).

**In the Air Force Reserve there are 50 promotions to the grade of lieutenant colonel (list begins with Daniel A. Babine) (Reference No. 1167).

**In the Air Force there are 170 appointments to the grade of second lieutenant (list begins with Justin L. Abold) (Reference No. 1168).

**In the Air force Reserve there are 31 promotions to the grade of lieutenant colonel (list begins with Larry D. Biggers) (Reference No. 1171).

**In the Army Reserve there are 49 promotions to the grade of colonel and below (list begins with Gregory K. Austin) (Reference No. 1172).

**In the Army there are 6 promotions to the grade of major (list begins with Gregory B. Baxter) (Reference No. 1173).

**In the Marine Corps there are 636 promotions to the grade of major (list begins with Mark D. Abelson) (Reference No. 1174).

Total: 983.

By Mr. HATCH, from the Committee on the Judiciary:

Arthur Gajarsa, of Maryland, to be U.S. Circuit Judge for the Federal Circuit.

Frank R. Zapata, of Arizona, to be U.S. District Judge for the District of Arizona.

Joan B. Gottschall, of Illinois, to be U.S. District Judge for the Northern District of Illinois.

Lawrence E. Kahn, of New York, to be U.S. District Judge for the Northern District of New York.

Margaret M. Morrow, of California, to be U.S. District Judge for the Central District of California.

Robert L. Hinkle, of Florida, to be U.S. District Judge for the Northern District of Florida.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. BOXER:

S. 1910. A bill to amend the Public Health Service Act to provide for expanding, intensifying, and coordinating activities of the National Heart, Lung, and Blood Institute with respect to heart attack, stroke, and other cardiovascular diseases in women; to the Committee on Labor and Human Resources.

By Ms. MOSELEY-BRAUN (for herself and Mr. JEFFORDS):

S. 1911. A bill to amend the Internal Revenue Code of 1986 to encourage economic development through the creation of additional empowerment zones and enterprise communities and to encourage the cleanup of contaminated brownfield sites; to the Committee on Finance.

By Mr. PRYOR:

S. 1912. A bill to clarify the provision of section 3626(b) of title 39, United States Code, defining an ''institution of higher education''; to the Committee on Governmental Affairs.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1913. A bill to establish the Lower East Side Tenement Museum National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 1914. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of research related to an existing business component; to the Committee on Finance.

By Mr. JEFFORDS:

S. 1915. A bill to amend the Endangered Species Act of 1973 to prohibit the sale of products labeled as containing endangered species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEWINE:

S. 1916. A bill to authorize the Secretary of the Army to convey to the village of Mariemont, Ohio, a parcel of land referred to as the ''Ohio River Division Laboratory of the Army Corps of Engineers'', and for other purposes; to the Committee on Environment and Public Works.

By Mr. ABRAHAM (for himself and Mr. SHELBY):

S. 1917. A bill to authorize the State of Michigan to implement the demonstration project known as ''To Strengthen Michigan Families''; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. BAUCUS, Mr. SIMPSON, Mr. CONRAD, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. BRADLEY, Mr. ROCKEFELLER, Mr. MURKOWSKI, Mr. NICKLES, Mr. PRYOR, Mr. GRAHAM, Mr. BREAUX, Mr. GRAMM, Mr. D'AMATO, Mr. HATCH, Mr. PRESSLER, and Mr. LOTT):

S. 1918. A bill to amend trade laws and related provisions to clarify the designation of normal trade relations; to the Committee on Finance.

By Mr. COVERDELL:

S. 1919. A bill to amend the Controlled Substances Import and Export Act to prohibit the use of an imported controlled substance (including flunitrazepam) to commit a felony, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 1920. A bill to amend the Alaska National Interest Lands Conservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG:

S. 1921. A bill to authorize the Secretary of the Interior to transfer certain facilities at the Minidoka project to the Burley Irrigation District, 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. HELMS (for himself, Mr. PELL, Mr. LOTT, Mr. DASCHLE, Mr. BROWN, Mrs. FEINSTEIN, Mr. REID, Ms. MOSELEY-BRAUN, Mr. BRYAN, Mr. COATS, Mr. BAUCUS, Mr. MOYNIHAN, Mr. DOMENICI, Mr. GRAMM, and Mr. COVERDELL):

S. Res. 273. A resolution condemning terror attacks in Saudi Arabia; considered and agreed to.

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

S. Res. 274. A resolution to express the sense of the Senate regarding the outstanding achievements of NetDay96; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself, Mr. KENNEDY, Mrs. MURRAY, Mr. WYDEN, Mr. FEINGOLD, Mr. AKAKA, Mr. SIMON, and Mr. SARBANES):

S. Con. Res. 66. A concurrent resolution to express the sense of the Congress that any welfare reform legislation enacted by the Congress should include provisions addressing domestic violence; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 1910. A bill to amend the Public Health Service Act to provide for expanding, intensifying, and coordinating activities of the National Heart, Lung, and Blood Institute with respect to

heart attack, stroke, and other cardiovascular diseases in women; to the Committee on Labor and Human Resources

THE WOMEN'S CARDIOVASCULAR DISEASES RESEARCH AND PREVENTION ACT

Mrs. BOXER. Mr. President, today I am introducing the Women's Cardiovascular Diseases Research and Prevention Act, a bill to expand and intensify research and educational outreach programs regarding cardiovascular diseases in women. This bill will aid our Nation's doctors and scientists in developing a coordinated and comprehensive strategy for fighting this terrible disease.

Cardiovascular disease is the No. 1 killer of women in the United States. Over 479,000 women die from cardiovascular disease each year and 1 in 5 women has some form of the disease. Research is our best hope for averting this national tragedy which strikes so many of our grandmothers, mothers, aunts and daughters.

The Women's Cardiovascular Diseases Research and Prevention Act authorizes $140 million to the National Heart, Lung and Blood Institute to expand and intensify research, prevention, and educational outreach programs for heart attack, stroke and other cardiovascular diseases in women.

This bill will educate women and doctors about the dire threat heart disease poses to women's health. It will help train doctors to better recognize symptoms of cardiovascular disease which are unique to women. It would also teach women about risk factors, such as smoking, obesity, and physical inactivity, which greatly increase their chances of developing coronary heart disease.

For years, women have been underrepresented in studies conducted on heart disease and stroke. Models and tests for detection have been conducted largely on men. This legislation will help ensure that women are well represented in future heart and stroke research studies.

The Women's Cardiovascular Diseases Research and Prevention Act has been introduced in the House by Representative WATERS, and it has been included in the Women's Health Equity Act, a broader package of bills to bring national attention to women's health issues.

I urge my colleagues to commit to combating cardiovascular disease by supporting this bill.

I ask unanimous consent that the full 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. 1910

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 ''women's Cardiovascular Diseases Research and Prevention Act''.

SEC. 2. FINDINGS.

The Congress finds as follows with respect to women in the United States:

(1) Heart attack, stroke, and other cardiovascular diseases are the leading causes of death in women.

(2) Heart attacks and strokes are leading causes of disability in women.

(3) Cardiovascular diseases claim the lives of more women each year than does cancer. Each year more than 479,000 females die of cardiovascular diseases, while approximately 246,000 females die of cancer. Heart attack kills more than 5 times as many females as breast cancer. Stroke kills twice as many females as breast cancer.

(4) One in 5 females has some form of cardiovascular disease. Of females under age 65, each year more than 20,000 die of heart attacks. In the case of African-American women, from ages 35 to 74 the death rate from heart attacks is approximately twice that of white women and 3 times that of women of other races.

(5) Each year since 1984, cardiovascular diseases have claimed the lives of more females than males. In 1992, of the number of individuals who died of such diseases, 52 percent were females and 48 percent were males.

(6) The clinical course of cardiovascular diseases is different in women than in men, and current diagnostic capabilities are less accurate in women than in men. Once a woman develops a cardiovascular disease, she is more likely than a man to have continuing health problems, and she is more likely to die.

(7) Of women who have had a heart attack, approximately 44 percent die within 1 year of the attack. Of men who have had such an attack, 27 percent die within 1 year. At older ages, women who have had a heart attack are twice as likely as men to die from the attack within a few weeks. Women are more likely than men to have stroke during the first 6 years following a heart attack. More than 60 percent of women who suffer a stroke die within 8 years. Long-term survivorship of stroke is better in women than in men. Of individuals who die from a stroke, each year approximately 61 percent are females. In 1992, 87,124 females died from strokes. Women have unrecognized heart attacks more frequently than men. Of women who died suddenly from heart attack, 63 percent had no previous evidence of disease.

(8) More than half of the annual health care costs that are related to cardiovascular diseases are attributable to the occurrence of the diseases in women, each year costing this nation hundreds of billions of dollars in health care costs and lost productivity.

SEC. 3. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING HEART ATTACK, STROKE AND OTHER CARDIOVASCULAR DISEASES IN WOMEN.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424 the following section:

''HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN

''SEC. 424A. (a) IN GENERAL.—The Director of the Institute shall expand, intensify, and coordinate research and related activities of the Institute with respect to heart attack, stroke, and other cardiovascular diseases in women.

''(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate activities under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to heart attack, stroke, and other cardiovascular diseases in women.

''(c) CERTAIN PROGRAMS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to develop methods for preventing, cardiovascular diseases in women. Activities under such subsection shall include conducting and supporting the following:

''(1) Research to determine the reasons underlying the prevalence of heart attack, stroke, and other cardiovascular diseases in women, including African-American women and other women who are members of racial or ethnic minority groups.

