

sound science, to set the margin of safety at an appropriate level to protect infants and children.

This provision is consistent with current Agency risk assessment practices. We have been actively working to implement the NAS recommendations, and are using the best available science to assess risks to infants and children in a manner consistent with those recommendations. In doing so, EPA scientists exercise their best judgment, based on reliable data, to determine whether studies accurately reflect the risk to children or if an additional margin of safety of up to ten is required. When the data are incomplete, we use an additional uncertainty factor between three and ten based on how much information is incomplete.

We believe that the language passed by the Committee on Commerce strikes the proper balance in setting a strong standard to protect children while giving EPA the discretion to use the best available science. We are pleased that the children's standard will allow us to assure the public that all foods are safe for children.

The Office of Management and Budget advises that there is no objection to the presentation of these views from the standpoint of the President's program.

Sincerely,

LYNN R. GOLDMAN, M.D.,
Assistant Administrator.

PESTICIDES IN THE DIETS OF INFANTS AND CHILDREN

(National Academy of Sciences
Recommendations, page 9)

Uncertainty factors.—For toxic effects other than cancer or heritable mutation, uncertainty factors are widely used to establish guidelines for human exposure on the basis of animal testing results. This is often done by dividing the no-observed-effect level (NOEL) found in animal tests by an uncertainty factor of 100-fold. This factor comprises two separate factors of 10-fold each; one allows for uncertainty in extrapolating data from animals to humans; the other accommodates variation within the human population. Although the committee believes that the latter uncertainty factor generally provides adequate protection for infants and children, this population subgroup may be uniquely susceptible to chemical exposures at particularly sensitive stages of development.

At the present, to provide added protection during early development, a third uncertainty factor of 10 is applied to the NOEL to develop the RfD. This third 10-fold factor has been applied by the EPA and FDA whenever toxicity studies and metabolic/disposition studies have shown fetal developmental effects.

Because there exist specific periods of vulnerability during postnatal development, the committee recommends that an uncertainty factor up to the 10-fold factor traditionally used by EPA and FDA for fetal developmental toxicity should also be considered when there is evidence of postnatal developmental toxicity and when data from toxicity testing relative to children are incomplete. The committee wishes to emphasize that this is not a new, additional uncertainty factor but, rather, an extended application of an uncertainty factor now routinely used by the agencies for a narrower purpose.

In the absence of data to the contrary, there should be a presumption of greater toxicity to infants and children. To validate this presumption, the sensitivity of mature and immature individuals should be studied systematically to expand the current limited data base on relative sensitivity.

Mr. PRYOR. Mr. President, today marks the conclusion of a monumental

effort by numerous individuals and organizations to finally update food safety laws of this country. With the help of the Clinton administration, members of both the Agriculture and Labor Committees—particularly Senator LUGAR, the chief sponsor of the bill in the Senate—as well as our colleagues in the House, passage of the Food Quality Protection Act has finally become a reality.

This legislation at long last updates the famed Delaney Clause which was first enacted in the 1950's, but became obsolete with the advances in science and technology. Although the provision served a very useful purpose in its day, we have recently found ourselves in a situation where the outdated law was working against the ability of the crop protection industry to find safer alternatives for our farmers and ranchers to use in the production of food and fiber.

Again, Mr. President, I want to complement the Clinton administration for helping find a bipartisan solution to a problem that has plagued farmers and consumers for a number of years. The result is consumers continue to have a safe and abundant food supply and that farmers and agribusiness will be treated more fairly by government regulators. It is a clear victory for both farmers and consumers and proves once again that when we work in a bipartisan fashion we're all the better.

CONSUMER RIGHT TO KNOW SECTION

Mr. SANTORUM. As we prepare to vote on H.R. 1627, I wish to seek clarification on the consumer right to know section if Chairman LUGAR would be kind enough to respond.

Mr. LUGAR. What clarification is the Senator seeking?

Mr. SANTORUM. It is my understanding that under the consumer right to know section, the administrator of EPA in consultation with the Secretary of Agriculture and the Secretary of Health and Human Services will develop and distribute to large retail grocers information relating to the risks and benefits of pesticide residues in or on food items that are purchased by consumers.

Mr. LUGAR. That is correct.

Mr. SANTORUM. In turn, under this section, grocers are expected to display or make available this information in whatever manner best works for that retail store.

