United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, JANUARY 4, 1995 No. 1

House of Representatives

RULES OF THE HOUSE

(Continued)

☐ 1700

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, I support many of the important rules changes being presented here today. But, Mr. Speaker, it seems strange to me that the first opportunity that the Republicans get, they start doing what they have complained about for years. They claim to be willing to open up this body's proceedings, but the first day's business is being conducted under closed rules. That means that any Democratic ideas, regardless of merit, will not even see the light of day. We will start this Congress with business as usual and a gag on the voice of Democrats. This is not the way to start the 104th Congress. The Republican resort to closed rules is as unbelievable as their last-minute defeat of lobby reform and the gift ban last year.

Mr. Speaker, I say to my colleagues, ''Saying that this is open debate just don't make it so.''

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Speaker, I am one of the new Members of this body the voters elected to change the way Washington works. Many of us campaigned on the issue of reform. I want to say to other new Members, ''Don't get cold feet now. We're considering a lot of reforms here today, and I support many of them, but let's be honest. These reforms don't go nearly far enough. They don't begin to address the real concerns of the American people.''

Mr. Speaker, the American people are not angry at Washington because there are too many proxy votings in Congress. They are angry because there are too many lobbyists, too many lawyers and too many special interests with too much influence. They are angry because they see Members taking money and gifts from well-connected insiders and, in some cases, trying to use their offices to amass personal wealth.

This is supposed to be the day when we address the rules Members live by, yet in the entire Republican rules package we are considering today there is not a single amendment that addresses any of these issues. I would suggest to my colleagues on both sides of the aisle:

''If you really care about changing the way Washington works——''

The SPEAKER pro tempore (Mr. WALKER). The time of the gentlewoman from Missouri [Ms. MCCARTHY) has expired.

Mr. BONIOR. Mr. Speaker, I yield 15 additional seconds to the gentlewoman from Missouri.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Are we not supposed to yield time in no less than 30-second increments?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] has control of the time.

Mr. BONIOR. Is that is the package that the gentleman is offering?

Mr. SOLOMON. No, but I will be glad to put it in.

The SPEAKER pro tempore. The gentlewoman from Missouri [Ms. MCCARTHY] may now proceed for 15 additional seconds.

Ms. MCCARTHY. Mr. Speaker, I say to my colleagues on both sides of the aisle:

If you really care about changing the way Washington works, if you really want to show that the House of Representatives is not for sale, I urge you to say no to gifts, say no to personal gain in the people's House, and support the gift ban.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. GENE GREEN].

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, we will soon be voting to change the way the House operates in several ways, but it is not enough. Later, we will also be considering a bill to bring the Congress into compliance with many private sector laws that apply to the rest of the country.

Last Congress, Mr. Speaker, many of my Republican colleagues pointed to the closed rules as an example of the tyranny of the majority. It is, therefore, disappointing that the Congressional Accountability Act, the first bill to be considered by this Congress, will be offered under a closed rule. Open rules allow the minority the opportunity to amend legislation and to allow all points of view to be heard. I was led to believe that the House will be operating under a more open system. Today, Mr. Speaker, it is not open.

Despite my disagreement with the rule on the bill, I intend to support the Congressional Accountability Act. This bill is no stranger to those of us who are Democrats because we offered it last year, and it passed last year before this 100–day blitzkrieg that we are going through. I believe extending employee protections is an important and meaningful step for Congress, and I hope my colleagues on both sides of the aisle will extend that to all workers in the future.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper containing 100% post consumer waste

Mrs. SCHROEDER. Well, Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for yielding this time to me, and I want to say many times I have voted against my side and voted for open rules, and how disappointed I am today to find out that we not only have a gag rule, but we have a choke rule because this side has been totally choked off from offering any kind of amendment or any kind of addition to the reforms. As I look at this reform package, I got to say it is reform-light.

□ 1710

Now, you know, there are some things in there, sure, they are easy, reform them. But the real thing I find people are angry about is the fact that this body operates like a coin operated legislative machine. They are real tired of the guys who have the most coins to put in being the only one to get the legislation out. We dealt with that last year. We passed a bill by 311 votes. We are trying very hard to get that in here.

We also do not deal with many of the other abuses that have gone on in this place. We already last year put everybody under the laws we pass for everyone else. So let us not pat ourselves too hard on the back by doing that again, and let us move on to many other reforms we should be dealing with.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from the District of Columbia [Ms. NORTON].

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Mr. NORTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we have heard all day that this is an historic day. For me and for the four other delegates, it is historic as well. Two years ago, for the first time ever, our names were added to the official roster of this House. Today, the rules propose to erase those names.

The courts would not erase them. The courts said that the House could empower the Delegates. The courts said that Members could constitutionally democratize their own House. If the erasures occur, it will be by our own hand and by our own rules.

Oh, that is a bittersweet thing for the Delegates, especially for this Delegate, who represents 600,000 taxpaying citizens.

In 1993 I wrote a legal memorandum that erased for the first time in 200 years part of their plight—paying Federal taxes while having no representation on this floor. Today we are told, forget that. Go back to where you started.

Well, we cannot go back, Mr. Speaker. I ask my colleagues to take a leap of imagination with me and put yourself in my place. Suppose your constituents paid $1.6 billion annually to the Treasury of the United States. Suppose your constituents were third per capita in Federal taxes in the United States of America. Suppose your constituents paid more taxes than each of six states.

How would you feel when you watched other Members vote on your taxes, and I mean local taxes, my friends, vote on your laws, and I mean local laws, my friends, because our local business comes before this House.

The vote to be erased means nothing to this body, but it means everything to the taxpaying citizens I represent. After all, a re-vote will be taken if delegate votes are determinative. You claim that you will democratize this House, and in some measure you will, but not in this measure.

I suspect that the denial today is not an act of meanness, but an act rooted in the partisanship of the past, rather than in the events in which you take such pride today. For you, this was a plot of the Democratic leadership. Forget that, my friends. It was my plot, my memo, my taxpayers.

My Republican friends, I say to you today that there is no need to return to the partisanship of the past now. You have won. Leave it be. Let it rest. Be as gracious in victory as you have been tenacious in earning that victory. Restore the vote to those who live in the houses, in the neighborhoods, and in the city of the great House of Representatives.

Mr. Speaker, editorial opinion from one end of the political spectrum to the other has been unanimous in support of my right to vote. I submit these editorials for printing in the RECORD.

[From the Washington Times, Dec. 6, 1994]

TAXATION, REPRESENTATION AND THE DISTRICT

Two years ago, Republicans picked up 10 seats in the House of Representatives, despite the Democratic victory at the top of the ticket. Not long thereafter, D.C. House Delegate Eleanor Holmes Norton, who had no voting rights in the House, floated a proposal whereby she would be able to participate in all House votes taken in committee, including the committee of the whole, in which most of the House's important work is done, short of final passage of legislation. Soon, however, the four non-voting territorial delegates to the House—one each from Puerto Rico, Guam, the U.S. Virgin Islands and American Samoa—got themselves included in the proposal as well. All five are Democrats, as it happens. And Republicans, with some justification, screamed bloody murder, accusing the Democrats of trying to regain the Democratic majority's rule-making powers half of what Democrats had lost at the polls.

The delegate-voting proposal was subsequently modified such that in votes by which legislation is sent to the floor of the House from the committee of the whole by less than a five-vote margin, another vote must be held without the participation of the five delegates. Republicans nevertheless sued, but federal courts ruled, correctly, that the House itself is constitutionally empowered to propagate such a rule for delegate voting.

Well, now there's a new congressional majority: Republican. So what to do about delegate voting? No doubt there will substantial GOP sentiment for simply undoing what many regard as a blatant partisan powergrab. The matter is worth second thoughts, however.

Republicans take note, for this is an argument that ought to be dear to GOP hearts: There is a major difference between the situation of the District and that of the four territories. It can be summed up in one figure: $1.6 billion. That is the total amount of federal income taxes paid each year by residents of the District of Columbia. It compares with $0 from the four territories. And it is near the very top compared with congressional districts nationwide.

District residents deserve some consideration in exchange. Mrs. Norton's retention of her limited voting powers—which, by the way, hardly constitute ''representation'' commensurate with taxation—are worthy of serious discussion. And let's also begin the discussion about whether justice wouldn't be better served by a District whose government receives no federal payment—but whose residents are not taxed by the federal government, either.

[From the Washington Post, Nov. 19, 1994]

THE THREAT TO D.C.'S HOUSE VOTE

Among the galaxy of rule changes expected in a Republican House of Representatives next January, one provision deserves to remain on the books. A House rule adopted early in the current Congress—unanimously opposed by House Republicans—allows D.C. Del. Eleanor Holmes Norton and representatives from four U.S. territories to vote in the House Committee of the Whole, where the bulk of the House's floor business is conducted. But now the House's new leadership says it will revoke the five delegates' limited voting rights. Mrs. Norton has vowed to fight the effort to take away her vote. She deserves to prevail.

The voting arrangement, which was Mrs. Norton's idea, was crafted to ensure the House stayed within constitutional bounds. Under the new rules and in accordance with the Constitution, the delegates do not enjoy full voting privileges. But consistent with the combination of limited powers they already have to introduce legislation, serve and vote on standing committees and debate on the House floor, the House agreed to allow Mrs. Norton and her four colleagues to participate in one more committee—the Committee of the Whole.

To ensure the prerogatives of the House were not weakened, the House adopted a fail-sale device: a member can require that any Committee of the Whole-passed measure must be voted on a second time in the full House, where Mrs. Norton and the other delegates can't vote. So the arrangement is beyond legal or constitutional attack. That isn't only the judgment of the House. A U.S. district judge for the D.C. circuit also accepted the merits of the argument, as did the U.S. Court of Appeals.

There are, however, other compelling reasons for the House to leave the District's voting privileges intact. There is the matter of fairness. Unlike the inhabitants of the U.S. territories, District residents pay Federal income taxes, and on a large scale. The District ranks third per capita in taxes paid to Uncle Sam. Yet when matters critical to the District (which means every piece of legislation passed by the mayor and council) are before the full House, Mrs. Norton must stand by voteless as members from around the Nation register their will.

The voting arrangement, while severely limited in scope, does give Mrs. Norton the chance to register the will of more than 600,000 taxpaying Americans in House debate as she now does in her committee assignments. For victorious House Republicans, in their first exercise of power in 40 years, to take away Mrs. Norton's voting privileges is wrong.

[From the Roll Call, Dec. 22, 1994]

SAVE NORTON'S VOTE

Our first plea to the new GOP majority is likely to fall on deaf ears, but we'll make it anyway: Save DC Del. Eleanor Holmes Norton's vote on the floor. Unlike the other four Delegates who represent US territories in the House, Norton represents federal taxpayers, who pay in $1.6 billion every year to the US treasury but now face the loss of even their symbolic vote in the House's Committee of the Whole.

Republicans have hated the Delegate voting rights since Democrats first granted them two years ago, and when the 104th opens on Jan. 4, they are fully prepared to take them away. But as Capitol Hill's only twice-weekly newspaper, we'd be crazy to agree. ''No taxation without representation'' still strikes a chord with us.

[From the New York Times, Dec. 31, 1994]

MORE COLONIALISM IN D.C.

Imagine your outrage if the state where you live were suddenly stripped of representation in Congress, even as that very same Congress dictated how local tax dollars were spent and ran local policy—right down to garbage collection.

The taxpayers of Washington D.C. don't need to imagine. Taxation without representation is an insult they live with every day. The incoming Republican Congress wants to add to this indignity by revoking the District's largely symbolic vote in the House of Representatives' Committee of the Whole. That is a colonist idea. Washingtonians and their Congressional Delegate, Eleanor Holmes Norton, are right to be fuming.

With a population of nearly 600,000, the District of Columbia has more people than Vermont, Wyoming or Alaska. But it does not have a voting representative in Congress. Although District taxpayers contribute $1.6 billion yearly to the Federal Treasury—more Federal taxes per capita than in all but two of the 50 states—Washingtonians must beg to use even their *local* taxes as they see fit. Congressman from all over the country meddle in how locally raised taxes are spent.

Two years ago, House Democrats awarded symbolic floor votes to four previously nonvoting delegates—from the District of Columbia, Guam, the Virgin Islands and American Samoa—as well as to the resident commissioner from Puerto Rico. That arrangement allows delegates to vote when the House meets as a ''committee of the whole,'' which is where it does most of its legislating. But in cases where the delegates' votes made the crucial difference in a close ballot, another vote would be taken without the delegates.

The incoming Speaker of the House, Newt Gingrich, would now strip the four delegates and the commissioner of any vote at all. The Republicans were right to resent the Democrats' transparent effort to add to their majorities, as well as the wasted time involved in having to repeat close votes. But surely Mr. Gingrich can see the difference between the District of Columbia and the territories. The District pays Federal taxes by the truckload; the territories contribute nothing.

The incoming Congress swept to victory by touting a new federalism, promising to make government work for Americans, not against them. Mr. Gingrich also promised to make the House more democratic. A truly democratic Congress can hardly justify denying the District one small voice in the body that controls its every move.

Mr. SOLOMON. Mr. Speaker, to respond to the gentlewoman from Colorado, I yield 2 minutes to no one better than the majority whip, the gentleman from Sugar Land, TX, Mr. DELAY.

Mr. DELAY. Mr. Speaker, I think this is a very interesting process we are going through. Just as we have had to learn to be the majority, I think the minority needs to learn to be the minority. The gentlewoman from Colorado is talking about we have gag rules and choke rules, and the gentlewoman from Missouri said we are not going far enough in reform. I need to remind the minority that they have had 40 years to do this, 40 years to do these kinds of reforms, and they chose not to do any of these.

I also should remind the minority when they were in the majority in just the last Congress, they did not put the gift ban nor lobbying reform in their rules of the House. They went through the normal legislative process, just as we want to go through the normal legislative process on a legislative package like the lobbying reform package. We do not want it in the rules.

But all that aside, when we were in the minority and you were in the majority, the first thing we would do would be to come to you with amendments to ask you to allow us to put the amendments in your packages. We received an 18-page amendment on your motion to commit about 2 minutes before we voted on it.

So if you will come to us and make your proposals to us, then maybe we will accept them. But to just come and bring proposals to the floor without even checking with the majority is not going to get you very far.

Over 60 years ago, this House embarked on a legislative journey that became known as the New Deal. Today this House is beginning another journey. We are in the majority, you are in the minority. I hope that we can work together. I hope you will bring us your ideas, and maybe we can include them in the package. But do not just come up here and throw something out on the floor and expect us to accept them out of hand.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to my friend, the gentleman from Texas [Mr. DELAY], whom I like very much and respect, he complained about the amount of time that we did not provide for him and his colleagues on the motion to recommit. I might suggest to him that we will be offering the same ban on gifts to lobbyists as well as the book royalty issue on the next motion to recommit, which will be down the road in about 5 hours. It is about 20 pages, and it should be sufficient time for you to digest it, understand it, and maybe you will accept it. So we hope you will.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. MENENDEZ].

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, it is unfortunate that while the American people were promised an opening day of sweeping reform and openness in Congress, they instead see the use of restrictive rules to prohibit Democrats from offering amendments to the new so-called reforms.

If today were truly the end of business as usual in Washington, we would be reading headlines about new progress in the fight to help Americans find and keep good jobs to provide for their families, not about $4 million book deals.

Americans voted to make sure that Congress was not for sale. They voted against arrogance, the arrogance of cashing in on public office, of using the majority to require supermajority votes on certain issues, and for open rules that create the open debate we heard promised today in such glowing terms.

We have been denied the chance to make real news here today. I voted for the Democratic motion, which will be offered again. I hope it will be accepted by the Republicans this time to revise the rules to include a ban on gifts from lobbyists and a limit on the income which Members may receive from the royalties on book sales. That was the opportunity for real change. Republicans blocked them.

The SPEAKER pro tempore. (Mr. WALKER). The gentleman from Michigan [Mr. BONIOR] has 4 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 3 minutes remaining. The gentleman from New York [Mr. SOLOMON] has the right to close.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I want to talk about a reform we did make. Two-and-a-half years ago in the wake of the problems in the bank and the post office, I served as a member of a bipartisan task force which drafted House Resolution 423, an unprecedented effort to totally eliminate politics and patronage from the administration of the House support operations. I am saddened that on this day of reform, the new majority proposes a change to go back from professional management and businesslike personnel policies to the discredited patronage system.

□ 1720

However, that is what they are proposing and they have already started to implement it.

Let me remind Members of what we have accomplished. We have created a Director of Non-Legislative and Financial Services, with a mandate to sweep the House clean of waste and fraud and inefficiency. We have provided that both the majority and minority parties must agree on the selection of the director, so that only skill mattered, not politics.

Today we turn back from that in very short time, and we have already started with a totally partisan person to administer the House.

We had an inspector general who was going to report to a bipartisan subcommittee. That is all gone, so there is no more oversight in a bipartisan way of the things that happen in this House.

Mr. Speaker, 2½ years ago in the wake of the Sergeant-at-Arms Bank and the Post Office affairs, I served as a member of the bipartisan task force which drafted House Resolution 423, an unprecedented effort to totally eliminate politics and patronage from the administration of House support operations.

I am shocked and saddened that on this day of reform, that the new majority would propose in this package of rules changes to move back from professional management and business-like personnel policies to the discredited patronage system. Yet that's what they are proposing and have already begun to implement.

Mr. Speaker, let me remind you what we had accomplished.

We created a Director of Non-legislative and Financial Services with the mandate to sweep the House clean of waste, fraud, and inefficiency. We provided that both the majority and minority parties must agree on the selection of the Director to ensure that only relevant experience and skills would count, not the politics of those who applied.

Today the new majority proposes to turn the clock back to an era of one-party partisan control over everything in the House from the payroll clerks to the telephone operators.

And our reform did not stop there. We created an independent Office of Inspector General to be directed and report to a new bipartisan Subcommittee on Administrative Oversight with equal representation from each party.

Today the new majority kills that bipartisan subcommittee and returns to a partisan oversight committee.

Is this reform?

Why is the new majority rolling back the bold and totally bipartisan approach to managing House support services? One can only speculate that they were only giving lip service to bipartisan professionalism. Now that they are in power, they are abandoning professionalism and grabbing for the spoils of victory.

I believe history will judge harshly those who eat their words from the past so easily without any sense of their hypocritical vote to return to the discredited spoils system.

I urge my colleagues to defeat this rollback to the bad old days.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CAMP], a distinguished member of the Committee on Ways and Means.

(Mr. CAMP asked and was given permission to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as we begin work today, we have a clear understanding of our purpose for the next 100 days. We have the unique opportunity in this body to set partisan politics aside. The people have told us they want things done differently in the Congress.

They have given a new set of leaders a chance to make things happen, but they have also issued a firm warning to deliver and they are watching closely.

The rules package before us is an important first step in fulfilling our commitment to make this body accountable to those who sent us here. For example, applying the laws everyone else has to live under to Congress; an audit of the House books and reducing the number of committees and staff.

Our goals have been set, our agenda is clear, and now it is up to us to meet those goals and complete our agenda. These first 100 days are going to be hectic but with unity and bipartisanship, they can be historic as well.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, if we believe in term limits on committee Chairs and limits on proxy voting, then we should vote for it. That is the majority way. That is the democratic way.

However, I draw the line when Members start to diminish the value of my vote by requiring a 60-percent rule on anything. That is not the majority way. That is not democracy. That is not any way to treat a minority.

I would submit that it is un-American, it is unconstitutional, and the 60-percent rule by majority vote is un-American and unconstitutional. I ask you to vote against this idiocy.

Mr. SOLOMON. Mr. Speaker, I would just caution the previous speaker about talking about things like un-American. The gentleman did vote for the Democrat rules package last year which required a two-thirds vote.

The SPEAKER pro tempore (Mr. WALKER). Has the gentleman yielded himself time?

Mr. SOLOMON. No.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. SOLOMON. I will stand out of order.

The SPEAKER pro tempore. Does the gentleman from New York wish to yield time?

Mr. SOLOMON. Yes. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I rise in support of the rules package before the House of Representatives, which is the fundamental first step toward restoring the accountability of this House to the American people.

To my colleagues who have recently participated in this debate on the other side, when the gentleman spoke of the diminishment, you begin to diminish your credible standing as a lady and gentleman in the House when you act as if you carry the mantle to an open process.

When I first came to this Congress 2 years ago, I was shocked to see the Congress being run as an undemocratic institution. The 103d Congress was a closed, mismanaged, undemocratic institution. The standing rules of the House were continually waived to avoid accountability.

Fortunately for the American people, that was yesterday. Today I am pleased that this House will adopt a provision that I have advocated requiring the committee chairmen to make every attempt to abide by the House rules and disclose provisions that do not meet those rules, therefore requiring a waiver by the Committee on Rules. By simply following the House rules, we will help bring much needed sunshine, accountability and fiscal responsibility to this body.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] has 2 minutes remaining; the gentleman from New York [Mr. SOLOMON] has 1 minute and 15 seconds remaining.

The gentleman from New York [Mr. SOLOMON] has the right to close debate.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Guam [Mr. UNDERWOOD].

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, this morning 440 voting cards were issued. Five did not work. I got one of those right here, courtesy of the new majority, which claims to be democratizing this body.

I rise in strong opposition to the new majority's rules that rescind the privilege of the Delegates voting in the Committee of the Whole. This is not an infringement of States' rights. The Delegate vote is purely symbolic. This is about the inclusion of 4 million American citizens who reside in the territories.

What the Republican majority of the congress is saying to these American citizens is something that America would never say to the world. Would America tell Haiti, Eastern Europe, and Russia that in order to build a democracy, you first start by separating citizens based on tax status?

This country has broken down barriers of gender, race, poll taxes, in order to perfect the American ideal, and it is wrong to turn the clock back now.

By turning its back on the U.S. citizens on Guam and the other territories, Congress is sending a message that American citizenship is less important than the size of our wallets.

Mr. BONIOR. Mr. Speaker, I yield my remaining minute to the distinguished gentleman from Vermont [Mr. SANDERS].

(Mr. SANDERS asked and was given permission to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, some of the reforms we are voting today are good, and some I have problems with. The one I want to briefly focus on is the requirement that it will take a 60-percent vote to raise personal and corporate income taxes.

Mr. Speaker, the fact of the matter is that the current tax system in America is highly regressive. Tens of millions of working Americans and middle-income Americans are paying a higher percentage of their income in taxes than are millionaires. Corporations today in many instances that are very profitable, that are taking their jobs to the Third World, are not contributing their fair share in taxes.

Mr. Speaker, it seems to me that if we want a fair tax system, an equitable tax system, majority vote should rule in allowing the House of Representatives to raise taxes on the wealthy and on those corporations that are not paying their fair share of taxes.

The SPEAKER pro tempore. All time has expired for the minority.

The gentleman from New York [Mr. SOLOMON] is recognized for 1 minute and 15 seconds.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we want to expedite this as fast as we can. Mr. Speaker, let me just point out that coming next will be 20 minutes of debate on eight separate sections of title I of this bill. These are the significant changes in the rules over the rules that we have been operating under in the previous Congress, which was the Democratic rules package.

Because these are significant changes, we have chosen to at least offer the opportunity to vote on each of the eight, and that is the debate that we will be starting on in just a few minutes.

I would just point out in closing that this is the most comprehensive, sweeping reform of this House that we have known in over 50 years. I would hope that the body would support the resolution, after we have finished debating the individual sections.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today in full support of the Rules Package for the 104th Congress. Last November, the American people sent a strong message that it was time for a change in the U.S. Congress. This important package is the first step towards that change. Implementation of the ''Contract with America'' will help to restore the people's trust in government. The American people want a Congress that is accountable for its actions, not one that hides behind the laws it passes. This resolution will provide for the most open Congress ever.

I believe it is important to show America that Congress can put its own house in order before dealing with the rest of the Nation's problems. This package will curb many of the abuses that occurred during the minority party's lengthy control of the House. During the campaign, each republican candidate made a promise with the American people to change this institution. The contract with America is about putting the people back in charge and not entrenched politicians.

This reform package contains 23 measures that will produce a more efficient and accountable U.S. House of Representatives. Committee staffs will be reduced by one-third, and in some cases obsolete committees will be abolished or merged into other committees. Additionally, the bill referral process has been revamped so that only one committee will now have primary jurisdiction over each piece of legislation. Term limits for committee chairman and the Speaker will also be imposed.

This package represents the most significant overhaul of the rules process since 1974. Virtually all committee business will now be accessible to the public and the media. The horrendous practice of proxy voting will end as will rolling quorums. Additionally, Members will be limited in the number of committees they may serve on, and all committee votes will become public record.

In addition to House procedure, this resolution is taxpayer friendly. Under this package, any income tax increase must now be approved by a three fifths majority of the House of Representatives. The provisions relating to baseline budgeting and limiting tax increases will help to enforce fiscal discipline in the Congress.

After four decades of one party control, the American people have finally had enough. The American people deserve an open legislative process. Most people would agree that the Federal Government is too big and spends too much. My colleagues on the other side of the aisle have long believed that big government is the answer. I do not. This rules package is the first step in an effort to make government more efficient and more accountable.

The Contract with America will put an end to the tax and spend Congress of the last 40 years. The contract offers the American people an opportunity to restore the American dream that was lost. Most importantly, this package will rekindle the trust between the people and their elected representatives. I urge my colleagues to support the rules package.

Mr. BORSKI. Mr. Speaker, I rise in strong opposition to the provision requiring a supermajority for certain tax increases. This provision is unconstitutional, sets a dangerous precedent and clearly demonstrates the Republican's intent to protect upper-income Americans at the expense of low- and middle-income families.

The ''limitation on tax increases'' provision would institute, for the first time in the history of Congress, a rule requiring a supermajority vote for the simple passage of legislation. Such a rule, however, runs contrary to the fundamental democratic principle of majority rule. The Constitution clearly specifies the exceptional cases in which a supermajority is required. Greater majorities can also be required for procedural motions, like curtailing debate or suspending the rules. Otherwise a simple majority is the requirement of the Constitution.

Although the Constitution does give the House the power to set its own rules, the courts have long made it clear that this does not mean the House has the authority to change the basic framework of the Constitution.

In addition, Mr. Speaker, requiring a supermajority vote on taxes sets a dangerous precedent that could be used to create similar requirements for other controversial issues. If Republicans can require a supermajority for tax increases, future rules changes would require a supermajority for such issues as increasing spending on defense.

Finally, Mr. Speaker, the ''Contract With America'' which outlined the 10 legislative initiatives that the Republican candidates promised to introduce if they gained a majority in the House, included a provision to require a three-fifths majority in the House for approval of any tax increase. Now that Republicans are in the majority they have reneged on their contract and changed this provision to apply only to increases in the most progressive of taxes, income and corporate taxes. Increases in more regressive taxes such as payroll taxes and excise taxes, which hurt low- and middle-income Americans the most, could still be approved by a simple majority.

You may recall Mr. Speaker, that during the 1980s, the Republican Administrations followed a similar legislative agenda to the current Republican Contract of cutting taxes for the wealthy, increasing defense spending and trying to balance the budget. However, the deficit exploded as a result of these policies. Trying to recover some of the lost revenues, the Republican Administrations increased these kind of regressive taxes which continue to hurt middle-income Americans today.

By making the most equitable and progressive taxes subject to a supermajority vote, while allowing more regressive taxes, such as excise taxes, to be approved through simple majority, the Republicans are creating rigid new fiscal policy and clearly indicating their intent to repeat the past of protecting wealthy Americans at the expense of working families.

Mr. Speaker, the principle of majority rule is the very essence of American democracy and must be protected by Members of Congress, not sacrificed for political purposes. Therefore, I urge all my colleagues to vote against the supermajority provision which violates this essential principle.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to voice my opposition to the elimination of legislative service organizations [LSO's] in the House of Representatives.

As a member of several invaluable legislative service organizations [LSO's], I know firsthand the important role they have played in analyzing and promoting legislation to assist Members working together on common interests and in pursuit of common goals. In the case of the Congressional Black Caucus [CBC] and the Congressional Caucus for Women's Issues, LSO's have enabled Americans who are significantly underrepresented in Congress to have more united and more effective voice in the legislative process.

The impact of the Congressional Black Caucus has been dramatic as the CBC has sought to promote an agenda of equity and fairness for African-Americans across the country. The CBC was instrumental in passage of the Civil Rights Act, promoting sanctions against South Africa, leading the fight for disadvantaged business opportunities, expanding the earned income tax credit in the President's 1993 budget, pushing for more positive, preventative activities for youth in the crime bill, et cetera. Without the CBC, it is

questionable whether such significant legislative strides could have been made so effectively.

The Congressional Caucus for Women's Issues has had equally remarkable successes as a result of working together to further legislative goals of importance to women and families across the country. Historic changes have occurred as a result of the work of this important bipartisan LSO. Medical research practices at the National Institutes of Health were changed to better assist women, Federal contracting opportunities for women-owned businesses were improved, funding for fighting crimes against women and domestic violence was approved, the Safe Access to Clinic Entrances Act was passed, et cetera.

Mr. Speaker, eliminating LSO's will hurt the many Americans who can't afford their own high-paid lobbyist to argue their cause. The Congressional Black Caucus, the Hispanic Caucus, and the Congressional Caucus for Women's Issues, to name a few, all represent groups of Americans who are vastly underrepresented in the U.S. Congress. In our democratic Nation, all Americans deserve a voice in Congress and with the elimination of these valuable LSO's I am concerned that their voices will no longer be heard. And this, Mr. Speaker, is a reform which we simply cannot afford.

Mr. YOUNG of Florida. Mr. Speaker, I rise today on this momentous occasion to speak to this House and the American people about the events that have unfolded since the historic November 8 election, and to celebrate the reforms we will enact today. What a difference a day makes.

As a Republican, my entire service as a Member of Congress has been in a House controlled by Democrats. In this time I have watched as House proceedings became more and more partisan, and decisions which could effect every American became more secretive and exclusive. I watched the number of committee staff nearly triple while the committees became dominated by special interests and unable to respond to public desires. Republican efforts to reform the system, open up the deliberation process, and clean up the sloppy internal management and corruption were met each time by Democratic arrogance and obstinacy.

On November 8, an overwhelming majority of Americans throughout our Nation rallied behind principles included in a Republican Contract with America, and demanded that reforms making Congress more accountable and effective be implemented. In the wake of that election day, the American people sent a new majority to Washington, a Republican majority, to answer that demand. I rise today to tell the American people we have heard your call. As we promised in our contract, today we begin to deliver.

While many of the provisions in today's reform package are changes Republicans have been promoting for decades, much of our proposal is the product of several weeks of hard work which began immediately after the election. In fact, the Republican Transition Team, on which I was proud to have served, began work almost immediately on changes to the structure and operations of the House. Under the Republican Open House proposal which we released in December, and is included in this package, major changes in the House's administrative operations will be adopted today. These include broadening the powers and staff of the House inspector general, and providing him authority to refer any possible violations to the House Ethics Committee, abolishing the Office of the Doorkeeper which is loaded with hundreds of patronage employees; and ensuring congressional compliance with Federal laws. A major accounting firm will also be hired to conduct a comprehensive audit of the House's finances which will be made public upon completion.

Requiring that Congress complies with the same Federal laws and regulations that apply to the private workplace has long been a goal of mine. In fact, last Congress I was an original cosponsor of legislation, the Congressional Accountability Act, identical to that included in today's resolution. The House passed a version of this act near the end of the 103d Congress, but the measure died because the other body failed to consider it.

Passage of this act underscores that no American should be immune from law or receive special treatment in its application. In addition, this act encourages all of us as legislators to continue to review the burdens that Federal laws place upon us as citizens. The laws which we apply to Congress today include the Civil Rights Act, the Americans With Disabilities Act, the National Labor Relations Act, the Occupational Safety and Health Act, the Employee Polygraph Protection Act, the Worker Adjustment and Retraining Notification Act, the Rehabilitation Act, and the United States Code on fair labor management relations.

Reducing the amount of congressional staff is also a cornerstone of our reform efforts today. As the ranking Republican of the Legislative Branch Appropriations Subcommittee during the past Congress, I worked to substantially reduce the number of people in the Congress' employ. Unfortunately, Democratic intransigence prevented us from enacting anything more than a 4-percent reduction over 2 years. Today's resolution reduces the number of committee staff personnel alone by one-third, a total of 622, with a potential savings to the taxpayer of $70 million over the next 2 years. How's that for a change.

Another cost-cutting measure included in today's package eliminates legislative service organizations. These Member caucuses which represent special interests cost the taxpayer $5 million a year and take up a large amount of office space. In fact, elimination of the LSO's and their 97 staff positions along with the committee staff reductions may free up enough space so that we can sell off an entire House office building.

The Republican reform package we consider today also makes substantial changes to the present committee system by cutting three House committees and 25 subcommittees, limiting the terms of committee chairs and banning proxy, or ghost, voting. Not since 1947 has a standing committee of the House been eliminated. We'll take three, and if Members wish to vote on legislation in committee, they will have to be present. No longer will baron committee chairs wield the proxies of absent individuals who feel they have better things to do, defeating the efforts of committee members who do their work and care. Finally, committee meetings will be open to the public, ensuring fairness and accountability. We can all recall the day when Democrats in the House Ways and Means Committee voted for the controversial retroactive tax increases in the Clinton budget behind closed doors, barring the press and the public from their proceedings. Passage of this package will put an end to those shameful days. Under the Republican majority, the sun will shine in.

In the context of truth and accountability, Republicans have also included in their reform proposal a truth-in-budgeting requirement which will have an enormous impact on the public's understanding of Federal spending. Under past budget rules, an increase in spending was often called a budget cut if it wasn't more than inflation and other specified increases would cause. That's like saying we are reducing spending by not spending more than we already spend.

The new House rule stipulates that if you spend more money in one year than you spent the year before, it is an increase. Spending may rise because of an increase in inflation, but the fact is that it will be recognized as an increase. There will be no more Mickey Mouse budgeting. In this Congress, the truth will be told and the public will know.

The final provision of today's historic House reform package is one that will positively affect the lives of every American by making tax hikes more difficult. This Congress will require a three-fifths vote of the House to pass any income tax rate increase and will prohibit retroactive taxation of income. This supermajority requirement is quite similar to restrictions voters have imposed on numerous State legislators, and stands in stark contrast to past Democrat rules which require a supermajority to cut taxes. Another beneficial aspect of this new rule is that any future Congress seeking to get around it would have to change or waive the rule, providing a warning sign of impending tax boosts.

Mr. Speaker, with this past election we saw the results of an American public outraged with the business-as-usual attitude of a Congress controlled by Democrats for 40 years. The message from an electorate tired of false messages and empty promises was clear—no more. Today's actions are the first step in fulfilling the promises made in our Contract with America, and represent more congressional reform than the public has seen in decades. They are not an end, but a beginning of a Congress more open, more accountable, and more responsible than ever. A Congress which will listen to the people, speak frankly in response, and spend no more than it needs to serve the people it represents.