''(2) Basic research concerning the etiology and causes of cardiovascular diseases in women.

''(3) Epidemiological studies to address the frequency and natural history of such diseases and the differences among men and women, and among racial and ethnic groups, with respect to such diseases.

''(4) The development of safe, efficient, and cost-effective diagnostic approaches to evaluating women with suspected ischemic heart disease.

''(5) Clinical research for the development and evaluation of new treatments for women, including rehabilitation.

''(6) Studies to gain a better understanding of methods of preventing cardiovascular diseases in women, including applications of effective methods for the control of blood pressure, lipids, and obesity.

''(7) Information and education programs for patients and health care providers on risk factors associated with heart attack, stroke, and other cardiovascular diseases in women, and on the importance of the prevention or control of such risk factors and timely referral with appropriate diagnosis and treatment. Such programs shall include information and education on health-related behaviors that can improve such important risk factors as smoking, obesity, high blood cholesterol, and lack of exercise.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $140,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.''.

By Ms. MOSELEY-BRAUN (for herself and Mr. JEFFORDS):

S. 1911. A bill to amend the Internal Revenue Code of 1986 to encourage economic development through the creation of additional empowerment zones and enterprise communities and to encourage the cleanup of contaminated brownfield sites; to the Committee on Finance.

THE COMMUNITY EMPOWERMENT ACT OF 1996

Ms. MOSELEY-BRAUN. Mr. President, it gives me great pleasure, together with my colleagues, Senators D'AMATO and JEFFORDS, to introduce the Community Empowerment Act of 1996. This is economic development legislation that will create new growth and new jobs, by facilitating the cleanup and reuse of what are called brownfield industrial and commercial sites, and by adding 20 additional empowerment zones and 80 additional enterprise communities all across the Nation.

Mr. President, this legislation provides a new opportunity for cooperation between government and the private sector not only to help rebuild

urban areas and rural areas and suburban areas to attract investments, but also to effect the cleanup of what I sometimes refer to as an ''environmentally challenged area.''

The act refers to brownfields specifically and provides a tax incentive rather for brownfield cleanups. Incentives exist in that money spent by new owners for the cleanup of environmentally polluted areas will accrue as an expense on their income tax.

Brownfields are contaminated industrial sites. Usually, the facilities are abandoned and have problems selling because of the contamination that was left on the property. These sites are well suited for industrial and commercial redevelopment because the transportation infrastructure already exist, the utilities are there and the labor force is there. However, potential redevelopers usually stay away from these sites, in no small part because current law forces them to capitalize environmental cleanup costs. That constitutes a daunting obstacle to redevelopment. Even small amounts of contamination adds significantly to the cost and uncertainty of a reuse project. Therefore, businesses have a significant incentive to move to areas outside of the brownfield communities because of the cost associated with the cleanup and redevelopment. Reversing this deterrent, therefore will help to encourage businesses to reuse these brownfields.

Under the provisions of this legislation, qualifying brownfields would be provided full first-year expensing of environmental cleanup costs under the Federal tax code. Full first-year expensing simply means that a tax deduction will be allowed for the cleanup costs in the year that the costs are incurred.

At present, if an industrial property owner does environmental damage to their property and then cleans up the site, the owner is allowed to expense the cost of that cleanup. However, in a strange twist of logic, someone who buys an environmentally damaged piece of property and who cleans up that property is now allowed to expense these cleanup costs, but instead must deduct the cost over many years.

The result? An urban landscape littered with vacant and abandoned properties—properties which attract crime and bring down property values in the surrounding neighborhoods.

This is an issue that directly affects the lives of literally millions of Americans, and addressing it will empower communities across the country. The collective efforts of everyone, particularly, the nonprofit community, the private sector, the Government, developers and grassroots community groups are essential to begin the process of returning brownfield properties back to productive use, and to bring economic growth back to the inner cities and disadvantaged rural areas.

In order to help communities across the Nation begin rebuilding their economic base, reestablish viable areas for businesses to locate, and to stimulate job growth, at the Federal level, we must provide the appropriate mix of incentives and the right climate to encourage private investment.

This legislation take a non bureaucratic approach to encouraging investment because all of the funds go toward the cleanup and not to administrative costs. This legislation opens up opportunity through targeted tax incentives.

The Community Empowerment Act creates tax incentives, that we hope will break through some of the current barriers preventing the private industry from investing in brownfields cleanup projects. The legislation's tax incentives will help bring thousands of environmentally contaminated industrial sites back into productive use again, help to rebuild neighborhoods, create jobs, and help restore our Nation's cities, distressed communities and rural areas.

Particularly in my State of Illinois, the brownfields provisions should have a major impact on efforts to help restore severely neglected areas. It will allow for the cleanup of 300 to 500 sites in Illinois with remediation costs ranging from $250,000 to $500,000. It is expected that such cleanup will create hundreds of jobs.

This legislation will help companies all across America absorb the costs of restoring brownfields. The Treasury Department estimates that the Community Empowerment Act of 1996 will provide $2 billion in tax incentives, and that it will leverage $10 billion in private investment, returning an estimated 30,000 brownfields to productive use again.

What makes this legislation so attractive, is that the Federal dollars to cleanup these brownfields will be concentrated in the areas with the most severe problems. The tax incentive would be available in neighborhoods that are truly in need of an investment. The bill targets four areas: First, existing EPA brownfields pilot areas; second, areas with a poverty rate of 20 percent or more and in adjacent industrial or commercial areas; third, areas with a population under 2,000 or more than 75 percent of which is zoned for industrial or commercial use; and fourth, Empowerment Zones and Enterprise Communities.

This legislation will assist efforts to cleanup these brownfields in cities across the Nation, with the active primary participation of the cities and community leaders. Such participation will make the initiative efficient, and successful.

Mayor Richard Daley of Chicago, has taken the initiative to establish a brownfields pilot program. One example of a successful public/private partnership pulling together to cleanup a brownfields site is the Madison Equipment site located in Illinois. This abandoned industrial building was a neighborhood eyesore. Scavengers had stolen most of the wiring and plumbing and illegal or ''midnight'' dumping was rampant. Madison Equipment needed expansion space but feared environmental liability. However, in 1993, the city of Chicago invested just a little over $3,000 in this project and 1 year later Madison had put $180,000 into redeveloping the building. The critical reason that lenders and investors will look at this area is because the city committed public money to spur private redevelopment and investment. When the local government demonstrates the confidence to commit public funds, private financial institutions are more likely to follow suit.

Chicago's pilot program successfully will return all of the pilot sites to productive use for a total of about $850,000. It has helped to retain and create hundreds of jobs, and stimulated private investment. Chicago is a perfect example of what this legislation can accomplish on a national level. But in order to make it all happen, cooperation is key. Effective strategies require strong partnerships among government, industry, organized labor, community groups, developers, environmentalists, and financiers who all realize that when their efforts are aligned, progress is easier.

Brownfields are both an environmental and an economic development problem and brownfield initiatives should be viewed as one important component of a larger strategy for revitalizing our Nation's communities. Cleaning up sites is only half the goal. Cleanup must be pursued along with redevelopment that will benefit not only the private companies but the community at large.

That is why along with the brownfield tax incentives, the legislation also establishes 20 more empowerment zones and 80 additional enterprise communities. Empowerment Zones and Enterprise Communities receive a variety of tools from the Federal Government: First, a package of tax incentives and flexible grants available over a 10-year period; second, priority consideration for other Federal empowerment programs; and third, assistance in removing bureaucratic red tape and regulatory barriers that prevent innovative uses of Federal funds.

This approach recognizes that top-down, big-government solutions are not the answer to communities' problems, and that enhanced public-private partnerships are essential.

Economic empowerment can be achieved but it is best done through public/private partnerships. Economic revitalization in this Nation's most distressed communities is essential to the growth of our entire Nation. With the concept of team effort, we can rebuild our cities by stimulating investment that creates jobs. Environmental protection can be and is good business. With this legislation, we will begin the effort to restore economic growth back into our countries industrial centers and rural communities while improving the environment.

I would like to thank President Clinton, Vice President GORE and Secretary Rubin for their leadership and work on this issue. I appreciate my colleagues Senator D'AMATO and JEFFORDS for their cosponsorship and in making this legislation a bipartisan effort. I urge all of my colleagues to join us in supporting the quick passage of this legislation. Mr. President, I ask unanimous consent that a section-by-section analysis of the bill and the text of the bill be printed in the RECORD.

I urge my colleagues to take a good look at the legislation. I think and I hope that it will receive bipartisan support.

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

S. 1911

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

SECTION 1. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—ADDITIONAL EMPOWERMENT ZONES

SEC. 101. ADDITIONAL EMPOWERMENT ZONES.

(a) IN GENERAL.—Paragraph (2) of section 1391(b) (relating to designations of empowerment zones and enterprise communities) is amended—

(1) by striking ''9'' and inserting ''11'',

(2) by striking ''6'' and inserting ''8'', and

(3) by striking ''750,000'' and inserting ''1,000,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that designations of new empowerment zones made pursuant to such amendments shall be made during the 180-day period beginning on the date of the enactment of this Act.

TITLE II—NEW EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES

SEC. 201. DESIGNATION OF ADDITIONAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES.