Mr. LUGAR. Yes, the legislation makes this type of information available for display.

Mr. SANTORUM. It is also my understanding under this section that a supermarket would not be held liable for any civil or criminal penalties in the event that the store were to be depleted of its supply of brochures or whatever information is provided by EPA, USDA, and FDA. Nor would a grocer be held liable or have products deemed misbranded if the information is not always available, or in the event the Government fails to provide the information to supermarkets.

Mr. LUGAR. It is clearly not the intent of Congress to penalize supermarkets for failure to display the information. It is our intent, however, for grocery stores to serve as a conduit for the display and dissemination of this information to the greatest extent practical in a manner that will be determined by each store. In other words, we do not intend to impose an unfair burden on grocery stores that would subject them to fines or seizure of products simply because the information is not always available.

Mr. SANTORUM. I appreciate this clarification on the consumer right to know section of the legislation.

Mr. HEFLIN. Mr. President, it would be my understanding that with regard to the authority given the administrator to require a period of not less than 60 days for public comment after issuing a regulation under section 408(e)(1) of the Act that this would apply only to those tolerance petitions submitted after the effective date of the Act.

Mr. LUGAR. The Senator from Alabama is correct.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to this measure appear at this point in the RECORD.

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

The bill (H.R. 1627) was deemed read a third time, and passed.

OFFICE OF GOVERNMENT ETHICS
AUTHORIZATION ACT OF 1996

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 429, H.R. 3235.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3235) to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for three years, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. COHEN. Mr. President, today the Senate will pass H.R. 3235, the Office of Government Ethics [OGE] Authorization Act of 1996. OGE was created by the Ethics in Government Act of 1978 to provide overall direction to the executive branch in developing policies to prevent conflicts of interest and ensure ethical conduct by executive branch officers and employees.

Senator LEVIN and I have long been proponents of strong ethics laws. We serve as the chairman and the ranking minority member on the Subcommittee on Oversight of Government Management and the District of Columbia

which has jurisdiction over ethics matters within the executive branch. Senator LEVIN and I have made many changes to strengthen the ethics laws since OGE was created. We authored the Independent Counsel provisions of the Ethics in Government Act which provides for the appointment of an independent counsel to investigate allegations of criminal wrongdoing by top level executive branch officials, and we worked together to strengthen the revolving door and lobbying disclosure laws.

Last year, I, along with Senator LEVIN, introduced S. 699, a bill to reauthorize OGE. The bill was reported out of the subcommittee with no amendments and approved by the full Committee on Governmental Affairs last August. It is nearly identical to legislation which passed the Senate last Congress.

The legislation makes a number of technical changes to the ethics laws and, for the first time, grants OGE gift acceptance authority to address the problem that arises when Federal Government facilities are not adequate either in terms of size or equipment resources to accommodate OGE's ethics education and training programs which are held around the country. This authority is intended to enable OGE to accept the use of certain non-Federal facilities, such as an auditorium that might be offered by a State or local government or a university, which may be better suited for OGE's needs.

Federal agencies are not permitted to accept gifts unless they have specific statutory authority to do so. While OGE has not had this authority in the past, 23 agencies and departments do have some type of gift acceptance authority. The bill requires the Director of OGE to establish written rules to govern the exercise of this authority to safeguard against conflicts of interest or the appearance of conflicts in the acceptance of gifts.

Currently, other agencies that have gift acceptance authority do not have to prescribe regulations governing its use. While other agencies would not be required to follow the example of OGE's regulations in making their own determinations about their gift authority, OGE's regulations would provide useful guidance to other agencies.

OGE has been without an authorization since September 30, 1994, when the previous authorization expired. In April, Congressman CANADY, Chairman of the Constitution Subcommittee, introduced a bill very similar to the legislation Senator LEVIN and I introduced. In an effort to complete action on this measure as quickly as possible, my staff has been working with Congressman CANADY's staff. I am pleased to say that Senator LEVIN and I support H.R. 3235, the reauthorization bill which has come over from the House.

There are a few differences between the bill that is before us today and the bill Senator LEVIN and I introduced last year. I would like to take a few

minutes to outline these differences for my colleagues. First, the House bill reauthorizes OGE for 3 years opposed to the 7 years proposed in the Senate bill. While OGE has been reauthorized for 5 or 6 years in previous years, the House felt this was too long. The 3 year authorization continues to ensure that reauthorization does not occur during the first year of a Presidential term when a large portion of OGE's resources are devoted to the nominee clearance process. I continue to support a longer reauthorization than what has been proposed by the House, and while I will not be here when OGE needs to be reauthorized again, I hope that the Congress will once again move toward a long reauthorization.