Mr. PORTER. Mr. Speaker, I strongly support the overall Republican House rules package. It makes many badly needed and long overdue reforms in the way this House operates. I believe those reforms will help Congress regain the confidence of the American people, something which has been lacking for far too long due to the complacency of previous Democratic congressional leaders. However, Mr. Speaker, I am concerned about the provision in the package which would require a three-fifths supermajority to pass income tax rate increases.

Mr. Speaker, the Constitution designates seven specific instances in which a supermajority is needed for Congress to take action. Those cases include override of a presidential veto and the Senate's approval of a treaty, among others. Other than those seven cases, however, the Constitution clearly establishes a Congress which operates on the

basis of simple majority rule. I therefore have great reservations about whether such a provision should pass constitutional muster. This obviously, ultimately, would be a question for the judicial branch to be resolved in the course of litigation challenging the constitutionality of our rule. My vote for this change in our rules, then reluctance and while strongly supportive of the provision preventing retroactive tax increases, is made with great reservation regarding the constitutionality of the provision requiring a supermajority to pass income tax rate increases.

Mr. BLILEY. Mr. Speaker, I rise in support of H. Res. 6 adopting the Rules of the House of Representatives for the 104th Congress. This bill adopts many changes in the Committee system, particularly in the provisions of Rule 10 that govern the respective jurisdictions of the Committee on Commerce and the Committee on Banking and Financial Services.

The language of proposed rule X governing the jurisdiction of the Banking and Financial Services Committee makes clear that the Banking Committee has primary authority to review legislation that governs bank securities activities. The Rule draws an exception to that jurisdiction, however, that reflects the operation of existing law. The activities of any bank, any separately identifiable department or division of a bank, any affiliates of a bank, or any persons associated with a bank or affiliate, for example broker/dealers, municipal securities dealers, or mutual funds just to name three, that are regulated under the Federal securities laws, will continue to be subject to the primary legislative jurisdiction of the Commerce Committee. This is what is referred to as functional regulation.

Furthermore, recognizing the particular nature of institutions whose deposits are insured by the Federal Government, there is an exception to this exception. The Banking Committee will share jurisdiction over these entities regulated under the securities laws with regards to legislative provisions that are intended to protect the safety and soundness of the depository institution.

I favor this approach to the jurisdiction of the respective Committees because it reflects an agreement reached by and between me and my two good friends, Speaker GINGRICH and Chairman LEACH. It is may hope that the wording of H. Res. 6 will result in an elimination of the bottlenecks that have prevented the House from passing comprehensive financial services reform legislation. It is of critical importance that the regulation of the financial services industry be reformed to allow banks to enter the securities business and brokers to enter the banking business on an equal footing. I look forward to cooperating with Chairman LEACH in enacting legislation to accomplish that goal during the 104th Congress.

Mr. BONILLA. Mr. Speaker, I rise in support of the Rules package under consideration today. I urge my colleagues to support this package because it represent real reform. Reform I have been calling for since my first election 2 years ago. Reform the American people have been calling for—for far too long.

This Rules package contains reforms promised in the Contract With America and its passage will represent a promise kept—a refreshing change for Congress. Let each and every one of us here in Congress today recommit ourselves to keeping the promise made in the Contract With America. The American people will judge us by our success in meeting this commitment. Let us not fail their trust.

The process which developed this Rules package was remarkably open with all Members of differing seniority and differing perceptions having the opportunity to help draft this remarkable reform document. I salute the new Chairman of the Rules Committee, the Honorable GERALD SOLOMON, for his openness and dedication which produced this product.

I personally experienced Chairman SOLOMON's commitment to openness when I proposed a ban on commemorative. This Rules package prohibits the introduction or consideration of any amendment, resolution or bill that expresses any commemoration of any specified time period. The days will finally end when the Congress spends the people's time considering such legislation as ''Mule Appreciation Day.'' Chairman SOLOMON welcomed my suggestion to prohibit commemorative legislation and committed himself to working with me on it. I am proud to have drafted the language which served as the base for the legislative language included in the bill for consideration today.

I also want to express my thanks to my new freshman colleagues who have made the commemorative ban a reality. You freshman have provided us with the majority to pass this reform bill and you freshmen have made this proposal a priority by obtaining the Republican Conference's endorsement of a commemorative ban. Thank you all very much.

I am proud to have played a small role in developing this remarkable legislation. I urge my colleagues to join me in voting to keep our promises, to listen to the American people and to support genuine reform. My colleagues, please join me in voting ''yes'' for this vital legislation.

Mr. ARMEY. Mr. Speaker, this agreement addresses the intent of the Chairman of the Committee on the Budget and the Chairman of the Committee on Government Reform and Oversight concerning the jurisdiction of each committee over the congressional budget process. It is not intended to address jurisdictional issues involving the budget process between the Committee on the Budget and the Committee on Rules.

Paragraph (1)(d)(2) of rule X, relating to all concurrent resolutions on the budget and other measures setting forth budget totals for the United States, affords the Budget Committee legislative jurisdiction over the establishment and adoption of the congressional budget resolution, whether joint or concurrent. This extends to any statement setting forth a balanced budget as required by an amendment to the United States Constitution, or a capital budget or joint/capital operating budget, if mandated.

Paragraph (1)(d)(3) of rule X affirms the Budget Committee's primary jurisdiction over budget terminology and secondary jurisdiction over other elements of the congressional budget process, such as those currently provided for in the Congressional Budget Act. This includes: The budget resolution, timetable and accompanying report language; committee allocations; and the reconciliation process. This paragraph is not, however, intended to provide the Budget Committee with jurisdiction over the following: process changes in Federal rescission or impoundment authority; process changes in the submission of agency performance plans or reports, or agency regulatory plans, reports or reviews as part of the budget process; or process changes leading to the required adoption of a Federal capital budget or joint capital/operating budget which accounts for the fixed assets of the United States Government. In addition, this paragraph is not intended to provide the Budget Committee with jurisdiction over special funds, accounts or spending set asides created to reduce the deficit.

Paragraph (1)(d)(4) of rule X is intended to provide the Budget Committee with jurisdiction over measures to control spending, the deficit, or the Federal budget. The Budget Committee's jurisdiction will include the establishment, extension and enforcement of mandatory and discretionary spending limits; Pay-As-You-Go requirements for legislation that increases the deficit; and special budgetary mechanisms to control spending, the deficit or the Federal budget. The Budget Committee will have jurisdiction over Federal sequestrations, including sequestration rules, special rules and exemptions. The Budget Committee is intended to have jurisdiction over the selection of programs subject to spending controls, the determination of the numerical level of those controls, and the enforcement of the controls.

Paragraph (1)(g)(4) of rule X is intended to retain the Committee on Government Reform and Oversight's legislative jurisdiction over: measures relating to process changes in Federal rescission or impoundment authority; measures relating to Executive agency budgeting, including the submission of agency performance reports or plans, or agency regulatory plans, reports or reviews as part of the Federal budget process; measures relating to Executive agency financial management; and process changes leading to the required adoption of a Federal capital budget or joint capital/operating budget which accounts for the fixed assets of the United States Government. In addition, the Committee on Government Reform and Oversight retains jurisdiction over special funds, accounts and spending set asides created to reduce the deficit.

Mr. SOLOMON. Mr. Speaker, at this time, I yield back the balance of my time, and expect to go on to title I of the bill.

The SPEAKER pro tempore. All time for initial debate has expired.

Pursuant to House Resolution 5 the question is divided among each of the eight sections of title I and title II, and the previous question is ordered on each portion of the divided question.

Section 101 is now debatable for 20 minutes. The gentleman from Michigan [Mr. CHRYSLER] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CHRYSLER].

(Mr. CHRYSLER asked and was given permission to revise and extend his remarks.)

Mr. CHRYSLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1994 I pledged to my constituents that we would restore accountability and responsibility to the U.S. House of Representatives. Today

we embark on that journey. The American people were sincere in their demand for change for this country, and their Government in particular.

In response to this clarion call for a change, the 104th Congress will not just change its politics, but more importantly, we will restore the bonds of trust between the people and their elected representatives. If we are to change the Federal Government as the American people have asked us to do, then we must begin with ourselves. We can not and must not ask any department or branch of Government to do anything that we are not willing to do ourselves.

It will take a smaller Congress and committee structure that can act decisively to accomplish all of the things that will be necessary to fulfill our Contract With America in the next 99 days.

A streamlined Congress is integral to an efficient Congress. When this debate is over, this bill passed, committees eliminated, and committee staff reduced, I am confident that the House of Representatives will be a more effective and efficient institution.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, a vote for the three-fifths tax proposal is a vote to keep the gravy train running for fat cats and millionaires. It will make it more difficult to lift the burden off those who need tax relief most, working Americans.

Under this proposal, it will be much tougher to touch the $200 billion a year in corporate welfare that big business is handed through tax loopholes and tax exemptions, and tax fairness will be harder to achieve because this proposal will put a virtual lock on tax cuts that the super-rich received in the 1980's.

The new majority should be embarrassed that it is promoting a middle-class tax break while pushing changes that will make it more difficult to obtain tax fairness.

I urge a ''no'' vote for this misguided proposal.

The SPEAKER pro tempore. (Mr. WALKER). The gentleman from Michigan [Mr. CHRYSLER] is in control of the time. Does he wish to yield?

Mr. CHRYSLER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. NEUMANN].

(Mr. NEUMANN asked and was given permission to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

On November 8, 1994, the American people sent a loud, clear directive to Washington, DC.

The people have demanded a smaller Government that runs more efficiently and costs less money.

The American people know that wasteful, inefficient Government spending, leading to huge deficits and debts, is not an acceptable legacy to leave our children and our grandchildren.

This rule change does three significant things:

First and most important, it fulfills promises made by myself and many of my colleagues to the American people. This starts the long process of restoring the integrity of this institution that was envisioned by our Founding Fathers.

Second, this rule forces Members of Congress to set an example for the rest of Government. This institution can and will be run more efficiently.

Third, this rule will save the taxpayers of this Nation millions of dollars annually.

It is an honor and a privilege to serve our country as a part of this Congress. This privilege brings with it an awesome responsibility that I take very seriously.

If we in this Congress are to bring about the significant changes demanded by the American people, we must start with ourselves. That is why today I speak in support of this rule change designed to do what the people have demanded—make a smaller Government that runs more efficiently and costs less.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I would like to begin my remarks by applauding the majority for a host of the reforms that they have put forward for us to consider here today. Among them, the reductions in committee staff, banning proxy voting, and limiting the tenure of chairmen. I think many of these proposals are moving this Congress and this country in the right direction.

I am disappointed, however, in an area where there is a glaring omission and a gaping inconsistency and I would hope that we could dialog here on the floor even though it is a closed rule to see if you might be receptive to some type of cooperation on this in the future.

I have introduced legislation in the previous Congress, H.R. 1945, that was cosponsored by the gentleman from Michigan [Mr. UPTON] on your side, the gentleman from Georgia [Mr. KINGSTON], the gentleman from New York [Mr. SOLOMON] and many others that would have taken excess funds from our personal offices when we saved them and applied those directly to the U.S. Treasury so that we can reduce the deficit.

I have returned over $650,000 in the last 4 years. I think many other Members in this body have done better than I have done and should be applauded for those efforts. But I would hope that this contingency fund would be addressed in this proposal. I would hope that you would be receptive to addressing this in a fair and judicious manner here today or explain why it was not addressed in this rule change.

Here is something that is important to the American people. As small businesses are tightening their belts, farmers are trying to make decisions to invest now or cut back for investments later, families are sitting down at the end of every month to make decisions on their budgets, and many of us are cutting back on our personal staffs, why can there not be a provision in this bill to allow that money to go directly to the U.S. Treasury? That might encourage other Members to do so.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. THOMAS] has expired.

Mr. ROEMER. Do I get an answer, Mr. Speaker?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMAS. If the gentleman gets time on his side, I will be happy to respond, Mr. Speaker.

The SPEAKER pro tempore. The time of the gentleman has expired.

The gentleman from Michigan [Mr. CHRYSLER] is recognized to yield time.

Mr. CHRYSLER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

(Mr. DAVIS asked and was given permission to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, a key ingredient of the new Republican majority's rules package is the elimination of approximately 30 subcommittees in the House of Representatives. There were 101 House subcommittees in the 103d Congress. Today, under the new Republican majority in the 104th Congress, the House will function with 30 percent fewer subcommittees.

Fewer subcommittees will help to consolidate decision-making and impair the ability of special interests to dominate the agendas of committees. The end of proxy voting in subcommittees will mean that Members of Congress must show up to work and vote in person. Further, Members will be limited to serving on no more than four subcommittees and, when those subcommittees meet, the public will be invited.

Mr. Speaker, the subcommittee reforms that the House will vote on today will mean fewer staff, less taxpayer money expended on duplicative and unnecessary staff and office expenses, less bureaucracy, less gridlock, less special interest power, and more accountability to the voters. These reforms are long overdue, and they deserve our support.

Mr. BONIOR. Mr. Speaker, I yield myself 30 seconds, just to add to what the distinguished gentleman from Virginia has just stated and to make the point that the reduction in subcommittees and full committees was started in the last Congress by the Democratic Party. We eliminated 16 subcommittees in that Congress again and we

also, as Members know, eliminated 4 committees in that Congress as well.

What is happening today is not new but in some instances is welcomed.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. SCHUMER].

(Mr. SCHUMER asked and was given permission to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, let me say that in this package, there is really less than meets the eye. There is not very much wrong with it. The problem is not what is in the package but what is not in the package.

The problem is that after every one of these reforms is passed, the lives of the average American will not be made very much better. And so any claims that the millennium has arrived because we have passed something like this are grossly overstated. It is not that it is bad, it is just that the claims for it are exaggerated.

Let us go through them one by one.

Cutting committee staff by one-third. Fine. But what about the millions of Americans who either do not have jobs or the tens of millions with job insecurity?

Baseline budgeting. Great. But you have still got to cut. You cannot just change the baseline.

Term limits for committee chairmen. It does not matter how long they stay. It is how good they are. If they are good, they should stay a long time. If they are bad, three terms is too many.

Opening all meetings to the public. That is already done.

Three-fifths voting for tax increases. Well, does this mean that we are going to see taxes simply reduced on the rich? What about saying that we should not reduce taxes on people who make above $250,000 without three-fifths so it is harder to reduce taxes on the very rich and we can make sure the tax cuts go to the middle class who we are supposedly all talking about?

□ 1740

Audit of the House, no problem. Finally, the remainder of the rules package is all rather trivial.

So the bottom line, my colleagues, is very, very simple. This package is a small step forward, fine. I welcome it and I will vote for much of it. But anyone who goes away saying the millennium has arrived, that this is a revolution or that the average citizen in Peoria, IL, or in Yakima, WA, is going to be better tomorrow because this package has passed is sadly mistaken.

Mr. CHRYSLER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

(Mr. CUNNINGHAM asked and was given permission to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, to cut committees, whether it is a profit margin in a business or whether it is the burden of closing bases or the infrastructure this has taken away from the central source, or whether it is from the Education Committee, I would say to the distinguished Whip we only get about 23 cents out of every $1 down to education. I have a head of a committee that is in charge of about $30 billion, but if I have $1 billion for say child nutrition, and I divide that into 52 States, and every city in that State has services, then I have 40 programs for children's nutrition, and all of those have a bureaucracy which takes away the benefit.

What I am trying to do is get the money down to the children and into the classrooms and pay for the teachers. Let us eliminate the bureaucracy. If Head Start works, let us get it fully funded. If child nutrition works, let us fund it. But what we need to do is to eliminate the middleman, and in this case the Federal employees, the staff that is taking away and causing tax dollars and, yes, Federal pensions down the line, let us eliminate them and I think that will help.

Mr. BONIOR. Mr. Speaker, I yield myself 30 seconds just to say to my friend from Michigan [Mr. CHRYSLER], I have not had the chance to congratulate him. He is a new Member from our State, and I congratulate him on his election and for being with us today, and for the outstanding way he is handling this portion of the debate.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. FATTAH], another new Member.

Mr. FATTAH. Mr. Speaker, I had not planned to speak today on the first day in the midst of what probably appears to most Americans as partisan gamesmanship. I do, however, think there is something sinister about one particular part of this reform package, and that is on this that has been called a historic day that there are Members of this Congress who are going to cast a vote to deny the U.S. citizens in the District of Columbia and in the territories their voice and their vote on the floor of this House.

Being a Congressman from Philadelphia where we see people talk about it being the birthplace of our democracy, I would not want to be silent at a moment like this. I think that it is wrong. I think as we think about the taxpayers here, and the young people in Guam and the other territories who have fought and died for the freedoms of this land, for any of us to feel comfortable with casting a vote to take away their voice on this floor, that is wrong.

Mr. CHRYSLER. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. Mr. Speaker, I became a Member of the 104th Congress to develop a sincere way of changing Congress as we have known it throughout these years. Part of that change includes shrinking the bureaucracy within Congress itself.

In 1950 this body functioned with 93 committees and subcommittees. Today there are 185 committees and subcommittees, twice as many as in 1950.

Between 1945 and 1993 the number of committee staff grew from 159 employees to 2,231, an increase of more than 1,300 percent.

The American people demand that Congress lead the way in reducing the size of Government. The people of the First Congressional District in Kentucky and all over this country want an efficient and responsive Government. But good government does not necessarily have to mean big government.

That is why I stand here today to support reform proposals to reduce committee staff by one-third, to eliminate three standing committees and 25 subcommittees. I urge Members' support.

Mr. CHRYSLER. Mr. Speaker, I would like to thank my colleague from Michigan, Mr. DAVID BONIOR, for his kind remarks.

Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. THOMAS].

Mr. BONIOR. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. THOMAS].

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

Mr. Speaker, it is interesting that as the new minority the Democrats, in terms of complaining about process, have failed to really address one of the more fundamental reforms which is clearly in front of them. Long before we wound up winning we said that this institution should give first, that one of the things we should do is cut back on the size of committees. We tried a number of initiatives when you folks were in the majority and we failed miserably.

We simply said we are going to cut staff by one-third. Is one-third a rational number? Is it going to cause real problems? We have discovered that it is not very difficult to cut by one-third. We are cutting staffing by one-third. We are probably going to do better than that, actually, as we assign the numbers to the various committees.

We also shrank the number of committees. Did we shrink enough committees? Did we eliminate enough committees? We do not know. What we said was at the outset we would cut them by one-third. That is our initial offer. I believe by the end of the 104th we are going to find that we can do better than that. Democrat Members are complaining because we do not do more. Why did they not do it when they had the chance?

The gentleman from Indiana mentioned the contingent fund. He needs to know his party eliminated the contingent fund as an appropriation item several Congresses ago. The rules changes

also eliminate references to the so-called contingent fund in this section as well as in the section regarding the jurisdiction of the Committee on House Oversight. No change, however, is intended regarding the Committee on Oversight's jurisdiction over the accounts that comprised the contingent fund. Similarly regarding privileged reports, the Committee on Oversight will continue to have leave to report at any time on matters of expenditure of the accounts that comprised the contingent fund, such as the committee funding resolution.

The gentleman from Indiana wanted to know why if he saved money out of his account it could not be returned to the Treasury. I will tell the gentleman that I am sympathetic with that position, but it is much more difficult than that, because in the past the Appropriations Committee did not fund 100 percent of the expenditures available to Members. They funded about 90 percent of it, assuming Members would not spend the 100 percent amount. If the gentleman spent 85 percent, he was funding those who spent 95 percent, and therefore if every Member spent the maximum amount available to them, in fact, that fund would be overspent. So in reality the Member does not get a pile of money out of which they spend. There is a general amount available. The Members draw on that amount, and that amount is significantly less than the total amount available for all Members to spend.

I am more than willing to work with the gentleman in trying to resolve the problem of Members who husband their resources in a meaningful way, having it go to a worthwhile cause more so than someone else who is more profligate with the taxpayers' money. I am open to any suggestions and am more than willing to work with the gentleman from Indiana to carry out the goal and the thrust of his concern, and that is to make sure that Members who husband the taxpayers' resources somehow get rewarded instead of being fodder for those who overspend.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Speaker, I am happy with the gentleman's cooperative spirit here, but would say he is willing to tackle the committee staff reductions, and I applaud that and will vote for that, but we should also tackle the personal staff issue. For Members like myself and many others who have returned $650,000 through the years, we do not want that money spent on other Members going over their mail accounts.

□ 1750

When you decipher what you have just said, we want to be able to have that money go to the U.S. Treasury, and a simple sentence in this provision, if it was not a closed rule, could say unspent personal office funds shall be directed to the United States Treasury out of our accounts.

Mr. THOMAS. I would tell the gentleman that, as the ranking member of the Committee on House Administration in the last Congress, I have worked over the years to make sure that the Members' accounts were not only more flexible but that there was not more spending than was necessary. As the chairman of the Committee on House Oversight, which is the continuation of the former Committee on House Administration, your concern about Members' accounts is going to be addressed by this new majority, and legislation is being drafted as we speak to get to a problem which we have both shared under the previous majority, we tried to get them to change over and over again and they would not.

We are going to.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise in opposition to the proposed House rule to impose a supermajority—60 percent of Members voting—requirement for tax rate increases. I believe this proposed rule is inconsistent with the oath we took earlier today to support and defend the Constitution of the United States. The Constitution clearly states that decisions of the Congress are to be based on majority rule. This proposed House rule is in clear violation of the constitutional principle of majority rule which is at the core of our democracy.

Mr. Speaker, this Congress will consider fundamental issues about taxing and spending. Such decisions are the central responsibility of a democratically elected Congress.

This proposed rule is designed to stack the deck against tax increases for the wealthiest Americans while at the same time imposing no such requirement for increased user fees or excise taxes, which disproportionately affect low and middle income Americans. As a result, progressive taxation would require a supermajority while regressive taxation would not. The Republican Party has a long history of acting to protect the wealthiest Americans at the expense of average Americans. This proposal is Republican business as usual.

WILLIAMS COLLEGE,
Williamstown, MA, January 3, 1995.

Hon. NEWT GINGRICH,
House of Representatives,
Washington, DC.

DEAR MR. GINGRICH: As a fellow historian and political scientist, may I urge you not to go ahead with the proposal to amend rules to require a three-fifths vote to increase income tax rates.

As a matter of *principle,* majority rule lies at the heart of our democracy. It is the most representative process; and departure from it grants authority to a minority—the antithesis of democratic society.

As a matter of *practicality* it is the most representative process that also permits decisive action, under a two-party system.

As a matter of *propriety,* bypassing majority rule would set a precedent for any minority to hold the majority hostage—today on tax hikes, tomorrow on economy bills, etc. It is dangerous for one side to use an improper weapon against the other side, encouraging each side to use it in the future, to the detriment of the general welfare.

Sincerely,

JAMES MACGREGOR BURNS,
Woodrow Wilson Professor of Government, Emeritus.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this amendment.

Mr. Speaker, people all over this country now are contemplating going on a diet after feasting during the holiday season. I think it is only appropriate that this body consider doing the same thing.

Two years ago there were some 2,231 House committee staffers. That is more than five committee staff people for every Member of this body.

In the next few months we are going to be asking the American people to go on a diet as we seek to reduce Federal spending and cut back on Federal programs that affect them. Have you ever seen an advertisement for a weight loss program where the spokesperson was overweight? How can we, with any sense of responsibility, talk about a balanced budget and deficit reductions unless we first show some responsibility in reducing the size of House committee staffs and, in the process, save approximately $30 million per year in the process?

I rise in support of this proposal.

Mr. BONIOR. Mr. Speaker, I yield the remainder of my time, 1 minute, to the gentleman from Texas [Mr. BENTSEN].

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. I applaud the House for undertaking these proposals, many of which I campaigned for and many of which I support and will support today.

But I have to agree with my colleague from Indiana that I think we should include his legislation to make some of these cuts real.

Unlike my colleagues in the majority, I have gone beyond supporting cuts in committee staff to making cuts in my personal staff, and that is hard to do as a new Member. I think it is important, and like my new colleague from Kentucky who spoke from the other side of the well said today, it is important we show the American people we are willing to lead on cutting the deficit. I have taken that; the gentleman from Indiana has offered legislation which would do that, and I think we should include it.

Mr. CHRYSLER. Mr. Speaker, I yield myself 30 seconds, the remainder of my time.

Today we will put an end to confusing, overlapping committee jurisdictions. Three full committees and 25 subcommittees will be eliminated;

today we will cut staff 34 percent, saving the taxpayers almost $45 million.

I am pleased to be part of the beginning of this process.

The SPEAKER pro tempore. The time of the gentleman has expired. All time has expired.

The question is on section 101 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CHRYSLER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 12, not voting 5, as follows:

[Roll No. 6]

YEAS—416

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—12

Abercrombie
Clyburn
Collins (MI)
Dellums
Fattah
Hastings (FL)
Hilliard
Johnston
Meek
Owens
Williams
Wynn

NOT VOTING—5

Clinger
Cubin
Frelinghuysen
Roukema
Velazquez

□ 1811

Mr. WYNN changed his vote from ''yea'' to ''nay.''

So section 101 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CUBIN. Mr. Speaker, with regard to rollcall vote number 6 on section 101 of House Resolution 6, I would like to clarify that I voted in support of the reforms to reduce the number of committees, subcommittees and number of staff. However, I was just informed that my vote was not officially recorded on the vote board. I wish to make clear that I voted ''yea'' on this vote.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, I regrettably missed rollcall vote No. 6, requiring committee staff reductions of 33 percent. If I had been present, I would have voted ''yea.''

I strongly support section 101 of the House Rules committee reducing committee staff by one-third. As chairman of the Government Reform and Oversight Committee, I feel this is a reasonable provision that allows Congress to set an example while saving tax dollars. Although the Government Reform and Oversight Committee absorbed the Government Operations, District of Columbia, and Post Office and Civil Service Committees, we have successfully managed to cut the committee's staff by nearly 50 percent without jeopardizing its capacity to carry out its legislative and oversight functions. I support this measure because it sends a strong signal to the American people that we are serious about making the Federal Government cost less and work better.

The SPEAKER pro tempore (Mr. DREIER). Section 102 is now debatable for 20 minutes.

The gentleman from South Carolina [Mr. SANFORD] will be recognized for 10 minutes, and the gentlewoman from Connecticut [Ms. DELAURO] will be recognized for 10 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SANFORD asked and was given permission to revise and extend his remarks.)

Mr. SANFORD. Mr. Speaker, my parents raised me to tell the truth. They taught me that hiding behind misleading words was the same as telling a lie, and as our Nation is threatened by the debt as it spirals out of control, and as I look at my two small boys, I realize that they, and maybe even their children, will have to pay for our refusing to meet our responsibilities.

The question before us though is what do we do about it? One of the things we can do today is pass this rules change.

As my colleagues know, for years we heard about budget cuts, yet spending keeps growing bigger, Why is that? Well, in the past, Mr. Speaker, the way Congress worked was that, if we had $150 billion of proposed new increases and made it $50, we called that a savings of $100. My colleagues and I know that's an addition of $50. That is the equivalent of my going down to the corner bait and tackle shop in Murrells Inlet, SC, looking at a rod on sale for $50 that is normally priced at $150, and saying, ''OK, I'll buy it.'' I walk home, walk into the house and say, ''Jenny, I just saved the family a hundred dollars.''

She says, ''What are you doing with a new fishing rod?''

I hold it up an say, ''It was priced at $150, and I bought it for $50. I saved the family a hundred dollars.''

She says, ''Absolutely not. You just spent $50.''

Mr. Speaker, passing this action is what the American public wants. It is essential if this House is going to be honest with the American people, and I strongly urge every Member of the House to support this small step toward common-sense budgeting.

Mr. Speaker, I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, for purposes of debate only, I yield 2 minutes to my colleague, the gentlewoman from Connecticut [Mrs. KENNELLY].

(Mrs. KENNELLY asked and was given permission to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, we all want to cut the budget, we all want to reduce the deficit, we all want our constituents to pay less taxes. But eliminating baseline budgeting is not the way to go. The budget baseline predicts future spending in Government programs, Federal programs. It is, of course, an account of inflation. But it also registers population changes, the business cycle, interest rates, to name just a few variables.

□ 1820

It is not just the indexing of inflation. For example, the baseline for Medicare includes not only an inflation adjustment, but the estimate of how many people reach each year 65 years old. For example, we must know and have to plan for when the baby boomers meet 65 as an age and they go on Medicare. It is very significant that we understand these numbers.

The increase in defense spending, that has been proposed is before us. But couple this with an elimination of baseline budgeting, and it would result in unprecedented cuts in discretionary spending. The people that we represent have a right to know what this means.

Mr. Speaker, I urge my colleagues to reconsider this proposal and to instead continue to implement the realistic, practical ways, that we have preached in the past. Baseline budgeting works. We know where we are coming from, we know where we are going. I urge my colleagues not to eliminate baseline budgeting as we do the budget in this upcoming fiscal year.

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, today we vote on the first step necessary to end the Alice in Budgetland spending practices that have wasted the American people's tax dollars and threaten our children's future. Congressman SANFORD's leadership in introducing the Truth in Budgeting Baseline Reform will require Congress to live according to the same spending rules that govern the American people.

Before today, the budget process assumed that spending would increase from year to year, regardless of new laws. Under the old rules, the starting point, or baseline, for how much Congress spent on a program in 1996 would be how much was spent in 1995 plus inflation. It's no wonder that we ran up $4.5 trillion in debt.

Under this budget-speak, government officials claimed to propose spending cuts when they really increased spending. Because the baseline included inflation, spending cuts actually meant less of an increase in spending, but no real cuts. The American people have decoded Congress' budget-speak and demanded change.

The 104th Congress today has an opportunity to make history. I encourage my colleagues to pass the Truth-in-Budgeting Baseline Reform to force Congress to spend hardworking taxpayer's money under the same rules that guide the American people.

Mr. Speaker, I yield back the balance of my time.

Ms. DELAURO. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I rise in support of the resolution and urge its passage.

This measure requires that Congressional Budget Office (CBO) cost estimates in committee reports compare total estimated funding for a program with current spending, so we known what the real increases are.

But let's be clear, this is only a change in the numbers that must be used in committee report language. It is not a change in the existing CBO baseline—nor alone will this change actually cut spending.

I hope in the coming weeks that the new congressional leadership will bring legislation to the Floor to require the use of an actual year spending baseline. Such a change—which was proposed in the last Congress and received my strong support—could significantly alter our budgeting process and reduce spending by tens-of-billions of dollars. In addition, I hope the new leadership will expedite consideration of other budget process reforms like the Deficit Reduction Lockbox, which can significantly reduce our budget deficit.

There may be a change in the partisan numbers in the Congress, but the budget deficit math has not changed. Working together in bipartisan fashion to sustain the recent significant downward reduction of the deficit will be major test of the credibility of this new Congress. That work begins today.

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a very simple matter dealing with baseline budgeting versus the truth in budgeting which we are trying to get done here. I think the American public needs to understand with what we are dealing. In our baseline budgeting now we add inflation, we add demographic increases, we add differences in programs that may come along. But the bottom line is we do not look at the same dollars we had the year before.

It is tough to balance a budget in Washington, DC. We have authorizations, we have appropriations, we have authorizations, we have appropriations, we have the debt which we have to pay. We borrow from the Social Security trust fund. We have something called tax expenditures, which is really a way of saying that we are reducing the amount of money we are going to collect. And the time has come to get this to the point where we understand it.

If we go to truth in budgeting, we are going to be like every household in the United States of America, we are going to be like every business in the United States of America, we are going to be like virtually every other governmental budget in the United States of America. We are going to take the numbers from the year before and we going to build our budget to that. If we have to add to it, so be it, we will add to it. But we will not be misleading the American people. We will know that any reduction below the baseline or current severance level is a real cut or increase, and that is what we have to do.

Mr. Speaker, I hope we will all support this as the beginning of better budget practices in the United States of America.

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Speaker, today begins dramatic change in how Government operates. For the first time in decades, we will start talking straight with the American people about the Federal budget.

Every American family who must meet a budget understands that an increase in spending means you spent more money than last year. Not so here in Washington. Back in 1974 the Congress decided to adopt baseline budgeting—an arcane concept that allowed Government to grow on autopilot for two decades. Here in Washington an increase in Federal spending is considered a cut in spending unless it exceeds the estimated increase in cost. That's like the perennially overweight man who figures he'll gain 30 pounds this year—and when it turns out he only gained 10 he announces he's lost 20 pounds.

But today, Mr. Speaker, all that deception stops. From now on, an increase in spending will be called an increase in spending. If we spend $1.4 trillion this year and plan to spend $1.5 trillion next year, we'll call that exactly what is—a $100-billion increase in spending. Sounds simple, but here in Washington it is revolutionary.

Mr. SANFORD. Mr. Speaker, I yield 2 minutes to the distinguished chairman

of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, I do not want to oversell what we are trying to do here today. What essentially we are talking about is presentation. And presentation is important, it is like language. If you do not communicate in terms that people can understand, they get very confused. And this is the first small step at being able to explain to the American people precisely what we are doing with spending.

Now, when you are talking about discretionary spending, that is not the confusing part of this whole budget process, because there is no assumption that we will spend more next year than the previous year as driven by law. But when you are talking about entitlements, if you assume you are going to spend $7 on a Medicaid program and the next year you are going to spend $10 instead of $13 on a Medicaid program, the presentation now shows that as a $3 cut. What we wanted to say is last year we spent $7 and this year we are going to spend $10. We do not want to list it in terms of the difference. We want to list it in terms of the total amount of dollars being spent. We think that is a far more accurate way of presenting things.

I do not think the minority, and that is the first time I have had a chance to say that this year, ''the minority,'' I do not think they have any real objection to that.

I want to say to the gentlewoman from California [Ms. HARMAN], that I in fact do intend to come with a real proposal that would repeal baselines and get us to this concept of zero-based budgeting without an assumption that every year we have to spend more.

The bottom line is, this is the first step toward providing a more simple way for Americans to understand how their money is being spent, and it is a very important step that we need to make on this first day.

□ 1830

I would urge the House to approve this legislation. Let us make the first step toward communicating with the American people in terms that they can understand.

Ms. DELAURO. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO].

(Mr. SABO asked and was given permission to revise and extend his remarks.)

Mr. SABO. Mr. Speaker, I am going to vote for this amendment, but it has nothing to do with truth in budgeting and all the other rhetoric I hear on how we put budgets or appropriation bills together. Every appropriation bill that comes to the floor shows last year's appropriation, this year's appropriation, and normally, the President's request, no baseline.