(a) IN GENERAL.—Section 1391 (relating to designation procedure for empowerment zones and enterprise communities) is amended by adding at the end the following new subsection:

''(g) ADDITIONAL DESIGNATIONS PERMITTED.—

''(1) IN GENERAL.—In addition to the areas designated under subsection (a)—

''(A) ENTERPRISE COMMUNITIES.—The appropriate Secretaries may designate in the aggregate an additional 80 nominated areas as enterprise communities under this section, subject to the availability of eligible nominated areas. Of that number, not more than 50 may be designated in urban areas and not more than 30 may be designated in rural areas.

''(B) EMPOWERMENT ZONES.—The appropriate Secretaries may designate in the aggregate an additional 20 nominated areas as empowerment zones under this section, subject to the availability of eligible nominated areas. Of that number, not more than 15 may be designated in urban areas and not more than 5 may be designated in rural areas.

''(2) PERIOD DESIGNATIONS MAY BE MADE.—A designation may be made under this subsection after the date of the enactment of this subsection and before January 1, 1998.

''(3) MODIFICATIONS TO ELIGIBILITY CRITERIA, ETC.—

''(A) POVERTY RATE REQUIREMENT.—

''(i) IN GENERAL.—A nominated area shall be eligible for designation under this subsection only if the poverty rate for each population census tract within the nominated area is not less than 20 percent and the poverty rate for at least 90 percent of the population census tracts within the nominated area is not less than 25 percent.

''(ii) TREATMENT OF CENSUS TRACTS WITH SMALL POPULATIONS.—A population census tract with a population of less than 2,000 shall be treated as having a poverty rate of not less than 25 percent if—

''(I) more than 75 percent of such tract is zoned for commercial or industrial use, and

''(II) such tract is contiguous to 1 or more other population census tracts which have a poverty rate of not less than 25 percent (determined without regard to this clause).

''(iii) EXCEPTION FOR DEVELOPABLE SITES.—Clause (i) shall not apply to up to 3 noncontiguous parcels in a nominated area which may be developed for commercial or industrial purposes. The aggregate area of noncontiguous parcels to which the preceding sentence applies with respect to any nominated area shall not exceed 1000 acres (2,000 acres in the case of an empowerment zone).

''(iv) CERTAIN PROVISIONS NOT TO APPLY.—Section 1392(a)(4) (and so much of paragraphs (1) and (2) of section 1392(b) as relate to section 1392(a)(4)) shall not apply to an area nominated for designation under this subsection.

''(v) SPECIAL RULE FOR RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES.—The Secretary of Agriculture may designate not more than 1 empowerment zone, and not more than 5 enterprise communities, in rural areas without regard to clause (i) if such areas satisfy emigration criteria specified by the Secretary of Agriculture.

''(B) SIZE LIMITATION.—

''(i) IN GENERAL.—The parcels described in subparagraph (A)(iii) shall not be taken into account in determining whether the requirement of subparagraph (A) or (B) of section 1392(a)(3) is met.

''(ii) SPECIAL RULE FOR RURAL AREAS.—If a population census tract (or equivalent division under section 1392(b)(4)) in a rural area exceeds 1,000 square miles or includes a substantial amount of land owned by the Federal, State, or local government, the nominated area may exclude such excess square mileage or governmentally owned land and the exclusion of that area will not be treated as violating the continuous boundary requirement of section 1392(a)(3)(B).

''(C) AGGREGATE POPULATION LIMITATION.—The aggregate population limitation under the last sentence of subsection (b)(2) shall not apply to a designation under paragraph (1)(B).

''(D) PREVIOUSLY DESIGNATED ENTERPRISE COMMUNITIES MAY BE INCLUDED.—Subsection (e)(5) shall not apply to any enterprise community designated under subsection (a) that is also nominated for designation under this subsection.

''(E) INDIAN RESERVATIONS MAY BE NOMINATED.—

''(i) IN GENERAL.—Section 1393(a)(4) shall not apply to an area nominated for designation under this subsection.

''(ii) SPECIAL RULE.—An area in an Indian reservation shall be treated as nominated by a State and a local government if it is nominated by the reservation governing body (as determined by the Secretary of Interior).''

(b) EMPLOYMENT CREDIT NOT TO APPLY TO NEW EMPOWERMENT ZONES.—Section 1396 (relating to empowerment zone employment credit) is amended by adding at the end the following new subsection:

''(e) CREDIT NOT TO APPLY TO EMPOWERMENT ZONES DESIGNATED UNDER SECTION 1391(g).—This section shall be applied without regard to any empowerment zone designated under section 1391(g).''

(c) INCREASED EXPENSING UNDER SECTION 179 NOT TO APPLY IN DEVELOPABLE SITES.—Section 1397A (relating to increase in expensing under section 179) is amended by adding at the end the following new subsection:

''(c) LIMITATION.—For purposes of this section, qualified zone property shall not include any property substantially all of the use of which is in any parcel described in section 1391(g)(3)(A)(iii).''

(d) CONFORMING AMENDMENTS.—

(1) Subsections (e) and (f) of section 1391 are each amended by striking ''subsection (a)'' and inserting ''this section''.

(2) Section 1391(c) is amended by striking ''this section'' and inserting ''subsection (a)''.

SEC. 202. VOLUME CAP NOT TO APPLY TO ENTERPRISE ZONE FACILITY BONDS WITH RESPECT TO NEW EMPOWERMENT ZONES.

(a) IN GENERAL.—Section 1394 (relating to tax-exempt enterprise zone facility bonds) is amended by adding at the end the following new subsection:

''(f) BONDS FOR EMPOWERMENT ZONES DESIGNATED UNDER SECTION 1391(g).—

''(1) IN GENERAL.—In the case of a new empowerment zone facility bond—

''(A) such bond shall not be treated as a private activity bond for purposes of section 146, and

''(B) subsection (c) of this section shall not apply.

''(2) LIMITATION ON AMOUNT OF BONDS.—

''(A) IN GENERAL.—Paragraph (1) shall apply to a new empowerment zone facility bond only if such bond is designated for purposes of this subsection by the local government which nominated the area to which such bond relates.

''(B) LIMITATION ON BONDS DESIGNATED.—The aggregate face amount of bonds which may be designated under subparagraph (A) with respect to any empowerment zone shall not exceed—

''(i) $60,000,000 if such zone is in a rural area,

''(ii) $130,000,000 if such zone is in an urban area and the zone has a population of less than 100,000, and

''(iii) $230,000,000 if such zone is in an urban area and the zone has a population of at least 100,000.

''(C) SPECIAL RULES.—

''(i) COORDINATION WITH LIMITATION IN SUBSECTION (c).—Bonds to which paragraph (1) applies shall not be taken into account in applying the limitation of subsection (c) to other bonds.

''(ii) CURRENT REFUNDING NOT TAKEN INTO ACCOUNT.—In the case of a refunding (or series of refundings) of a bond designated under this paragraph, the refunding obligation shall be treated as designated under this paragraph (and shall not be taken into account in applying subparagraph (B)) if—

''(I) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

''(II) the refunded bond is redeemed not later than 90 days after the date of issuance of the refunding bond.

''(3) NEW EMPOWERMENT ZONE FACILITY BOND.—For purposes of this subsection, the term 'new empowerment zone facility bond' means any bond which would be described in

subsection (a) if only empowerment zones designated under section 1391(g) were taken into account under sections 1397B and 1397C.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 203. MODIFICATIONS TO ENTERPRISE ZONE FACILITY BOND RULES FOR ALL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES.

(a) MODIFICATIONS RELATING TO ENTERPRISE ZONE BUSINESS.—Paragraph (3) of section 1394(b) (defining enterprise zone business) is amended to read as follows:

''(3) ENTERPRISE ZONE BUSINESS.—

''(A) IN GENERAL.—Except as modified in this paragraph, the term 'enterprise zone business' has the meaning given such term by section 1397B.

''(B) MODIFICATIONS.—In applying section 1397B for purposes of this section—

''(i) BUSINESSES IN ENTERPRISE COMMUNITIES ELIGIBLE.—References in section 1397B to empowerment zones shall be treated as including references to enterprise communities.

''(ii) WAIVER OF REQUIREMENTS DURING STARTUP PERIOD.—A business shall not fail to be treated as an enterprise zone business during the startup period if—

''(I) as of the beginning of the startup period, it is reasonably expected that such business will be an enterprise zone business (as defined in section 1397B as modified by this paragraph) at the end of such period, and

''(II) such business makes bona fide efforts to be such a business.

''(iii) REDUCED REQUIREMENTS AFTER TESTING PERIOD.—A business shall not fail to be treated as an enterprise zone business for any taxable year beginning after the testing period by reason of failing to meet any requirement of subsection (b) or (c) of section 1397B if at least 35 percent of the employees of such business for such year are residents of an empowerment zone or an enterprise community. The preceding sentence shall not apply to any business which is not a qualified business by reason of paragraph (1), (4), or (5) of section 1397B(d).

''(C) DEFINITIONS RELATING TO SUBPARAGRAPH (B).—For purposes of subparagraph (B)—

''(i) STARTUP PERIOD.—The term 'startup period' means, with respect to any property being provided for any business, the period before the first taxable year beginning more than 2 years after the later of—

''(I) the date of issuance of the issue providing such property, or

''(II) the date such property is first placed in service after such issuance (or, if earlier, the date which is 3 years after the date described in subclause (I)).

''(ii) TESTING PERIOD.—The term 'testing period' means the first 3 taxable years beginning after the startup period.

''(D) PORTIONS OF BUSINESS MAY BE ENTERPRISE ZONE BUSINESS.—The term 'enterprise zone business' includes any trades or businesses which would qualify as an enterprise zone business (determined after the modifications of subparagraph (B)) if such trades or businesses were separately incorporated.''