Second, the House bill includes a provision to correct an unintended effect of the 1989 Ethics Reform Act with respect to the post employment or revolving door rules applicable to high level executive and legislative branch employees who leave Government to work on political campaigns. Under current law, senior executive and legislative branch employees are subject to a 1-year cooling-off period during which they cannot contact their former offices on behalf of another party. There are some exceptions to the current ban, for example, if a Federal employee leaves to work for a State or local government or for an international organization like the U.N. However, there is no exception for employees who leave to go work for a political campaign. So, if an administrative assistant or legislative director takes a leave of absence from a Senator's staff to work on the Senator's reelection campaign, the former staffer is prohibited from contacting the Senator or his or her staffers with the intent to influence official action.

There is a consensus that the current post-employment law doesn't make sense as it applies to campaign work. In drafting the post-employment rules, no one had the campaign example in mind. Moreover, leaving Government service to work on a campaign doesn't involve the kind of abuse the revolving door rules are intended to address, that is, individuals trading on Government information and access for private gain.

In 1991, there was an effort to fix this problem by adding a new exception to the post employment law for staff who leave Government to work on campaigns. The Bush administration supported this legislation, and it passed the House as part of the honoraria reform bill. A companion amendment was circulated in the Senate, but the provision never became law because honoraria reform stalled in the Senate.

The language contained in the House bill is identical to an amendment Senator LEVIN offered to the OGE bill last Congress which was passed by the Senate. It provides that executive and legislative branch employees who would otherwise be subject to the 1-year cooling-off period are not barred from com-

munications with their former offices on behalf of a candidate, political committee, or political party. To guard against potential abuse of the exception or the appearance of impropriety when former employees represent multiple clients, such as when someone works for a consulting firm rather than directly for a campaign, the exception would apply only to individuals who work, No. 1, solely for candidates, campaigns, or political parties, or No. 2, for entities whose only clients are candidates, campaigns, or political parties. The exemption would not apply to FEC employees because of their duties in overseeing the campaign process and would go into effect when the bill becomes law. Therefore, an employee who left Government within the last year, and is still subject to the 1-year cooling off period, can take advantage of this exception.

Finally, the bill addresses another unintended problem with the post employment restrictions. The 1-year cooling-off provisions apply to senior employees of the executive branch. Senior officials are defined as those serving in positions listed on the executive schedule, positions in the uniformed services ranked 07 or above, particular positions within the White House Office, or a position which the pay is equal to or greater than executive level V. This has included SES employees at levels five and six.

Congress has frozen the executive level pay levels for a number of years. However, the pay levels for SES employees are set by the President through Executive order and have continued to increase. As a result, the pay level for SES level four employees has increased above the pay level of executive level V. What this means is that these SES level four employees will now be treated as senior executive branch employees and be subject to the 1-year cooling off restrictions even though they have not taken on any additional duties or responsibilities. It was not Congress' intent to have SES level four employees subject to these post employment restrictions. H.R. 3235 fixes this problem by amending the statute to read that these restrictions will apply to SES levels five and above not executive level V and above.

In closing, OGE is a small office with large responsibilities. Over the years, we have imposed more responsibilities on OGE and we have not always provided the necessary staff or resources to carry out those responsibilities. Specifically, I would note the additional functions OGE had to perform when it became an independent agency in 1989 and in complying with the Ethics Reform Act of 1989. Congress moved to make OGE a separate agency because it was believed that OGE was not independent enough. In addition, Congress wanted to enhance the agency's prestige and authority within the executive branch given its important and sensitive responsibilities.

While OGE's budget has increased rather significantly since we last reauthorized the agency in 1988, OGE still has a lean budget with which to operate when you consider the critically important responsibilities of the agency. That said, in light of looming budget deficits, OGE, like all agencies will be called upon to meet its responsibilities in the most cost-effective manner possible.

Mr. President, OGE's mission is critically important in ensuring strict ethical standards in Government. I hope my colleagues will move expeditiously to pass this important measure reauthorizing OGE. Finally, I want to take this opportunity to thank Senator LEVIN for his efforts on this legislation and his many years of service on Government ethics issues.