When we consider what has happened historically to budgets, we do look, and one measurement is what has happened to actual changes in dollars in programs from year to year. We also look at what has happened in appropriations and spending in relationship to inflation. We also at other times look at the relationship of expenditures to the gross national product. They are all legitimate analyses of what is happening to the Federal budget.

Somehow my Republican friends seem to think that we should never consider the impact of inflation on Federal spending. Any family that looks at their budget, if their salary is frozen for a number of years, and the cost of food goes up, the cost of clothing goes up, the cost of gasoline goes up, it is obvious that they have fewer dollars to purchase fewer goods and services.

The same is true of the Federal Government. We measure them in a variety of ways, and my friends on the other side like particularly to use inflated baseline when we talk about defense. The truth is that defense budget authority peaked in 1985. Adjusted for inflation, it has been cut by 35 percent. Unadjusted for inflation, it has been cut by 10 percent.

I tend to hear when we get that debate, my friends on the right use the baseline number, my friends on the left use the unadjusted baseline. The truth is both are active.

This is a harmless amendment, but it does not do anything significantly different. It is not a new truth in budgeting amendment.

Ms. DELAURO. Mr. Speaker, I reserve the balance of my time.

Mr. SANFORD. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, today we are going to accomplish a great thing for the American people. We are going to stop using phony numbers in the Federal budget process. We are going to require that the Congressional Budget Office makes its financial projections the same way that American families and American businesses do.

If we propose to spend more taxpayer money on a program in 1995 than we spent in 1994, we will have to call it a spending increase. Politicians will be forced to use the English language with the same meanings that working Americans do. Ultimately, when politicians can no longer deceive voters with words that lie, when politicians can no longer claim as spending cuts what are in fact spending increases, when politicians can no longer pretend that a 20-percent increase in domestic spending over the next 5 years is deficit reduction, as the Clinton administration has for the past 2 years, then voters can make their own evaluations of programs, of budgets, and ultimately, of the politicians who create them, with the clarity and the confidence that they need to make independent, intelligent, and informed choices.

Ms. DELAURO. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlemen from Mississippi [Mr. PARKER].

(Mr. PARKER asked and was given permission to revise and extend his remarks.)

Mr. PARKER. Mr. Speaker, I rise in support of section 102 of the rules package which addresses baseline budgeting. As a member of the Budget Committee, I have strongly advocated the elimination of baseline budgeting and supported passage of the Full Budget Disclosure Act last August which accomplished that goal. This change in the House Rules reflects a provision contained in that bill, which passed the House although it failed to clear the Senate.

The use of a baseline in calculating the national budget is confusing at best, and downright fraudulent at worst. With this rule change we will simply rely on actual prior year spending levels, for comparison purposes, when calculating spending increases or decreases for the next fiscal year. This is logical, sensible, and a proposal worthy of strong bipartisan support. I urge a ''yes'' vote on this provision.

Mr. SANFORD. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, the previous chairman of the Committee on the Budget, the gentleman from Minnesota [Mr. SABO], has indicated correctly that this is a good start, and the gentleman from Ohio [Mr. KASICH] has indicated he is going to introduce the bill that is going to go all the way. This is not truth in budgeting, but at least it is truth in the way we report the budget to the American people, not pretending that there is a deficit reduction when actually there is a spending increase.

Ultimately, we are going to get our bill that this House passed through the Senate, and it is going to become law. That is the ultimate goal of this first step.

Ms. DELAURO. Mr. Speaker, I yield back the balance of my time.

Mr. SANFORD. Mr. Speaker, I yield the remainder of my time to the gentleman from California [Mr. COX].

The SPEAKER pro tempore. The gentleman from California [Mr. COX] is recognized for 2 minutes to close debate.

Mr. COX. Mr. Speaker, I am delighted to be here in support of abolishing the practice of baseline budgeting, which is the accounting gimmick by which for so many years Congress has called a spending increase a cut. This really has gone on just last year.

Just this past year Republicans proposed reforming the State Department, a regular target of reform. Under this reform proposal, actual spending on State Department functions would have increased by $25 million year to year, but the opponents of the reform cried ''foul.'' They said, ''You are spending less money, you are slashing the budget of the State Department by $77 million.'' One person's increase is

another person's cut. There is no common denominator.

How does this work? Let me demystify it. We just finished New Year's Day and a lot of people spent time in front of their television sets eating take-out pizza.

Let us imagine last year on New Year's Day you ate five pieces of pizza. This year, it was so much fun last year, you decided to eat 10 pieces of pizza. Your friends told you that would be truly piggish, you ought to cut back, so you settle on seven.

Under baseline budgeting you can claim to have slashed your pizza consumption by 30 percent because you are only having 7 pieces instead of the 10 that you want.

What we are going to say in this reform is, you are increasing your pizza consumption 40 percent. Be honest with yourself. You are having seven this year instead of the five you had last year.

That is real budgeting, real figures, something the American people can understand.

Thomas Jefferson once noted ''He who permits himself to tell a lie once finds it much easier to do so a second and a third time. The falsehood of the tongue leads to that of the heart, and in time, depraves all good dispositions.''

Mr. Speaker, Jefferson was right. The baseline is a lie. It is one that has eaten away at the credibility of this Congress. It is time we repeal the practice forthwith. I am delighted to be here urging my colleagues to vote aye on this important reform.

The SPEAKER pro tempore. All time for debate on section 102 has expired. The question is on section 102 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SANFORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 421, nays 6, not voting 7, as follows.

[Roll No 7]

YEAS—421

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—6

Collins (MI)
Dingell
Hilliard
Kennelly
Nadler
Waxman

NOT VOTING—6

Clay
Danner
DeLay
Funderburk
Gingrich
Salmon
Yates

□ 1854

Mr. MINETA and Mr. JOHNSTON of Florida changed their vote from ''nay'' to ''yea.''

So section 102 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FUNDERBURK. Mr. Speaker, I inadvertently missed rollcall no. 7 regarding the reform of baseline budgeting. I was with the Republican Whip, TOM DELAY, and because my beeper malfunctioned I was not aware that a vote was taking place. Had I been on the floor, I would have voted ''aye'' on Rollcall no. 7.

The SPEAKER pro tempore (Mr. EMERSON). Section 103 of the resolution is now debatable for 20 minutes.

The gentleman from Washington [Mr. NETHERCUTT] will be recognized for 10 minutes, and the gentleman from West Virginia [Mr. WISE] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Speaker, I yield myself such time as I may consume.

(Mr. NETHERCUTT asked and was given permission to revise and extend his remarks.)

Mr. NETHERCUTT. Mr. Speaker, it is a privilege to stand here today as a new Member of this House as we embark upon a momentous change programmed to reform the Congress and our Government. The people of the State of Washington have sent me here to participate in this historic Congress which begins its first day specifically fulfilling the pledge of the Contract With America by reforming our own workplace before we enact other reform measures.

□ 1900

As part of this great beginning, I rise today in strong support of section 103 of the contract for a new House, which will limit the Speaker to four consecutive terms and committee and subcommittee chairmen to three consecutive terms.

Today term limits are not thought of as radical or controversial and, indeed, many States have enacted some kind of term-limits legislation including my home State of Washington. What makes our actions today extraordinarily novel is our willingness to change practices of the past by decentralizing the House's power structure away from committee chairmen with virtually lifetime appointments in favor of individual Members. This reform is also at the heart of the strategy for conservative governance that we will pursue in the first 100 days of this new Congress as we seek the devolution of authority from Federal lawmakers and bureaucrats back to individual citizens, a reenergized civil society, if you will.

No more will the House of Representatives be charged with stifling public debate and restricting innovative ideas. In the watershed November elections, the citizens of our Nation conferred upon us the authority to seriously reduce the size and scope of Government.

Mr. Speaker, more than 200 years ago, after his great victories in the Revolutionary War, Gen. George Washington won the admiration of the world by resigning his commission and demonstrating his commitment to democracy. In this great tradition of selfless leadership, I urge my colleagues on both sides of the aisle to vote yes to adopt the resolution to limit the terms of the Speaker and committee chairmen and subcommittee chairmen to demonstrate to the American people our commitment to democracy.

Mr. Speaker, I reserve the balance of my time.

Mr. WISE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, this evening we have the opportunity to implement a reform that is being demanded by America. Term limits of committee chairs and subcommittee chairs is something that has arrived in terms of American political thought. This is not directed towards any particular committee Chair or subcommittee Chair. However, it is a part of trying to constantly improve and renew the American political process.

Imposing term limits on those that serve in leadership capacity will broaden the base of experience and expertise of people that provide the all-important leadership in this institution. By rotating the leadership, we are turning it over. We are bringing in fresh blood new ideas, new ways of thinking. We can be more responsive to the needs of America. We can also avoid the parochial service that has occasionally occurred when a person is focused on his narrow area.

It also breaks down what might be characterized as cozy relationships that can build up over an extended period of time, and assures that we have the freshness, the openness, and the access that all Members need in order to fully participate in the process of this institution, and most effectively represent the interests of their congressional districts and the interests of America.

So, Mr. Speaker, I think that this is an important bipartisan effort, and I appreciate the opportunity that we now have this evening to cast a vote on this and hopefully implement this as a reform in our body.

Mr. NETHERCUTT. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I appreciate being given the time to speak on the important issue of term limits for committee chairmen. It is an issue in which I have been involved for over 2 years and am pleased that we now have the opportunity to consider and pass this fundamental and much-needed reform.

The current system of unlimited terms for committee chairmen created an unjust situation in Congress, for up until the recent elections, power had become far too concentrated and entrenched. A handful of Members were able to dictate the legislative agenda, frequently based on efforts to protect committee turf or consolidate power of chairmen. Consequently, the committee structure became mired in a stagnant existence completely out of touch with the American people.

Republicans have long recognized the problems with unlimited terms for committee chairmen. In December 1992 I introduced a rule to the Republican rules package to limit the ranking minority members to three terms as ranking member of a committee. The rule was adopted by the Republican Conference and was called by the New York Times and the Washington Post the Linder rule.

Now the Republicans have gained the majority in the House of Representatives. It is time for the whole House to adopt this rule and limit the terms of all committee chairmen to three consecutive terms.

Adopting this measure would help put an end to the cozy relationships with special interests, enhance free flow of new and innovative ideas and bring an end to an iron-fisted ruling in Congress by a very few people.

I am gratified that this limit on the tenures of committee chairmen is included in the rules package of the 104th Congress. I believe that it truly represents the fundamental change in the status quo that the American people voted for last November 8.

I urge its passage.

Mr. WISE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a great deal of ambivalence about this particular provision.

If the majority party, the Republican Party, wants to limit the terms of its chairs and the Speaker, that is their business. I would just make a historical reference, which is that the Democratic Party has not had problems limiting terms when those Chairs have proven or fallen short of the perform standards that we felt we needed to set. For instance, I know that in my lifetime here I have seen the year when three full committee Chairs were removed from their positions by the action of the Democratic caucus. I have seen in other Caucuses lesser numbers of Chairs removed because, for whatever reasons, the caucus felt that they were not performing the job as well as they could or perhaps there was someone else that needed to perform it.

Be that as it may, if the Republican Party feels that it needs to have some kind of hard, ironclad agreement because it will not take the steps that are really necessary for all of us to take because there are times you do need to suck it up and just go out and say to somebody, ''The time is over; you are not doing the job that we expect of you.''

But as I say, if the majority party wants to do that, that is its business.

I suppose I do have one concern. The concern is this: If this is true term limits, and it is term limits of three terms of committee Chairs, then I do not understand why the Speaker receives a fourth term. Because why is the Speaker treated differently than the committee chairs? Because this is a closed rule, we are not able to offer the amendment that would say that everybody is in the same boat, everybody is limited in the same manner, and there is also something I do not understand. If later many Members decide to enact or try to enact a term limit on Members that would be 6 years, am I led to believe then the Speaker can serve longer than the Members serve?

At any rate, these are questions not answered in this and, because this is a relatively closed rule, we are not able to offer an amendment to square that and to bring it to some sort of logical nexus.

At any rate, as I say, we in the Democratic Party have removed Chairs when we felt it was necessary. Now it is felt that apparently there needs to be some kind of ironclad limitation.

Mr. SPEAKER. I reserve the balance of my time.

Mr. NETHERCUTT. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, 2 years ago, at the opening of the 103d Congress, upon my initiative, Republicans proposed to limit the time a Member could chair a committee. Democrats rejected this initiative, which would have applied to their chairs. Today, Republicans again offer term limits for chairs—of committees *and* subcommittees—and it will now apply to *us*, the new majority party.

This initiative will do much off what *congressional* term-limiters want to accomplish: it will break up the long-term power fiefdoms of committee and subscommittee chairs that often lead

Members to be elected over and over again when otherwise they would have been retired. It will mean a chair will have just 6 years to work his or her agenda, then move on.

But, it will leave to the people the final decision as to whether a Member should continue to represent them in Congress, where our founders believed that decision should be left under the Constitution.

It will mean a far more dynamic body, one less in thrall to special interests, one more attuned to the interests of the Nation as a whole.

I suspect the Democrats will strongly support this initiative now that it applies to Republic chairs. It is only sad that they could not have supported it 2 years ago and been leaders in reforming this body rather than obstructors.

□ 1910

The SPEAKER pro tempore (Mr. EMERSON). Does the gentleman from West Virginia seek recognition?

Mr. WISE. At this time Mr. Speaker we have no additional speakers.

Mr. Speaker, I reserve the balance of my time.

Mr. NETHERCUTT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I rise today as an incoming subcommittee chairman to strongly support term limits for all committee and subcommittee chairs. As with all reform measures before Congress, it is essential for us to lead by example.

Most Americans support term limits. My home State of Massachusetts recently passed a voter referendum for term limits. In the same spirit of government reform, I rise in strong support for limiting the terms of committee or subcommittee chairmen.

In the past, too much power reside in the hands of committee chairmen to shape and mold legislation to their personal liking.

Some Chairs had become entrenched in their positions of power for 10, 14, or more years, sometimes fulfilling their own parochial interests over the greater good of the Nation. By enacting term limits for these Chairs, we will insure that the legislative process will truly be open to new ideas because it will be open to new leadership. This House has already limited membership on two committees, the Budget Committee and the Intelligence Committee. This step will extend that to limiting how long Members may serve as a Chair of a committee. The results of the November election sent a loud and clear message for real change in Washington. We can answer that signal by voting for this proposal.

Mr. NETHERCUTT. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina, [Mr. INGLIS].

Mr. INGLIS of South Carolina. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today with two observations for my colleagues. One is, what incredible progress on the term limit effort. Who would have thought 2 years ago, when I came to this body, that we would be voting today on a rule that would limit committee chairmen to three 2-year terms. What incredible progress for the term limit effort, and I have to say, too, it is very important as an indication of what is in this Contract for America and the exciting things we can do if we stick to the contract.

The second observation I have for any Members who are somewhat questioning whether we need to do this, a look at the statistics about the average stay of the Members of the leadership of the old Congress. According to the Term Limits Legal Institute, the average American keeps his or her job 6 years. The average Member of Congress keeps his or her job 10 years. But the average Member of the leadership in the old Congress kept his or her jobs for 28 years.

That is why we need to limit committee chairmen to three 2-year terms, and that is why we have got a historic opportunity right here right, right now, to have real reform in this House.

Mr. WISE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. GENE GREEN].

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker and Members, we are talking about term limits today, and the majority party, like the gentleman from West Virginia, who yielded to me, I have no problem with the majority party limiting the terms of their chairmen, but I think this goes to the heart of the issue: that we have an arbitrary term limit on any office.

Are we going to limit a chairman or chairwoman simply to three terms simply because they are doing their job correctly? This is an issue that this House will deal with whether we are talking about Members, chairmen of committees, Members of Congress, or anything else. But I would hope, as a Democrat, as the minority, we might be able to go even further and, in some cases, even limit the terms of the majority party chairmen to one term at this time.

Mr. NETHERCUTT. We have one speaker left, Mr. Speaker.

Mr. WISE. Mr. Speaker, the gentleman from Washington has the right to close, and I expect the Chair would like me to go ahead.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this amendment. Let me tell you why. It has been my privilege to serve on the House Appropriations Committee now for 10 years, and during that period of time I have tried my best to become well versed with the challenging information and the legislation that we are forced to consider each year as we pass the appropriations.

I have also had the honor of serving for 2 years as chairman of a subcommittee which the gentleman from Washington is going to serve on now, the Subcommittee on Agriculture Appropriations.

That subcommittee, one of the smaller appropriations subcommittees, appropriates $67 billion a year. We have three staff people. I can literally tell you that it takes years to get your arms around the Department of Agriculture, with 125,000 employees spread all over the world, and the Food and Drug Administration, with its massive responsibility.

I felt, after several years of service there, that I was prepared to take over the chairmanship. I think that with the then-ranking minority member, JOE SKEEN of New Mexico, we did a good job. We cut back on some wasteful spending, we saved some money for taxpayers, we were able to get beyond the bureaucratic background noise and yet down to the business of really appropriating in a responsible manner.

Now, of course, because of the verdict of the voters on November 8, our roles have changed. JOE SKEEN of New Mexico will be chairman of the subcommittee, and I will be ranking minority member. I will look forward to working with him.

The point I am trying to make is this: Experience on the subcommittee prepared me to do what the voters sent me to Washington to do, to take a look at a complex and large appropriation and to try to lead a bipartisan effort to deal with it. Should my colleagues in the House of Representatives on the Democratic side have reached a decision that I was unworthy of that job, they could have removed me in any Congress. That, I think, is the appropriate way to approach this.

To establish artificial limits for service as committee chair or subcommittee chairman or service in the House of Representatives I think is grossly unfair.

Experience counts for every aspect of life; it counts in the Congress.

I think artificial limits are wrong, and I oppose this amendment.

The SPEAKER pro tempore. The gentleman from West Virginia [Mr. WISE] has 2½ minutes remaining.

Mr. WISE. Mr. Speaker, I yield myself such time as I have left.

Mr. Speaker, in the spirit of change, I am going to tell you, Mr. Speaker, that so many have started out by saying that, ''I am not going to use my time,'' and then of course we know the inevitable story. Well, I am not going to use all my time except simply to ask, I am still waiting for an answer to my question, which is: Why is it that the Speaker has a 4-term limitation, committee chairs have 3 terms? If there is an abuse or possible abuse of power with 3 terms for committee chairs, certainly the Speaker, with the power that the Speaker's chair has,

whoever the Speaker might be of whatever party, we ought to limit that in the same nature as well.

Mr. Speaker, I yield back the balance of my time.

Mr. NETHERCUTT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

(Mr. McCOLLUM asked and was given permission to revise and extend his remarks.)

Mr. McCOLLUM. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like first of all to address what the gentleman from West Virginia [Mr. WISE] said as to why the Speaker is given 8 years and the subcommittee chairmen 6. The reason why that was designed that way is simply because the Speaker is next in line after Vice President to the Presidency, and it conforms with the concept of two 4-year terms of the President of the United States. That is the rationale that went into that.

The reason for the 6-year term limit for committee chairmen is simply that that seemed to us to be the right number. It may be a little arbitrary, maybe it could have been 8, maybe it could have been 4. The point is we need to limit the length of time somebody serves as committee chairman. That is the single most important limit we are placing here, even more important than limiting the Speaker, in my judgment. It was perhaps one of the most important reasons why we have debated over the years that we need term limits. Most Americans realize, when you give power to a committee chairman or a subcommittee chairman for a long period of time, you are giving very serious power to one individual who can abuse that power. Many do not, but somebody can.

The control that a committee chairman has is vast. He controls, often, whether a bill ever leaves his committee to come to the floor of the House for a vote. He controls a lot of the substance that goes into the bill before that bill comes out of a committee or leaves the committee in the first place.

□ 1920

And in a conference between a bill that has passed the House and the Senate, between those two bodies, the committee chairman has a great deal to say with what is in the final product, an awful lot to say. In addition to that, a committee chairman is in charge of oversight functions. There are hearings that are held by the committees that he determines which ones are held to look into whether it is the FBI, or the Drug Enforcement Administration, and in the case of my Committee on the Judiciary it may be oversight hearings like Whitewater in Banking or whatever. A committee chairman, the right committee chairman, can do a great job for a long period of time. The wrong committee chairman can abuse that power, and, yes, somebody can remove him, but it does not happen very often.

And the bottom line is:

For the health of this Nation it is much better to alternate who are the committee chairmen of various committees and subcommittees over a reasonable period of time, and 6 years, it seems to us, is very, very reasonable under these circumstances. There are a lot of very talented men and women among our 435, and I urge a ''yes'' vote. It is a very important resolution, probably the most important one tonight that we will vote on.

The SPEAKER pro tempore (Mr. EMERSON). All time for debate on section 103 of the resolution has expired.

The question is on section 103 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NETHERCUTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 355, nays 74, answered ''present'' 1, not voting 4, as follows:

[Roll No. 8]

YEAS—355

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Minge
Mink
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Olver
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Woolsey
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—74

Abercrombie
Ackerman
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Bryant (TX)
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Dingell
Dixon
Durbin
Evans
Fattah
Fazio
Fields (LA)
Foglietta
Gejdenson
Gephardt
Hamilton
Hastings (FL)
Hilliard
Hoyer
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Klink
Lewis (GA)
McNulty
Meek
Menendez
Mfume
Miller (CA)
Moakley
Mollohan
Montgomery
Murtha
Oberstar
Obey
Ortiz
Pallone
Payne (NJ)
Pelosi
Rahall
Rangel
Reynolds
Rivers
Roybal-Allard
Rush
Sanders
Sawyer
Serrano
Skaggs
Skelton
Stark
Stokes
Taylor (MS)
Thompson
Torres
Velazquez
Vento
Visclosky
Watt (NC)
Wise
Wynn

ANSWERED ''PRESENT''—1

Dellums

NOT VOTING—4

Clay
Gingrich
Harman
Yates

□ 1936

Mr. PALLONE and Mr. JEFFERSON changed their vote from ''yea'' to ''nay.

Mr. BALDACCI changed his vote from ''nay'' to ''yea.''

Mr. ORTIZ changed his vote from ''present'' to ''nay.''

So section 103 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, during rollcall vote No. 8 on H.R. 6, I was unavoidably detained. Had I been present I would have voted ''aye.''

□ 1940

The SPEAKER pro tempore (Mr. BILIRAKIS). Pursuant to the rule, section 104 of the resolution is now debatable for 20 minutes.

The gentlewoman from California [Mrs. SEASTRAND] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from California [Mrs. SEASTRAND].

(Mrs. SEASTRAND asked and was given permission to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to offer yet another fundamental change to the way business is done in the House of Representatives.

Every one of us was elected by our constituents to do a job. Having a job means showing up for work every day—as most working Americans are required to do—and actively carrying out the duties to which we are assigned.

The process of voting by proxy violates this basic responsibility. By allowing for proxy voting in the first place, it was never intended that: Representatives should stop representing; that they should never go to committee hearings; that they should never hear the testimony provided for them to make informed decisions; that they should never hear the critical evidence that might help them form opinions; and finally proxy voting was never intended that committee chairs should hold enough proxies to determine the outcome of legislation—regardless of the testimony, the evidence, the views of other Members, or the fact that some Members may have never bothered to attend a single committee meeting.

Proxy voting, or ghost voting as it is sometimes referred to, allows a committee chair to do whatever he or she wants to do.

I would think this practice of proxy voting would be offensive to those Members who faithfully attend committee meetings and listen carefully to the testimony offered and the evidence presented so they can cast an informed vote. A vote, unfortunately, which is cast in vain because no matter what was said, the Chair holds enough proxies to do whatever he or she wants.

This is not a responsible way to legislate and the people who elected us have every right to expect more.

Mr. Speaker, if there is one reason today that we are introducing this historic package of fundamental reforms, including the elimination of proxy voting, it is to let the American people know that the 104th Congress will begin to legislate responsibly and with total accountability.

I submit to you that it is necessary to eliminate proxy voting.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this proposal, and I commend the gentlewoman for leading the effort on it this evening. As she pointed out, I think correctly, in the real world if you work in a factory or you work in an office, you have to show up for work. You cannot send a proxy. It should be no different for Members of Congress in their committee assignments.

However, while I support this provision, I do not think it, frankly, goes far enough. I would like to talk a little bit about the issue of committee ratios here.

For many years Republicans have argued, and very well, I might add, the makeup of the House committees should reflect the party ratios in the House; that is, if one party controls 60 percent of the House, then they should get 60 percent representation on the committees in this institution.

Republicans have repeatedly offered amendments to make this simple rule a principle rule of the House. The Republican rules package in the 103d Congress required that party ratios in each committee must reflect party ratios in the House.

In fact, the gentleman from Colorado [Mr. ALLARD] offered the same amendment to the congressional reform bill later in the year. The amendment was offered yet again by the gentleman from California [Mr. DRIER] when the Committee on Rules considered the congressional reform bill in October of last year, just 4 months ago.

In the Senate, the other body, the new Republican majority has adhered to this basic principle in allocations of committee slots for Democrats in the new Congress. In the House, however, Republicans have not only abandoned their previous amendments on fair ratios, but they have already violated the principle they championed as recently on this floor and in the Committee on Rules as 4 months ago. They began by stripping dozens of Democrats of their committee assignments, a tactic never employed when Democrats controlled the House. We always made room. We never asked a sitting Republican on a committee to leave. We always somehow accommodated them, expanding the committee by putting temporaries on it.

Not so, not so in this Congress. Then they announced the committee ratio plan, in which not a single House committee actually meets the clearly articulated test for fairness.

On the major committees, and they are all major, but on the committees that people look to on important fiscal matters, the Committee on Ways and Means and the Committee on Appropriations, I would say those two committees and the Committee on Rules, the ratios were way above the 53/47 split we presently have in the House of Representatives. In fact, on the Committee on Ways and Means and the Committee on Appropriations, they got 60 percent instead of 53.

They might say, ''When you were in power you did the same thing.'' We may have gone a percent or 2 or 3 above. We never went 7 or 8 percent above, which means a lot of seats on those respective committees.

Mr. Speaker, I commend the gentlewoman and my colleagues for offering this amendment on proxy voting, but I must be honest and say that it does not really go far enough. If we really wanted to go far, we would adopt the language of the gentleman from Colorado [Mr. ALLARD], and we would adopt the proposals that were advocated by the gentleman from California [Mr. DREIER] and others on that side of the aisle to keep committee ratios balanced in relation to the rest of the House.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. OWENS].

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, proxy voting is as American as apple pie. We have millions and millions of votes cast by proxy all the time.

Private industry, which we are so fond of replicating, uses proxy voting all the time. Americans understand proxy voting. They understand that decision-makers who have numerous obligations sometimes use proxy voting as a convenience. They trust certain people and allow them to vote by proxies on very important matters that affect their lives.

I am not going to quarrel, however, with a Majority that wants to limit their own flexibility and their own ability to conduct some awesome business matters here that are the province of the Majority by insisting on eliminating proxy voting. If they want to do that, I am not going to really quarrel with them.

I am going to discuss, instead, something else that is as American as apple pie, and that is voting by simple majority vote.

Later on we are going to discuss a three-fifths requirement, a requirement that three-fifths of the Members must approve of any income tax increase. I want to say that is very un-American. That runs against the grain of the Constitution, and the general

way Americans conduct business. What they are doing is empowering a minority of people to block any legislation.

The House has 435 voting Members. Some simple arithmetic. There are 435 voting Members. A simple majority is 218. Three-fifths of the House is 261, instead of 218. Two-fifths of the House is 174 votes.

By requiring that there must be a three-fifths vote to pass any legislation, we empower that two-fifths to block the legislation.

A simple majority requirement such as is being proposed dilutes the power of every Member's vote by allowing the House to be controlled by the two-fifths, 174 out of 435, two-fifths can choose to withhold their votes and they control the process. That is not democracy. Instead of control by 218 Members, we will yield control to 174. That means that if you set this precedent tonight on taxes, and I am not in favor of voting to increase the income taxes of Americans. We have plenty of ways to save money in the budget and not have to increase taxes. We should stop the freeloading farmers, end farm subsidies, end Farmers Home Loan mortgages, we should stop building *Seawolf* submarines which have closed down overseas bases in Japan and Germany. There are ways to save billions of dollars and not have to increase taxes, but this sets an unfortunate precedent. This empowers a minority.

Mr. Speaker, in addition to the arguments presented above, I would like to note the following: Requiring a supermajority vote for tax increases is unconstitutional because it delivers a fatal blow to majority rule. It gives a minority of Members the ability to stop a specific type of legislation. indeed, today marks the first time in this country's history that a majority in the House has attempted to usurp so much power.

Article I, Section 2 of the Constitution states that the ''House of Representatives shall be composed of Members chosen * * * by the People of the several States.'' In *Wesberry* v. *Sanders,* the Supreme Court interpreted that portion of the Constitution as meaning that ''as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's.'' The rule before us would severely violate this one man, one vote principle by diluting the vote of every citizen. The more power that is funneled into the hands of the few, the less remains in the hands of the many.

Moreover, the Constitution clearly enumerates the instances in which a supermajority is required. If the Framers had intended that submajorities be used in other instances, they would have explicitly stated so.

While the Constitution does state that the House can write its own rules, the House and its leaders are not given carte balance. Therefore, in the past, Congress has required supermajority votes only for procedural motions, such as the two-thirds vote required in the House to consider a rule reported the same day. Similarly, motions in the House to suspend the rules and pass a bill are procedural in nature; if such motion is defeated, a bill may be reconsidered in the House under a normal rule and passed by a simple majority.

Requiring a supermajority vote for tax increases also would set a perilous precedent that could be used to create similar requirements for other controversial issues. Which type of legislation would be next on the chopping block? Will any bill that increases education funding require a three-fifths vote for passage? Will any bill that relates to a woman's right to choose an abortion be subject to a three-fifths vote?

Voltaire wrote, ''One despot always has a few good moments, but an assembly of despots never does.'' This certainly is not a good moment for my Republican colleagues. Of all the accusations that have been made about the Democrats' exercise of power during our forty-year tenure in the majority, nothing even comes close to rising to this level of the abuse of power. It is tyranny of the majority, pure and simple. I urge my colleagues to defeat this rule.

Mrs. SEASTRAND. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. GOSS].

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, what we are talking about here is proxy voting or ghost voting. It is a bad habit that has grown to be a serious disorder in the process of this institution. I notice that apparently no one is willing to defend proxy voting, because I certainly have not heard any defense from the other side of the aisle, so I guess the time has come to get rid of proxy voting or ghost voting and we thank very much what I think I am hearing correctly, is the support from the other side of the aisle so I think we can expect a very large vote to do away with this procedure which has not done credit to this institution since it has been a bad idea and since it has been abused so badly. I think we all know it, I do not think there is any particular point in overstressing, finding nobody supporting it, so why do we not just agree with it and get rid of it?

Mr. Speaker, I thank the gentlewoman for yielding me this time, and I congratulate her for her effort.

Mrs. SEASTRAND. Mr. Speaker, might I inquire how much time is available on both sides?

The SPEAKER pro tempore [Mr. BILIRAKIS]. The gentlewoman from California [Mrs. SEASTRAND] has 3½ minutes remaining, and the gentleman from Michigan [Mr. BONIOR] has 3½ minutes remaining.

Mrs. SEASTRAND. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Speaker, in addition to authoring our Nation's Declaration of Independence, Thomas Jefferson wrote what are supposed to be the rules of this House. His Manual of Parliamentary Practice was written in 1797, and for nearly 200 years, has by law provided the basis for our House rules.

That is why I rise today in support of the Proxy Voting Ban in the House Republican Rules Package. If Jefferson knew that absent or tardy members of the House were routinely allowing other members to cast their votes for them in committee by proxy and that this ghost voting has been used to block legislation while ducking individual responsibility, he would object. He would wonder by what justification we could so stand the rules of this House which he wrote on their head.

Although House rules strictly prohibit one member of Congress from casting votes for another on the House floor, proxy voting was in fact the norm in many committees in the last Congress. In 1993, for example, proxy votes were cast on virtually every bill marked up in the House Committees on Energy and Commerce; the Judiciary; and Public Works and Transportation.

Ghost voting not only promotes absenteeism and sloppy bill-drafting, it allows party leaders and committee barons to control the fate of legislation by simply pulling votes out of thin air. It is like having 6 jurors sit through a trial, hear all the evidence and reach a verdict—only to have the jury foreman pull out 6 more votes from his pocket and cast them to overrule the others.

Last year, I introduced legislation to require the House to follow Jefferson's rules. One of Jefferson's overriding concerns was that each member of Congress would be held responsible for his or her own vote.

This rules change will end the abuse of our most important and valuable commodity, our vote. Simply put, under this change, if a member does not show up for work, he does not get to vote. I urge an ''aye'' vote for this important Republication reform.

Mrs. SEASTRAND. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Speaker, although every vote in the whole House is always important, votes in committee carry even greater proportionate weight. As such, committee votes should be cast by Members themselves, not by committee colleagues.

Yet Capitol Hill practice in the past has been to allow proxy votes in committees. This has meant one Member was voting not just for himself but for absentees.

Proxy holders, often the committee leadership, would vote for other Members who were elsewhere, possibly at another committee meeting voting the proxies of still more absent Members.

Enough already. Let the Member who votes in committee be in committee. The American way is one person, one vote. Votes in congressional committees no longer should be by proxy, they should be in person. That is what will happen as soon as tomorrow. All it takes is approval of this proposal to change our rules. Let the reform go on as we keep faith with our promise in the Contract with America to change the way Congress does business. The American people will be the winners.

Mrs. SEASTRAND. Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

(Mr. MONTGOMERY asked and was given permission to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I rise in support of this amendment, Section 104, the ban on proxy voting. As the Speaker knows in the chair who serves on the Committee on Veterans Affairs, we have not had proxy voting for a number of years. It has worked very, very well. We have good attendance at our committee meetings, subcommittee meetings and when we have a vote, we almost have 100 percent voting on that amendment, on that bill.

We do not support proxy voting. We have not had it for 20 years in our Committee on Veterans Affairs, one of the most important committees in this Congress, and I certainly hope we would adopt this amendment.

I would hope that the people on this side, most of us over here on the other side are supporting this amendment, and you would not call for a vote and we could move along and get out of here a little earlier.

Mrs. SEASTRAND. Mr. Speaker, I thank the distinguished gentleman from Mississippi for his kind comments.

Mr. Speaker, I yield 1 minute to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, we just heard the gentleman from California refer to Thomas Jefferson. Thomas Jefferson loved Monticello but he never hesitated to spend 4 days riding horseback to come to Washington to personally fulfill his responsibilities.

When we call on young men and young women to defend this Nation against foreign interests by placing our your men and women in harm's way, they do not have a choice. They must take themselves physically and personally to the call of their Nation. They cannot send a proxy.

What we ask of them we must ask of ourselves. Mr. Speaker, that is accountability.

The people of this great Nation expect us personally to represent them and their views and to be held accountable, to be in the line of fire and not behind the door with a proxy coming through the keyhole.