(b) MODIFICATIONS RELATING TO QUALIFIED ZONE PROPERTY.—Paragraph (2) of section 1394(b) (defining qualified zone property) is amended to read as follows:

''(2) QUALIFIED ZONE PROPERTY.—The term 'qualified zone property' has the meaning given such term by section 1397C; except that—

''(A) the references to empowerment zones shall be treated as including references to enterprise communities, and

''(B) section 1397C(a)(2) shall be applied by substituting 'an amount equal to 15 percent of the adjusted basis' for 'an amount equal to the adjusted basis'.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 204. MODIFICATIONS TO ENTERPRISE ZONE BUSINESS DEFINITION FOR ALL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES.

(a) IN GENERAL.—Section 1397B (defining enterprise zone business) is amended—

(1) by striking ''80 percent'' in subsections (b)(2) and (c)(1) and inserting ''50 percent'',

(2) by striking ''substantially all'' each place it appears in subsections (b) and (c) and inserting ''a substantial portion'',

(3) by striking '', and exclusively related to,'' in subsections (b)(4) and (c)(3),

(4) by adding at the end of subsection (d)(2) the following new flush sentence:

''For purposes of subparagraph (B), the lessor of the property may rely on a lessee's certification that such lessee is an enterprise zone business.'',

(5) by striking ''substantially all'' in subsection (d)(3) and inserting ''at least 50 percent'', and

(6) by adding at the end the following new subsection:

''(f) TREATMENT OF BUSINESSES STRADDLING CENSUS TRACT LINES.—For purposes of this section, if—

''(1) a business entity or proprietorship uses real property located within an empowerment zone,

''(2) the business entity or proprietorship also uses real property located outside the empowerment zone,

''(3) the amount of real property described in paragraph (1) is substantial compared to the amount of real property described in paragraph (2), and

''(4) the real property described in paragraph (2) is contiguous to part or all of the real property described in paragraph (1),

then all the services performed by employees, all business activities, all tangible property, and all intangible property of the business entity or proprietorship that occur in or is located on the real property described in paragraphs (1) and (2) shall be treated as occurring or situated in an empowerment zone.''

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning on or after the date of the enactment of this Act.

(2) SPECIAL RULE FOR ENTERPRISE ZONE FACILITY BONDS.—For purposes of section 1394(b) of the Internal Revenue Code of 1986, the amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

TITLE III—EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS

SEC. 301. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 is amended by adding at the end the following new section:

''SEC. 198. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

''(a) IN GENERAL.—A taxpayer may elect to treat any qualified environmental remediation expenditure which is paid or incurred by the taxpayer as an expense which is not chargeable to capital account. Any expenditure which is so treated shall be allowed as a deduction for the taxable year in which it is paid or incurred.

''(b) QUALIFIED ENVIRONMENTAL REMEDIATION EXPENDITURE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified environmental remediation expenditure' means any expenditure—

''(A) which is otherwise chargeable to capital account, and

''(B) which is paid or incurred in connection with the abatement or control of hazardous substances at a qualified contaminated site.

''(2) SPECIAL RULE FOR EXPENDITURES FOR DEPRECIABLE PROPERTY.—Such term shall not include any expenditure for the acquisition of property of a character subject to the allowance for depreciation which is used in connection with the abatement or control of hazardous substances at a qualified contaminated site; except that the portion of the allowance under section 167 for such property which is otherwise allocated to such site shall be treated as a qualified environmental remediation expenditure.

''(c) QUALIFIED CONTAMINATED SITE.—For purposes of this section—

''(1) QUALIFIED CONTAMINATED SITE.—

''(A) IN GENERAL.—The term 'qualified contaminated site' means any area—

''(i) which is held by the taxpayer for use in a trade or business or for the production of income, or which is property described in section 1221(1) in the hands of the taxpayer,

''(ii) which is within a targeted area, and

''(iii) which contains (or potentially contains) any hazardous substance.

''(B) TAXPAYER MUST RECEIVE STATEMENT FROM STATE ENVIRONMENTAL AGENCY.—An area shall be treated as a qualified contaminated site with respect to expenditures paid or incurred during any taxable year only if the taxpayer receives a statement from the appropriate agency of the State in which such area is located that such area meets the requirements of clauses (ii) and (iii) of subparagraph (A).

''(C) APPROPRIATE STATE AGENCY.— For purposes of subparagraph (B), the appropriate agency of a State is the agency designated by the Administrator of the Environmental Protection Agency for purposes of this section. If no agency of a State is designated under the preceding sentence, the appropriate agency for such State shall be the Environmental Protection Agency.

''(2) TARGETED AREA.—

''(A) IN GENERAL.—The term 'targeted area' means—

''(i) any population census tract with a poverty rate of not less than 20 percent,

''(ii) a population census tract with a population of less than 2,000 if—

''(I) more than 75 percent of such tract is zoned for commercial or industrial use, and

''(II) such tract is contiguous to 1 or more other population census tracts which meet the requirement of clause (i) without regard to this clause,

''(iii) any empowerment zone or enterprise community (and any supplemental zone designated on December 21, 1994), and

''(iv) any site announced before February 1, 1996, as being included as a brownfields pilot project of the Environmental Protection Agency.

''(B) NATIONAL PRIORITIES LISTED SITES NOT INCLUDED.—Such term shall not include any site which is on the national priorities list under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as in effect on the date of the enactment of this section).

''(C) CERTAIN RULES TO APPLY.—For purposes of this paragraph, the rules of sections 1392(b)(4) and 1393(a)(9) shall apply.

''(D) TREATMENT OF CERTAIN SITES.—For purposes of this paragraph, a single contaminated site shall be treated as within a targeted area if—

''(i) a substantial portion of the site is located within a targeted area described in

subparagraph (A) (determined without regard to this subparagraph), and

''(ii) the remaining portions are contiguous to, but outside, such targeted area.

''(d) HAZARDOUS SUBSTANCE.—For purposes of this section—

''(1) IN GENERAL.—The term 'hazardous substance' means—

''(A) any substance which is a hazardous substance as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and

''(B) any substance which is designated as a hazardous substance under section 102 of such Act.

''(2) EXCEPTION.—Such term shall not include any substance with respect to which a removal or remedial action is not permitted under section 104 of such Act by reason of subsection (a)(3) thereof.

''(e) DEDUCTION RECAPTURED AS ORDINARY INCOME ON SALE, ETC.—Solely for purposes of section 1245, in the case of property to which a qualified environmental remediation expenditure would have been capitalized but for this section—

''(1) the deduction allowed by this section for such expenditure shall be treated as a deduction for depreciation, and

''(2) such property (if not otherwise section 1245 property) shall be treated as section 1245 property solely for purposes of applying section 1245 to such deduction.

''(f) COORDINATION WITH OTHER PROVISIONS.—Sections 280B and 468 shall not apply to amounts which are treated as expenses under this section.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 198. Expensing of environmental remediation costs.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

SECTION-BY-SECTION ANALYSIS

TITLE I—ADDITIONAL EMPOWERMENT ZONES

Section 101 would authorize the designation of an additional two urban empowerment zones under the 1994 first round.

TITLE II—NEW EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES

Section 201 authorizes a second round of designations, consisting of 80 enterprise communities and 20 empowerment zones. Of the 80 enterprise communities, 50 would be in urban areas and 30 would be in rural areas. Of the 20 empowerment zones, 15 would be in urban areas and 5 would be in rural areas. The designations would be made before January 1, 1998.

Certain of the eligibility criteria applicable in the first round would be modified for the second round of designations. First, the poverty criteria would be relaxed somewhat, so that unlike the first round there would be no requirement that at least 50 percent of the population census tracts have a poverty rate of 35 percent or more. In addition, the poverty criteria will not be applicable to areas specified in the application as developable for commercial or industrial purposes (1,000 acres in the case of an enterprise community, 2,000 acres in the case of an empowerment zone), and these areas will not be taken into account in applying the size limitations (e.g., 20 square miles for urban areas, 1,000 square miles for rural areas). The Secretary of Agriculture will be authorized to designate up to one rural empowerment zone and five rural enterprise communities based on specified emigration criteria without regard to the minimum poverty rates set forth in the statute. Rural census tracts in excess of 1,000 square miles or including a substantial amount of governmentally owned land may exclude such excess mileage or governmentally owned land from the nominated area. Unlike the first round, Indian reservations will be eligible to be nominated (and the nomination may be submitted by the reservation governing body without the State government's participation). The empowerment zone employment credit will not be available to businesses in the new empowerment zones, and the increased expending under section 179 will not be available in the developable acreage areas of empowerment zones.

Section 202 authorizes a new category of tax-exempt financing for financing for businesses in the new empowerment zones. These bonds, rather than being subject to the current State volume caps, will be subject to zone-specific caps. For each rural empowerment zones, up to $60 million in such bonds may be issued. For an urban empowerment zone with a population under 100,000, $130 million of these bonds may be issued. For each urban empowerment zone with a population of 100,000 or more, $230 million of these bonds may be issued.

Section 203 liberalizes the current definition of an ''enterprise zone business'' for purpose of the tax-exempt financing available under both the first and second rounds. Businesses will be treated as satisfying the applicable requirements during a 2-year start-up period if it is reasonably expected that the business will satisfy those requirements by the end of the start-up period and the business makes bona fide efforts to that end. Following the start-up period a 3-year testing period will begin, after which certain enterprise zone business requirements will no longer be applicable (as long as more than 35 percent of the business' employees are residents of the empowerment zone or enterprise community). The rules under which substantially renovated property may be ''qualified zone property,'' and thereby be eligible to be financed with tax-exempt bonds, would also be liberalized slightly.