Mr. LEVIN. Mr. President, I am pleased we are considering today, H.R. 3235, the Office of Government Ethics Authorization Act of 1996. This is the same as S.699, the bill sponsored by Senator COHEN and myself and reported by the Governmental Affairs Committee. H.R. 3235 would authorize the appropriation of funds necessary for the Office of Government Ethics to carry out its mission from fiscal years 1997 through 1999.

The Office was first established under the Ethics in Government Act of 1978. Since then, it has been the centerpiece for implementing laws and policies governing the executive branch to ensure that Federal agency officers and employees operate free from conflicts of interest.

Unfortunately, this bill would reauthorize the office for only 3 years. I would have preferred 7 years, but we were told by the House that they wouldn't accept a longer reauthorization. Given the fact that the office has been without a reauthorization since September 30, 1994, and that its work is of fundamental importance to the operations of the executive branch, I think the position of the House is unfortunate. Such a short reauthorization will require more of the valuable time of the OGE staff directed to the legislative process and away from the important work of managing their ethics responsibilities. Because it is so short, it is also likely to result in an authorization gap similar to the one we are experiencing now.

The bill contains a provision which would solve an unintended problem with respect to congressional and Presidential staff leaving office to work on reelection campaigns. In 1989, when we strengthened the post employment restrictions, we prohibited all senior executive branch and congressional staff from contacting their former offices on behalf of someone else for 1 year from the time they left office. What we over-

looked at the time was the situation where congressional staff and top executive department officials may leave their Government positions to work on the reelection campaigns of the persons for whom they worked while in the Government. For example, the administrative assistant of one of our colleagues may take a leave of absence and work on the reelection campaign for that same Member. If that happens, that administrative assistant should not be barred from contacting the Member or his staff on behalf of the campaign, since the interests of the campaign and the Member are really the same. Such a bar, which was never intended, would basically make such employment impossible.

The bill would correct this error and permit contacts by a former staff person working for a Member's campaign with the Member and the office of the Member if such contacts are on behalf of the campaign. Such contacts would not be permitted if they were made on behalf of someone or some entity other than the campaign. Should the former staff person work, for example, part time for the campaign and part time as a lobbyist, this bill would not permit that former staff person to contact his or her former office during the 1 year cooling off period on behalf of a client for whom he is serving as a lobbyist. The exception this bill makes is only for contacts by former staff on behalf of the campaign organizations of the Member or President-Vice President for whom the staff person previously worked. This limitation avoids giving an otherwise reasonable exception an unintended consequence.

Mr. President, I would like to thank Senator COHEN, Chairman of the Governmental Affairs Oversight Subcommittee, for his support on this issue; and my colleagues for their support in getting this bill to the floor.

Mr. MCCONNELL. I ask unanimous consent that bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements be placed in the appropriate place in the RECORD.

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

The bill (H.R. 3235) was deemed read the third time, and passed.

ORDERS FOR THURSDAY, JULY 25, 1996

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 on Thursday, July 25; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date; the morning hour be deemed to have expired; the time for

the two leaders be reserved for their use later in the day, and the Senate immediately resume the foreign operations appropriations bill.

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

PROGRAM

Mr. MCCONNELL. For the information of all Senators, tomorrow morning beginning at 9:30 the Senate will resume the foreign operations appropriations bill with a time agreement on the McCain amendment of no more than 30 minutes; therefore, a vote will occur on or in relation to the McCain amendment no later than 10 a.m. Several additional amendments are expected to be offered. Therefore, votes are expected to occur throughout the session of the Senate on Thursday.

Following the disposition of the foreign operations bill, the Senate is then expected to turn to the HUD/VA appropriations bill. Therefore, votes are expected during the session of the Senate on Friday of this week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 7:47 p.m., adjourned until Thursday, July 25, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 24, 1996:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SUSAN FORD WILTSHIRE, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 25, 2002, VICE HENRY H. HIGUERA, TERM EXPIRED.

NATIONAL INSTITUTE FOR LITERACY

JON DEVEAUX, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 12, 1998. (REAPPOINTMENT)

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

MICHAEL A. NARANJO, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2002, VICE BEATRICE RIVAS SANCHEZ, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 24, 1996:

THE JUDICIARY

NANETTE K. LAUGHREY, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS OF MISSOURI.

DEAN D. PREGERSON, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.