Mr. BONIOR. Mr. Speaker, I have one remaining speaker this evening on this particular issue. I yield 1½ minutes to the gentleman from Indiana [Mr. ROEMER].

□ 2000

Mr. ROEMER. Mr. Speaker, I rise in strong support of this measure. I believe that as we all are issued our brand new cards today, and each one of us has a sparkling new card that we insert into the boxes in this Chamber, these cards have been personalized, individualized, and secured so that it is only the Member that it is issued to that can cast the precious vote, the privileged vote to represent their constituents in this body.

I talked to Members and I remember my freshman year in 1991 when I cast my first vote and continue to feel it a privilege casting votes in this body. It is against our rules and we have very strict measures when somebody else tries to cast this vote in this body. I think that it should be the same measures that we take in our committees, so that we do not have proxy voting in our committees.

Richard Fenno, a pundit and scholar on Congress, says that the business of Congress is done in its committees. That does not mean we legislate more, that means we do the job of oversight more to be accountable to our constituents. I think this card helps ensure that on the House floor, and I think this new rule helps ensure that in our committees.

This is a good measure to ban proxy voting and I commend Members to vote for this measure.

Mrs. SEASTRAND. Mr. Speaker, I yield 1 minute to the gentlewoman from Wyoming [Mrs. CUBIN].

(Mrs. CUBIN asked and was given permission to revise and extend her remarks.)

Mrs. CUBIN. Mr. Speaker, I rise today to voice my support for eliminating the misguided, but long-held, congressional practice of allowing absentee proxy votes to take place in committee.

Putting an end to these absentee proxy votes is a crucial part of fulfilling our pledge to the American people to create a more open and truly representative Congress. It is an important early step along the path of momentous change and reform that will put the people's government back on the right track.

Like many of my colleagues, I am opposed to this practice which allows on individual to cast a vote in committee on behalf of another member. The people of this country have the right to expect and demand that those of us in Congress carry out the job we sent here to do—namely, make the tough choices and cast our votes in person.

Furthermore, I have an additional, and somewhat unique, reason for objecting to proxy voting. I am the lone representative in the U.S. House of Representatives from the State of Wyoming.

I do not want a California proxy vote cancelling my vote.

Mr. BONIOR. Mr. Speaker, I yield back the balance of my time.

Mrs. SEASTRAND. Mr. Speaker, I welcome the comments of the gentlemen from Mississippi, but hope that he understands that we in the 104th Congress promised in the Contract With America to have a recorded vote on each provision today.

Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GEKAS].

The SPEAKER pro tempore (Mr. BILIRAKIS). The gentleman from Pennsylvania is recognized for as much as 2 minutes.

Mr. GEKAS. Mr. Speaker, I thank my colleague from California for yielding me the time.

Mr. Speaker, tonight we bring this House back to orthodoxy by eliminating the vote by proxy. In any language, everyone in America knows that the heart and soul of the legislative process is resting with the committee and the committees' work in the Congress of the United States. Subcommittee, full committee, task force, it is the guts of the legislative process that happens beyond the walls of this Chamber, and the final action taken on this floor is really tinsel, it is show time, all of the work, all of the deliberation, all the amendments, all of the drafting, all of the crafting already having been accomplished in the halls of the committee system itself.

The gentleman from Mississippi and others who have spoken so eloquently know that we as trustees of the card that allows us to vote on the floor of the House cannot transfer it to anyone else. As a matter of fact, it is a violation of the law, a criminal violation if any Member should transfer his or her card to someone else to vote that vote on the floor.

Is it not an irony that that is a crime, but we permitted for so many years someone to vote a dozen or two dozen votes in committee with ghost riders in the sky elsewhere in the Capitol while a bill is being crafted, amended, and finally passed in committee.

I recommend it not just because we have in the contract with the American the banning of proxy voting, but because the American people recognize that this is a fraud on the legislative process. We tonight end it for all time.

The SPEAKER pro tempore. All time for debate on section 104 of the resolution has expired.

The question is on section 104 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. SEASTRAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 13, not voting 2, as follows:

[Roll No. 9]

YEAS—418

Abercrombie	Barrett (WI)	Blute
Ackerman	Bartlett	Boehlert
Allard	Barton	Boehner
Andrews	Bass	Bonilla
Archer	Bateman	Bonior
Armey	Becerra	Bono
Bachus	Beilenson	Borski
Baesler	Bentsen	Boucher
Baker (CA)	Bereuter	Brewster
Baker (LA)	Berman	Browder
Baldacci	Bevill	Brown (CA)
Ballenger	Bilbray	Brown (FL)
Barcia	Bilirakis	Brown (OH)
Barr	Bishop	Brownback
Barrett (NE)	Bliley	Bryant (TN)

Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—13

Collins (IL)
Collins (MI)
Conyers
Dellums
Dingell
Frank (MA)
Gejdenson
Kaptur
Lambert-Lincoln
Scott
Vento
Waters
Williams

NOT VOTING—2

Johnston
Yates

□ 2020

So section 104 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). Section 105 of the resolution is now debatable for 20 minutes. The gentleman from Ohio [Mr. CREMEANS] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. CREMEANS].

(Mr. CREMEANS asked and was given permission to revise and extend his remarks.)

Mr. CREMEANS. Madam Speaker, I yield myself such time as I may consume.

Today I offer an amendment numbered section 105 to the House rules mandating public access to committee proceedings. The American people have spoken. Less than 2 months ago I was chosen to represent over a half million Ohioans, and today I become their Representative to this body.

Those Ohioans have every right to know what I do here, and this amendment guarantees that right.

It is appropriate that today, with what is expected to be the largest viewing audience of a House proceeding ever, we allow the watchful eye of the public into our committees as well.

No longer will House business be allowed to take place behind locked and closed doors. From this point forward the public will have the right to view our activities.

Our democracy is built upon having choices. On November 8 we each were chosen by the people to be here today. This amendment simply provides those same men and women with the knowledge of what choices each of us made while we were here.

They deserve to know nothing less.

Madam Speaker, I reserve the balance of my time.

Mr. BONIOR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the House of Representatives is supposed to be the people's House. This is where the business of the American people is conducted, and the more sunshine that we can shine on these Chambers and these committee rooms, the better off the American people will be.

The days of backroom deals are over. We make decisions in this building every day that affect every man, woman, and child in this country, and I think the American people have a right to see those decisions being made. But it is also time to shut out the influence of special interests.

I support this amendment, and I commend those who are offering it, but I do not think it is enough merely to open all meetings to the public. We should be held accountable for all aspects of public life. and that means all political contributions should be disclosed as well. We are required by law to disclose the names of the people who contribute to our political campaigns, and we do. But there are some organizations which have an influence on this body which refuse to disclose who they contribute to, where they get their money from, and I think it is time to change that as well.

Let me give you one example: There is an organization called GOPAC, which, by some accounts, has played a role in electing over 200 Members of this institution. Over the past 9 years, GOPAC has raised between $10 million and $20 million. Many of these contributions come from people who have a direct interest in Federal legislation. We do not know who these people are, where this money came from, because GOPAC has not disclosed the list of its past contributors.

With deals like this, is it any wonder that the American people think that this Congress is for sale? I think the public has a right to know who these people are, and we should open our meetings and GOPAC needs to open all of its meetings.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Madam Speaker, is this germane to section 105 of the bill that we are debating, this discussion?

Mr. BONIOR. Madam Speaker, if I could finish my remarks, I will address my colleague's comments because I think they are good comments. I think it is directly germane.

Madam Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The remarks should pertain specifically to this portion of the resolution adopting the rules.

Mr. BONIOR. This portion of the bill deals with open meetings, and that deals with open Government. And if we are going to have open Government, we should make sure that the contributions of the people are reviewed, that we know where they come from, especially as they affect legislation. It seems to me if GOPAC has nothing to hide, then they should have nothing to be afraid of. If GOPAC will not come clean and will not open their books, I think the American people have a right to ask, ''What are they trying to hide?''

Mr. THOMAS of California. Madam Speaker, the gentleman is not germane.

□ 2030

POINT OF ORDER

Mr. THOMAS. Madam Speaker, I have a point of order.

The SPEAKER pro tempore. (Mrs. JOHNSON of Connecticut). The gentleman will state his point of order.

Mr. THOMAS. The gentleman is not germane.

The SPEAKER pro tempore. We will proceed. The gentleman from Ohio [Mr. CREMEANS] is recognized.

Mr. CREMEANS. Madam Speaker, I yield 45 seconds to the gentleman from Nebraska, the home State of the national champion Nebraska Cornhuskers [Mr. CHRISTENSEN].

(Mr. CHRISTENSEN asked and was given permission to revise and extend his remarks.)

Mr. CHRISTENSEN. Madam Speaker, I rise in support of item No. 5, the sunshine rule for committees, and I thank the gentleman from Ohio [Mr. CREMEANS] for the kind gesture about the Nebraska Cornhuskers and the national championship we just won.

My colleagues, on November 8 the American people sent a clear message to Congress: ''No more business as usual, no more backroom deals, no more conducting the people's work in secrecy. Enough is enough.''

This measure puts an end to business as usual and ushers in a new era of openness and accountability.

What it requires is simple—from now on all committee and subcommittee meetings will be open to the public and media, except in extraordinary circumstances involving national security or personal matters.

As my colleague from the State of Washington has said, ''The days of the smoke-filled room and closed doors are over.'' It's time to open the doors, throw open the windows, and let the glorious light of representative democracy shine in.

Mr. BONIOR. Madam Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Madam Speaker, I am all for this. I was not aware that there were many meetings that were not open. Most of the Members I know generally try to get the press to come to their meetings rather than keep them away, but I think it is important that we do this because we not only govern ourselves, we set an example, and I think it is important for us to pass this by a big vote and set an example of openness.

Now my friend referred to GOPAC, and he should not have, apparently under the rules, talked about the substance. But what is important is the example we will set. There are political organizations controlled by Members of this House that are not open. What better way to encourage them to do the right thing? What better way to tell the people of GOPAC that they should be open than for us to follow that same rule?

So, let us set the example, and let GOPAC profit by our example, and let those who are so worried that we would even discuss it on the floor of the House——

Mr. THOMAS. Madam Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. THOMAS. Madam Speaker, the gentleman skates very nicely on thin ice.

Mr. FRANK of Massachusetts. I thank the gentleman very much for his acknowledgment of defeat on this issue. We can talk about openness. The point is——

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. FRANK of Massachusetts. I would ask for an additional 30 seconds since I yielded to Tonya Harding over there.

Mr. BONIOR. Madam Speaker, I yield 30 seconds to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Speaker, I will say I meant that in a purely metaphorical sense, but let me say I thank the gentleman for yielding.

I think the example of openness we set here is important. Let GOPAC and every other political organization controlled by Members of the House follow the example because certainly no Member of the House would want to be considered so inconsistent as to vote that we will open meetings that no one wants to come to and then at the same time conceal information that people want to know about. The principle of openness is important. Let us hope that it sets a good example.

Mr. CREMEANS. Madam Speaker, I yield 45 seconds to the gentleman from California [Mr. POMBO], who in his first term led the protest against closed-door meetings.

Mr. POMBO. Madam Speaker, I thank the gentleman from Ohio [Mr. CREMEANS] for yielding this time to me.

Madam Speaker, when I first got here I came from the State of California, and I represent the State of California where we do have open meeting laws, and we are required to conduct our business in the open, and, as the previous gentleman said, that he was not aware of very many meetings that we have that are closed to the public, but one of the first things that I ran into here as a new Member was a meeting that was closed to the public, and that was the Committee on Ways and Means markup of the tax increase of 1993 which was closed down to the public where not only the public and the press, but other Members, had to leave the room.

Madam Speaker, the argument that was given to me at the time was that Members who are on the panel, on the committee at the time, needed to feel free to speak their mind and to vote their conscience, and that if the public were in the room, they would not be allowed to do that. That is exactly why we need this rules change to pass, so that the public knows exactly what is going on.

Mr. BONIOR. Madam speaker, I yield 1 minute to the gentleman from California [Mr. FAZIO], our caucus chairman.

Mr. FAZIO of California. Madam Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for yielding this time to me.

Madam Speaker, I ask the gentleman from California [Mr. POMBO] to come back to the microphone because I would like to ask him about this. I have a copy of a letter which he signed along with the gentleman from Texas [Mr. ARMEY] and a number of other Members saying, ''Let's close the gift loophole for foundations, LSOs and caucuses.'' This was October of 1993. One of the justifications for this request was to require all Member-affiliated foundations to disclose contributors. Public disclosure of contributions will ensure the integrity of Member-affiliated foundations and silence any criticism that special interest contributions are being made to influence Members of Congress.

I wonder if the gentleman can tell me what difference there is between this worthy instinct that caused him to sign this letter and the situation that applies with GOPAC.

Mr. POMBO. Madam Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. POMBO. Madam Speaker, I think that it is pretty simple. The LSOs were using taxpayer money, and what we were afraid of——

Mr. FAZIO of California. These are the foundations that get——

Mr. POMBO. If the gentleman will let me answer, I will tell him. It was combining. This was my concern, combining, commingling, official money with outside money, and that was my concern, and that is why I signed onto the letter.

Mr. FAZIO of California. The gentleman's request was to get the foundation grants.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. FAZIO] has expired.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to the gentlewoman

from Florida [Mrs. FOWLER], who served as cochairman of the Republican freshman class reform task force in the last Congress.

Mrs. FOWLER. Madam Speaker, I rise in strong support of the sunshine rule. The Republican freshman class of 1992 made open meetings a top priority in our reform efforts when we took office 2 years ago. Those of us who came here from States with sunshine laws were shocked to learn that committee chairmen could lock out the American people for almost any reason. We were appalled when a meeting was closed to the public because tax increases were being discussed.

My home State of Florida, the Sunshine State, has some of the toughest open meeting laws in the country. Local and State government improved because of those laws.

It is time to shine a light under the done here at the U.S. Capitol. We can never forget that we work for the American people, and what we do here we do for them.

This rule will ensure the doors remain open, and I encourage my colleagues to support it.

Mr. BONIOR. Madam Speaker, I yield 1 minute to the gentlewoman from Arkansas (Mrs. LAMBERT LINCOLN).

(Mrs. LAMBERT LINCOLN asked and was given permission to revise and extend her remarks.)

Mrs. LAMBERT LINCOLN. Madam Speaker, I thank the gentleman for yielding. As has been said earlier in this debate, the best place to dry laundry is still in the sunshine, and the sunshine is still the best place for Congress to air our discussions about legislation.

As we look to the committee structure to help us in deciding, forming, developing, and perfecting legislation, it is very critical for us to keep those meetings open and open to the public, the very people who pay our salaries and who are directly affected by the laws that we passed. They should certainly be welcome to see Congress in its action.

Congress in committee is certainly Congress in action, and that is where I feel like it is most important as we look to the committee structure as well as the conference reports, the conference committees, to make sure that they do remain open to the public. Debate over these decisions should be held in the public eye.

That is why I strongly support this proposal. This will not threaten our national security interests, because we found that classified information will still be protected, and that is why I support this legislation in opening up to the very people of the public that which we are here to do on their behalf.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ZIMMER], who led the fight for similar legislation.

Mr. ZIMMER. Madam Speaker, I thank the gentleman for yielding time to me.

(Mr. ZIMMER asked and was given permission to revise and extend his remarks.)

Mr. ZIMMER. Madam Speaker, in the 1970's, nearly every State in the Union enacted sweeping open public meetings laws. Inspired by Florida's sunshine law and spurred by citizens' organizations such as Common Cause, legislatures across America opened the meetings of virtually every State and local public body to the public.

Congress responded only partially to this demand for reform. It left a gaping loophole in its rules that allowed committee meetings to be closed by simple majority vote for any reason or for no reason.

It is high time for Congress to be subject to the same open meetings requirements that have applied for more than 20 years to the zoning boards and the boards of education in the smallest communities in New Jersey and across the Nation. Justice Louis Brandeis was right when he said sunlight is the best disinfectant. It is time for us to join the 50 States and the communities of this Nation and open our doors and open our windows and let the sun shine in.

Mr. BONIOR. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Madam Speaker, I thank the gentleman for yielding, and I salute the gentleman from Michigan for his leadership to fight on this, because he is right. Government is not a fungus, it can thrive in sunshine. But the point I think the gentleman was trying to make, too, that is connected to this is that the voters are not stupid, and they also know that some of the issues they see that will now be discussed in sunshine and have been in many meetings already, but what they are going to see in the sunshine, they know those deals may have been cut somewhere else. And that is why you have to let the sunshine in a little brighter.

I think it goes back to the original concept I was talking about of the coin operated legislative machine. If you only get to see what is coming out of the machine, you are only seeing half of the machine. And that is why many of us are very disappointed tonight. We do not have an opportunity to amend this so that we can add sunshine as to what went into the machine, who was putting the coins into the machine, and is there a connection.

I think the gentleman from Michigan made an excellent point, and I only hope next time we get a chance to make an amendment so we see sunshine everywhere.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to a new Member from the Buckeye State, the gentleman from Ohio [Mr. NEY]

(Mr. NEY asked and was given permission to revise and extend his remarks.)

Mr. NEY. Madam Speaker, I appreciate my colleague from Ohio and neighboring Congressional District for yielding time to me.

Madam Speaker, I want to stay to the subject matter, because obviously from this side tonight it has strayed I believe from the original intent of what we are talking about, which is sunshine. And with our good parliamentarian BOB WALKER, I don't want to have him rule me out of order, so I am not going to talk about Ralph Nader and his hidden monies, and some of the labor unions and how they have monies, and I come from a labor area that may not necessarily have to be right out in the open sunshine.

I want to stick to the subject matter, which I think we have to do, and that is the fact of talking about the influence of the lobbyists. The lobbyists are there to present people's points of view that they represent back in our districts, but it should be done out in the open.

I was a participant in a closed conference committee when I chaired the Senate Finance Committee in Ohio. We finally came into the 21st Century and our colleagues opened the process up in the State. All the States have, and it is time we come into the 21st Century. I believe what we are trying to do here everybody does agree with, and urge support.

Mr. BONIOR. Madam Speaker, I yield one and a half minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Madam Speaker, I thank the gentleman for yielding. I think we ought to be clear as to what we are talking about here. In my experience I have seen very few, in fact, no closed meetings.

There is a very important concept known as the elephant stick. The elephant stick is a stick that a man carries. It is not Tonya Harding's stick, it is the one that you carry around Dupont Circle, and people say, ''What are you doing with that stick?'' And the answer is, ''Well, it is to keep away all the elephants.'' They say, ''Well, there aren't any elephants at Dupont Circle.'' Then you say, ''My stick works.''

Now, my friends on the other side have got a lot of elephant sticks tonight. They are banishing nonexistent elephants at a fast and furious pace. If they want to take credit for it, that is fine. But I have to tell you that these closed meetings they talk about are widely a figment of their imagination.

But I am concerned about openness in this regard: I was told we were going to have a new way of operating. Is it the plan, and I will be glad to yield to any member of the leadership on the other side, is it the plan to finish this rule, and then take up another separate important bill, the compliance bill, at 2 or 3 o'clock in the morning, and then do nothing tomorrow?

Is that the new way of legislating, that we will take up the important

question of compliance and its related issues at 2 or 3 o'clock in the morning, keeping people here on overtime, and then tomorrow have nothing to do at all?

If that is in fact the plan on the other side, I hope the leadership will tell us that, so some of us can suggest we ought to finish this bill, go home for the night, and come in tomorrow and then act on the compliance bill in the sunshine, not at 2 o'clock in the morning.

Mr. CREMEANS. Madam Speaker, I yield one minute to my fellow classmate from the Commonwealth of Virginia the gentleman from Virginia. [Mr. DAVIS].

(Mr. DAVIS asked and was given permission to revise and extend his remarks.)

Mr. DAVIS. Madam Speaker, I have been in local government for 15 years where we were subject to sunshine laws, and I believe that total access for the public and the media at committee meetings will end once and for all the controversial practice of shutting the doors to meeting rooms and barring the public to facilitate backroom deals with special interests.

This did happen, this is one elephant on May 6th, 1993, when the Democratic majority excluded the public while the Committee on Ways and Means considered a $270 billion tax increase.

Madam Speaker, meetings to prepare tax bills should be open to the public, as should other legislation that is being drafted, and these other committee meetings should be open as well. Open meetings will discourage backroom deals and increase congressional accountability. The committee sunshine reforms are long overdue. We apply these reforms to many parts of the Executive Branch. it is time we apply them to Congress as well.

Mr. CREMEANS. Madam Speaker, I yield 1 minute to my friend and neighbor from Ohio, the gentleman from Ohio [Mr. PORTMAN].

(Mr. PORTMAN asked and was given permission to revise and extend his remarks.)

Mr. PORTMAN. Madam Speaker, I thank my Ohio neighbor for yielding.

Madam Speaker, when I came to Congress in a special election in 1993, the very first measure that I consponsored was something called the Congressional Sunshine Act. As many in this Chamber will recall, that was to be part of the great reform movement of the 103d Congress. The reforms never happened.

I am very pleased we have the opportunity tonight to act on this measure. I am very pleased to see we have some new converts, who had the chance to cosponsor this bill last year and chose not to.

Madam Speaker, the Sunshine Act was the first bill I consponsored because it seemed indefensible to me, that with the exceptions listed in this rule, there is a need to hold hearings behind closed doors. What are we afraid of? What scares us so much about public scrutiny?

In a free and open society, shouldn't Congress—the People's House—take the lead in providing access? In giving assurances to our constituents that they'll have a bird's eye view of what is going on in their government?

As we all know, many of the most critical public policy decisions are made at the committee level; we've got to ensure that the American people—the people who sent us here—are part of that process. No reform is more important to a more accountable Congress.

I'm pleased that this measure has finally been given the chance to see the light of day. Now, let's vote to shine that light—freedom's torch—on our own proceedings.

□ 2050

As we all know, the most critical public policy decisions around here are made at the committee level. They affect all Americans. We have to ensure that the American people, the people who sent us here, are part of that decisionmaking process. No reform is more important, I believe, Madam Speaker, to accountability than this measure.

I am pleased this measure has finally been given the chance to see the light of day. Now let us shine that light, freedom's torch, on all of our proceedings.

Mr. BONIOR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me just conclude by suggesting that this is a good amendment that the gentleman from Ohio [Mr. CREMEANS] has suggested. I think it is time, I said earlier, that we let the sunshine in on all of our workings in this institution and our committees, but I again invite my colleagues on the other side of the aisle to let the sunshine in on those who have contributed through GoPAC to those campaigns.

I think with important legislation coming before us so quickly in this session, and there will be significant legislation that we will have before us in the next 90 days, it is important that the American people understand who contributed, how much, when they contributed, and in what States. We do not have that information now. Every other political campaign committee has to disclose. GoPAC should be no exception.

I would encourage and urge my colleagues in calling for revelations of their contributions. It seems to me that if GoPAC has nothing to hide, then it should have nothing to be afraid of. If GoPAC will not come clean and will not open their books, I think the American people have the right to ask what GoPAC is hiding.

Mr. CREMEANS. Madam Speaker, to close the debate on this vital rule change, I yield 1 minute to the gentlewoman from Washington [Ms. DUNN], who led the charge on the issue in the last Congress, fighting for a Sunshine Act in the Joint Committee on the Organization of Congress.

Ms. DUNN. Madam Speaker, I want to thank all the people who have helped on the Sunshine Act. This is a wonderful moment for many of us, a real moment of true reform.

Almost 2 years ago, Representative RICH POMBO and the Republican freshmen and I spearheaded a freshman Republican class project to put an end to closed-door sessions where public business was done in private. Specifically, and I want to inform the gentleman from Massachusetts [Mr. FRANK], we had been outraged when the then chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI] escorted the public and the press out of a committee meeting and closed the meeting so no one would see Democrats voting to raise taxes retroactively, while every single Republican opposed them.

As the only freshman on the Joint Committee on the Organization of Congress, it was then my privilege to continue to push this item in the last Congress, but the majority in the last Congress was not friendly to reform, Madam Speaker. The Sunshine Act and other important reforms were bottled up in committee and stalled to seeming death.

However, those reforms did not die. Instead, they are being enacted today by a new majority, and this sunshine rule is the direct descendent of our effort 2 years ago. Now finally the rules will be changed. The public now has the right to see the public's business being conducted. After all, Madam Speaker, the public pays for the process. They should be able to view the process.

Now on this opening day, as reforms begin, let the public watch their public servants. Let the press report events based on eyewitness accounts. Let the television cameras be our eye on the process, when we cannot be here in Washington, DC.

Madam Speaker, let the sunshine in.

I thank the gentleman for yielding time to me.

The SPEAKER pro tempore (Mrs. JOHNSON of Connecticut). All time has expired. The question is on section 105 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CREMEANS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 431, nays 0, not voting 2, as follows:

[Roll No 10]

YEAS—431

Abercrombie	Baldacci	Becerra
Ackerman	Ballenger	Beilenson
Allard	Barcia	Bentsen
Andrews	Barr	Bereuter
Archer	Barrett (NE)	Berman
Armey	Barrett (WI)	Bevill
Bachus	Bartlett	Bilbray
Baesler	Barton	Bilirakis
Baker (CA)	Bass	Bishop
Baker (LA)	Bateman	Bliley

Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—2

Gunderson
Yates

□ 2107

So, section 105 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KOLBE). Section 106 of the resolution is now debatable for 20 minutes. The gentleman from Pennsylvania [Mr. FOX] will be recognized for 10 minutes, and the gentleman from Georgia [Mr. LEWIS] will be recognized for 10 minutes.

Ms. WATERS. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Chair does not recognize the gentlewoman at this time for an amendment. The gentleman from Pennsylvania [Mr. FOX] is recognized for 10 minutes.

PARLIAMENTARY INQUIRY

Ms. WATERS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. WATERS. Mr. Speaker, I have an amendment at the desk in this section. This is a section that increases the vote requirement for raising taxes from a simple majority to a three-fifths majority. I wish to protect Social Security from being cut by a simple majority. Why can I not add this amendment at this time?

The SPEAKER pro tempore. The gentlewoman should be advised that under the rule that amendment is not in order at this time.

The gentleman from Pennsylvania [Mr. FOX] is recognized for 10 minutes.

Mr. FOX. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FOX asked and was given permission to revise and extend his remarks.)

Mr. FOX. Mr. Speaker, last year's budget debate proved how easy it is for Congress to impose higher taxes and increased spending on the American people. Today we take a significant step toward making tax increases infinitely more difficult.

The goal of this new rule is twofold. First, it will require three-fifths majority vote for tax increase measures and amendments. Additionally, it will place a prohibition on retroactive tax increases.

Had the three-fifths requirement been in effect during the 103d Congress, the Clinton tax increase would not have passed. Instead of it passing by only one vote and with the support of only one party, a clear bipartisan consensus would have been required.

The retroactive tax increases, which added insult to injury, would not have been possible had the new rule been in effect. Taxes would not have been raised for 8 retroactive months for millions of hard working Americans, small business owners and senior citizens.

If Members believe Americans are undertaxed, they will not favor these proposals. But if they believe, as I do, we must be cautious about tax increases and they were appalled by the spectacle of last-minute deals which accompanied the 1993 tax increase, they ought to support this reform.

The largest tax increase in American history was passed August 5, 1993, by just one vote and with no bipartisan support. That will not happen in this new Congress. A tax increase enacted could only happen in the future if it has the broad support of Democrats and Republicans working together when all other reasonable alternatives have been exhausted.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I commend the gentleman for bringing this amendment to our attention.

As you know, this amendment to the House Rules provides for a three-fifths or 60 percent vote as a necessity to pass any income tax increase. I first introduced this concept in the form of a rule change on Tax Freedom Day, May 8, 1991. I recognized then, as I do now, that our choices in methods used to balance the budget involve two very difficult types of decisions. First, do we raise taxes, or second, do we hold down spending to bring the budget into balance.

History shows quite clearly that when faced with those two difficult options, this House has historically opted to increase taxes. Why? Simply because it has always been the easier of the two.

For example, in 1990, in the name of deficit reduction, the House leadership went off to Andrews Air Force Base with President Bush and his staff and, in the name of deficit reduction, arrived at an agreement to increase taxes to once and for all put this deficit problem behind us. It didn't work.

So then, in 1993, once again in the name of deficit reduction, this time led by President Clinton and the Democrat leadership, Congress foisted the biggest tax increase in this country's history upon the American people to once and for all get the deficit reduction problem behind us. It didn't work either.

The fact of the matter is that, in 1990, the Andrews Air Force Base tax deal was put together because we had projected a horrendous $170 billion deficit by 1995. Today, after two tax increases and our failure to hold down spending, the deficit at this year's end is projected to be $180 billion, that's right, $10 billion more than had been projected previously in 1990.

Once again, I point out that this is after the two largest tax increases in our country's history. We're not fooling anyone. Congress has always taken the easy way out and we have never solved our deficit problem by raising taxes.

The problem, as one Joint Economic Committee study shows, is that for each dollar in tax increases we have historically increased spending by $1.59. Therefore, it is clear that the route of least resistance, increasing taxes, has not worked. This rule change will tend to put better balance in that process.

Some have indicated a concern regarding the constitutionality of this measure. Let me put those concerns to rest. I would like to quote from an article that appeared in the Washington Times on December 20, 1994 by Bruce Fein.

Supermajority voting rules are constitutional and legislative commonplaces.

The U.S. Supreme Court blessed the constitutionality of supermajority restraints on the tax and spending propensities of government in Gordon vs. Lance (1971). At issue were provisions of West Virginia laws that prevented political subdivisions from incurring bonded indebtedness or increasing tax rates beyond limits fixed in the West Virginia Constitution without the approval of 60 percent of the voters in a referendum election. Writing for the majority, Chief Justice Warren Burger stressed the political incentive for prodigality when the cost can be saddled on future generations without any political voice: ''It must be remembered that in voting to issue bonds voters are committing, in part, the credit of infants and of generations yet unborn, and some restriction on such commitment is not an unreasonable demand.''

The burden of federal income tax rate increases, unlike bonded indebtedness, must be fully borne by current votes. But they typically are targeted at a minority slice of the electorate, such as those increases championed by the Clinton administration and enacted by the 103d Congress. And the revenues generated by tax rate increases are characteristically dedicated to spending programs that benefit voters who escaped the tax increase—for example, food stamps, Medicaid, welfare, housing, job training, education, and farm subsidies. Mr. Solomon's 60 percent supermajority voting rule for tax rate increases is thus a healthy corrective to the natural inclination of simple majorities to fasten an unfair proportion of the costs of government on minorities. The same is true regarding Mr. SOLOMON's recommended ban on retroactive rate increases that invariably mulct a small percentage of the electorate.

Support this rule change. It is an essential element in restructuring our fiscal process.

Mr. Speaker, I include for the RECORD the article from the Washington Times of December 20, 1994 entitled ''Solomon's Wise House Discipline'' on this subject, as follows:

House Rules Committee chairman-designate Gerald Solomon deserves laurels for proposed rule changes that would counteract the propensity of legislators to levy unfair or oppressive taxes to fund run-away spending. Mr. Solomon will recommend to the 104th Congress rules that would prohibit retroactive increases in federal income tax rates, and would require at least 60 percent House majorities to approve prospective rate jumps.

These types of procedural checks on majoritarian foolishness or over-reaching are neither unconstitutional nor novel; they represent praiseworthy efforts to overcome skewed political incentives that systematically divorce government taxes and spending from public sentiments or the nation's future welfare. Indeed, the House and Senate should require supermajorities to approve legislation that would increase tax levies of any sort (not just federal income tax rates), increase federal government spending, or impose substantial spending mandates on states, localities or private enterprise.

Supermajority voting rules are constitutional and legislative commonplaces. For instances, two-thirds majorities in both houses of Congress are required to override a presidential veto or to propose constitutional amendments, and a two-thirds Senate vote is required to ratify treaties or to convict of an impeachable offense. Many state constitutions prohibit or tightly circumscribe the power of the legislature to levy new taxes or to increase bonded indebtedness. And U.S. Senate rules require supermajorities to end filibusters or to waive balanced budget requisites for proposed legislation. Thus, the Uruguay Round GATT implementing bill necessitated a 60 percent majority to waive the Senate's balanced budget rule.

The U.S. Supreme Court blessed the constitutionality of supermajority restraints on the tax and spending propensities of government in Gordon vs. Lance (1971). At issue were provisions of West Virginia laws that prevented political subdivisions from incurring bonded indebtedness or increasing tax rates beyond limits fixed in the West Virginia Constitution without the approval of 60 percent of the voters. in a referendum election. Writing for the majority, Chief Justice Warren Burger stressed the political incentive for prodigality when the costs can be saddled on future generations without any political voice. ''It must be remembered that in voting to issue bonds voters are committing, in part, the credit of infants and of generations yet unborn, and some restriction on such commitment is not an unreasonable demand.''

The burden of federal income tax rate increases, unlike bonded indebtedness, must be fully borne by current votes. But they typically are targeted at a minority slice of the electorate, such as those increases championed by the Clinton administration and enacted by the 103rd Congress. And the revenues generated by tax rate increases are characteristically dedicated to spending programs that benefit voters who escaped the tax increase—for example, food stamps, Medicaid, welfare, housing, job training, education and farm subsidies. Mr. Solomon's 60 percent supermajority voting rule for tax rate increases is thus a healthy corrective to the natural inclination of simple majorities to fasten an unfair proportion of the costs of government on minorities. The same is true regarding Mr. Solomon's recommended ban on retroactive rate increases that invariably mulct a small percentage of the electorate.

Experience teaches that spending bills are characteristically spendthrift. The reasons are twofold: The benefits are ordinarily concentrated and stimulate strong lobbying efforts by the beneficiaries while the costs are ordinarily diffuse. The logarithmic rocketing of Social Security spending illustrates that political phenomenon. It speaks volumes that in 1988 when Congress enacted a catastrophic health insurance law for Medicare recipients fully funded by risk-based premiums, the elderly immediately screamed for and obtained its repeal because they believed the benefits were not worth the price if they were the payors. In other words, Medicare recipients would oppose the expansion of Medicare spending if they were required to bear the cost. Spiralling government spending also is politically attractive because a hefty portion of the cost through budget deficits can be fastened * * *

[From the Washington Times, Dec. 20, 1994]

TAX INCREASE LIMITATIONS

If the tax and spend profligacy of Congress seemed confined to some special, urgent, and transitory national need, then the justification for supermajority voting rules would be weak. But the profligacy seems endemic to contemporary politics; the federal budget has invariably been in deficit for a quarter of a century, and has become so habitual to lawmakers that deficits less than $200 billion are oxymoronically styled ''austerity.''