Section 204 liberalizes the definition of enterprise business for purposes of both the tax-exempt financing provisions and the additional section 179 expensing by reducing from 80 percent to 50 percent the amount of total gross income that must be derived within the empowerment zone or enterprise community, by reducing how much of the business' property and employees' services must be located in or provided within the zone or community, and by easing the restrictions governing when rental businesses will qualify as enterprise zone businesses. A special rule is also provided to clarify how a business that straddles the boundary of an empowerment zone or enterprise community (e.g., by straddling a population census tract boundary) is treated for purposes of the enterprise zone business definition.

TITLE III—EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS

Section 301 would provide a current deduction for certain remediation costs incurred with respect to qualified sites. Generally, these expenses would be limited to those paid or incurred in connection with the abatement or control of environmental contaminants. This deduction would apply for alternative minimum tax purposes as well as for regular tax purposes.

Qualified sites would be limited to those properties that satisfy use, geographic, and contamination requirements. The use requirement would be satisfied if the property is held by the taxpayer incurring the eligible expenses for use in a trade or business or for the production of income, or if the property is of a kind properly included in the inventory of the taxpayer. The geographic requirement would be satisfied if the property is located in (i) any census tract that has a poverty rate of 20 percent or more, (ii) any other census tract (a) that has a population under 2,000, (b) 75 percent or more of which is zoned for industrial or commercial use, and (c) that is contiguous to one or more census tracts with a poverty rate of 20 percent or more, (iii) an area designated as a federal EZ or EC, or (iv) an area subject to one of the 40 EPA Brownfields Pilots announced prior to February 1996. Both urban and rural sites may qualify. Superfund National Priority listed sites would be excluded.

The contamination requirement would be satisfied if hazardous substances are present or potentially present on the property. Hazardous substances would be defined generally by reference to sections 101(14) and 102 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), subject to additional limitations applicable to asbestos and similar substances within buildings, certain naturally occurring substances such as radon, and certain other substances released into drinking water supplies due to deterioration through ordinary use.

To claim the deduction under this provision, the taxpayer would be required to obtain a statement that the site satisfies the geographic and contamination requirements from a State environmental agency designated by the Environmental Protection Agency for such purposes or, if no such agency has been designated by the EPA, by the EPA itself.

This deduction would be subject to recapture under current-law section 1245. Thus, any gain realized on disposition generally would be treated as ordinary income, rather than capital gain, up to the amount of deductions taken with respect to the property.

Mr. D'AMATO. Mr. President, I rise today to join my friend and colleague, Senator MOSELEY-BRAUN, in introducing legislation that will provide a new tax incentive to encourage the private sector to clean up thousands of contaminated, abandoned sites known as ''brownfields.'' Brownfield sites are abandoned or vacant commercial and industrial properties suspected of being environmentally contaminated.

Under current law, the IRS has determined that costs incurred to clean up land and ground water are deductible as business expenses, as long as the costs are incurred by the same taxpayer that contaminated the land, and that taxpayer plans to use the land after the cleanup for the same purposes used prior to the cleanup. That means that new owners who wish to use land suspected of environmental contamination for a new purpose, would be precluded from deducting the costs of cleanup in the year incurred. They would only be allowed to capitalize the costs and depreciate them over time. Therefore, it is time for us to recognize the need for aggressive economic development policies for the future economic health of communities around the country, and to recognize the inequity of current tax law. Senator MOSELEY-BRAUN and I believe that our

legislation is the type of initiative the Federal Government needs to encourage development of once-abandoned, unproductive sites that will bring real economic benefits to urban distressed and rural areas across the United States. By encouraging redevelopment, jobs will be created, economic growth will continue, property values will increase, as well as local tax revenues.

Mr. President, I am proud to say that in my State of New York, the city of Elmira has been selected as a fourth round finalist for the EPA's Brownfields Economic Redevelopment Initiative Demonstration Pilot Program. The city of Elmira has primed an unsightly and unsafe urban brownfield and is now in the final stages of turning it into a revenue and jobs producing venture. The city of Elmira initiated this important project with no guarantees of public or private funding and has done this at very minimal cost to taxpayers. Can you imagine what could and would be done if the public and private sector had the encouragement to also become involved?

Mr. President, I urge my colleagues on both sides of the aisle to join Senator MOSELEY-BRAUN and me in cosponsoring this important legislation.

Mr. JEFFORDS. Mr. President, I am pleased to join with Senators MOSELEY-BRAUN and D'AMATO to introduce a bill that will give tax incentives to businesses that cleanup these contaminated industrial sites known as brownfields. This bill will put us on a path that will bring environmental renewal and economic revitalization to our communities.

Mr. President, brownfields are like scars on the American landscape, a legacy of the dramatic shift of industry from inner cities to suburban greenfields during the 1970's and 1980's. Once bustling factories are now abandoned eyesores. In communities across the country, some 500,000 abandoned and contaminated sites and facilities are in desperate need of revitalization.

Vermont may not have as many brownfield sites as some of the more industrial States, but we are just as interested in seeing these cites cleaned up and put back to use. In Vermont, we see the reuse of brownfield sites as a way to keep development downtown and reduce the pressure to pave pastureland.

Mr. President, we treasure our open spaces in Vermont and this legislation will give incentives to companies around the country to invest in the downtowns of our States. When a company builds a facility on a brownfield site it takes advantage of existing infrastructure. The revitalization of a brownfield site means one less farm or field is paved over or forest cut down for the sake of a new plant or facility.

The redevelopment of brownfield sites also has important social implications for our towns and cites. It means that jobs stay downtown and that our urban centers can continue to be places of commerce and social interaction. I am pleased that the EPA recently awarded one of its brownfields pilot projects to Burlington, VT.

Mr. President, since the early 1800's, Burlington has been the largest and most important industrial center of Vermont and the Lake Champlain region. The city is among the least well-off in the State and was recently designated as an Urban Enterprise Community.

There are currently 19 polluted commercial and industrial sites in Burlington. The city now has only one unpolluted site available for industrial development. The lack of sites has been a major obstacle in the city's efforts to attract quality jobs and has contributed to the development of prime agricultural soil, suburban sprawl, and all the associated environmental problems. Mr. President, most of the city's brownfields are located either within or adjacent to low- and moderate-income neighborhoods, contributing to a trend of disinvestment and increased health hazards.

While this legislation won't solve all of our problems, it is an important step in the right direction and I urge my colleagues to join us in cosponsoring this significant bill.

By Mr. PRYOR:

S. 1912. A bill to clarify the provision of section 3626(b) of title 39, United States Code, defining an ''institution of higher education''; to the Committee on Governmental Affairs.

ELDERHOSTEL CATALOG LEGISLATION

Mr. PRYOR. Mr. President, to day I am introducing legislation that will address a situation facing Elderhostel. Elderhostel, for those who have not heard of this organization, is an independent, non-profit organization which operates a central course catalog and registration system for college level classes for people over the age of 60. These courses are sponsored by colleges and universities at more than 1,900 colleges, universities, museums, national parks, and environmental education centers in the United States, Canada, and 47 other countries. Elderhostel receives no Federal or State support.

Elderhostel provides easy access to these continuing education programs through the mailing of its course catalog. Unfortunately, a U.S. Postal Service definition prevents Elderhostel from mailing their catalog at a second-class catalog rate. This catalog rate is used, for example, by the American Bar Associations' continuing legal education material. Elderhostel is barred from using that rate because rather than being a catalog of one institution of higher learning, it is a compilation of courses offered by otherwise eligible ''regularly incorporated non-profit institutions of learning.''

The legislation I am introducing today simply expands the definition of an institution of higher education eligible to mail at second-class rates to include a nonprofit organization that coordinates a network of college level courses that non-profit colleges and universities offer to older adults. The National Federal of Nonprofits, the Advertising Mail Marketing Association and the Direct Marketing Association have no objection to this legislation.

Mr. President, this bill solves a problem caused by the fact that Elderhostel does not fit neatly into the Postal Services' definitions and I urge my colleagues to support the bill.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1913. A bill to establish the Lower East Side Tenement Museum National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

THE LOWER EAST SIDE TENEMENT MUSEUM NATIONAL HISTORIC SITE ACT OF 1996

Mr. D'AMATO. Mr. President, most of us have heard the stories of how the great wave of immigrants of generations ago entered our Nation, but few really know what happened to them after Ellis Island. At the Lower East Side Tenement Museum at 97 Orchard Street in New York City, one is able to follow the lives of the immigrants beyond the first hours on our shores. The museum tells their history, displays their courage and showcases their values in an interpretive setting that brings the visitor back to an era from which many of us came. The museum presents to many of us an awareness of our ancestral roots that we may never have known existed. Through the legislation being introduced by my friend Senator MOYNIHAN and I, the museum will be declared a national historic site and able to affiliate itself with the National Park Service. Enactment of this legislation will bestow national recognition on the humble beginnings of millions of our ancestors.

The Tenement Museum is unique in that it not only traces the quality of life inside the tenement, but presents a picture of the immigrant's outside world as well. Due to the cramped and dingy nature of the tenement, as much time as possible was spent outside. Thus, in order to fully explore their lives, it is essential to look toward their work, their houses of worship, their organizations, and their entertainment. The museum incorporates the experiences of yesteryear's immigrants and interprets them for today's generations. Besides on-site programs, the museum utilizes the surrounding neighborhood; an area which continues to this day in its role as a receiver of immigrants.

Throughout our Nation we have preserved, remembered and cherished places of national significance and beauty. We have put enormous energy in maintaining homes of noted Americans and protecting vast areas of wilderness. What we do not have, though, is a monument to the socalled ''ordinary citizen.'' The Tenement Museum will fill that role.

It is unlikely that many of those who lived in buildings like the one at 97 Orchard Street felt that they were special. Rather, they were probably grateful for the chance to come to America to try to make a better life for themselves and their families. Given the living and working conditions that we now take for granted, the language and cultural obstacles they had to overcome, we should be in awe of their ability to take hold of an opportunity and not only survive, but thrive. It is their contributions to society in the face of overwhelming obstacles that defined an era and established an ethic that survives to this day. It is their spirit that we admire, and that, in retrospect, makes these otherwise ordinary individuals special. The Tenement Museum is their monument, and as their descendants, it is ours as well.

Congress has an opportunity to recognize the pioneer spirit of our ancestors and deliver it to future generations of Americans. The museum reminds us all of an important and often forgotten chapter in our immigrant heritage, mainly, that millions of families made their first stand in our Nation not in a log cabin or farm house or mansion, but in a city tenement. Designating the Lower East Side Tenement Museum a National Historic Site and granting it affiliated area status within the National Park Service will shed light on that chapter in our history while linking it to the chain of the Statue of Liberty, Ellis Islands and Castle Clinton in the story of our urban immigrant heritage. I urge my colleagues to join Senator MOYNIHAN and me in cosponsoring this bill, and I urge its speedy consideration by the Senate.

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. 1913

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 ''Lower East Side Tenement Museum National Historic Site Act of 1996''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Lower East Side Tenement Museum at 97 Orchard Street is an outstanding survivor of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration in American history;

(2) the Museum is well suited to represent a profound social movement involving great numbers of unexceptional but courageous people;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants;

(4) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life on the Lower East Side and its importance to United States history, within a neighborhood long associated with the immigrant experience in America; and

(5) the National Park Service found the Lower East Side Tenement Museum to be nationally significant, suitable, and feasible for inclusion in the National Park System.

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

(1) to ensure the preservation, maintenance, and interpretation of this site and to interpret in the site and in the surrounding neighborhood, the themes of early tenement life, the housing reform movement, and tenement architecture in the United States;

(2) to ensure the continuation of the Museum at this site, the preservation of which is necessary for the continued interpretation of the nationally significant immigrant phenomenon associated with the New York City's Lower East Side, and its role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton National Historic Monument and Ellis Island National Historic Monument through cooperation with the Museum.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) HISTORIC SITE.—The term ''historic site'' means the Lower East Side Tenement Museum designated as a national historic site by section 4.

(2) MUSEUM.—The term ''Museum'' means the Lower East Side Tenement Museum at 97 Orchard Street, New York City, in the State of New York, and related facilities owned or operated by the Museum.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF HISTORIC SITE.

To further the purposes of this Act and the Act entitled ''An act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.), the Lower East Side Tenement Museum at 97 Orchard Street, in the city of New York, State of New York, is designated as a national historic site.

SEC. 5. COOPERATIVE AGREEMENT.

(a) IN GENERAL.—The Secretary may enter into a cooperative agreement with the Lower East Side Tenement Museum to carry out this Act.

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The agreement may include provisions by which the Secretary will provide—

(1) technical assistance to mark, restore, interpret, operate, and maintain the historic site; and

(2) financial assistance to the Museum to mark, interpret, and restore the historic site, including the making of preservation-related capital improvements and repairs.

(c) ADDITIONAL PROVISIONS.—The agreement may also contain provisions that permit the Secretary acting through the National Park Service, to have a right of access at all reasonable times to all public portions of the property covered by the agreement for the purpose of conducting visitors through the properties and interpreting the portions to the public.

SEC. 6. APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. MOYNIHAN. Mr. President, I rise to join my friend and colleague Senator D'AMATO in introducing a bill that will authorize a small but most significant addition to the National Park System by designating the Lower East Side Tenement Museum a national historic site. For 150 years New York City's Lower East Side has been the most vibrant, populous, and famous immigrant neighborhood in the Nation. From the first waves of Irish and German immigrants to Italians and Eastern European Jews to the Asian, Latin, and Caribbean immigrants arriving today, the Lower East Side has provided millions their first American home.

For many of them that home was a brick tenement; six or so stories, no elevator, maybe no plumbing, maybe no windows, a business on the ground floor, and millions of our forbearers upstairs. The Nation has with great pride preserved log cabins, farm houses, and other symbols of our agrarian roots. We have reopened Ellis Island to commemorate and display the first stop for 12 million immigrants who arrived in New York City.

Until now we have not preserved a sample of urban, working class life as part of the immigrant experience. For many of those who disembarked on Ellis Island the next stop was a tenement on the Lower East Side, such as the one at 97 Orchard Street. It is here that the Lower East Side Tenement Museum will show us what that next stop was like.

The tenement at 97 Orchard was built in the 1860s, during the first phase of tenement construction. It provided housing for 20 families on a plot of land planned for a single family residence. Each floor had four three-room apartments, each of which had two windows in one of the rooms and none in the others. The privies were out back, as was the spigot that provided water for everyone. The public bathhouse was down the street.

In 1900 this block was the most crowded per acre on earth. Conditions improved after the passage of the New York Tenement House Act of 1901, though the crowding remained. Two toilets were installed on each floor. A skylight was installed over the stairway and interior windows were cut in the walls to allow some light throughout each apartment. For the first time the ground floor became commercial space. In 1918 electricity was installed. Further improvements were mandated in 1935, but the owner chose to board the building up rather than follow the new regulations. It remained boarded up for 60 years until the idea of a museum took hold.

The Tenement Museum will keep at least one apartment in the dilapidated condition in which it was found when reopened, to show visitors the process of urban archeology. Others will be restored to show how real families lived at different periods in the building's history. At a nearby site there will be interpretive programs to better explain the larger experience of gaining a foothold on America in the Lower East Side of New York.

There are also plans for programmatic ties with Ellis Island and its precursor, Castle Clinton. And the Museum plans to play an active role in the immigrant community around it,

further integrating the past and present immigrant experience on the Lower East Side.

This bill designates the Tenement Museum a national historic site. It also authorizes the Secretary of the Interior to enter into cooperative agreements with the Museum. Such agreements could include technical or financial assistance to help restore, operate, maintain, or interpret the site. Agreements can also be made with the Statue of Liberty/Ellis Island and Castle Clinton to help with the interpretation of life as an immigrant. It will be a productive partnership.

Mr. President, I believe the Tenement Museum provides an outstanding opportunity to preserve and present an important stage of the immigrant experience and the move for social change in our cities at the turn of the century. I know of no better place than 97 Orchard Street to do so, and no other place in the National Park System doing so already. I look forward to the realization of this grand idea, and I ask my colleagues for their support.

By Mr. HATCH:

S. 1914. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of research related to an existing business component; to the Committee on Finance.

CLARIFICATION LEGISLATION

Mr. HATCH. 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. 1914

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

SECTION 1. CLARIFICATION OF RESEARCH ON EXISTING BUSINESS COMPONENTS ELIGIBLE FOR RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (C) of section 41(d)(4) of the Internal Revenue Code of 1986 (relating to activities for which credit is not allowed) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to research related to the development of a business component of a taxpayer which is an original alternative to achieve the equivalent result of an existing business component of a competitor of the taxpayer.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. JEFFORDS:

S. 1915. A bill to amend the Endangered Species Act of 1973 to prohibit the sale of products labeled as containing endangered species, and for other purposes; to the Committee on Environment and Public Works.

THE RHINO AND TIGER PRODUCTS LABELING ACT

Mr. JEFFORDS. Mr. President, it gives me great pleasure today to introduce legislation aimed at helping to stem the dramatic decrease in populations of some of the Earth's most exotic and magnificent animals. Animals such as the African black rhino, the white rhino, the Bengal tiger and other endangered species are on the brink of extinction. Rhinos and tigers are disappearing faster than any other large mammal on the planet. No more than 5,000 to 7,500 Bengal tigers and fewer than 650 Sumatran tigers remain in the world.

Ironically, in many ways their rarity and mystique are contributing to the problem. The parts of these animals are advertised as having powerful medicinal qualities. For example, tiger bone and rhino horn are considered to calm convulsions and enhance longevity. The business of trade in endangered species parts and products is becoming big business and encouraging increased poaching of these animals—threatening international recovery efforts. A booming underground market has developed around the trade of endangered species parts and products.

Mr. President, today I am introducing a bill that will address a remaining loophole in the Endangered Species Act that allows the sale of products labeled as containing endangered species. My legislation will amend section 9 of the Endangered Species Act to prohibit the sale of products labeled as containing any species of fish or wildlife listed in Appendix I of the Convention on International Trade in Endangered Species.

Through this legislation, we will be addressing the increasing trade in endangered species in two ways—first, by giving U.S. law enforcement officers the ability to prosecute the retailers of these products; and—second, by curbing the marketing of endangered species parts as key ingredients in medicinal products.

First, there is currently no legal mechanism to confiscate or prosecute for sale or display of these products once they are on store shelves. Through this legislation, law enforcement officers will be able to start addressing the increasing promotion and sale of products labeled as containing endangered species.