Federal mandates that require states, localities, or private enterprise to incur substantial costs to provide benefits to constituents or employees should also confront supermajority voting rules. They are more alluring to Congress than the most charming temptress; the mandates gain the federal lawmakers popularity with the beneficiaries while escaping the unpopularity of increased taxes to cover the costs of service.

The justifications for the presidential vote elaborated by Alexander Hamilton in Federalist 73 equally support the wisdom of Mr. Solomon's proposed rules of legislative self-restraint. Hamilton praised the veto as a ''salutary check upon the legislative body, calculated to guard the community against the effects of faction, precipitancy, or of an impulse unfriendly to the public good . . .'' Acknowledging that the veto might prevent the enactment of good laws, he rejoined: ''[T]his objection will have little weight with those who can properly estimated the mischief of that inconstancy and mutability in the laws, which form the greatest blemish in the character and genius of our governments. They will consider every institution calculated to restrain the excess of lawmaking . . . as much more likely to do good than harm. . . .''

Mr. Solomon's proposed supermajority voting rule for tax rate increases is a commendable self-imposed legislative complement to the constitutional veto power designed to block improvident laws. Indeed, the rule should be broadened to reach all bills that would raise taxes or spending. It should be remembered that the Constitution itself is a testament against simple majoritarian rule; it thus smacks of obtuseness to interpret that anti-majortiarian charter as militating against congressional self-restraint in lawmaking.

Mr. FOX. Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, for the purposes of debate only, I yield

45 seconds to the gentlewoman from California, [Ms. WATERS].

(Ms. WATERS asked and was given permission to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, I ask unanimous consent to offer the amendment I have at the desk.

The SPEAKER pro tempore. Under the rule, the amendment is not in order, and the gentlewoman is not recognized for the purpose of offering an amendment at this time. The gentlewoman has been recognized to speak on the section that is under debate.

Ms. WATERS. Mr. Speaker, I say to the American people I would like them to pay attention, watch closely. I have an amendment to offer now but I cannot.

Republicans ran saying they wanted to open up the congressional process. Now they are in charge, but look what has happened. Today we have no chance to offer our proposals to change House rules.

If Republicans believe it is fair to require a three-fifths majority to raise taxes, why can I not offer an amendment to require the same majority in order to protect Social Security? I am ready to offer it today, but I cannot. The Republicans will not allow this debate today.

If the American people voted for change, I am not sure that is what they are getting. This type of reform is not what the people had in mind last November, Mr. Speaker.

I would like to protect seniors, many of whom live in fear of losing their only income source. If Republicans want to use the rules to further their political ends, we Democrats would like to use that means to protect senior citizens.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah [Mr. ORTON].

(Mr. ORTON asked and was given permission to revise and extend his remarks.)

Mr. ORTON. Mr. Speaker, I rise in opposition to the resolution. I urge my colleagues to re-read the U.S. Constitution, the history of the Constitutional Convention, and the Federalist Papers. Madison, Jefferson, Hamilton and Jay were correct. The right decision was made and incorporated into our Constitution. All bills are adopted by simple majority of both Houses except for overriding a Presidential veto impeachment, and amending the Constitution. This resolution would create the requirement of a supermajority to pass legislation not specified in the Constitution. Notwithstanding the fact that this is a bad idea, it is also unconstitutional.

I urge my colleagues to reject this resolution.

Mr. LEWIS of Georgia. Mr. Speaker, for the purposes of debate only, I yield 1½ minutes to the gentleman from Massachusetts [Mr. OLVER].

□ 2120

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is ironic that on this first day of a Republican Speaker in 40 years, a Speaker who is a learned historical and a college professor of history, who spoke eloquently of Ben Franklin and the checks and balances and the Great Compromise that was necessary to allow us to build a Constitution that has lasted for 208 years, it is ironic our Speaker is willing to lead Members, including 73 new Members, over a constitutional cliff. He knows this greatest of constitutions clearly specifies five instances where a supermajority is necessary for a decision.

Except for the ultimate penalty of removing a Member of the branch who has been duly elected by the people in his or her district, all of those other four represent veto override, treaty ratification, impeachment, ratification or rejection of a personnel or action by a coequal branch.

It is ironic for all of the years that the Senate, the other body, has required a supermajority to close debate. They never dared to suggest that once debate was closed it took more than a simply majority, one-half plus one, to make the decision.

And the ultimate irony, Mr. Speaker, is that the Republican majority does not need to do this. They have the majority. They can simply vote ''no'' and accomplish what is there.

So one can only conclude, Mr. Speaker, that section 106 is a deliberate effort to attack the Constitution which is so strongly lauded here and which we all took an oath to uphold.

Mr. FOX. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, what a long way we have come in dealing straight with the American people.

Less than 17 months ago, this body cast aside basic fairness and imposed unprecedented retroactive tax increases. American taxpayers were aghast to learn that the tax increases were made effective to a date before President Clinton had even assumed office!

Today, we are restoring credibility with the American people. If this proposed rule is adopted, it will be against the rules of the House to consider any legislation that contains a retroactive tax increase.

In the last Congress, I authored House Resolution 2147 to incorporate this ''taxpayer-protection'' provision in our House rules. All told, 165 of our colleagues either cosponsored that resolution or signed Discharge Petition No. 11.

Today, thanks in no small part to Chairman SOLOMON, we are finally getting our chance to adopt this rule change.

Mr. Speaker, last summer, while not speaking on the wisdom of retroactive taxes, the Supreme Court gave Congress a green light to raise taxes in this patently unfair manner, putting all tax-paying Americans at risk of having their own fiscal houses thrown in disorder.

It is not only appropriate—but absolutely necessary in light of the Court's ruling—that the House take this action to stop retroactive taxes.

I urge all of my colleagues, in a bipartisan way to vote for this important reform. The American taxpayers deserve nothing less.

Mr. LEWIS of Georgia. Mr. Speaker, for the purposes of debate only, I yield 2½ minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, civilization depends upon civility, and civility rests upon an implicit trust that we each abide by a shared sense of bounds, of what is within the rules. Each of us must be able to expect of the others that we will play by the rules, and not play with the rules.

The proposed rule does violence to this essential aspect of a civil society. It is a proposal to go beyond the bounds, to play with the rules, instead of by them. And in a most uncivil way, it would abuse the discretion given this House by the Constitution to determine the rules of its proceedings, by using the rules of the House to subvert part of the Constitution: the principle of majority rule that is central to the operation of the legislative branch.

The Republicans say this proposed rules change makes the difference between them and the Democrats clear. True. But it is not the difference they assert.

Republicans say this rule change makes it clear that they are opposed to tax increases. But this rule has much more to do with the Constitution than with taxes.

What it really makes clear is that for the sake of political posturing the Republicans are willing to trample on the Constitution which has guided us for 206 years.

The Constitution is the most fundamental statement of American values, the very charter of our democracy. The oath of office we took this afternoon was to support and defend the Constitution and to bear true faith and allegiance to it. The first responsibility of our job in Congress is to honor that charter and remain true to its basic principles.

The gentleman from New York, the new chairman of the Rules Committee, has written that the Constitution says the House may write its own rules. Yes. And the gentleman has quoted an 1892 Supreme Court decision, United States versus Ballin, which says this rulemaking power ''is absolute and beyond the challenge of any other body or tribunal'' so long as it does ''not ignore constitutional constraints or violate fundamental rights.''

But there's the rub. The rulemaking power of the House does not give us a license to steal other substantive provisions of the Constitution, especially not one so central as the principle of majority rule.

The gentleman from New York conveniently failed to point out that a unanimous Supreme Court in that very same case determined that one constitutional constraint that limits the rulemaking power is the requirement that a simple majority is sufficient to pass regular legislation in Congress. To quote the Court:

> The general rule of all parliamentary bodies is that, when a quorum is present, the act of a majority of the quorum is the act of the body. This has been the rule for all time, except so far as in any given case the terms of the organic act under which the body is assembled have prescribed specific limitations. * * * No such limitation is found in the Federal Constitution, and therefore the general law of such bodies obtains.

The Court expressed the same understanding as recently as 1983, when, in *Immigration and Naturalization Service* v. *Chadha,* it stated:

> * * * Art. II, sect. 2, requires that two-thirds of the Senators present concur in the Senate's consent to a treaty, rather than the simple majority required for passage of legislation.

This principle, while not written into the text of the Constitution, was explicitly adopted by the Constitutional Convention. It was explicitly defended in The Federalist, the major contemporary explanation of the Framer's intent. It was followed by the first Congress on its first day, and by every Congress for every day since then. And, as I've already indicated, this principle has been explicitly found by the Supreme Court to be part of our constitutional framework.

The Framers were very much aware of the difference between a supermajority and a simple majority. They met in Philadelphia against the historical backdrop of the Articles of Confederation, which required a supermajority in Congress for many actions, including the raising and spending of money. It was the paralysis of national government caused by the supermajority requirement, more than any other single cause, that led to the convening of the Constitutional Convention.

In that Philadelphia Convention, the delegates repeatedly considered, and rejected, proposals to require a supermajority for action by Congress, either on all subjects or on certain subjects. In only five instances did they specify something more than a majority vote. These are for overriding a veto, ratifying a treaty, removing officials from office, expelling a Representative or Senator, and proposing amendments to the Constitution. Amendments to the Constitution later added two others: restoring certain rights of former rebels, and determining the existence of a Presidential disability.

The records of the debates in Philadelphia make it clear that in all other instances the writers of the Constitution assumed that a simple majority would suffice for passage of legislation. The text of the Constitution itself also indicates as much. Why, otherwise, would it provide that the Vice President votes in the Senate only when ''they be equally divided''? Because, as Hamilton explained in Federalist No. 68, it was necessary ''to secure at all times the possibility of a definitive resolution of the body.'' Certainly the Framers didn't intend the Senate to operate by the principles of majority rule, but not the House.

Indeed, majority rule is such a fundamental part of a democratic legislature that the Founders saw no need to state it explicitly—just as they didn't bother to spell out that it is the top vote-getter, not the second-place finisher, who wins a race for Congress. But each is an inherent element of our constitutional framework.

The reason behind the principle of simple majority rule was stated clearly in The Federalist—one of the five books which the new Speaker has urged every Member to read. In Federalist No. 58, James Madison wrote:

> It has been said that more than a majority ought to have been required for a quorum, and in particular cases, if not in all, more than a majority of a quorum for a decision. That some advantages might have resulted from such a precaution, cannot be denied. It might have been an additional shield to some particular interests, and another obstacle generally to hasty and partial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. *It would be no longer the majority that would rule; the power would be transferred to the minority.* Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies to extort unreasonable indulgences. (Emphasis added.)

And again, remember that it was a lack of effective national government, produced by the minority-rule effects of the supermajority provisions of the Articles of Confederation, that led to the convention that wrote the Constitution.

Some argue that a three-fifths requirement to raise taxes would be like a two-thirds vote requirement to suspend the rules and pass a bill, or the 60-vote requirement to end debate in the Senate. Wrong. Those rules address procedural steps. A bill not approved under suspension of the rules in the House can be reconsidered and passed by a simple majority. After debate is over in the Senate, only a simple majority is required to pass any bill.

So this proposed rule is not like any rule adopted in the 206 years in which we have operated under our Constitution. As 13 distinguished professors of constitutional law recently said in urging the House to reject this rule:

> This proposal violates the explicit intentions of the Framers. It is inconsistent with the Constitution's language and structure. It departs sharply from traditional congressional practice. It may generate constitutional litigation that will encourage Supreme Court intervention in an area best left to responsible congressional decision.

I ask unanimous consent to include after may remarks in the RECORD the law professors' full memorandum.

So, if this rule is so clearly unconstitutional, why propose it?

The answer is simple. This rule is a gimmick. It is an act of high posturing. And as much as the Republicans may wish to seem opposed to tax increases, it is unseemly to do so at the expense of the Constitution.

This rule itself would violate the Constitution, and voting for it would violate our oath to uphold the Constitution. Those are, obviously, serious matters.

Beyond that, if we start down this road of making it harder for Congress to carry out some of its responsibilities, who knows where it will end. Two weeks ago, Rep. Solomon sent out a ''dear colleague'' letter enclosing and endorsing a newspaper column saying that this supermajority requirement should be broadened to apply to all taxes and fees; to any spending increase; and to any bill imposing any costs on any type of private business—for example, the Clean Air Act.

So let's be clear that if we vote today for a supermajority for one type of legislation, in the future we'll be voting on extending that bad idea to other types of legislation, too. And with it, we slide measurably toward the empowerment of a minority against which Madison warned.

Of course, the supermajority idea might not stop at a three-fifths vote. If the idea here is to make it hard to raise taxes, do we really want it to be easier to go to war than to raise taxes? So perhaps we should have a rule requiring unanimous consent to declare war.

Is any of that nonsense really less preposterous—less an assault on the basic American values of democracy and majority rule—than the rule that is before us today?

The idea of a three-fifths majority to raise tax rates was first proposed in the Republican Contract with America as a part of a balanced-budget amendment to the Constitution, not as a rules change. For those of you who are serious about this idea, that is the appropriate and lawful way to do it—through an amendment to the Constitution.

This proposal raises profound constitutional issues. Yet, there have been no hearings. And debate here tonight on the floor is limited to all of twenty minutes. That is a shamelessly cavalier approach to a matter of such importance. It belies its advocates' claims to a thoughtful and open deliberative process in this House.

What is at stake here is the Constitution. Have respect for this foundation document of our democracy. Don't return us to the failed approach of the Articles of Confederation. Don't subvert the Constitution's basic principles. And don't ask us to break the oath of office we just took.

Mr. Speaker, I call on my colleagues to support and defend the Constitution of the United States.

To: The Honorable Newt Gingrich.

From: (Institutional affiliations are for purposes of identification only) Bruce Ackerman, Professor of Law and Political Science, Yale University; Akhil Amar, Professor of Law, Yale Law School; Philip Bobbitt, Professor of Law, University of Texas Law School; Richard Fallon, Professor of Law, Harvard Law School; Paul Kahn, Professor of Law, Yale Law School; Philip Kurland, Professor of Law, University of Chicago Law School; Douglas Laycock, Professor of Law, University of Texas Law School; Sanford Levinson, Professor of Law, University of Texas Law School; Frank Michelman, Professor of Law, Harvard Law School; Michael Perry, Professor of Law, Northwestern University School of Law; David Strauss, Professor of Law, University of Chicago Law School; Cass Sunstein, Professor of Law, University of Chicago Law School; Harry Wellington, Dean, New York Law School.

We urge you to reconsider your proposal to amend the House Rules to require a three-fifths vote to enact laws that increase income taxes.[1] This proposal violates the explicit intentions of the Framers. It is inconsistent with the Constitution's language and structure. It departs sharply from traditional congressional practice. It may generate constitutional litigation that will encourage Supreme Court intervention in an area best left to responsible congressional decision.

Unless the proposal is withdrawn now, it will serve as an unfortunate precedent for the proliferation of supermajority rules on a host of different subjects in the future. Over time, we will see the continuing erosion of our central constitutional commitments to majority rule and deliberative democracy.

1. ORIGINAL INTENTIONS

The present proposal is unprecedented, but it was anticipated by Madison in a remarkably prescient discussion in the Federalist Papers—a document that you rightly urge your colleagues to reread with care. Federalist No. 58 is explicitly directed to complaints about the constitutional design of the House. It concludes by confronting an objection ''against the number made competent for legislative business.'' Madison's description perfectly fits the present proposal:

It has been said that more than a majority ought to have been required for a quorum, and in particular cases, if not in all, more than a majority of a quorum for a decision.[2]

Madison rejects this suggestion, but only after recognizing that it serves certain values—notably it might serve as a ''shield to some particular interests, and another obstacle to hasty and partial measures.''[3] Nonetheless, he finds these considerations ''outweighed'' by more fundamental ones:

In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power would be transferred to the minority. Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies to extort unreasonable indulgences.[4]

Madison's audience understood the backdrop of these remarks. The Articles of Confederation required Congressional supermajorities for specially important subjects, including the raising and spending of money.[5] But the Philadelphia Convention decisively rejected such a system, repeatedly voting down key proposals that imposed supermajorities in legislative fields of special sensitivity.[6] In Federalist No. 22, Alexander Hamilton explicitly defended this decision to break with the supermajority system of the Articles, insisting that ordinary legislation should not ''give a minority a negative upon the majority.''[7]

The Founders rejection of selective supermajority rule for specially sensitive legislation was neither casual nor peripheral to their larger design. Instead, it was based on practical experience and careful consideration of the arguments on both sides. Nothing in the past two centuries of our history authorizes a simple majority of the House to take unilateral action and restrike the constitutional balance.

2. CONSTITUTIONAL TEXT AND STRUCTURE

Of course, there are times when the Constitution weighs the balance differently. On seven different occasions, it stipulates a supermajority requirement.[8] But it never makes three-fifths, rather than two-thirds, a numerical hurdle of special significance. More fundamentally, it never places any special obstacles on the enactment of ordinary legislation signed by the President.[9] As the *Chadha* case teaches, this carefully considered lawmaking system can only be changed by constitutional amendment.[10]

If the present proposal were legitimate, it would set a precedent for endless proliferation of supermajority requirements: If income tax increases can be subject to a special rule, why not national defense or civil rights? Since a 60 percent rule has no special place in the constitutional text, why not 55 or 73 percent? Indeed, the present proposal already suggests how easily this logic may be extended. It not only contains a three-fifths rule for income tax increases, but imposes a kind of unanimity rule for the special category of ''retroactive'' taxes—already propelling us down the path to proliferation.

It is true that the constitution gives each house the right ''to determine the rules of its proceedings.'' This sensible housekeeping provision, however, does not authorize the House to violate fundamental principles of constitutional democracy. It simply authorizes it to organize itself for informed and efficient debate and decision.

Indeed, we have no objection to supermajority rules so long as they fit comfortably within this rationale. Consider, for example, the House rule that requires a two-thirds vote to suspend the rules for the expeditious consideration of legislation. This supermajority requirement transparently serves the interest of the efficient organization of decisionmaking. If it were too easy to suspend House rules, there would be undue disruption of the normal system of deliberation and decision; but if it were impossible, the House would be incapable of responding to emergencies. Hence, a two-thirds rule is a perfectly appropriate way to exercise the House's power ''to determine the rules of its proceedings.''

But the present proposal cannot be justified as a general procedure aiming to induce deliberative decisionmaking. It is simply based upon a substantive and selective judgment that income tax increases—and only these increases—are unwise and should not be encouraged. Such opinions are entirely defensible, but they do not fall within the limited constitutional authority granted each house over its ''proceedings.''

There is much more than language at stake. House rules are enacted on the first day of the session. Hence substantive judgments made in the rules cannot be the result of serious deliberation by the Members. House rules are made unilaterally without consultation with the Senate. Hence substantive judgments cannot be reached after the complex bicameral process contemplated by Article I. House rules are made by a bare majority. Hence the enactment of supermajority rules provides a mechanism to transform a narrow majority into a supermajority at a time when the process of substantive deliberation has not yet seriously begun. The introduction of substantive policies into procedural rules, then, undermines the system of deliberative democracy established at the Founding.

Defenders of the supermajority rule have minimized its threat to constitutional values by suggesting ''that the same House majority that votes to impose a three-fifths rule could as easily vote to rescind that rule if it truly wanted to raise taxes.''[11] But this claim is simply false. Once the sixty-percent provision is on the books, its operation would apply to tax legislation unless the House agreed to suspend its rules. But we have seen that this can only occur after a two-thirds vote. House traditions even given the Speaker unilateral authority to refuse to recognize a motion to suspend the rules even if two-thirds wished to allow the majority to have its say.[12]

Indeed, even if the House wished to reconsider its opening day decision to impose a three-fifths rule, it would have great difficulty doing so. Such an effort normally requires the prior approval of the House Rules Committee, whose composition does not mirror the House as a whole. The only remaining method for reconsideration will be the notoriously difficult procedure by which 218 members may finally force the Rules Committee to ''discharge'' a measure that it has bottled up.[13] While 218 is an absolute majority of the whole House, requiring such a large number is inconsistent with Madison's insistence that ''a majority of a quorum'' should suffice for ordinary legislation. By the time this mechanism could be employed, moreover, the chance to vote on pending tax measures may have long since passed.

There is no escape, then, from the conclusion that the proposed rule strikes at the heart of the system of deliberative democracy established by the Constitution.

3. CONGRESSIONAL PRACTICE

The sixty-percent proposal seems to be based on an analogy with the Senate's practice on cloture. Whatever the constitutional merits of the filibuster rule, it does not provide a sound precedent. By making it hard to stop filibusters, the cloture rule provides for a more fully informed discussion, and falls within the rationale of the Constitution's grant of rule-making power to both Houses. In contrast to this general and procedural norm, the House proposal is selective and substantive and is simply beyond the scope of its rule-making authority.

It is quite true that, since 1985, Congress has passed new rules requiring a three-fifths majority in the Senate as part of the budget reconciliation process.[14] While these provisions are vulnerable to our constitutional objection, they are such recent innovations that they can hardly count as a ''tradition'' which demands constitutional respect.

4. SUPREME COURT REVIEW

We believe that the constitutional violation is sufficiently plain and fundamental to warrant action by the Supreme Court. As the Court cautioned in United States v. Ballin, House rules may not ''ignore constitutional restraints or violate fundamental rights.''[15] The Court went on to elaborate principles of constitutional interpretation of decisive significance in the present case:

Footnotes at end of article.

[T]he general rule of all parliamentary bodies is that, when a quorum is present, the act of a majority of the quorum is the act of the body. This has been the rule for all time, except so far as in any given case the terms of the organic act under which the body is assembled have prescribed specific limitations.[16]

We emphasize, however, that it would be far better to rethink the issue at this stage than invite litigation. Not only would litigation lead to a protracted period of uncertainty, but it would destroy a valuable House tradition of constitutional self-restraint in the exercise of its rule-making powers which has served the country well for two centuries. It would be far better to redeem this tradition now without the need of an unnecessary confrontation with the Court.

Indeed, both the Senate and President would also find themselves drawn into the controversy. Both of these branches would be required to define their own constitutional responsibilities if a tax measure gained the support of a House majority that fell short of three-fifths. The resulting confusion would undermine fundamental commitments to the rule of law, and would predictably draw the Supreme Court into the affair.

Under applicable precedent, Representatives have standing to challenge basic lawmaking practices which dilute the voting power that the Constitution grants to them and their constituents.[17] Other cases establish that the Supreme Court will intervene on the merits to protect the integrity of the deliberative and democratic process established by the Constitution.[18]

But the better part of wisdom is to avoid confrontation and return to the foundations of deliberative democracy laid down by Madison in the Federalist Papers.

FOOTNOTES

[1] Sec. 106. Limitation on Tax Increases: (a) No bill, joint resolution, amendment or conference report carrying an income tax rate increase could be considered as passed or agreed to unless so determined by a vote of at least three-fifths of the House. No measure or amendment could be considered that contains a retroactive income tax rate increase.

See p. 3 for our analysis of the second sentence of this proposal.

[2] Federalist No. 58, p. 396 (Ed. Jacob E. Cooke, Wesleyan University Press: 1961) (emphasis supplied).

[3] Id.

[4] Ibid., p. 397.

[5] Articles of Confederation, art. 9, para. 6 (1781).

[6] These proposals sought to impose a two-thirds rule on legislation dealing with commerce and navigation—fields which were understood to be sensitive precisely because they characteristically involved taxation. 5 Johnathan Elliot, Debates on the Adoption of the Federal Constitution 489–92, 552 (Philadelphia: 1941).

[7] Federalist No. 22, supra n. 2, at 140. Like Madison, Hamilton counseled that ''much ill may be produced by the power of hindering that which is necessary from being done, and of keeping affairs in the same unfavorable posture in which they appended to stand at a particular period.'' Id. at 141.

[8] The original Constitution identifies five contexts for supermajority rule—when overriding Presidential vetoes, ratifying treaties, proposing constitutional amendments, convicting on impeachments, and expelling members from the House or Senate. Two more are added by the Fourteenth Amendment (two-thirds of both Houses required to remove disability of rebellious officeholders) and the Twenty-fifth Amendment (two-thirds of both Houses required to establish Presidential disability to discharge office). In addition, the Twelfth Amendment requires an absolute majority of the relevant chamber in cases where no candidate for President or Vice-President has won a majority in the Electoral College.

[9] The textual commitment to majority rule is also expressed by the grant of a vote to the Vice-President in those cases in which the Senators are ''equally divided.'' U.S. Constitution, art. 1, sec. 3.

[10] I.N.S. v. Chadha, 462 U.S. 919 (1983).

[11] Letter of Roger Pilon to the Editor of the New York Times, December 16, 1994, p. 38, col. 8.

[12] See Charles Tiefer, Congressional Practice and Procedure: A Reference, Research and Legislative Guide 299 (Greenwood Press, 1989).

[13] Id. at 314–26.

[14] See Kate Stith, Rewriting the Fiscal Constitution: The Case of Gramm—Rudman-Hollings, 76 Calif. L. Rev. 593, 666 (1988). These rules were expanded in scope in P.L. 101–508, sec. 13208, 104 Stat 1388–619 (1990). As in previous cases, Congress made it clear that such statutory creation of supermajority rules involved ''an exercise of the rule-making power of the Senate.'' See sec 13305, 104 Stat 1388–627 (1990). See also, P.L. 103–66, sec. 14004, 107 Stat. 685 (1993).

[15] United States v. Ballin, 144 U.S. 1, 5 (1891).

[16] Id. at 6.

[17] See Michel v. Anderson, 14 F3d 623 (D.C. Cir. 1994), affirming 817 F. Supp. 126 (D.D.C. 1993). See also, Kennedy v. Sampson, 511 F2d 430 (D.C. Cir. 1974); Barnes v. Kline, 759 F2d 21, 25–30 (D.C. Cir. 1985), vacated as moot sub nom Burke v. Barnes, 107 S. Ct. 734 (1987) (reaffirming Kennedy analysis of standing); Laurence Tribe, American Constitutional Law 152–54 (2d ed. 1988); Bator et al., Hart & Wechsler's Federal Courts and the Federal System 157 n. 7 (3d ed. 1988).

[18] See INS v. Chadha, 462 U.S. 919 (1983); Powell v. McCormack, 395 U.S. 486 (1969).

Mr. FOX. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. TATE].

Mr. TATE. Mr. Speaker, mugging a senior citizen and stealing their money will land you in jail. Why then is it so easy for Congress to raise taxes and spend more money out of the pockets of hard-working American people?

Raising taxes, sending your money to Washington, DC, should not be simple.

The newly elected Congress was given a message by the American people that the days of tax and of spend are over.

I am in favor of the proposal of requiring a 60-percent majority in order to raise taxes so that the taxing ways of Congress are gone forever.

This will restore the fiscal discipline by which every American family must live, spend less, save more, and balance your budget.

The simple solutions of the past have cost Americans millions and cost the taxpayers thousands of jobs. People work hard for their money, and it should be hard for Congress to take that from them.

I urge my colleagues to require a 60-percent vote to approve all tax increases.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, I rise in opposition to this proposal.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FILNER].

(Mr. FILNER asked and was given permission to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I rise in opposition to this unconstitutional measure.

Mr. Speaker and colleagues, I rise in opposition to the requirement for a super-majority of three-fifths of the House of Representatives to increase income taxes.

This measure may sound good to our constituents. Many Americans are upset at all of their taxes: Federal income taxes, State income taxes, sales taxes, and property taxes. I share their sentiments—it is imperative that we provide middle-class Americans with meaningful tax relief.

So why am I voting against this supposed reform? Quite simply because it threatens the very foundations of our democratic society and violates the American tradition of majority rule.

The Founding Fathers explicitly rejected the notion of supermajorities at the Philadelphia Constitutional Convention. As Alexander Hamilton said, we should not ''give the minority a negative on the majority.''

James Madison was even more specific. With a supermajority, he said, ''the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power transferred to the minority.''

Let us not try to solve one problem by creating worse ones. Let us all work together to provide middle-class taxpayers with real and meaningful tax cuts. But let us not attack the very foundation of our free society—the American Constitution. It has served us well for over 200 years—let's keep it.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina [Mrs. CLAYTON].

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I rise in opposition to this unconstitutional amendment.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Georgia [Ms. MCKINNEY].

(Ms. MCKINNEY asked and was given permission to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, I rise in opposition to this section. This rule would require a three-fifths majority to pass any legislation raising income tax rates. This rule flies in the face of the Constitution. It will only strengthen the ability of special interest lobbies to paralyze this Nation.

Let us be clear that this rule would only govern taxes on earned income. Income taxes are progressive taxes. Republicans do not propose a three-fifths requirement to change the tax rate for capital gains. Republicans do not propose a three-fifths majority to create tax shelters for tax avoiders. Republicans do not propose a three-fifths requirement to increase deficit spending or raise the national debt.

This is one more gimmick. Its a gimmick that will spawn more gimmicks. Its a gimmick that will undermine the constitutional provisions for majority rule in the House of Representatives.

I urge my colleagues to respect the pledge they made to uphold the Constitution. Don't give in to gimmicks.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

(Mr. BECERRA asked and was given permission to revise and extend his remarks.)

Mr. BECERRA. Mr. Speaker, I also rise in opposition to this measure.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Vermont [Mr. SANDERS].

(Mr. SANDERS asked and was given permission to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, I rise in opposition to this measure.

Mr. LEWIS of Georgia. Mr. Speaker, for the purposes of debate only, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

□ 2130

Mr. HOYER. Mr. Speaker, today our new Speaker spoke of the majesty of this House. He spoke of 208 years of history. He spoke of the light of the world, this democracy, America.

It is our Constitution that gives this democracy its grace and its reverberation around the world.

Whether you agree or disagree, no one disagrees that this issue is of constitutional magnitude. My freshmen friends who want open meetings and the elimination of ghost voting do not come to this House and say to the American public that we will give 10 minutes per side of an issue of constitutional magnitude. If we retain the majority again and require a 3/5ths vote to repeal any action taken by the previous Congress, would any of you stand still for such an act? I think not.

Reject this provision.

Mr. FOX. Mr. Speaker, I yield 30 seconds to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. I thank the gentleman for yielding this time to me.

Mr. Speaker, requiring a 3/5ths vote makes tax increases a last resort.

In Washington State just a year ago the people of the State passed an initiative to do just this. And do you know what happened? Right now, instead of considering tax increase, they are actually looking at places to control the budget and looking at the base of the budget where we have never looked before.

If we are going to get to control spending and control the deficit, we absolutely have to control the ability to raise taxes first.

I urge my colleagues to vote ''yes'' on this proposal.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 15 seconds to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. I thank the gentleman for yielding this time to me.

Mr. Speaker, after everything is said that can be said, this proposal would make it more, would make it easier to run up the bills than to pay them, thus beckoning one of the weakest aspects of human nature.

Mr. FOX. Mr. Speaker, I yield 45 seconds to the gentleman from Illinois [Mr. EWING].

(Mr. EWING asked and was given permission to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, ladies and gentleman of the House, the reason we are here tonight on this amendment is because we forced through this House a retroactive tax increase last year. We would not probably be having this amendment today if you had not trampled on the rights of the taxpayers of America. This is a good bill, this is a good amendment. We need this to protect American taxpayers.

Support this amendment.

Mr. FOX. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. SHADEGG].

(Mr. SHADEGG asked and was given permission to revise and extend his remarks.)

Mr. SHADEGG. Mr. Speaker, I rise in support of the amendment to require a three-fifths vote majority to increase taxes.

Mr. FOX. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN].

(Mr. DUNCAN asked and was given permission to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I rise in strong support of this tax limitation provision.

The very clear message of the last election was that the American people want a smaller and less expensive government. There is no better way to start this process than by passing this provision.

The average American today pays almost half of his or her income in taxes, counting taxes of all types—Federal, State, and local. This is not only enough, it is too much.

If we really want to help the children and families of this country, the best way we can do that is to greatly downsize the government and decrease its cost. Only in this way can we allow the individuals and families of this Nation to spend more of their own money on the things that they need the most.

I believe very strongly that the American people can do a much better job of spending their money than the bureaucrats in Washington who currently spend it for them.

Mr. FOX. Mr. Speaker, I reserve the balance of my time in order to close.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. I thank the gentleman for yielding this time to me.

Mr. Speaker, it is obvious that many of the proponents of this proposal have not even read it, for if they had, they would discover to their chagrin that it only limits the Congress in enacting income tax rate increases, not tax increases. You know what that will do: Merely transfer the tax increases over to other kind of taxes where the people that are worried about the income tax rates will be protected.

But this is unconstitutional. There is no way that a simple majority of this House can adopt a rule here tonight and bind the rest of the House to require a 60 percent vote on any other thing.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in strong opposition to this rules change to have three-fifths to change the tax rate for an increase or a decrease in income taxes, and I do this because there is no precedent in Congress requiring a super-majority for final action on any measure except those specifically cited in the Constitution, such as overriding a veto or impeachment.

We have seen what a super-majority has done in the Senate by requiring 60 votes to end debate. It results in gridlock. Nothing happens. Nothing gets done.

I cite James Madison as he discussed the rationale for not raising this threshold, and he said, ''The fundamental principles of free government would be reversed. It would no longer be the majority that would control, power would be transferred to the minority.''

The new majority should not override the wisdom of our forefathers. That is not a good rules change.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield only 5 seconds to the gentleman from New York [Mr. OWENS].

Mr. OWENS. I thank the gentleman for yielding.

Mr. Speaker, I move that we adjourn, and I ask for a recorded vote.

Mr. LEWIS of Georgia. For purpose of debate only.

Mr. OWENS. I move we adjourn.

Mr. BARTON of Texas. Regular order. Reserving the right to object——

Mr. WALKER. Is the motion in writing?

Mr. VOLKMER. He recognized him.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman is not yet recognized. Is the gentleman's motion in writing?

Mr. OWENS. A motion to adjourn does not have to be in writing.

I move that we adjourn and ask for a recorded vote.

The SPEAKER pro tempore. Since a Member has properly demanded that the notices be in writing, is the gentleman's motion in writing?

Mr. OWENS. In writing? It does not have to be in writing.

Mr. SOLOMON. Mr. Speaker, the gentleman's 5 seconds are up.

The SPEAKER pro tempore. Did the gentleman from Georgia yield to a Member for the purpose of debate only?

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 45 seconds to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I beseech you, think what you are doing today. It may be the most important vote of your congressional career.

208 years ago this same fundamental debate took place. You have the opportunity to side with James Madison, with Alexander Hamilton, and continue the principles of the Constitution, or you have the opportunity, by your vote today, to side with those who wanted to retain the Articles of Confederation.

This amendment does violence to the principles established by our forefathers and by each and every one of our descendants in this House of Representatives. It is inherently unfair; it is inherently undemocratic; it is inherently unconstitutional.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania [Mr. FOX] have only one remaining speaker?

Mr. FOX. That is correct, Mr. Speaker. We want to make sure we are last.

The SPEAKER pro tempore. The gentleman from Pennsylvania reserves the balance of his time.

Mr. FOX. Yes, Mr. Speaker.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 45 seconds to the gentleman from New Jersey [Mr. MENENDEZ].

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. MENENDEZ. Mr. Speaker, paraphrasing from a newspaper editorial:

Not content with their party's 15-vote majority in the House of Representatives, the Republicans want to improve their odds by changing the rules of the game.

The Republicans intend to offer a bill that would require a 3/5s majority in the House to approve any bill increasing some taxes. So much for the careful deliberations of the Constitution's framers. They required a supermajority only for the most momentous decisions—approving treaties, impeaching Presidents, and expelling Members of Congress. Republicans think they got it wrong. They would add their own policy preference to that select list.

If they succeed, the tactic will probably be used again. Republicans could force a 3/5s vote to cut defense spending. If Democrats regain control, they could require a 3/5s vote to cut poverty programs. So much for majority rule. So much for simple fairness.

The Republican's boldness has a darker side—their recklessness. With this proposal, they defy the intent of the framers of the Constitution and upset a carefully-balanced system that has worked well for two centuries.

Mr. Speaker, the article in its entirety is as follows:

RUNNING ROUGHSHOD OVER THE CONSTITUTION

Not content with his party's 15-vote majority in the House of Representatives, Newt Gingrich wants to improve his odds by changing the rules of the game.

The Speaker-to-be intends to offer a bill that would require a three-fifths majority in the House to approve any bill increasing taxes.

So much for the careful deliberations of the Constitution's framers. They required a supermajority only for the most momentous decisions—approving treaties, impeaching presidents, and expelling members of Congress, for example, Mr. Gingrich apparently thinks they got it wrong. He would add his own policy preference to that select list.

If he succeeds, the tactic will probably be used again. Republicans could force a three-fifths vote to cut defense spending, for example. If Democrats regain control, they could require a three-fifths vote to cut poverty programs. So much for majority rule. So much for simple fairness.

Mr. Gingrich's boldness has a darker side—recklessness. With this proposal, he defies the intent of the framers of the Constitution, and upsets a carefully-balanced system that has worked well for two centuries.

If Mr. Gingrich believes tax hikes deserve such exalted status, he should proceed in accord with the Constitution and offer a constitutional amendment. That would require approval by two-thirds of each house in Congress, and three-fourths of the states—unless tow-thirds of the states convene a constitutional convention. Apparently, Mr. Gingrich does not want to risk the scrutiny that the Founding Fathers prescribed for such momentous change.

Other changes offered by Mr. Gingrich make sense. At his behest, the incoming Republican majority has voted to reduce the number of committees in the House, and cut staff. He would make each committee's jurisdiction more clear. The change is designed to prevent several committees from latching onto a single issue, as happened with health legislation earlier this year.

Mr. Gingrich was right to end funding for the special caucuses, including the Black Congressional Caucus and the Caucus for Women's Issues. He has been accused of cutting these funds to undercut his political opposition, and that may be the case. Nevertheless, there is merit to his case.

The caucuses are special-interest groups, and taxpayers shouldn't have to support them. The 28 caucuses that get taxpayer money have spent $35 million in the last decade, and critics say $7 million of that hasn't been accounted for. One caucus, the New York State congressional delegation, bought a Steuben glass eagle and 11 crystal apples as gifts for a retiring congressman and his staff.

After losing this flight, the chairman of the black caucus, Kweisi Mfume, D–Md. pledged that his caucus will raise private money to continue its work. That's the idea.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, our forefathers had such a deep respect for major rule that they determined that majority rule was insufficient to send our troops to war. They knew how difficult it would be to resist politically popular pressures, but they were insistent that there not be minority rule determining those issues that took the most political courage.

Mr. Speaker, this pressure does not belong among these internal rules changes. It is constitutionally illegal, and it is fiscally irresponsible, and, if we are ever going to address a $4 trillion debt, we have to make it within the reach of this body and the American people to do so.

Mr. LEWIS of Georgia. Mr. Speaker, for purposes of debate only, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, let me say that I rise to say that I am not here to raise taxes. I am here to lower taxes. But what is the reason for a majority, a supermajority, when simply a majority can say to the American people, we don't want taxes. I think that we are going in an unconstitutional way if we start talking about making a superminority. It is important to be able to say we do not want to raise taxes and we vote in a simple majority to do so.

Mr. Speaker, there have been only three actions in the Constitution that need a two-thirds vote. Why are we not trying to change, and to argue that we want to create this superminority?

I say to my colleagues, vote for lower taxes. You don't need a supermajority. Support the Constitution.

Mr. Speaker, I do not want to vote for an increase in taxes, and if such an item were presented at this time, I would vote "no." There are only five situations where current rules require more than a simple majority of Members voting for the House to act. A two-thirds supermajority is required in two instances—passage of a bill under suspension of the rules, and consideration of a rule recommended by the Rules Committee on the same day it was reported. Additionally, the Constitution of the United States requires a two-thirds vote for House action in three situations—overriding the President's veto, submitting a constitutional amendment to the states for consideration, and expelling a Member from the House. All other action by the House is accomplished by a majority vote of Members present and voting.

This measure will simply tie the hands of the House and actually prevent its Members from doing the business of the American people. The Constitution does not demand a supermajority when dealing with tax issues. This legislation would serve only to help certain, singled out groups, while other groups would be subject to the tax burdens that could be randomly set by this House.

We can already vote "no" on tax increases with a simple majority vote. Why should we implement a restriction which the Constitution does not require, and, at the same time, strangle this institution so that its Members cannot properly serve the interests of the people who elected them?

A simple majority will get you what you want. I will vote "no" on this item.

Mr. FOX. Mr. Speaker, I yield the balance of our time to the gentleman from Texas [Mr. BARTON] for our final speech.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. BARTON of Texas. Mr. Speaker, this country was founded on the principle of no taxation without representation. Today many Americans believe that principle has been violated and that their elected Representatives in Washington have taxed them so that they can spend money on the special big-spending interests in Washington, DC. To correct this sad situation the new Republican majority has now introduced section 106 of the rule change

package. Section 106 would require a three-fifths vote to increase income taxes. It also contains an absolute prohibition against retroactive tax increases.

The opponents of this provision have been whining and wailing all evening about the constitutionality of this provision. The constitutional argument simply will not stand. In 1971, Mr. Speaker, in the Supreme Court case of Gordon versus Lance the Supreme Court blessed the constitutionality of supermajority restraints on the tax and spending propensities of government. I might also point out that numerous States have a supermajority requirement for tax increases in their State constitutions, including the State of Arkansas, the home State of our President, which requires a three-fourths vote. I might also point out that we plan, on January 19, to introduce a constitutional balanced-budget amendment that contains a 60 percent supermajority to increase taxes.

The real question that we should be asking this evening is whether supermajority votes to raise income taxes really work. To answer that question let us look to the States that require supermajorities for such tax increases. An analysis of State spending between 1980 and 1987 shows that in States with supermajority requirements for tax increases their tax burden has gone down an average of 2 percent while States that do not have a supermajority tax rate requirement, their tax burden has gone up an average of 2 percent. That is a difference of 4 percent. When we look at State spending, in States with the supermajority requirement State spending has gone up 2 percent, but in States that do not have the supermajority requirement for income increases, their spending has increased 8.5 percent, or a net difference of 6½ percent. I say to my colleagues, ''If you take these differentials and apply them to the current Federal budget, you would see that, if we had a supermajority requirement for an income tax increase in effect today, our income taxes would be approximately $56 billion less, and our Federal spending would be approximately $105 billion less.''

Put simply, supermajority requirements for income tax increases do work.

I have also asked my staff to go back and look at the major votes we have had in the last three decades on tax increases in the House of Representatives. There were 16 such votes. Seven of those were passed with a supermajority, seven were passed with less than a supermajority, and two were passed by voice vote. Interestingly enough, since the advent of C–SPAN television coverage in the early 1980's, only one tax increase has passed by more than the 60 percent supermajority. Amazingly, if we had had a three-fifths vote requirement for a tax increase in effect in the 1980's, we would have saved $666 billion in new taxes.

I submit for the RECORD the charts and data to support this conclusion, and I ask for a yes vote. Let us start listening as much to the taxpayers of America as we do to the special interests of America and pass this amendment.

HISTORY OF TAX INCREASES—MAJOR TAX INCREASES SINCE 1960

Since 1981:

1 Bill passed with 60 percent supermajority in each House. 4 Bills passed without 60 percent supermajority in each House.

Those 4 bills added $666 billion in taxes.

Tax Rate Extension Act of 1960—No.
House 223–174, No, (56%).
Senate 61–32, Yes, (66%).

Tax Rate Extension Act of 1961—Yes.
House 295–88, Yes, (77%).
Senate voice.

House Voice.

Tax Rate Extension Act of 1962—Yes.
House Voice.
Senate voice.

Tax Rate Extension Act of 1963—Yes.
House 283–91, Yes, (76%).
Senate voice.

Excise Tax Rate Extension Act of 1964—Yes.
House voice.
Senate voice.

Interest Equalization Tax Act of 1964—Yes.
House 238–142, Yes, (63%).
Senate 45–28, No, (62%).

Interest Equalization Tax Extension Act of 1965—Yes.
House 274–97, Yes, (74%).
Senate voice.

Tax Adjustment Act of 1966—Yes.
House 288–102, Yes, (74%).
Senate 72–5, Yes, (94%).

Interest Equalization Tax Extension Act of 1967—Yes.
House 224–83, Yes, (73%).
Senate voice.

Revenue and Expenditure Control Act of 1968—Yes.
House 268–150, Yes, (64%).
Senate 64–16, Yes, (80%).

Crude Oil Windfall Profits Tax Act of 1980—Yes.
House 302–107, Yes, (74%).
Senate 66–31, Yes, (68%).

Tax Equity and Fiscal Responsibility Act of 1982—No: $214 billion.
House 226–207, No, (52%).
Senate 52–47, No, (52%).

Omnibus Budget Reconciliation Act of 1987—No: $40 billion.
House 237–181, No, (57%).
Senate 61–28, Yes, (62%).

Omnibus Budget Reconciliation Act of 1989—Yes: $25 billion.
House 272–128, Yes, (68%).
Senate 87–7, Yes, (93%).

Omnibus Budget Reconciliation Act of 1990—No: $137 billion.
House 228–200, No, (53%).
Senate 54–45, No, (55%).

Omnibus Budget Reconciliation Act of 1993—No: $275 billion.
House 218–216, No, (50.2%).
Senate 51–49, No, (51%).

THE MOMENTUM FOR SUPERMAJORITY REQUIREMENTS FOR TAX INCREASES

9 states require supermajority votes for tax increases (Arizona, Arkansas, California, Delaware, Florida, Louisiana, Mississippi, Oklahoma, South Dakota).

1971—Florida requires 3/5 vote to changes in corporate income tax.

1978—California requires 2/3 vote for tax increases.

1978—South Dakota 2/3 vote for increasing tax rate or base.

1980—Delaware requires 3/5 vote for tax increases.

1992—Okahoma requires 3/4 vote or majority of voters to increase state revenue.

1992—Arizona requires 2/3 vote to increase state revenues.

WHY TAX-LIMITATION AND A SUPER- MAJORITY FOR TAX INCREASES?

Taxes are already too high, slowing economic growth and robbing taxpayers. Spending is also too high. Every federal program has waste and overspending.

Making it politically difficult to raise taxes will deny free-spending legislators the ''easy'' approach to balancing budgets—raising taxes.

The three-fifths supermajority requirement will force Congress to look hard at spending and will force tax-raisers to find 261 Members willing to raise taxes rather than cut spending.

The SPEAKER pro tempore (Mr. KOLBE). All time for debate on section 106 has expired.

The question is on section 106 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 279, nays 152, not voting 3, as follows:

[Roll No 11]

YEAS—279

Allard	Cox	Green
Andrews	Cramer	Greenwood
Archer	Crane	Gunderson
Armey	Crapo	Gutknecht
Bachus	Cremeans	Hall (TX)
Baker (CA)	Cubin	Hancock
Baker (LA)	Cunningham	Hansen
Baldacci	Danner	Harman
Ballenger	Davis	Hastert
Barcia	de la Garza	Hastings (WA)
Barr	DeLay	Hayes
Barrett (NE)	Deutsch	Hayworth
Bartlett	Diaz-Balart	Hefley
Barton	Dickey	Hefner
Bass	Dooley	Heineman
Bereuter	Doolittle	Herger
Bevill	Dornan	Hilleary
Bilbray	Doyle	Hobson
Bilirakis	Dreier	Hoekstra
Bishop	Duncan	Hoke
Bliley	Dunn	Holden
Blute	Edwards	Horn
Boehlert	Ehlers	Hostettler
Boehner	Ehrlich	Houghton
Bonilla	Emerson	Hunter
Bono	English	Hutchinson
Brewster	Ensign	Hyde
Browder	Everett	Inglis
Brown (OH)	Ewing	Istook
Brownback	Fawell	Johnson (CT)
Bryant (TN)	Fields (TX)	Johnson (SD)
Bunn	Flanagan	Johnson, Sam
Bunning	Foley	Jones
Burr	Forbes	Kasich
Burton	Ford	Kelly
Buyer	Fowler	Kim
Callahan	Fox	King
Calvert	Franks (CT)	Kingston
Camp	Franks (NJ)	Klug
Canady	Frelinghuysen	Knollenberg
Castle	Frisa	Kolbe
Chabot	Funderburk	LaHood
Chambliss	Gallegly	Lambert-Lincoln
Chapman	Ganske	Largent
Chenoweth	Gekas	Latham
Christensen	Geren	LaTourette
Chrysler	Gilchrest	Laughlin
Clinger	Gillmor	Lazio
Coble	Gilman	Leach
Coburn	Goodlatte	Lewis (CA)
Collins (GA)	Goodling	Lewis (KY)
Combest	Gordon	Lightfoot
Condit	Goss	Linder
Cooley	Graham	Lipinski

Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—152

Abercrombie
Ackerman
Baesler
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Deal
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Poshard
Rahall
Rangel
Reed
Reynolds
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn

NOT VOTING—2

Bateman
Yates

□ 2204

Mr. PASTOR changed his vote from ''nay'' to ''yea.''

So Section 106 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GUNDERSON). Section 107 of the resolution is now debatable for 20 minutes.

The gentleman from Kansas [Mr. BROWNBACK] will be recognized for 10 minutes, and the gentleman from California [Mr. FAZIO] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Kansas [Mr. BROWNBACK].

(Mr. BROWNBACK asked and was given permission to revise and extend his remarks.)

Mr. BROWNBACK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a new Member, I am amazed that the House of Representatives has been taking money from the taxpayers to run Congress without keeping track of where that money goes. A comprehensive audit of this institution is long overdue.

The days of treating the American taxpayer's money with an arrogant disregard for accountability must end now. Congress must understand that the money spent here is not ours—it is the peoples money—and they are entitled to know where every penny goes.

Throughout my campaign, people told me they are fed up with scandals in Congress—the House bank scandal—the House Post Office scandal—the House restaurant.

This reform, Mr. Speaker, instructs the House inspector general to use independent auditing firms to conduct a full scale audit of all the House's functions. This reform will restore openness and accountability to the way Congress does business. We must eliminate any ''waste, fraud, and abuse'' from this body as is called for in the contract with America.

We want this audit to be as expansive as possible—to account for every asset—every dollar spent by this institution.

My new colleagues and I were sent to Congress to reform the way the Federal Government works. But to do this, we must first clean up the Congress.

Mr. Speaker, this is an opportunity to help restore America's faith and trust in Congress. I urge my colleagues to join me in supporting this act of genuine congressional reform.

□ 2210

Mr. Speaker, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. FAZIO. Mr. Speaker, I rise in support of this proposal, and I do so not because I feel there will be any great revelations that might satisfy those who would like to find problems here in the institution, but I think audits have been, should be, and will be in the future absolutely essential to restoring public trust in an institution that has come under I think consistent unfair criticism over a long period of time.

I am particularly concerned, though, that as we manage these audits, and I might say that the language in the document we are dealing with tonight is rather imprecise, we have to ask ourselves the question about how we will function in this new Republican majority.

For a number of years, Republicans have been adamant about bringing about bipartisanship in the manner in which we run this institution. The rules package Republicans offered in the last Congress called for a nonpartisan administration committee, equally numbered with Members of both parties, quite apart from whatever party was in the majority here. They even asked for that complete bipartisanship with equal representation on the Legislative Branch Subcommittee of the Committee on Appropriations.

We asked to have in place management of the House that was totally nonpartisan. Whether it was the Post Office, whether it was the Director of Non-Legislative Services, the entire thrust in a bipartisan sense was to bring about a change in the way we had functioned here, and Democrats and Republicans I think in mutual pride and satisfaction found a way to move in that direction.

But what we have encountered recently is a complete rejection of everything Republicans fought for to bring about change in the way this institution functioned, and, that is, to select individuals based on their partisan background to manage the institution only at the whim, the beck and call of one individual who has been elected Speaker.

My belief is when Republicans asked that we have a two-thirds vote of the House to select a financial officer of this institution, they were going on record for something that had legs, that would last through the years, that was a position that they took firmly and hoped to have govern the institution when and if they at some point in the future took control. I am disappointed to say the least that we focus now on audits and not on the management of how those audits would be functioning, exactly who would manage them, and whether or not they would truly be done in the bipartisan spirit which was the hallmark of the Republican arguments in recent years on occasions such as this when they brought their rules package to the floor.

Mr. Speaker, I am not opposed to audits. What I am opposed to is partisan management of an institution that had come a long way into a different era, one that was to be bipartisan in every sense. I regret that reversion.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWNBACK. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. THOMAS].

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, the gentleman from California deserves an answer and he will get one.

Under H. Res. 429 which was supported bipartisanly, we created the Oversight Subcommittee. We also created an Inspector General. The very first time the Oversight Subcommittee had to support the new chief executive officer, the Director of Non-Legislative and Financial Services, the Democrats refused. There was a 2–2 tie. It did not work. The Inspector General needed assistance. The Democrats would not provide him with any. The Democrats only allowed 3 total employees to the Inspector General. We are now honoring the Inspector General's request of 18 employees to carry out the audits.

In a letter dated December 21, 1994, the Office of Inspector General in responding to a letter about going forward with these audits said this:

''Therefore, the Office of Inspector General is very willing to accept this responsibility (i.e. the audits) and will perform the associated tasks in a totally professional and nonpartisan manner.''

What we are asking for, and getting, is professional management of the House. What the American people are getting is transparency of that management. The old system would not open up. The new system will.

Mr. Speaker, I include for the RECORD the following letters:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1994.

MR. JOHN LAINHART,
INSPECTOR GENERAL,
House of Representatives,
H2–485,
Washington, DC.

DEAR MR. LAINHART: Republicans have called for the selection of a major, independent accounting firm to perform comprehensive audits of the Congress. We believe that such audits are need both to ensure full accountability to the U.S. taxpayer and to provide the factual information necessary to build an efficient, cost-effective administrative structure.

We envision a series of audits, to begin as soon as possible, that will result in a final, consolidated picture of the financial and operational status of the Congress. We are contacting you at this time to request that your office assume this responsibility. The audits, and the process under which they are conducted, must be free from interference and partisan influence. The office of the Inspector General was created in 1992 for the specific purpose of nonpartisan review and evaluation of House operations, and is the logical office to carry out this charge.

By copy of this letter to Richard Gephardt, we are asking for his full cooperation in assisting you in this task, which we expect will include the need for additional staffing for your office and funding for the audit contract. It is our intention that the comprehensive audits conducted under this process will complement the audit plan which you have recommended to bipartisan leadership, in fact expediting the overall review of House operations which you have already presented.

Research has already been performed regarding the steps necessary to let a contract for these audits, and a preliminary review of the entities which we envision will be involved. The first task is an audit plan for House entities, shortly followed, based on agreement with the Senate, by audit plans for joint Senate-House entities. We would be glad to provide you with the background information we have collected; however, we offer this only as a suggestion to help speed the process. No such comprehensive review of House operations has been undertaken before, and we recognize that the challenges inherent in completing such a review now are enormous.

We have confidence in your professional ability to carry out this task, and hope that your office is willing to accept this responsibility. Please contact Stacy Carlson, at the Committee on House Oversight (Committee on House Administration), if you need additional information. We look forward to your response to this request.

Sincerely,

JIM NUSSLE.
BILL THOMAS.

OFFICE OF INSPECTOR GENERAL,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 1994.

Hon. BILL THOMAS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN THOMAS: Thank you for your letter of December 12, 1994, cosigned by Congressman Jim Nussle, requesting the Office of Inspector General (OIG) to assume responsibility for managing the comprehensive audits of the Congress as discussed in your letter. As suggested in the letter, Bob Frey, Deputy Inspector General, and I met with Stacy Carlson on December 16, 1994, to further discuss these audits. As a result, I have a good idea as to what needs to be done to successfully accomplish these audits. Therefore, the OIG is very willing to accept this responsibility, and will perform the associated tasks in a totally professional and nonpartisan manner.

As indicated in your letter, these audits can best be performed by contracting with an independent accounting firm or firms for a series of audits that will result in a final consolidated report of the financial and operational status of the Congress. In order to establish accountability at the beginning of the 104th Congress, and make recommendations for control and operational improvements for building a more efficient, cost-effective administrative structure, I propose that the consolidated report address issues as of December 31, 1994. This audit effort would, as you indicated, complement the OIG audit plan and greatly expedite the initial review of House operations, in a significant number of areas. Continuing OIG audit effort would, of course, still be required in other areas beyond the scope of these audits and in additional areas as the incoming House Officers make changes in their operations.

To establish accountability at the beginning of the 104th Congress, the independent accounting firm(s) would be responsible for preparing audited financial statements reflecting the: (i) overall financial position, (ii) results of operations, (iii) cash flows or changes in financial position, and (iv) reconciliations to budget reports for all House activities. This effort would include audits of House Information Systems (HIS) financial activities, and all revolving funds, contingent funds, commercial functions, etc., as of December 31, 1994. It would also include a determination as to whether the internal control structure provides reasonable assurance of achieving generally accepted control objectives and all applicable laws and regulations have been complied with fully. The financial statements would be prepared in accordance with the American Institute of Certified Public Accountant's ''Generally Accepted Accounting Principles'' and audited in accordance with the General Accounting Office's ''Government Auditing Standards.'' Furthermore, this effort would be in compliance with the applicable provisions of the Chief Financial Officers Act (P.L. 101–576), Government Performance and Results Act (P.L. 103–62) and Government Management Reform Act (P.L. 103–356). The OIG would review all work performed by the independent accounting firm(s) to ensure the completeness and quality of that work.

With respect to operational areas, I have identified two primary areas needing review—financial and HIS operations. The financial operations include audits in the OIG audit plan designed to evaluate economy, efficiency and effectiveness of program operations. These audits would address areas beyond pure funds accountability, in an effort to identify ways to eliminate waste, inefficiencies, fraud, abuse and mismanagement, and highlight areas for contracting out, privatizing, streamlining, downsizing and elimination. Additional details concerning the financial operations audit plan are included in Enclosure 1. The audit of HIS operations would include reviews of the general controls (including management, data center operations and data center protection) and system development, acquisition and modification controls (including user satisfaction, system development life cycle and project documentation), and confidentiality, integrity and availability testing. The audit program for performing this audit is included as Enclosure 2.

As indicated in your letter, audit coverage of joint Senate-House entities will need to be identified at a later date. Once agreement is reached with the Senate, I will develop a detailed proposal concerning audit coverage for these entities and submit my audit proposal to you for your review.

I will be contacting the Office of the General Counsel later today to request a legal opinion on the most expeditious method to contract for the independent accounting firm(s), while assuring competitive bidding to the maximum extent practical. Once I get this legal opinion, I will make a recommendation to you as to the best method for proceeding. In addition, as soon as I can estimate the contract costs, I will apprise you of the funding requirements so that reprogramming can be expeditiously accomplished.

With respect to the issue of additional staffing, I have included an organization chart (Enclosure 3) which depicts our current staffing (both Subcommittee on Administrative Oversight, Committee on House Administration approved permanent OIG staff and General Accounting Office detailees), and proposed additional staffing needed to make the OIG fully functional, considering the additional audit requirements to be assumed by the OIG in the 104th Congress. The total additional funding required for Fiscal Year 1995 is $494,000, consisting of $372,000 in personnel costs, and $122,000 in equipment, software, supplies and other similar costs. The justification for the additional staffing is also included as Enclosure 4. Since personnel hiring can take a considerable amount of time and additional staff members are critically needed to accomplish the tasks discussed above, I would hope that this issue

can be addressed at the earliest possible time so that the appropriate staffing authorization and reprogramming can be expedited.

An identical letter has been sent to Congressman Nussle. If you should need additional information or want to discuss this matter further, please do not hesitate to call me on x61250.

Sincerely,

JOHN W. LAINHART IV,
Inspector General.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, I rise in support of this important change in House rules. Like many of my Democratic colleagues, I favor many of the reforms being instituted today.

As a freshman member in 1992, I was honored to chair a task force on changes in House rules. One of my top priorities was to see that this institution was held more accountable to the American people. I believe that the proposed comprehensive audit of all our financial records and physical assets is a big step in ensuring our accountability to our constituents.

This is an opportunity for improvement—one every Member should welcome who is actively seeking to use taxpayer dollars more efficiently.

I know that a comprehensive audit, if properly executed, will be an important management tool here in this House. If a truly independent firm performs the audit, then we can take advantage of new technologies and management practices and identify the areas where we must improve our efficiency, accountability, and effectiveness.

However, I have specific concerns that are not addressed and that is that the Speaker and the House Oversight Committee must carefully monitor the money appropriated to the Inspector General to conduct the audit and promptly implement the recommended changes so we can get the most for the taxpayers' money and provide the best services for our constituencies.

Mr. BROWNBACK. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, Section 107 of the House rules package directs the House Inspector General to conduct a comprehensive House audit. This will be both a financial and performance audit of all House services and operations.

Mr. Speaker, 39 months ago in October 1991, I stood on this very spot and called for full disclosure of Members with House bank overdrafts. A key to restoring the credibility of Congress, I said then, was to hold ourselves accountable. And I and 6 of my colleagues, the so-called Gang of 7, pressed for an open House. Our calls for candor were met with intransigence, but the outrage of the American people was overwhelming. We did learn the details of the House bank overdrafts, and let me stress to my colleagues who are listening now that that one specific limited GAO audit of a House function, a House service, led to several criminal convictions.

□ 2220

My colleagues, we introduced a bill one year later in October 1992, House Resolution 595, to require an independent House audit. Today's House action is the culmination of that effort.

Results of these audits, which will be performed by the Inspector General in consultation with the GAO and a major independent accounting firm will be made public, and therefore the people will have more information than ever before regarding House operations past and present, and that will go a long way toward restoring the integrity and credibility of this proud institution.

I urge approval of the rule. Let the sunshine in and open the books of the people's House to scrutiny by the people.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I rise in support of this proposal as well to conduct an audit of the financial and administrative operations of the House. But it really does not go far enough. I suspect that the audit itself is likely to show that we have been conducting our business in a responsible, professional manner. One of the reasons that has been the case is that we have had professional, nonpartisan, individuals conducting these affairs, and we reached that agreement in a nonpartisan way, as Members will recall.

But, we have two problems with this. I am going to vote for it, as is the gentleman from California [Mr. FAZIO] and probably the other speakers, but the two deficiencies are one because it is a closed rule and we cannot insist that we continue to conduct the administrative and financial nonlegislative operations of this House in a nonpartisan professional manner which we could if we had an open rule, and secondly, the person who has been put in this position is not nonpartisan.

I will not repeat the arguments for why there ought to be an open rule because my good friend, the gentleman from New York [Mr. SOLOMON], knows them by heart. He is certainly the most persuasive, articulate proponent of an open rule. But I guess where you sit is where you stand now.

We are faced with a closed rule where we cannot improve this amendment. I do think we ought to raise that issue, though, because I am sure other Members of the House have read the articles about the individual that has been appointed to this position as I have. It raises very serious concern. I do not know Mr. Faulkner. I do know he was head of the Young Republicans, that he has been investigated and interviewed on any number of partisan political issues. At one point he was asked by investigators about leaking documents to the Reagan campaign and he said, yes, we have been obtaining leaked material from whistle blowers and passing them on.

This is not the nonpartisan professional individual we are looking for.

Mr. BROWNBACK. I would point out, Mr. Speaker, a bipartisan group appointed the current Inspector General.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DOOLITTLE].

(Mr. DOOLITTLE asked and was given permission to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, this comprehensive audit of House financial records and administrative operations will prevent in the future the kinds of problems we have seen with the House restaurant, the House Post Office and the House bank and will identify whether and to what extent other House units have been in compliance with law and House rules and have operated effectively and efficiently. It will provide necessary information to the public to determine the manner in which taxpayer funds have been used and will ensure accountability in the administration of this House.

This audit should examine, amongst other things, monies in the contingent fund, monies expended by legislative service organizations, House officers accounts, committee accounts and the Architect of the Capitol. It should also look into allegations concerning ghost employees and official payrolls. This audit will set an important precedent for openness and accountability and is a much desired reform.

Mr. FAZIO of California. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 1. But again, I must reiterate my disappointment about the procedure we are using today. I am deeply disappointed that this bill is coming before the House under a closed rule. Not very long ago, the new chairman of the Rules Committee, my friend from New York said that when he admonished members about the use of closed rules, that our Republican friends were ''not simply engaging is some procedural or partisan tantrum. We are instead'' he said, ''trying to warn against what we perceive as the deliberate decline of democracy in this House.'' (April, 2, 1993). It is somewhat shocking, after all the speeches, that on the first day of the new Republican run House we are proceeding under a closed rule.

However, it is important today that we are moving forward on a bill, that has been blocked for too long. The House passed this bill, essentially, twice in the last Congress only to see our efforts thwarted by Republican led efforts in the Senate. The Democratic and the Republican Members of the House want this bill and want it to move forward. On this point, there is great bipartisan agreement.

We have gone a long way toward making sure that the Congress lives under the same laws as any other American. Most pieces of legislation we have passed apply to Congress. The Americans With Disabilities Act which I proudly cosponsored specifically applies to Congress as did the Civil Rights Act, the Minimum Wage Act, the Fair Labor Standards Act and the Family and Medical Leave Act. The House has also had in place, since 1988, prohibitions against employment discrimination.

H.R. 1 will ensure that all Members of the Congress—not just House Members—live under all of the laws we pass and do so permanently, not just as an internal House rule but as an ironclad law.

I cannot tell you how many times I have had businessmen and women complain that Congress passes laws and then simply exempts itself. They are frustrated. They want us to share the same challenges they have when they try to start a business, or try to create new jobs for their community. They need and deserve to know that we live up to the same standards that we expect from them, and afford our employees the same protections that any other American worker deserves.

Most of my constituents did not know that the Congressional Accountability Act passed the House last year by a vote of 427 to 4. They did not know because the Senate failed to act to make it law. In early September, I wrote to urge the Senate committee on Government affairs to have the Senate act promptly. I told them that the Congress could never engender trust among the American people until the Congress lives by the same rules as the rest of the Nation. When the Senate did not act, we made congressional accountability part of the House rules.

But the American people deserve something more than an internal House rule—they deserve an ironclad law passed by and applying to both Houses of Congress.

I want to go home and tell those constituents that we have answered their plea. I want to tell them that we meet the same requirements that they do—that we follow the same laws they follow from OSHA to fair labor standards. I want to tell them that our employees have the same protections theirs do, from anti-age discrimination to family and medical leave. Perhaps the shared experience will help us write better, more careful laws. Just as importantly, this is about common sense, trust and accountability. That is why we are all here, late into the evening, finishing the work which began in the last Congress. I hope all my colleagues will join me in moving forward on H.R. 1.

Mr. BROWNBACK. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, let me tell you how fascinating it is for me to see you in your role tonight, and also see my good friend, the gentleman from California, FRANK RIGGS, back here after a 2-year absence because it was 4 years ago that FRANK and I and five other freshmen blew the whistle on the House bank and then 3 years ago we blew the whistle on the House post office. The interesting thing, Mr. Speaker, is that after 4 years and 3 years respectively we still have not seen a number of internal documents from either of those investigations, taxpayer funded investigations of taxpayer operations.

My colleague, the gentleman from Maryland [Mr. HOYER], says this is all behind us, but the honest answer is we do not know if it is behind us because for decades these books simply have not been audited, nor have we had the access to those very documents.

Former Congressman Dan Rostenkowski, now facing charges connected to the stationery store, has an intriguing defense. He says he was not the only Congressman who misused the stationery store and bought chairs and champagne buckets and other things, all with public money and all personal gifts. And you know his defense team might be right because we do not know, but after this audit is done, we will know, and when we know, you will know too.

□ 2230

Mr. BROWNBACK. I yield 1 minute to the gentleman from North Carolina [Mr. TAYLOR].

(Mr. TAYLOR of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. TAYLOR of North Carolina. Mr. Speaker, I am pleased to be here today—a new day in Congress—where Members will finally open the doors of the House to greater public input and disclosure.

The idea of the House audit was a brainchild of the Gang of Seven. I am delighted to join my fellow gang members here today and am pleased that the leadership included our idea in the rules package.

I am not even sure why we are debating this issue. If a company the size of the House of Representatives did not report the activities of its officers and directors to its shareholders, it would not survive—disclosure is a key component to gaining the public trust essential for survival in a market economy.

It is ridiculous not to support this proposal. The American people are the shareholders of our American Government and deserve to know the activities of their Representatives.

Members of the House have been embarrassed and distracted by scandals in its bank, post office, and other departments. An independent inspector general would conduct audits to expose fraud, waste, and abuse.

I wholeheartedly support a comprehensive House audit and urge my colleagues to do likewise. It is a proposal that will ensure that the House of Representatives remains The People's House.

Mr. BROWNBACK. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, my colleagues, on October 1, 1991, I stood here on this House floor and I said, ''What are we trying to hide from the American people? What do we have to fear?''

Today we have a historic opportunity to vote to open up the books of the U.S. Congress in a very open and complete way. We know that sunshine is the best disinfectant, and never in the history of this Congress have we ever had an open and complete audit of the books of this Congress for the American people to view.

And echoing the comments of my colleagues who were involved with me, my six other colleagues, I fully encourage the Inspector General to not only do the fiscal 1995 audit, but I would encourage the Inspector General to look back, to look back several years at some areas of the Congress that have been called into question, LSO's the House restaurant system, the Speaker's contingent fund, the disposal of office equipment that has raised everyone's eyebrows, but we never have seen the details.

I am pleased tonight to be here to support this very important part of our House rules.