By addressing the marketing of these products, this legislation will help curb the expanding domestic U.S. market for medicines that contain, or claim to contain, endangered species parts. By allowing these products to remain on the shelves of stores across the country, we are perpetuating the reliance upon and perception of the efficacy of endangered species I addressing health ailments. Again, this perception is fueling increased poaching and smuggling of endangered species around the world.

Mr. President, in order to eliminate the domestic market for patented medicines and other products containing critically endangered tigers, rhinos and other species, and to increase the success and frequency of prosecutions of merchants and traffickers of these items, this change in current law is needed. Let us send a message to these merchants and traffickers of endangered species that the United States will not help feed the global demand for endangered species. Mr. President, let us send a strong and forceful message to our wildlife enforcement officers that we support their efforts to stem the increasing trade in these magnificent animals.

By Mr. DEWINE:

S. 1916. A bill to authorize the Secretary of the Army to convey to the village of Mariemont, OH, a parcel of land referred to as the ''Ohio River Division Laboratory of the Army Corps of Engineers'', and for other purposes; to the Committee on Environment and Public Works.

THE ARMY CORPS OF ENGINEERS LEGISLATION

Mr. DEWINE. Mr. President, I rise to introduce a bill that provides for the transfer of 3.22 acres of land owned by the Army Corps of Engineers at an appraised value to the Village of Mariemont, OH. The proceeds of the sale will be deposited in the general fund of the Treasury and credited as miscellaneous receipts. The General Services Administration conducted a 30-day Federal screening of the property and informed the minority side of the Governmental Affairs Committee and me that no Federal agency expressed interest in the property.

By Mr. ABRAHAM (for himself and Mr. SHELBY):

S. 1917. A bill to authorize the State of Michigan to implement the demonstration project known as ''To Strengthen Michigan Families''; to the Committee on Finance.

MICHIGAN WELFARE WAIVER LEGISLATION

Mr. ABRAHAM. Mr. President, I rise today along with my colleague from Alabama, Senator SHELBY, to introduce legislation that will allow the State of Michigan to proceed with the third phase of its comprehensive welfare reform program, known as ''To Strengthen Michigan Families.'' This legislation is similar to legislation which recently passed the House of Representatives that authorized the State of Wisconsin to proceed with its latest welfare reform initiatives without requiring formal waiver approval by the U.S. Department of Health and Human Services.

In 1992, Michigan began a comprehensive overhaul of its welfare reform programs. This effort, called ''To Strengthen Michigan Families,'' was guided by four major principles that distinguished it from existing Federal welfare policy.

First, Michigan sought to eliminate many of the existing disincentives for welfare recipients to find work and to earn money.

Second, Michigan proposed to end the elements in the current system which serve either as an incentive for families to split up or as a disincentive for couples to become or to remain married.

Third, Michigan sought to instill increased personal responsibility among welfare recipients by making greater demands of them with respect to finding work or obtaining the education

and skills necessary to finding future employment.

Fourth, Michigan sought to supplement these changes in personal and familial behavior with a commitment to greater involvement on the part of community-based institutions, especially faith-based organizations.

With reforms in each of these areas, Michigan began its crusade to end long-term, chronic welfare dependency. It required executive action by the Governor, acts of the State Legislature, and waivers from HHS from many burdensome or counterproductive regulations that were symptomatic of the existing failed system. And in 1994, Michigan enacted and began implementation of its second set of comprehensive welfare reforms, building on the foundation established by the original reform initiatives.

The results of Michigan's reforms to date have been impressive and demonstrate Michigan's success in moving people off of welfare. Michigan's AFDC caseload has dropped from 221,884 cases in September 1992 to 176,634 cases in May 1996—a decrease of 45,250 cases. The current AFDC caseload level is the lowest in nearly 25 years in Michigan. Caseloads in our State have decreased for 26 straight months and have fallen by more than 20 percent over the past 2 years.

There is similar evidence that Michigan's emphasis on placing welfare recipients into employment activities has been effective. During fiscal year 1994 alone, nearly 30,000 individuals were placed into employment. In addition, by January 1996, the number of cases with earned income had risen to 31.1 percent, compared to the 15.7 percent of cases with earned income in September 1992. The most recent figures available—May 1996—for percentage of caseload with earned income is 29.1 percent. Since September 1992, over 90,000 AFDC cases have been closed as a result of earned income from employment.

In developing the latest round of reform initiatives, Michigan created advisory committees to make policy recommendations in four core areas of public assistance: AFDC and other cash assistance, child care, child protection, and Medicaid. These advisory committees were each comprised of 50 to 100 people selected to represent a broad cross-section of community leaders, service providers and advocates, and users of services. These advisory committees conducted over 400 focus group meetings involving more than 4,000 participants. Their objective was to analyze the current system and identify barriers to greater program efficiency and to moving people more quickly and compassionately from welfare to self-sufficiency.

The advisory committees were a key reason why these reforms received such strong bipartisan support in the Michigan State Legislature. The Michigan State Senate adopted the reform package on a vote of 30 to 7. The State house of representatives passed the legislation by a margin of 85 to 22.

In the latest series of reforms, we impose tougher requirements on welfare recipients, but we also pledge more assistance—including child care, transportation and health care—in helping those who are attempting to make the transition from welfare to work. The goal is not to punish people who receive welfare. Rather, we believe people who are in need of assistance and receive it have some important responsibilities of their own. We stand ready to assist them as long as they are willing to make genuine efforts toward becoming self-sufficient.

Mr. President, if Congress and the President cannot agree on comprehensive welfare reform legislation at the national level, I believe individual States must be allowed to implement their own bold and innovative new approaches to ending welfare dependency. Under the present system, States are required to obtain prior approval from HHS before they implement many types of reform. The latest package of Michigan reforms would require 76 waivers. When you consider that during the 3½ years of the Clinton administration HHS has only approved 67 waivers nationwide, there is tremendous concern as to how long it will likely take for all of Michigan's waivers to become approved—if they ever are all approved.

The bill I am introducing today will provide the State of Michigan the latitude it needs and deserves to conduct effective welfare reform until it can be enacted at the national level. As I discussed earlier in my remarks, Michigan's leadership in the area of welfare reform is well-known. To date, the reforms have been very successful—both in moving people off of welfare and in improving the quality of life for those who remain on welfare. The latest round of reforms follows in the tradition of tough but compassionate welfare policies that we in Michigan started in 1992. The people of Michigan deserve to be allowed to move forward expeditiously with these latest reform initiatives.

It is my hope that the Clinton administration will move quickly to approve all of the necessary waivers that have been requested. If that does not happen, the legislation that I have introduced in the Senate today—and that my friend and colleague Representative DAVE CAMP is introducing today in the other body—will be available for us to bring to the floor for debate and hopefully passage.

Mr. President, I ask unanimous consent that an analysis of the reforms included in the most recent proposed reforms in the Michigan program be included in the RECORD.

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

MICHIGAN'S LATEST ROUND OF PROPOSED WELFARE REFORMS IN THE ''TO STRENGTHEN MICHIGAN FAMILIES'' PROGRAM

The third phase of Michigan's ongoing efforts at comprehensive welfare reform, called ''To Strengthen Michigan's Families,'' passed the Michigan State Legislature and were signed into law by Governor Engler in December 1995. These reforms affect five major Federal public assistance programs: AFDC, Food Stamps, Medicaid, child day care, and refugee assistance.

The proposed reforms require a total of—at last count—76 waivers approved by the Department of Health and Human Services. The major components of the reform package fall into four general categories:

(1) Increased Personal Responsibility for Individuals Receiving Assistance:

Require attendance for all adult AFDC, Food Stamps, and State General Assistance applicants/recipients at a joint orientation meeting with Family Independence Agency and Michigan Job Commission personnel as a condition for eligibility.

Require recipients to enter into a Family Independence Contract.

Require compliance with work activity requirements within 60 days. Failure to comply will result in the loss of the family's AFDC benefits and food stamps for a minimum of one month and until there is compliance with work requirements.

Require teen parents to live in an adult-supervised setting and stay in school. Failure to comply will result in case closure.

(2) Assistance and Incentives for Those Seeking Employment:

Provide greater employment-related services.

Guarantee access to child care.

Guarantee transportation.

Guarantee access to health care for anyone leaving welfare for work.

Provide more resources to welfare recipients who work by providing monthly EITC payments instead of one lump sum payment.

(3) Remove Unnecessary or Overly Burdensome Regulations:

Provide for a vastly simplified application form—reduced from the current 30 pages to 6 pages in length.

Provide for the most dramatic simplification of AFDC, Food Stamps, and Medical Assistance anywhere in the country.

Streamline services by establishing a single point of contact with the welfare office for each welfare recipient—regardless of the mix of benefits received.

(4) Strengthening Families and Increasing Community Involvement:

Provide additional funding for prevention services to help keep children safe and strengthen families.

Allow faith-based organizations to work with communities to address the needs of welfare recipients.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. BAUCUS, Mr. SIMPSON, Mr. CONRAD, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. BRADLEY, Mr. ROCKEFELLER, Mr. MURKOWSKI, Mr. NICKLES, Mr. PRYOR, Mr. GRAHAM, Mr. BREAUX, Mr. GRAMM, Mr. D'AMATO, Mr. HATCH, Mr. PRESSLER, and Mr. LOTT):

S. 1918. A bill to amend trade laws and related provisions to clarify the designation of normal trade relations; to the Committee on Finance.

THE NORMAL TRADE RELATIONS ACT

Mr. ROTH. Mr. President, since the founding of our Republic, the cornerstone of United States international trade policy has been the principle of nondiscrimination. What this principle means is that every country will give equal treatment to all products it imports from any other country. For example, the United States applies the same tariff duty rate on a particular product imported from one country as it applies to imports of the same product from all other countries.