Mr. BROWNBACK. Mr. Speaker, I yield 45 seconds to the gentleman from Michigan [Mr. CAMP].

(Mr. CAMP asked and was given permission to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, I applaud the efforts offered today and believe this audit will go a long way to cut waste and save taxpayer money, streamline the process. But let us go a step further. Let us require the audit to include unused office allowance funds.

I am concerned. We still do not know what exactly happens to that money. Many of us agree funds left over from our office budgets should not be reprogrammed, but instead returned to the Federal Treasury for deficit reduction. Let us use this opportunity to find the means to that end.

This audit will ensure that House operations are efficient and effective, and this investigation will ensure this audit is complete.

Mr. BROWNBACK. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire [Mr. ZELIFF].

(Mr. ZELIFF asked and was given permission to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I rise in strong support of section 107 of this rules package authorizing a comprehensive House audit of House financial records, physical assets, and facilities.

All the rules changes we are considering today—cutting committees and committee staff, ending baseline budgeting, making the

laws of the land apply to Congress—are critical. We are reforming this institution and restoring the faith of the American people.

However, while these reforms may grab the headlines, I believe the section authorizing an audit of House functions is perhaps the most important reform of all. For the first time the American people will have the opportunity to see how their tax dollars are being used and often wasted on Congress itself.

I am a small businessman who knows that keeping track of where the money goes is the only sound way to run a business. Slush funds, sloppy management, or outright fraud will land you either in bankruptcy or jail.

As the owner of a small business I must make sure that my financial statements and inventory are accurate and up-to-date. A bank considering issuing me a loan—or potential investors—would accept nothing less than a close examination of my balance sheet before making any decisions.

Why, then, the House of Representatives has escaped a similar analysis for its investors—the American taxpayers—is beyond me. It is time for a change.

We should pass this section authorizing an audit of House activities, and then the entire rules package, to let the sun shine in.

Mr. FAZIO of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think we all understand this provision in the rule this evening was an opportunity for people to rehash the problems that beset this institution in the past that we are, thank God, well under way to resolving.

But what I think is not something that was intended to be brought up tonight—but which is central to the whole question of the audit, which will be broadly supported on a bipartisan basis—is who will do the audit, how will it be administered?

Now, the real issue here is who appoints the administrative authorities in this institution. There has been a change. When Republicans were in the minority, they wanted bipartisanship. They wanted equal access. They wanted professionalism. They wanted no taint of partisan activity.

But now the worm has turned. Now the Republicans find themselves in the majority.

What they have done is they have reversed the field. They have now called for a different structure, one that places in the hands of an administrator appointed by the Speaker the authority to manage this institution in a way that could become as partisan as we can imagine.

I think that is tragic. I think that is wrong. And I support the audit, but I am very concerned about the way it will be managed by a partisan leader.

Mr. BROWNBACK. Mr. Speaker, I would remind the speaker from the other side that he had 40 years to ask for this audit and did not do it.

Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan [Mr. EHLERS].

(Mr. EHLERS asked and was given permission to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I rise to make two points.

First of all, a good reason for doing the audit is that we do not know what we will find. When we did this in Michigan 2 years ago after a large number of years of Democratic rule, we discovered a major scandal in the House fiscal agency. As a result of that discovery, we currently have three former staff members serving prison time, four more on probation, three still in the courts. That is an example of the type of thing you may find, and it is not a result of the Members' misbehavior but of staff misbehavior.

My second point, all of the discussion has been about fiscal aspects, but the operational aspects of the audit are equally, if not more, important, in particular the computer activities which I hope to audit.

Just a few weeks ago a Member came to me that spent $22,000 for a file server last year. It is now useless.

I urge that we go ahead with both the fiscal and operational audit and do it well.

The SPEAKER pro tempore (Mr. GUNDERSON). All time has expired.

The question is on section 107 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROWNBACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 430, nays 1, not voting 2, as follows:

[Roll No. 12]

YEAS—430

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)

Weldon (PA)	Wilson	Young (AK)
Weller	Wise	Young (FL)
White	Wolf	Zeliff
Whitfield	Woolsey	Zimmer
Wicker	Wyden	
Williams	Wynn	

NAYS—1

Fattah

NOT VOTING—2

Brown (FL) Yates

□ 2251

So section 107 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER (Mr. TORKILDSEN). Section 108 is now debatable for 20 minutes.

The gentleman from Minnesota [Mr. GUTKNECHT] will be recognized for 10 minutes, and the gentlewoman from Connecticut [Mrs. KENNELLY] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GUTKNECHT asked and was given permission to revise and extend his remarks.

Mr. GUTKNECHT. Mr. Speaker, my grandma used to say that it is wrong to teach our kids to do as I say and not as I do. As parents of three teenagers, my wife and I believe that we need to set a good example for our children. It is my fervent belief that this philosophy should apply to the U.S. Congress as well. Unfortunately, Mr. Speaker, in recent years the actions of our Government have been, in essence, to do as I say and not as I do.

On behalf of the freshmen who promised their constituents consideration on the first day, Mr. Speaker, I would like to thank the leadership for this opportunity. The failure of the previous Congress to pass the legislation is unfortunate. We have, in effect, been saying to the American people, ''You must comply with the rules and regulations we pass, but we don't.''

Mr. Speaker, the Congressional Accountability Act will put an end to this hypocrisy and put our House in order. Today the new Congress is telling the American people that we have heard their demand for change and that on the first day we meant what we said in that we will begin to play by the same rules as those who we were elected to serve.

I understand that some Members are opposed to the closed rule, but the bottom line is that H.R. 1 is virtually identical to a bill, H.R. 4822, which passed this House on August 10, 1994, on a 427 to 4 vote. That bill has been thoroughly debated in committee. subcommittee and here on the House Floor. To my 13 new Democratic freshman colleagues I say, ''I apologize to you for denying you the opportunity for review of this legislation in committee, but the time has come now to act responsibly. As you know, we have pledged to the American people to change the way we do business in this House.''

The Republican freshman Members have demanded change from this leadership, and we have demanded that a vote occur today on congressional accountability. We feel this legislation is vitally important and should be passed today in order to reestablish this as the people's House. We must now take the initiative and pass this important measure.

Mr. Speaker, I reserve the balance of my time.

Mrs. KENNELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been said so often today, this is truly a historical day. We are witnessing something on the floor today that we may never have observed before. For the first time the people on the other side are in charge, and we are seeing two completely closed rules, but probably for the first time every they have proposed a closed rule within a bill brought up under a closed rule.

Mr. Speaker, I reserve the balance of my time.

□ 2300

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from West Palm Beach, FL [Mr. FOLEY].

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I rise in support of the rule for accountability, the Congressional Accountability Act, to bring Congress in compliance with the ten laws such as fair labor, civil rights, Americans with Disabilities Act and others.

As a freshman Member of the Congress, I was appalled to find out that this body had exempted itself from the very laws that they had passed on small business and the consumers of America. When I toured the offices of Congress in the Cannon and Longworth Buildings, I found exits blocked, boxes packed. Staff members could not have exited in a fire. As a restaurateur, if that happened in my business, I would not only have been fined, but I would have been closed down that very day for failure to observe common safety practices in my business. I think this Congress can make a statement to America tonight, and to every small business, that we understand the burdens we have placed on them, and that we are willing to accept those very burdens on ourself. That is the least we can do. The Congressional Accountability Act should and must pass.

Mrs. KENNELLY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, this is a good bill. I am proud to be a cosponsor. It should pass. This is a bad rule and it should be voted down. As was indicated, this bill is virtually identical to the bill that passed last year. One major exception, the ban on frequent flier miles has been ripped out of this bill. Why has it been ripped out? It has been ripped out because the laws that have been passed that we want to have applied here don't affect you as individuals. They affect the U.S. Government, because that is where the liability is. But the frequent flier prohibition strikes right at the people in this room. The people in this room should not use frequent flier miles for personal use. It is hypocrisy of the highest order that is not being dealt with this bill when it was dealt with in the bill we passed last fall. There is only one explanation, and that is greed. The Members who want to use frequent flier miles for personal use are ripping off the taxpayers of this country, and it is wrong and it should be stopped today.

So if you believe in bipartisanship, vote this rule down and let us do this right.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from the land of Lincoln, the gentleman from Illinois [Mr. WELLER].

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I rise today in support of the rule for the Congressional Accountability Act. For years, Members of Congress have exempted themselves above many of the laws that we impose on the private sector. It is time we held ourselves accountable to the same standards that we expect of our constituents.

The House passed this bill last August by a vote of 427 to 4. At that time, the provisions of this bill were deliberated to the fullest extent possible. The rule today allows the House to expedite the process to bring Congress in line with the laws of the land under which every American citizen must live. When this measure is adopted, Congress will be subject to the Family and Medical Leave Act, the Americans With Disabilities Act, the Fair Labor Standards Act, and the Civil Rights Act of 1964 will apply to Congress.

We are here to make positive changes in the way Congress operates. Congress has delayed far too long on this initiative requiring us to live by the same rules as everyone else. Congressional Accountability is a step in the right direction, and it is time to bring it to a vote.

Mrs. KENNELLY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, there has been a great deal of discussion of history tonight, so let us quote Karl Marx. ''History repeats itself; the first time in history and the second time as farce.'' Farce is what we are getting tonight. It is from the 18th Brumaire of Louis Napoleon.

This is almost exactly what the House did before, but there are some

differences. When the Democratic majority brought this bill to the floor last time, it allowed in the rule 14 amendments, 8 of which could be designated by Republicans.

You are bringing up a closed rule on a substantive bill for no good reason. You are going to debate it after midnight. You told us you would be family friendly. You forgot to tell us it would be the Addams Family that would be friendly, because we will be doing it at 3 o'clock in the morning. Why do something perfectly sensible, but block a chance to vote on frequent fliers, do it at 3 o'clock in the morning, don't allow amendments?

Let me tell you from experience. When you are in the majority, sometimes inevitably you got to defend some dumb things. But in 1 day you have been dumber than we were in 2 years. What are you doing it for? Why not wait until tomorrow. You said we could wait.

Do you want to hide the debate on frequent fliers? I do not know why the new Speaker is so attached to the frequent flier rule. But why not talk about it tomorrow? Why now allow some amendments?

History? We made this history last year. We made history once. You cannot make history twice, unless you flunked it the first time, and the way you guys are handling this, I think some of you must have, because you do not understand what is going on.

We are in favor of this. Most of us worked hard for it. We passed it last year. It was bipartisan. Why are you rushing this through on a totally closed rule?

Comparison: We had eight amendments in order from Republicans. We had the frequent flier thing in here. We let it be debated during the day. You are rushing it through, because the Republicans promised it would be done on the first day? It will be after midnight. Now you are even fooling with the clock. Be sensible. Do not get carried away. Do it tomorrow, and do not exempt yourself from the most important law of all, common sense.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from Mesa, AZ [Mr. SALMON].

(Mr. SALMON asked and was given permission to revise and extend his remarks.)

Mr. SALMON. Mr. Speaker, this has been an awesome day for me. I was able to sit here on the floor of this very hallowed place with my four children, and I can't tell you the experience this has been for me, to be able to sit among some of the most intelligent minds of our country, and to be able to have just heard the very eloquent speech of Mr. FRANK. I am impressed. You are even better in person than you are on C–SPAN.

Mr. FRANK of Massachusetts. If the gentleman will yield, it will be better tomorrow afternoon if you get a little sleep.

Mr. SALMON. Nice try. But I would like to say this: One thing I have learned over my political career is that I know I am an incredibly average person, and the incredibly average person that I talk to out there cannot understand why we cannot move this to a vote and why we cannot move it quickly.

I think some good points have been made, and we will get an opportunity I believe to visit some of these issues later. But I do not want to wait. I want to move, and I want to vote now. Let us vote this through. Let us make Congress live under the very same laws as any other American. It is the right thing.

Mrs. KENNELLY. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan [Ms. RIVERS].

(Ms. RIVERS asked and was given permission to revise and extend her remarks.)

Ms. RIVERS. Mr. Speaker, I am a freshman who like many of you ran on the issue of reform. I campaigned for, supported, and have voted for many of the things we have dealt with today. So great was the call for reform in our freshman class and across this country that I really expected to come into a House today that would be liberated by the free flow of ideas.

It has been just the opposite. On our very first day, the most symbolic day, I have come into a House were 100 percent of our rules are closed, where we will not have the opportunity to advance our ideas and see them win or lose in the court of public opinion. That is not allowed in the new Congress.

There is no opportunity for amendments, no opportunity for fine tuning, and no opportunity to divide the question in a way that will allow us to represent our constituencies within many-itemed bills.

This is not the new way, the good way. This is what you all campaigned against. And I think we should learn from JERRY SOLOMON who said the people are sick and tired of political gamesmanship. They want back their House, they want it open and democratic. I think so.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from Cincinnati, OH, [Mr. CHABOT].

(Mr. CHABOT asked and was given permission to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, our Nation was founded on the principle that no person is above the law. It is more than shameful—it is worse than outrageous—that Congress routinely has exempted itself from the laws that others must obey. From the labor laws enacted in 1938, to the Civil Rights Act of 1964, to OSHA—Congress has said: ''These laws apply to others, but not to us. Not to us.''

At long last, these exemptions are going to stop. Finally, we're going to recognize that if a law is good enough to apply to the American people, then by golly, it's good enough to apply to Congress. And if any law isn't good enough to apply to Congress, then certainly it's not good enough to apply to everyone else.

When Congress has to live by the laws it passes, then Congress will take care to pass better laws. I urge support for the rule.

□ 2310

Mrs. KENNELLY. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BEILENSON].

(Mr. BEILENSON asked and was given permission to revise and extend his remarks.)

Mr. BEILENSON. Mr. Speaker, I rise to express my grave reservations about the rule proposed for consideration of H.R. 1.

Although I strongly support the Congressional Accountability Act, and although I believe it was wise of the new leadership to bring up substantially the same bill that was overwhelmingly approved by the House of Representatives last August, I strongly disapprove of the manner in which the majority has proposed considering this legislation.

I understand the desire of the new Republican leadership to bring the Congressional Accountability Act to the floor today, to fulfill the promise made in the ''Contract With America.'' But voting on a major piece of legislation on the very day it is introduced, without having an opportunity to amend it is simply the wrong way to legislate—and Members on the other side of the aisle know that.

In fact, our Republican colleagues have chastised Democratic members, more times than we would like to remember, for speeding bills to the floor before there had been adequate opportunity to review them, and for not allowing amendments to be offered to them. ''Gag rule'' was the term our Republican friends used to describe rules like the one before us now.

To those of us who had to bear the brunt of the Republicans' criticism of such rules, it seems utterly outrageous—and rather ironic—that in this new era which has been heralded by promises of openness and fairness in the legislative process, the very first piece of legislation brought to floor will be considered in this manner. This rule makes us question whether criticism of closed rules issued by the majority party during the last Congress was based on true belief in opening up the amending process, or whether it was simply a means of generating public anger toward Democrats.

In fact, this procedure is worse than anything I can recall under Democratic control of the House. In the 18 years I have served in the House, I cannot remember a time when a bill advanced by the Democratic leadership was handled in so rushed and closed a manner as this one. Under this rule, this bill is to be considered on the very day it is introduced; there will have been no hearings or markup of this legislation—in fact, not even any informal review by the committees of jurisdiction; there will have been no review by the Rules Committee for the purpose of granting a rule; and, of course, there will be no opportunity to amend the bill—other than through a motion to recommit—and no time to plan amendments even if there were such an opportunity.

For those of us who were part of the 103d Congress, the fact that this legislation is being considered in this way is less deplorable than it would otherwise be because the bill is substantially the same as last Congress' H.R. 4822. H.R. 4822 was a well-constructed, well-thought-out bill in large part because, unlike H.R. 1, it was developed through the regular legislative process. H.R. 4822 was considered by the committees of jurisdiction, as well as the Rules Committee for purposes of granting a rule; there was sufficient time between the day the bill was introduced and the day it was sent to the floor for Members to familiarize themselves with it; and most of the amendments Members wanted to offer to it were allowed to be offered. In other words, we had ample opportunity to know what we would be voting on and to help shape and improve the bill.

But the 86 Members who are new to the 104th Congress will not have that opportunity. Their right to review and amend this legislation is being abrogated for the sale of political expediency. It is unfair—and wrong—to ask them to vote on a very important piece of legislation without giving them any chance to review the bill, let alone help shape it.

Mr. Speaker, I hope that it is only because of the political imperative dictated by the "Contract With America" that we are proceeding in this manner on a major piece of legislation. And I hope that we will have the assurance of the new leadership that the procedure being used to consider H.R. 1 is an aberration, and not a signal of how legislation will be handled during this Congress.

Mrs. KENNELLY. Mr. Speaker, for purposes of debate only, I yield one-half minute to the gentleman from Montana [Mr. WILLIAMS]

Mr. WILLIAMS. Mr. Speaker, I think the gentlewoman from Connecticut.

Perhaps an uninterested observer listening to the debate today, Mr. Speaker, might be uninformed enough to have found a little hypocrisy on both sides, and maybe listening to the debate on this issue, an uninformed observer might not understand that as stronger reform bill than the piece now being offered came before this body written by Democrats just a few months ago, and was eventually blocked by Republicans. I would not say that the action today is hypocritical, but an uninformed observer might.

Mr. GUTKNECHT. Mr. Speaker, may I inquire as to how much time is left on both sides?

The SPEAKER pro tempore (Mr. TORKILDSEN). The gentleman from Minnesota [Mr. GUTKNECHT] has 3½ minutes remaining, and the gentlewoman from Connecticut [Mrs. KENNELLY] has 5 minutes remaining.

Mr. GUTKNECHT. Mr. Speaker, I reserve the balance of my time.

Mrs. KENNELLY. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, this section is a rule providing for consideration of the Congressional Accountability Act. This is the exact same bill that we Democrats passed in the House last year.

However, sadly, the Republicans derailed it in the Senate, so I do not want anybody out there thinking that we Democrats in the House opposed this. We proposed it, and it passed the House last year. I strongly supported this measure last year and I will support it again this year.

Let me add that I am delighted that the Republicans seem to be on board this time. Better late than never. However, Mr. Speaker, I must rise in opposition to the rule we are operating under. This is a closed rule, plain and simple.

My left ear has gone deaf from all the catcalls and the charges of gag rule from the minority in the last couple of years, but now they come to the floor and put two closed rules together, so I am really disappointed in the actions of the minority today. Over the years, the cries from the Republicans, maybe Mr. Solomon learned something from me or maybe I learned something from him.

Mr. SOLOMON. Mr. Speaker, If the gentleman would yield, believe me, I learned a lot from you, JOE.

Mr. MOAKLEY. OK, but I could spend all week reciting quotations from Members on the Republican side calling restrictive rules of any kind unconstitutional, undemocratic, unfair. Yet, the first day of the session, on the very first item on our legislative agenda, what do we get? A closed rule within a closed rule. I am very, very disappointed in the party who is crying for open rules and free debates, to come forward today with this rule.

I know some of my Republican colleagues will argue that we do not need an open rule on this particular measure because the House passed the same legislation in the last session, under Democratic leadership, let me add. Yet I cannot recall a single occasion on which my Republican colleagues supported a closed restricted rule on any previously-passed piece of legislation.

Let me add that when the Democratic leadership brought the Congressional Accountability Act to the floor last year, we made 14 amendments in order. The scream was "It is a gag rule, it is a closed rule." Here today we come and we cannot put one amendment in order; they come with seven amendments into the bill. Evidently there has been an awakening of the Committee on Rules, or there has been a change in the heart of my good friend, the gentleman from New York [Mr. SOLOMON].

However, I recall during debate last year my good friend and the new chairman, the gentleman from New York [Mr. SOLOMON] arguing for more open rules on a previously passed bill due to the fact that there were so many new freshmen that had not read the bill and it was not fair. Evidently he has had some second thoughts. He thought they should be able to have greater say in the process. I can point to some freshmen this year, Mr. Speaker, who should be given the courtesy that the gentleman from New York [Mr. SOLOMON] and his party thought we should have given them last year.

Mr. Speaker, it strikes me as a bit ironic that notwithstanding the rhetoric, we are here with what last year my Republican friends would have called the gag rule. We were accused of having gag rules if they were preprinted in the RECORD, or moving a comma.

This is a blatant closed rule, and as I say, they were talking about openness and allowing full debate. Maybe tomorrow or the next day may show something else, but today, Mr. Speaker, I do not see any openness coming from the other side.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute to the gentleman from Munci, IN [Mr. MCINTOSH].

(Mr. MCINTOSH asked and was given permission to revise and extend his remarks.)

Mr. MCINTOSH. Mr. Speaker, on behalf of the voters of Muncie, Anderson, Richmond, and all of the Second District I rise in support of both the rule and the Congressional Accountability Act. Mr. Speaker, the time is now to make Congress accountable for the laws it imposes on the American people.

For too long, Congress has told the American People: "Do as I say, not as I do." Congress is currently exempt from laws such as the Civil Rights Act, the Fair Labor Standards Act and OSHA. For example: House Annex I—the O'Neill Building, could not legally be occupied by any private enterprise. It would be shut down. Only Congress, with its exemption from many workplace safety regulations, can reside there. Mr. Speaker, the time is now to end this double standard.

The Congressional Accountability Act will cause Congress to make better laws. Bad laws will surely be changed as Congress feels their weight. And good laws protecting safety and civil rights will benefit congressional employees.

James Madison wrote: "This Constitution places elected officials under the law, thereby avoiding tyranny." Mr. Speaker, the Congress has not lived under all of the laws of the land for too long.

The time is now to end the tyranny and make those laws apply to Congress.

Mrs. KENNELLY. Mr. Speaker, I yield myself such time as I may consume.

I would like to close by saying I do not support this closed rule. It blocks any effort to have an honest, open debate about real reform.

Mr. Speaker, I yield back the balance of my time.

Mr. GUTKNECHT. Mr. Speaker, we have 2½ minutes remaining, do we not?

The SPEAKER pro tempore. Prior to yielding further time, the gentleman does have 2½ minutes.

Mr. GUTKNECHT. Mr. Speaker, I yield 1 minute of our time to the gentleman from Westbury, NY [Mr. FRISA].

Mr. FRISA. Mr. Speaker, for 40 years this Congress has been in an ivory tower, out of touch with reality, and out of touch with the American people. That is why the Congress thought it knew better, could pass its burdensome laws, rules and regulations for everyone else but for itself. That is going to change, Mr. Speaker.

Mr. Speaker, in November the American people knocked an elitist Congress off its pedestal. Tonight the majority will plant its feet firmly on the ground, and we stand proudly accountable to the American people for the laws that we will pass, because they should apply to us as well.

I would urge support for this measure.

Mr. GUTKNECHT. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, when Vaclav Havel came and spoke to the American people, he quoted Thomas Jefferson when he said that ''Words are plentiful, but deeds are precious.'' The American people want action, not protracted debate.

□ 2320

Mr. Speaker, we must seize this historic day. Let us not let the American people down. The U.S. Congress must comply with the laws of the land. I strongly encourage my fellow colleagues to vote ''yes'' on the rule and ''yes'' on H.R. 1.

Mr. CLAY. Mr. Speaker, I rise to express my disappointment that the Republican majority has not seen fit to allow amendments to the Congressional Accountability Act. Let me say at the outset that I support the intent of the Congressional Accountability Act. I have fought for the rights of American workers throughout my political career. I strongly believe that all employees, private and public, including Federal, State, and local and congressional employees, should be afforded the protection of our labor laws. I believe that the Congressional Accountability Act accomplishes that objective with regard to congressional employees in a manner that does not impinge upon the independence of the legislative branch nor the ability of Members to represent their constituents.

Nevertheless, I am amazed that the Republican leadership has seen fit to deny Members any opportunity to amend this bill. This legislation is substantially the same bill that overwhelmingly passed the House last Congress under Democratic leadership. At that time, at least some amendments were permitted. As a matter of principle, the contention that the Congress should be covered by the labor statutes is so widely held in this body as to be beyond issue. So why bring the bill up under a gag rule? Surely no one contends that the Congressional Accountability Act was written on Mount Sinai.

The stated purpose of the statute is to ensure that the Congress is subject to the same rules that we impose on private employers. Most private employers in this country are subject to the National Labor Relations Act. It is interesting to me that no effort has been made to at least apply that statute to those congressional employees who are not directly involved in the legislative process, such as janitorial and groundskeeping staff. Even if such an amendment were not adopted, I believe the debate would have been beneficial to both the Members and the public. I am disappointed that the Republican leadership has instead seen fit to gag the people's representatives. When the Republican leadership denies Members the right to fully participate in the legislative process on a noncontroversial issue like this, one cannot help but doubt their promises that future bills will be considered in an open and amendable manner.

Finally, I would like to point out to my colleagues the relationship between this act and the so-called unfunded mandates bill. Today, we are voting to apply our labor laws to the U.S. Congress. Shortly, we will vote on legislation modifying Congress' power to enact laws that affect State and local governments. That bill, at present, contains no exemption for the application of our labor laws to State and local governments. I hope that the principle that we are voting for today—that congressional employees should be protected by your labor laws—will apply equally next week when considering whether State and local government employees shall receive equal protection under our labor laws.

Mr. GUTKNECHT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORKILDSEN). The question is on Section 108 of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. KENNELLY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 249, nays 178, not voting 7, as follows:

[Roll No 13]

YEAS—249

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lambert-Lincoln
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—178

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer

Roybal-Allard	Stokes	Visclosky
Rush	Studds	Volkmer
Sabo	Stupak	Ward
Sanders	Tauzin	Waters
Sawyer	Tejeda	Watt (NC)
Schroeder	Thompson	Waxman
Schumer	Thornton	Williams
Scott	Thurman	Wilson
Serrano	Torres	Wise
Skaggs	Towns	Woolsey
Slaughter	Traficant	Wyden
Spratt	Tucker	Wynn
Stark	Velazquez	
Stenholm	Vento	

NOT VOTING—6

Brown (FL)	Dornan	Vucanovich
Cox	Markey	Yates

□ 2333

Ms. ESHOO, Mr. GORDON and Mrs. SCHROEDER changed their vote from ''yea'' to ''nay.''

Mr. MOORHEAD changed his vote from ''nay'' to ''yea.''

So section 108 of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. THOMAS). Title II of the resolution is now debatable for 20 minutes.

The gentleman from California [Mr. DREIER] will be recognized for 10 minutes, and the gentleman from Michigan [Mr. BONIOR] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the eight reform items considered previously represent the most visible elements of the House Republican reform agenda. These reforms, combined with the 23 additional changes made to the House rules in title II of this resolution, send a clear message to the American people that Congress is serious about changing the way Washington does business.

Mr. Speaker, the need for the changes in title II is compelling. The rules governing committee jurisdictions and the general procedures governing the House are ineffective and out-of-date. They breed bureaucratic inertia and rigidity, and they are a hindrance to setting priorities and carrying out agendas.

The rules governing the administration of the House have bred a patronage system that has brought scandal and embarrassment to this institution and have weakened both the public's image and the effectiveness of Congress.

The reforms in title II are intended to make the House more accountable, professionalize the administrative management, and rebuild public confidence in representative government. Adoption of title II will bring about dramatic change to this institution while maintaining a structure of rules that achieve what Thomas Jefferson called ''a uniformity of proceeding in business'' and the ''order, decency, and regularity'' of a dignified public body.

These reforms are long overdue. They have the support of the American people, and they deserve our strong support.

Mr. Speaker, I would also like to clarify some of the committee jurisdiction changes contained in section 202 of House Resolution 5.

The jurisdiction of the Committee on Agriculture is amended to include inspection of livestock, and poultry, and meat products, and seafood and seafood products. As a result, the food inspection programs of the Department of Agriculture and the Food and Drug Administration are consolidated under the Committee on Agriculture. The current jurisdictional arrangement with respect to food safety activities will remain in the Committee on Energy and Commerce.

The committee's jurisdiction is also been amended to include water conservation related to activities of the Department of Agriculture. This grants the committee jurisdiction over any measure that changes section 6217 of the Omnibus Budget Reconciliation Act of 1990 with respect to agricultural activities in coastal zone areas.

The Committee on Banking and Financial Services retains all of the existing authority of the Committee on Banking, Finance and Urban Affairs from the 103d Congress over financial services providers generally, including the activities and supervision of depository institutions and any affiliates. The committee's jurisdiction has been expanded, as well as clarified by this resolution.

The committee is given jurisdiction over bank capital markets activities. In response to technological and market innovations, banks have sought to continue to service their traditional customer base by providing certain types of investment banking or functionally similar capital market services. The committee has jurisdiction over these capital markets activities engaged in by banks which include, but are not limited to, acting as a government securities broker or dealer under the Government Securities Act, acting as a municipal securities broker or dealer under section 15B of the Securities Exchange Act of 1934, acting as an investment advisor under the Investment Advisors Act of 1940, providing loan guarantees and other similar off-balance sheet support, privately placing securities, securitizing loan assets of any type, syndicating and selling bank loans, engaging in transactions involving exchange-traded and over-the-counter derivatives, and engaging in transactions involving other types of qualified financial contracts as that term is described in section 11(d) of the Federal Deposit Insurance Act. A comprehensive summary of bank capital markets activities as industry practices have defined this term are contained in A Guide to the Capital Markets Activities of Banks and Bank Holding Companies (1990).

In addition, the committee's jurisdiction is amended to expressly include depository institution securities activities generally, including the activities of any affiliate, except for the functional regulation under applicable securities laws not involving safety and soundness. This clarifies the committee's primary jurisdiction over the Glass-Steagall Act. It should be noted that the term ''depository institution'' specifically includes ''non-bank banks'' grandfathered under the Competitive Equality Banking Act of 1987 and the committee has jurisdiction over any affiliate of a non-bank bank, other than a registered broker-dealer.

Depository institution securities activities under the committee's jurisdiction would include any activity involving bank-eligible securities as described in section 5136 of the Revised Statutes (12 U.S.C. 24) and any securities activity incidental to carrying on the business of banking. It would also include any activities by depository institutions, their holding companies, and any affiliates to:

First, underwrite, deal in, broker, or distribute securities of any type, and engage in other securities activities as permitted by the appropriate federal banking agencies;

Second, sponsor, organize, control, manage, and act as investment adviser to an investment company;

Third, engage in, or acquire the shares of any company engaged in any securities activity so closely related to banking as to be a proper incident thereto.

A list of current securities-related activities under the committee's jurisdiction that have been determined to be so closely related to banking as to be a proper incident thereto is described in Federal Reserve Board Regulation Y (12 CFR 225.25).

Any securities activity conducted by a depository institution, its holding company, or any affiliate in a registered broker-dealer should be functionally regulated by the Securities and Exchange Commission under applicable securities laws and the appropriate Federal banking agency jointly. The SEC would functionally regulate a registered broker-dealer affiliated with a depository institution for purposes of compliance with the legal and regulatory framework generally established for registered broker-dealers under the securities laws. SEC functional regulation under applicable securities laws will not be included in the committee's jurisdiction. Registered broker-dealers affiliated with insured institutions will also be supervised by the appropriate Federal banking agency, most likely the Federal Reserve Board, for compliance with applicable Federal banking laws and for purposes of protecting the safety and soundness of affiliated insured institutions. Supervision for safety and soundness purposes

of a broker-dealer affiliated with a depository institution by the appropriate Federal banking agency is maintained within the committee's jurisdiction.

Several significant changes are made to the jurisdiction of the Committee on Commerce formerly the Committee on Energy and Commerce. Those changes include the transfer of jurisdiction over the inspection programs of the Food and Drug Administration to the Committee on Agriculture. The current jurisdictional arrangement with respect to food safety activities would remain in the Committee on Energy and Commerce.

The Committee on Economic and Educational Opportunities will retain the jurisdictional authority of the Committee on Education and Labor from the 103d Congress.

The Committee on Government Reform and Oversight combines the jurisdiction of the former 103d Congress committees on the District of Columbia, Government Operations, and Post Office and Civil Service. The resolution clarifies the committee's jurisdiction over the Federal Paperwork Reduction Act. It also clarifies the committee's jurisdiction over public information and records as they pertain to the Freedom of Information Act and the Privacy Act. This should not be construed to affect the jurisdiction of the Committee on House Oversight with respect to the Government Printing Office, or the Library of Congress, or House Information Systems, or the dissemination of such government information to the public.

The Committee on House Oversight retains the jurisdictional authority of the Committee on House Administration from the 103d Congress, with the addition of jurisdiction over the Franking Commission. Jurisdiction over measures relating to the erection of monuments to the memory of individuals is transferred to the Committee on Resources.

The Committee on International Relations retains the jurisdictional authority of the Committee on Foreign Affairs from the 103d Congress.

The jurisdiction of the Committee on the Judiciary is amended to include administrative practice and procedure. This is added to reinforce the fact that, since 1946, the committee has had jurisdiction over the Administrative Procedures Act and the rights and remedies under administrative law.

The Committee on National Security retains the jurisdictional authority of the Committee on Armed Services from the 103d Congress. Jurisdiction added to the committee includes tactical intelligence and intelligence-related activities of the Department of Defense. This clarifies the existing relationship between the committee and the Permanent Select Committee on Intelligence.

The Committee on Resources retains the authority of the Committee on Natural Resources from the 103d Congress, with the addition of some jurisdictions formerly vested in the Committee on Merchant Marine and Fisheries, the Committee on House Administration, and the Committee on Energy and Commerce from the 103d Congress.

The jurisdiction of the Committee on Small Business is amended to include measures relating to the Regulatory Flexibility Act and the Paperwork Reduction Act as they affect small business.

The Committee on Science retains the jurisdictional authority of the Committee on Science, Space and Technology from the 103d Congress. Jurisdiction added to the committee includes marine research, which was formerly vested in the Committee on Merchant Marine and Fisheries from the 103d Congress. This jurisdiction includes, but is not limited to, Coast and Geodetic Survey, Regional Marine Research Programs, Ocean Thermal Energy Conversion, Global Climate Change, Global Learning and Observation to Benefit the Environment, National Undersea Research Program, NOAA Corps, and NOAA fleet; and

The Committee on Transportation and Infrastructure retains the jurisdictional authority of the Committee on Public Works and Transportation from the 103d Congress. Jurisdiction added to the Committee includes Federal management of emergencies and natural disasters. This language is added to reflect an agreement reached in the 103d Congress between the Committee on Armed Services and the Committee on Public Works and Transportation. It transfers nearly all of the responsibility for the authorization and oversight of the Federal Emergency Management Agency to the Committee on Transportation and Infrastructure. Additionally, it is my understanding that, based on an agreement with the Office of Management and Budget, programs related to this jurisdictional transfer will be moved out of budget function 050 to the budget function dealing with public works. Jurisdiction over measures relating to merchant marine, except for national security aspects of merchant marine will be further clarified by a memorandum of understanding between the National Security Committee and the Transportation and Infrastructure Committee.