However, the principle of nondiscrimination goes beyond just trade in goods. For example, if a foreign company wants to set up a branch in the United States, it is subject to the same rules for establishing and running its operations as companies from all other countries operating in the United States.

The traditional term for this principle of nondiscrimination is most-favored-nation treatment, or MFN for short. This term is rooted in a very old concept in international law which states that in trade relations, all countries will receive the same treatment as the most favored nation.

While the term ''most-favored-nation'' is very old, it is a misnomer that has created much confusion as to its exact meaning. There is no such thing as a most favored nation—it is merely a hypothetical concept. Yet, many mistakenly believe that a country that has MFN status is being singled out for special status or preferential treatment.

Despite its name, however, MFN is not a special trading privilege or reward, nor is it the most favorable trade treatment that the United States gives to its trading partners. Rather, MFN refers to the uniform trade treatment that the United States gives to nearly every country in the world. Because there are only seven countries in the world to which the United States does not give MFN status, MFN denotes the ordinary, not the exceptional, trading relationship.

To help correct the misconception created by the term ''most-favored-nation'', Senator MOYNIHAN and Senator CHAFEE have argued for some time that the term should be changed. I agree with my colleagues that a better term is needed. After working with them and Senator BAUCUS on this issue, I am now introducing a bill, with the cosponsorship of the entire membership of the Committee on Finance, that would establish a new term—''normal trade relations'' as a more accurate description in U.S. law and regulation of the principle of nondiscrimination. Creating this new term does not in any way alter the international rights and obligations of the United States. Rather, we merely seek to clarify that the principle of nondiscrimination under U.S. law denotes the standard and normal trade relationship that we have with nearly every country in the world.

I urge my colleagues to support this modest, but important piece of legislation.

Mr. MOYNIHAN. Mr. President, today I join with the chairman of the Committee on Finance in introducing legislation to bring new clarity to the muddled language of U.S. trade policy. The unanimity of support for this legislation is demonstrated by the fact that each and every Member of the Finance Committee is an original cosponsor.

Since the 18th century, the United States has pursued a policy of nondiscrimination among its trading partners. This policy has created considerable equality in the trading conditions we extend to the great majority of countries with which we trade. If the United States has normal trade relations with a country, that country receives treatment equal to most others under our trade laws.

The legislation we introduce today is designed to call this policy of equal treatment what it is—normal trade relations. For it has become increasingly clear that the 18th century term used to describe this policy of equal treatment, the term that still prevails in our international agreements, our laws, and our usage, has served only to confuse. By confusing, it is complicating the conduct of American foreign trade policy.

Much of international and American law would have one believe that there is a select handful of countries that are most favored. Not at all the case, so it is time to stop suggesting so.

The legislation we introduce today states that it is the sense of the Congress that henceforth U.S. law should more clearly reflect the underlying principles of U.S. trade policy by substituting the term ''normal trade relations'' for the term ''most-favored-nation.'' In each instance in U.S. trade law where it is appropriate to make such a change, the legislation does so.

To our trading partners, let me say that there is no intention to alter our international rights or obligations by virtue of this legislation. ''MFN'' is a term with a long history of application and interpretation. We mean no substantive change here. Our purpose is solely linguistic—to change the language, not the content, or our trade policy so that it is more comprehensible.

I hope the Senate will have an opportunity to act on this legislation soon. I commend it to the attention of the Senate.

By Mr. MURKOWSKI:

S. 1920. A bill to amend the Alaska National Interest Lands Conservation Act, and for other purposes: to the Committee on Energy and Natural Resources.

THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT AMENDMENT ACT OF 1996

• Mr. MURKOWSKI. Mr. President, today I introduce legislation to amend the Alaska National Interest Lands Conservation Act [ANILCA]. I introduce this so that we can return to the original intentions of the act and clarify the blurring of lines that have occurred over the years.

Fifteen years ago, Congress enacted the ANILCA. Over the opposition of many Alaskans, over 100 million acres of land was set aside in a series of vast Parks, Wildlife Refuges, and Wilderness units. Much of the concern about the act was the impact of these Federal units, and related management restrictions, on traditional activities and lifestyles.

To allay these concerns, ANILCA included a series of unique provisions designed to ensure that traditional activities and lifestyles would continue, that Alaskans would not be subjected to a permit lifestyle, and that the agencies would be required to recognize the crucial distinction between managing small units surrounded by millions of people in the lower 48 and vast multi-million acre units encompassing a relative handful of individuals and communities in Alaska. The sponsors of ANILCA issued repeated assurances that the establishment of these units would in fact protect traditional activities and lifestyles and not place them in jeopardy.

Early implementation of the act closely reflected these promises. However, as the years have passed, many of the Federal managers seem to have lost sight of these important representations to the people of Alaska. Agency personnel, trained primarily in lower 48 circumstances, have brought the mentality of restriction and regulation to Alaska. The critical distinctions between management of Parks, Refuges and Wilderness areas in the 49th State and the lower 48 have blurred. The result is the spread of restriction and regulation and the creation of the exact permit lifestyle which we were promised would never happen.

I have become increasingly aware of this disturbing trend. In my conversations with Alaskans, I hear many complaints about every increasing restraints on traditional activities and requirements for more and more paperwork and permits. A whole new industry has sprung up to help Alaskans navigate the bureaucratic shoals that have built up during the past few years.

Let me cite a few of the incidents that have come to our attention and were discussed last year during oversight hearings held by the Committee on Energy and Natural Resources. The U.S. Fish and Wildlife Service decides it wants to establish a wilderness management regime and eliminate motorboat use on a river. It proceeds with the plan until protests cause the Regional Solicitor to advise the Service that its plan violates section 1110(a) of ANILCA. Owners of cabins built, occupied, and used long before ANILCA are told they must give up their interests in the cabins although section 1303 expressly enables cabin owners to retain

their possessory interests in their cabins. Visitor services contracts are awarded and then revoked because the agencies failed to adhere to the requirements of section 1307. Small landowners of inholdings seek to secure access to their property and are informed that they must file for a right-of-way as a transportation and utility system and pay the U.S. hundreds of thousands of dollars to prepare a totally unnecessary environmental impact statement. An outfitter spends substantial time and money responding to a request for proposals, submits an apparently winning proposal, and has the agency arbitrarily change its mind and decide to withdraw its request—it does not offer to compensate the outfitter for his efforts.

State fish and game regulations are circumvented by agency review boards that give benefits to guide applicants willing to limit their take of animals consistent with the Federal agencies' desires rather than management rules of the Alaska Game Board.

Mr. President, the legislation I introduce today will ensure that agencies are fairly implementing ANILCA consistent with its written provisions and promises. These technical corrections to ANILCA will ensure that its implementation is consistent with the intent of Congress.

Mr. President, conditions have changed in the 15 years since the passage of ANILCA and we have all had a great deal of experience with the act's implementation. It is time to make the law clearer and to make the Federal manager's job easier. We want to turn to the original intent of Congress in some cases to make sure that intent is being carried out.

Next month I plan on holding a hearing on this bill and look forward to gaining the support of my colleagues for passage of this legislation.●

ADDITIONAL COSPONSORS

S. 814

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 814, a bill to provide for the reorganization of the Bureau of Indian Affairs, and for other purposes.

S. 1044

At the request of Mrs. KASSEBAUM, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1044, a bill to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes.

S. 1304

At the request of Mr. MCCAIN, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1304, a bill to provide for the treatment of Indian tribal governments under section 403(b) of the Internal Revenue Code of 1986.

S. 1487

At the request of Mr. GRAMM, the names of the Senator from Utah [Mr. HATCH and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1487, a bill to establish a demonstration project to provide that the Department of Defense may receive medicare reimbursement for health care services provided to certain medicare-eligible covered military beneficiaries.

S. 1578

At the request of Mr. FRIST, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1628

At the request of Mr. BROWN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1628, a bill to amend title 17, United States Code, relating to the copyright interests of certain musical performances, and for other purposes.

S. 1660

At the request of Mr. GLENN, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1660, a bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

S. 1743

At the request of Mr. BINGAMAN, the names of the Senator from Arizona [Mr. MCCAIN and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1743, a bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes.

S. 1898

At the request of Mr. DOMENICI, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1898, a bill to protect the genetic privacy of individuals, and for other purposes.

S. 1899

At the request of Mr. MURKOWSKI, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1899, a bill entitled the ''Mollie Beattie Alaska Wilderness Area Act''.

SENATE JOINT RESOLUTION 52

At the request of Mr. KYL, the names of the Senator from Louisiana [Mr. BREAUX and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 52, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of victims of crimes.

AMENDMENT NO. 4083

At the request of Mr. GRAMM the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of amendment No. 4083 proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4111

At the request of Mr. COCHRAN his name was added as a cosponsor of amendment No. 4111 intended to be proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4177

At the request of Mr. HARKIN the names of the Senator from North Dakota [Mr. CONRAD], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of amendment No. 4177 proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4203

At the request of Mr. GLENN the names of the Senator from North Carolina [Mr. HELMS and the Senator from New York [Mr. D'AMATO] were added as cosponsors of amendment No. 4203 intended to be proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4218

At the request of Mr. LAUTENBERG the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of amendment No. 4218 proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4349

At the request of Mr. NUNN the names of the Senator from Iowa [Mr. HARKIN and the Senator from Utah [Mr. HATCH] were added as cosponsors of amendment No. 4349 proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year