In addition, the committee is granted jurisdiction over marine affairs, including coastal zone management, as they related to oil and other pollution of navigable waters. This vests the committee with primary jurisdiction over all aspects of the Federal Water Pollution Control Act, and the coastal nonpoint pollution program established in section 6217 of the Omnibus Budget Reconciliation Act of 1990.

□ 2340

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield myself 1 minute.

I take this minute of time to indicate to my colleagues that at the end of this 20-minute block of time there will be a motion to recommit, and I want to apprise my colleagues of what that will be. For the newer members of this institution, you will get yet a third chance tonight to vote on a ban on gifts from lobbyists, you will get a third chance tonight to vote on a limit on royalties for books to one-third of annual salary, you will get a chance again this evening to vote on an open rule for the Congressional Accountability Act, and in addition to that, you will get a chance to institute some of the reforms that your friends and your colleagues have championed on this floor over the years, guaranteeing, for instance, a third of committee staff for minority, limiting the terms of the Speaker to three terms instead of four terms, bipartisan House Administrator, something championed on this floor day in and day out over the last session which we have had and now we do not have anymore, and you can have a chance to vote on that. Committee ratios must match.

All of these reforms you will get a chance to vote on in the motion to recommit.

Mr. DREIER. Mr. Speaker, I yield 2½ minutes to our new colleague, the gentleman from Friendswood, TX [Mr. STOCKMAN].

(Mr. STOCKMAN asked and was given permission to revise and extend his remarks.)

Mr. STOCKMAN. Mr. Speaker, it is my distinct honor to speak in strong support of the reforms in title II. I was elected to Congress as a servant of the people; to limit the size and scope of the Federal Government and to clean up the mess here in Washington. This title has 23 provisions and I will focus on just a few.

In the Contract With America we committed to slash the number of committees and we have kept our word. This is revolutionary legislation. Today, we will eliminate three committees (Post Office, Merchant Marine, and District of Columbia). No full standing House committees has been eliminated since 1947. In addition, 25 subcommittees will also be eliminated. The savings will be approximately $35 million. House committees, like Federal programs, ought not live forever.

Our first order of business is to put the People's House in order. We signed a contract with the American people to look at every Federal action by the House will send a strong and clear message to the American people that we are serious about our purpose.

This bill will ensure that what is said on the floor and in committee will be recorded verbatim for the American people to read. Staff members will no longer work into the middle of the night to conceal what was actually said in the People's House.

This bill will end pork barrel projects on emergency spending bills. This change will make spending cuts easier.

This bill will ban commemorative legislation like National Asparagus Day. Banning this practice will save at least $300,000 according to the Congressional Research Service and improve the operation of Congress by eliminating the 25 percent of floor time consumed by commemoratives.

Last, and perhaps most importantly, this bill will require the Pledge of Allegiance as the third order of business each day. In 1988, the Democrats defeated an attempt to require the Pledge on the House floor. The Pledge ought not to be optional in the People's House and now it is not. I am proud of our great Nation and believe our best days are yet to come. We will set an example by beginning our day pledging allegiance to this country which has been so richly blessed.

Mr. Speaker, thank you again for this historic opportunity to lead the debate on this bill. It is a good first step and sets an example that we are able to get our affairs in order. Let us move boldly ahead to return Congress and this Nation to the people. I urge adoption.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, let me express my disappointment with section 201 of the bill that is before us, where a partisan Chief Administrative Officer will replace a nonpartisan Chief Administrative Officer will replace a nonpartisan Director of Financial and Non-Legislative Services.

Many of us on both sides of the aisle have been working for less partisanism, particularly in the administration of the House of Representatives.

It was the Republicans who worked with us to develop the Director of Financial and Non-Legislative Services, being approved by both the majority and minority, reporting to a committee composed of equal numbers of Democrats and Republicans.

What happens under this particular bill? That office is abolished and replaced with a partisan Chief Administrative Officer. A few months ago the Republicans favored bipartisanism in administration to avoid the abuse of power by any one party. Now, just a few months later, we see a complete reversal.

What a missed opportunity to advance bipartisanism.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from West Chester, OH [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, ladies and gentleman, there are a lot of important reforms in title II of this part of the rules package tonight. One of those sections in there eliminates legislative service organizations or, as some have come to be known, taxpayer funded caucuses.

The gentleman from Kansas [Mr. ROBERTS], sitting in the back of the Chamber, spent 14 years, and I have joined him the last 4 years, along with other Members, the gentleman from Wisconsin [Mr. KLECZKA], in trying to reform these LSO's, but, no, we could never get real reform of LSO's. We could never get a full accounting of the funds. We could never build a wall between these taxpayer-funded caucuses and outside 5013(c) organizations these foundations.

And so putting this in the rules package guarantees that no longer will the U.S. House of Representatives have to fund these organizations. That means less space, less overhead, less cost to America's taxpayers.

It is the right move, and the people who put this in here ought to be congratulated.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, included in the House rules package prepared by the Republican Conference being voted upon today are provisions to direct the House Oversight Committee to abolish all Legislative Service Organizations [LSO's], including the Democratic Study Group.

The Republican rules package is being brought to the floor under a procedure which bars amendments. So today there will be no opportunity for the House to effectively debate the merits of an organization such as the Democratic Study Group or to consider proposals to allow the Democratic Study Group to continue to provide top-quality research within the House of Representatives.

However, as the newly elected chairman of the Democratic Study Group for the 104th Congress, I cannot let this occasion pass without standing up to protest this misguided action on the part of the House Republican Conference.

Although under the new Republican rules the Democratic Study Group will be allowed to reconstitute itself as a ''Congressional Member Organization,'' DSG's ability to have an office and staff and thus to produce the legislative research materials Members have relied upon for so long is being terminated.

The Democratic Study Group has served the House of Representatives extremely well for over 30 years. Over this period of time, DSG has provided independent, indepth, and timely analyses of all legislation coming to the House floor.

Over this more-than-30-year period, DSG has developed a reputation for independence and credibility, by providing unbiased information that presents both sides of controversial issues fairly and objectively. Consequently, DSG research materials have come to be relied upon not only by House Democrats, but also by Republican subscribers, the press, lobbyists, and congressional scholars. Indeed, at times, DSG has had well over 50 Republican subscribers.

The quality of DSG research products has been noted by many independent observers. For example, scholar Norman Ornstein has written that DSG ''has evolved over the years into a group that provides solid, objective, and timely information'' on upcoming legislation.

House Republicans have attempted to characterize their abolition of the Democratic Study Group as part of their efforts to cut costs and increase efficiency in the House—and yet terminating DSG does neither.

The Democratic Study Group has been a cost-effective mechanism allowing rank-and-file Members of the House to pool their resources to have an independent staff that produced indepth legislative analyses that Members needed to carry out their legislative responsibilities.

Instead of having 435 congressional offices have individual staffers attempt to read every bill and accompanying committee report coming to the House floor for a vote, the premise of the DSG has been to have a small, independent staff analyze these bills and provide interested offices with the indepth analyses that they need.

As a result, the existence of DSG over the last three decades has actually increased the efficiency of the House of Representatives and reduced the cost to each Member of acquiring this indept information.

DSG has not only increased efficiency within the House, it has also done so in a very cost-effective manner. With a staff of only 18—including printers and support staff—the Democratic Study Group produces a prodigious amount of high-quality research materials for Members, the press, and other interested parties. For example, in the 103d Congress alone, DSG produced 517 reports on legislation and major issues, totaling 7,793 pages. Any Republican claims that DSG has not been cost-effective simply ignore these facts.

Furthermore, despite Republican claims to the contrary, the elimination of DSG does not save even $1 of taxpayer money and does not cut House staff by even one position. The new Republican rules don't cut office expense allowances or staff slots—they just restrict how Members are allowed to use their allowances and staff slots. Thus, under the new Republican rules, Members will simply now be free to use money currently used to pay DSG dues to meet other office expenses and be free to use staff slots currently used for a shared DSG employee to hire another personal staff member.

If abolishing DSG doesn't cut costs or increase efficiency, what is the true motivation behind the move to terminate this 35-year-old organization which has served the House so well?

The real motivation for House Republicans in terminating DSG is not hard to divine. In materials distributed in the Republican Conference on December 6, when the vote to eliminate DSG was taken, it is stated: ''The demise of the DSG severely damages the

power structure of the House Democrats.''

Closing down DSG seems to be part of an effort to centralize information and to stifle debate on legislation that the new Republican majority produces.

Indeed, House Republicans have moved to abolish DSG at the same time that they have promised to bring 10 complicated pieces of legislation to the House floor—the Republican ''Contract With America''—within the first 100 days of the 104th Congress. Thus, at the same time that the House is embarking on a furious legislative schedule, the staff most equipped to provide the minority party with legislative analyses has been abolished.

Although a nonprofit organization is being formed that will attempt to provide high-quality DSG-like research services to interested Members and to others, it is a disservice to the House of Representatives that such a step is now necessary.

Scholar Norman Ornstein has said that losing DSG as an integral part of the House of Representatives represents ''a real loss for Congress.'' More than that, it is a blow to free, open, and honest debate, and a rather blatant attempt to censor information and quash dissent in this body.

□ 2350

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Long Beach, CA [Mr. HORN].

Mr. HORN. Mr. Speaker, we heard a few hours ago the word hypocrisy used; we have heard about the gift ban that needs to come before us. The facts of life are that this is not the place to discuss the gift ban, but if we are going to discuss it let us also discuss political action committees. Five or ten dollar gifts such as the nasty lips ointment which arrived in our offices today from a Vermont firm, that is not the problem. The problem is there is too much money floating around in American politics at $10,000 an election cycle per political action committee, PAC's.

That is what we have to deal with. The fact that you can hold parties at the Republican Club and at the Democratic Club and get $500 at a clip every quarter from Washington lobbyists is the real lobbyist problem. It is not the $5 or $10 gift that pops up, the raisins from Fresno, or whatever.

I would suggest to my colleagues on the other side of the aisle that what the Republican party offered this Chamber last year and they voted down was a ban on PAC's and a ban on soft money. Next time we ought to pass that legislation if we are really serious about curbing lobbyist influence.

Mr. BONIOR. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would say to my friend—and he is my friend—who just spoke that if he was serious and the party he represents was serious, they also would talk about the PAC issue and open up the books to GOPAC. You cannot have it both ways. You cannot have a PAC where people in this country give unlimited amounts of money where we do not know who gives it, what relationship they have to the legislation that is pending in this institution.

Let me speak to another issue, Mr. Speaker, that was raised here this evening, and that is the issue of closing down voices. We have had a disturbing trend occur in the last 2 months in this institution. LSO's, Women's Caucus, their voices closed down; African-American voices closed down; Hispanic voices closed down; Democratic Research, the voice of our party, closed down.

Then what do we have today? Three closed rules closing down our voice to offer amendments, and then the gentlemen from the other side of the aisle advocate closing down Public Broadcasting, the National Endowment for the Arts, and there is a narrow closing of voices in this country, and we will not be a part of it.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Idaho Falls, ID [Mr. CRAPO].

Mr. CRAPO. I thank the gentleman for yielding this time to me.

Mr. Speaker, let us understand what this debate is about. We have before us title II of a proposal that has over 25 major and important reforms and a motion to commit that will be coming that will say, Let's not consider these reforms tonight, reforms that will eliminate committees, reforms that will eliminate rolling quorums, make accountable votes in committees, and require automatic rollcall votes for spending money and raising taxes, and one which is especially important to our class—the freshman class of last year—and that is the discharge petition.

What is the reason for saying, Let's not enact these reforms tonight? Because we have the gift ban proposal put forward that our Speaker today said we will address in this Congress. You cannot use the issue of saying we want to do it tonight, to dodge these important reforms. We will get to the gift ban, but tonight let us focus on the reforms that this House needs, that the people of this country want, and let us get on with the business of reforming this House.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. I thank the gentleman for yielding this time to me.

Mr. Speaker, since 1800, the residents of Washington, DC, have been the only tax paying U.S. citizens denied equal representation in Congress, denying the residents of the District of Columbia to send Representatives to Congress who can vote on taxes or decide questions of war and peace.

At the same time we expect them to shoulder the burdens of citizenship—including the obligation to pay taxes and to fight and die for their country in time of war, this is wrong.

The District of Columbia has more residents than three States, Alaska, Wyoming, and Vermont. Combined those three States have nine Representatives in Congress. The District of Columbia has only one nonvoting Member, that is unfair, unequal and not to mention unconscionable.

I urge Members to reconsider their stand on this issue. How can we deny persons the right to fair representation, how can we provide for taxation without representation in the United States—and at the same time, in good faith, fight for democracy abroad?

Mr. DREIER. Mr. Speaker, might I inquire how much time remains on both sides?

The SPEAKER pro tempore (Mr. THOMAS). The gentleman from California [Mr. DREIER] has 3 minutes remaining, and the gentleman from Michigan [Mr. BONIOR] has 5 minutes remaining.

Mr. BONIOR. Mr. Speaker, I yield 90 seconds to the distinguished gentleman from Guam [Mr. UNDERWOOD].

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, all day the new majority has proposed a package of rules meant to symbolize a return of Government to the people. But there is one element of the rules package which flies in the face of democracy, which strengthens Federal control over the lives of citizens, which disempowers local Government and which makes this House less accessible to U.S. citizens, and that is the denial of the delegates their opportunity to vote in the Committee of the Whole.

Those who argue that against the delegate vote forget the past struggles of breaking down barriers to participation on the basis of gender, race, poll taxes and land ownership.

Now, as we confront the issue of fellow citizens who die like you for that flag, who serve like you for that flag and who remain spectators in this country's affairs, our history is conveniently forgotten. Those who would deny the participation of people from Guam, a place symbolized in the national consciousness in World War II as the only inhabited U.S. territory invaded and occupied since the war of 1812, which was the land from which much of American power has been extended into Asia and the Pacific during the cold war.

Guam was one of the major bases used to fight the Vietnam war. But when the wars are over and we attempt to put into practice what we allegedly fought for, Guam and her people recede into the back reaches of our memory, only to be jarred when again we need their piece of property to fight another war, but never to share in the peace.

We may lose this time in the fight over this important symbol, but we will be here constantly, reminding you of who we are until we jar your consciousness and bring the principles of

this country into fruition wherever that flag flies.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. PAYNE of New Jersey. I thank the gentleman for yielding this time to me.

Mr. Speaker, on behalf of my colleagues in the Congressional Black Caucus, I rise in strong opposition to the provision in the rules package which will eliminate all legislative service organizations.

Let's be honest—this attack on the caucuses and their right to exist is not motivated by any desire for reform. It will not save the public money.

This change has one purpose, and one purpose only—to silence the voices of those who dare to question the status quo in this supposedly new and ''open'' House of Representatives.

The elimination of the caucuses is an attempt to cut off the flow of information and ideas that the party now in power finds threatening.

Despite their public lip service to bipartisanship, the Republicans showed true colors behind closed doors. Let me quote from the document they distributed in the Republican conference. They said it was important to cut out the caucuses because, and I quote, ''Eliminating the Legislative Service Organizations severely damages the power structure of the House Democrats.'' Is this bipartisanship?

The Congressional Black Caucus and the other legislative service organizations have been run in an efficient, responsible manner. Members with similar concerns have been able to pool our resources to accomplish important goals in behalf of our constituencies. As all Members well know, the expenditures of legislative service organizations are carefully monitored by the House Finance Office.

To ensure strict accountability, the General Accounting Office conducts audits of the legislative service organizations.

So, again, this is not about reform. It is a blatant move to put a gag on minorities and others who may differ in opinion from the new majority party.

But let me say this—you will not succeed in silencing us. We have been through many struggles throughout the course of history, but we have never been silenced. Regardless of the outcome of this vote, the Congressional Black Caucus will continue to meet, to fight injustices, and to speak out passionately in behalf of those who have no power, who have no voice. We will continue to be the conscience of the Congress.

Again, Mr. Speaker, I regret this move by the new majority to obstruct the work of the Congressional Black Caucus and other organizations under the guise of ''reform.'' I hope that all fair-minded people will see through this sham.

The SPEAKER pro tempore. The gentleman from California has 3 minutes remaining and has indicated he has one speaker remaining. The gentleman is entitled to close.

□ 2400

Mr. BONIOR. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FILNER].

(Mr. FILNER asked and was given permission to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I rise in opposition to many of the elements of this package.

While there are some admirable portions—for which I would vote if they stood alone—the package as a whole must be defeated!

When we carefully examine what these rules will do, we discover they are not reforms at all, as has been promised, but steps that actually reduce our ability to serve the public and increase opportunities for purely partisan activity.

Eliminating the Post Office and Civil Service Committee would be a disservice to the many retirees who have dedicated their lives in service to their country! I have received many letters and calls from seniors who are extremely concerned about this action.

Eliminating the legislative service organizations will make it more difficult to get a fair hearing for any program or analysis that goes in a different direction from that of the new majority.

In 1992, Congress went through a concerted effort in the aftermath of the House Post Office scandal to make the House administration a non-partisan activity, reporting in a bipartisan manner to Congress. This was true reform. But the proposed rule would eliminate the nonpartisan Doorkeeper's Office—and open a backdoor to partisan manipulation.

The new Speaker's Office is another attempt to consolidate power in a partisan manner—eliminating the progress that has been made in protecting the rights of both the minority and the majority and in fostering full debate of issues before this legislative body.

In addition, this rule prevents some of our duly-elected Representatives from voting in the Committee of the Whole House, including the representative from Washington, DC—leaving the Capital's citizens with taxation without representation. Talk about moving backwards!

We must preserve the rights of the majority and the minority. We must preserve the votes of all Representatives. We must be cautious about reform that ends up costing more money and decreasing our ability to truly debate ideas. I urge my colleagues to join me in opposing this package.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Atlanta, GA [Mr. LINDER], a new member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding this time to me.

Mr. Speaker, I would like to address directly the question of stilling of voices, whether the Republican Party wants to still the voices, and the minority whip says we are stilling the black voices, the Hispanic voices, the women's voices and the Arts Caucus' voices, and I would like to suggest that it is precisely at the crux of a November 8 election. One tends to see America as groups of groups with groups' claims and society's assets, and we argue that America is 258 million individual Americans, each with their own voice, each being heard at every opportunity.

The last time we had a party in this country that saw America as a collection of groups with group claims and assets was in 1832, and 1856 and 1860. They were organized around opposition to another idea. They did not have a single organizing principle of their own. It was the Whig Party, and they died.

Mr. BONIOR. Mr. Speaker, I yield myself 1 minute to just respond briefly to that.

Mr. Speaker, we are 209 Members strong, representing every part of this great country and representing every constituency in this great country of ours in our Democratic Party. We have been silenced tonight, all of us and the people that we represent, from offering any amendment on the bills that are pending before us tonight.

We are not a narrow group of people. We do not represent a narrow interest of people. We represent a broad spectrum of the American public, and they have shut us out this evening.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

(Mr. SCHUMER asked and was given permission to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I think, yes, in some ways today is historic. My colleagues, the most historic thing about today is the fact that on the very first day of the Republican majority eight significant changes were debated on the floor, and not a single amendment was allowed. We were totally shut out of the process, and it is not that these were the most earth shattering of debates of rules.

I have to say that when I go into O'Halleran's Pub and speak, to the fellows, Mr. Speaker, they do not say, ''Hey, Charlie, make sure you go to baseline budgeting,'' or, ''Get rid of proxy voting.'' These are internal issues that affect only ourselves, and they are not going to make the lives of our constituents better. They are a debate as to how to run the House.

Where could it be more appropriate than to allow that debate to be open and free and to allow alternative proposals as they so suggest that they want to do than on this kind of debate? The fact that we have not been allowed to debate these issues and amend these issues openly does not speak well for the future openness of how this House will be run.

The SPEAKER pro tempore (Mr. THOMAS). All time has expired on the minority side.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Will the speaker tell me if it is his ruling that it is still Wednesday? I just want to know what day it is. I was told we have to this on the first day.

The SPEAKER pro tempore. The Chair advises the gentleman from Massachusetts that that is not a parliamentary inquiry. The Chair recognized him for a parliamentary inquiry.

The Chair recognizes the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] has 2 minutes remaining.

Mr. DREIER. Mr. Speaker, when we began this day debating the rule I said, as I yielded time to my colleagues, that we were considering these measures under the most open procedure that has ever been used for a first day of any session of Congress in our Nation's history.

Now I have been listening to my colleagues on the other side of the aisle talk over the last several hours about this process being closed, preventing them from the chance to offer amendments. I cannot help but think about the task that I was given in January 1993 along with the gentleman from New York [Mr. SOLOMON] and several others, the gentleman from Indiana [Mr. HAMILTON], former Senator David Boren, Senator PETE DOMENICI, to put together the first bipartisan bicameral effort in nearly half a century to reform this institution, and I was very optimistic 2 years ago today believing that the leadership in this House would in fact bring the measures that we have been passing by overwhelming margins with bipartisan support over the past several hours to the floor. Time and time again they made those commitments to me. They said we would do it, and what happened? Absolutely nothing.

I look at my good friend, the gentleman from Indian [Mr. HAMILTON], there with whom I served, and he knows very well that, as he went to members of his leadership, unfortunately his effort to bring about a bipartisan package of reform was denied by them, and I believe there are many other Democrat Members who wanted to have it done, but unfortunately the leadership did not allow it.

And what has happened here tonight? We have listened to people talk about how this process is closed, preventing Members from having the opportunity to amend it. Well, as the gentleman from New York [Mr. SOLOMON] just reminded me, throughout the hours and hours that we had and the efforts of the Joint Committee on the Organization of Congress, we took input from Democrat and Republican Members. We have got a chance to implement 23 of those, Mr. Speaker. We should do it right now.

Mr. Speaker, with that I yield back the balance of my time, and I move the previous question on resolution.

The previous question was ordered.

The SPEAKER pro tempore. For what purpose does the gentleman from Michigan [Mr. BONIOR] rise?

MOTION TO COMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. BONIOR. In its present form I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. BONIOR moves to commit the resolution H. Res. 6 to a select committee composed of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendment:

At the end of the resolution, add the following:

TERM LIMITS FOR SPEAKER

SEC. 224. Clause 7(b) of rule I of the Rules of the House of Representatives is amended by striking out ''four'' and inserting in lieu thereof ''three''.

EQUITABLE PARTY RATIOS ON COMMITTEES

SEC. 225. (a) In rule X of the Rules of the House of Representatives, clause 6(a) is amended by adding at the end thereof the following new subparagraph:

''(3) The membership of each committee (and each subcommittee, task force, or other subunit thereof) shall reflect the ratio of majority to minority party Members of the House at the beginning of the Congress (unless otherwise provided by House Rules). For the purposes of this clause, the Resident Commissioner from Puerto Rico and the Delegates to the House shall not be counted in determining the party ratio of the House.''.

(b) In rule X of the Rules of the House of Representatives, clause 6(f) is amended by inserting after the first sentence the following: ''The membership of each such select committee (and of any subcommittee, task force or subunit thereof), and of each such conference committee, shall reflect the ratio of the majority to minority party Members of the House at the time of its appointment.''.

MAJORITY-MINORITY COMMITTEE STAFF RATIOS

SEC. 226. (a) Notwithstanding any other provisions of law, not less than one-third of (the staff funding made available to each standing, select, special, ad hoc, or other committee of the House of Representatives shall be allocated to the minority party.

(b) Subsection (a) shall not apply to the Committee on Standards of Official Conduct.

BUDGET WAIVER LIMITATION

SEC. 227. Clause 4(e) of rule XI of the Rules of the House of Representatives is amended—

(1) by striking out ''(e)'' and inserting in lieu thereof ''(e)(1)'', and

(2) by adding at the end the following:

''(2) It shall be in order after the previous question has been ordered on any such resolution, to offer motions proposing to strike one or more such waivers from the resolution, and each such motion shall be decided without debate and shall require for adoption the requisite number of affirmative votes as required by the Budget Act or the rules of the House. After disposition of any and all such motions, the House shall proceed to an immediate vote on adoption of the resolution.''.

BAN ON GIFTS FROM LOBBYISTS

SEC. 228. Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

''4. (a)(1) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a paid lobbyist, a lobbying firm (a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity), or an agent of a foreign principal (as defined in the Foreign Agents Registration Act of 1938).

''(2) The prohibition in subparagraph (1) includes the following:

''(A) Anything provided by a lobbyist or a foreign agent which the Member, officer, or employee has reason to believe is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent.

''(B) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a Member, officer, or employee.

''(C) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

''(D) A contribution or other payment by a lobbyist, a lobbying firm, or a foreign agent to a legal expense fund established for the benefit of a Member, officer, or employee.

''(E) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a Member, officer, or employee.

''(F) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

''(3) The following are not gifts subject to the prohibition in subparagraph (1):

''(A) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

''(B) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

''(C) Food or refreshments of nominal value offered other than as part of a meal.

''(D) Benefits resulting from the business, employment, or other outside activities of the spouse of a Member, officer, or employee, if such benefits are customarily provided to others in similar circumstances.

''(E) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

''(F) Informational materials that are sent to the office of a Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes,

videotapes, or other forms of communication.

''(4)(A) A gift given by an individual under circumstances which make it clear the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not the position of the Member, officer, or employee shall not be subject to the prohibition in subparagraph (1).

''(B) A gift shall not be considered to be given for a nonbusiness purpose if the Member, officer, or employee has reason to believe the individual giving the gift will seek—

''(i) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

''(ii) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

''(C) In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

''(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

''(ii) Whether the Member, officer, or employee has reason to believe the gift was purchased by the individual who gave the item.

''(iii) Whether the Member, officer, or employee has reason to believe the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

''(b) In addition to the restriction on receiving gifts from paid lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

''(c)(1) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

''(d) The restrictions in paragraph (b) shall not apply to the following:

''(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

''(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

''(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Committee on Standards of Official Conduct shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

''(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Committee on Standards of Official Conduct.

''(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

''(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

''(7) Food, refreshments, lodging, and other benefits—

''(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

''(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

''(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fund-raising or campaign event sponsored by such an organization.

''(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

''(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

''(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

''(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

''(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

''(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

''(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

''(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

''(16) Bequests, inheritances, and other transfers at death.

''(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

''(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

''(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

''(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

''(21) Opportunities and benefits which are—

''(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

''(B) offered to members of a group or class in which membership is unrelated to congressional employment;

''(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

''(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

''(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

''(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

''(22) A plaque, trophy, or other momento of modest value.

''(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

''(e)(1) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

''(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

''(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

''(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

''(3) Except as prohibited by paragraph (a), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

''(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

''(f) No Member, officer, or employee may accept a gift the value of which exceeds $250

on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 106(d) of the Lobbying Disclosure Act of 1995 unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

''(g)(1) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (d)(5) on a periodic basis, to the extent necessary to adjust for inflation.

''(2) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

''(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

''(h)(1)(A) Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee—

''(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

''(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

''(B) For purposes of clause (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

''(2) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

''(A) the name of the employee;

''(B) the name of the person who will make the reimbursement;

''(C) the time, place, and purpose of the travel; and

''(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

''(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by the Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

''(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

''(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

''(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

''(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

''(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

''(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

''(4) For the purpose of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

''(A) includes reasonable expenses that are necessary for travel—

''(i) for a period not exceeding 4 days including travel time within the United States or 7 days in addition to travel time outside the United States; and

''(ii) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States,

unless approved in advance by the Committee on Standards of Official Conduct;

''(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (A);

''(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event; and

''(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the officer or employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

''(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are received.''.

LIMITATION ON ROYALTY INCOME

SEC. 229. (a) Clause 3 of rule XLVII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

''(g) In calendar year 1995 or thereafter, a Member, officer, or employee of the House may not—

''(1) receive any copyright royalties for any work—

''(A) unless the royalty is received from an established publisher pursuant to usual and customary contractual terms;

''(B) unless the total amount of such royalties for that work does not exceed one-third of that individual's annual pay as a Member, officer, or employee for the year in which the contract is entered into; and

''(C) without the prior notification and approval of the contract for that work by the Committee on Standards of Official Conduct; or

''(2) receive any advance payment for any such work.''.

(b) Clause 3(e)(5) of rule XLVII of the Rules of the House of Representatives is amended to read as follows:

''(5) copyright royalties.''.

(c) The amendments made by this section shall apply only to copyright royalties received by any Member, officer, or employee of the House after the adoption of this resolution, pursuant to any contract entered into while that individual is such a Member, officer, or employee.

AMENDMENT TO THE RULES TO CREATE THE POSITION OF DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

SEC. 230. The Rules of the House of Representatives are amended by adding at the end the following new rule:

''RULE LIII

''DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

''1. The Director of Non-legislative and Financial Services shall be appointed for a Congress by the Speaker, the majority leader, and the minority leader, acting jointly. The Director may be removed by the House or by the Speaker. The Director shall be paid at the same rate of basic pay as the elected officers of the House.

''2. The Director of Non-legislative and Financial Services shall have extensive managerial and financial experience.

''3. Subject to the policy direction and oversight of the Committee on House Oversight, the Director shall have operational and financial responsibility for functions assigned by resolution of the House.

''4. Subject to the policy direction and oversight of the Committee on House Oversight, the Director shall develop employment standards that provide that all employment decisions for functions under the Director's supervision be made in accordance with the non-discrimination provisions of clause 9 of rule XLIII and of rule LI, without regard to political affiliation, and solely on the basis of fitness to perform the duties involved. No adverse personnel action may be taken by the Director without cause.''.

TRANSFER OF FUNCTIONS TO THE DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES.

SEC. 231. As soon as practicable, but not later than the ninetieth day beginning after the date of adoption of this resolution, the functions and entities specified in subsection (d) shall be transferred to the Director of Non-legislative and Financial Services.

(b) The Committee on House Oversight shall have authority to prescribe regulations providing for—

(1) the orderly transfer of the functions and entities specified in subsection (d); and

(2) such additional transfers of functions and entities specified in subsection (d) with respect to the Clerk, the Sergeant-at-Arms, and the Director as may be necessary for the improvement of non-legislative and financial services in the House.

(c) Except as provided in subsection (d), functions and entities within the jurisdiction of the Committee on House Oversight under rule X may not be transferred to the Director.

(d) The functions and entities referred to in subsection (a) are: Office of Employee Assistance, Finance Office, pay and mileage of Members, House Information Systems, Office Furnishings, Office Supply Service, Office Systems Management, Placement Office, Special Services Office, Telecommunications, Telephone Exchange, Typewriter Repair, Barber Shop, Beauty Shop, House Restaurant System, Office of Photography, Inside Mail and Internal Mail Operations (including coordination with postal substations to be operated by the United States Postal Service), Guide Service, and Child Care Center, and the non-legislative functions of the Printing Services, Recording Studio, and Records and Registration.

OPEN RULE FOR CONSIDERATION OF CONGRESSIONAL ACCOUNTABILITY ACT

SEC. 232. (a) Section 108 of this resolution shall have no force or effect.

(b) At any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of Rule XXIII declare the House resolved into the Committee of the Whole

House on the State of the Union for consideration of the bill (H.R. 1) to apply certain laws to the Congress. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority and Minority Leaders. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to commit with or without instructions.

Mr. DREIER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to commit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. ACKERMAN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued the reading of the motion to commit.

Mr. BONIOR (during the reading). Mr. Speaker, I ask unanimous consent that my motion to commit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MINETA. Mr. Speaker, the new majority in the House of Representatives have put forward a number of suggestions for reform here in the Congress.

Some of these proposals have merit, some do not.

But I believe that one of the most damaging, and fiscally questionable, is the proposal to eliminate Legislative Service Organizations here in the House.

Some Members on the other side of the aisle have suggested that elimination of LSO's will save money. Nothing could be further from the truth.

LSO's have given Members of this body, both Republicans and Democrats, the ability to combine their resources to more efficiently pursue policies they would have pursued anyway.

Eliminating LSO's will not mean that Members of these caucuses will stop working on these issues. Far from it.

As an associate member of both the Congressional Black and Hispanic Caucuses, I can assure my colleagues that the work of these caucuses will not stop.

As chairman of the Congressional Asian Pacific American Caucus, which had hoped to organize as an LSO and will now be prevented from doing so, I can assure my colleagues that our work will continue as well.

If that work requires that each caucus member duplicate within his or her individual office the work that could be done more efficiently and at a lower cost by one person working for an LSO, then so be it.

The moral imperative that each of us feels to ensure that all Americans are represented in this House will not be changed. The iron-clad commitment we have made to effectively providing that representation will not waiver.

And despite this effort to diminish the voices of African American, Hispanic American, Asian Pacific American and women Representatives in the Congress, our work will continue.

The SPEAKER pro tempore. Pursuant to House Resolution 5, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—ayes 201, noes 227, not voting 5, as follows:

[Roll No. 14]

AYES—201

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lambert-Lincoln
Lantos
Laughlin
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—227

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—5

Brown (FL)
Cunningham
Rangel
Stark
Yates

□ 0023

Mr. FAWELL changed his vote from ''yea'' to ''nay.''

Messrs. BROWN of California, SAWYER, and TOWNS changed their vote from ''nay'' to ''yea.''

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THOMAS). The question is on Title II of the resolution.

Title II of the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material, on the resolution just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. SHAYS. Mr. Speaker, as the designee of the majority leader and pursuant to section 108 of House Resolution 6, I call up the bill (H.R. 1) to make certain laws applicable to the legislative branch of the Federal Government, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 1 is as follows:

H.R. 1

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 ''Congressional Accountability Act of 1995''.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CONGRESSIONAL EMPLOYEE.—The term ''congressional employee'' means—

(A) an individual on the payroll of an employing office of the House of Representatives;

(B) an individual on the payroll of an employing office of the Senate;

(C) an individual on the payroll of an employing office of the Architect of the Capitol; and

(D) an individual on the payroll of an employing office of an instrumentality.

(2) EMPLOYEE IN THE HOUSE OF REPRESENTATIVES.—The term ''individual on the payroll of an employing office in the House of Representatives'' means—

(A) an individual who is covered under rule LI of the House of Representatives, as in effect on the day before the date of enactment of this Act;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(3) EMPLOYEE IN THE SENATE.—The term ''individual on the payroll of an employing office in the Senate'' means—

(A) any employee whose pay is disbursed by the Secretary of the Senate;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A)); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(4) EMPLOYEE OF THE ARCHITECT OF THE CAPITOL.—The term ''individual on the payroll of an employing office of the Architect of the Capitol'' means—

(A) an employee of the Architect of the Capitol or an individual within the administrative jurisdiction of the Architect of the Capitol if such employee or individual is paid from funds under a law providing appropriations for the legislative branch;

(B) any applicant for a position that is to be occupied by an employee or individual described in subparagraph (A); or

(C) any individual who was formerly an employee or individual described in subparagraph (A) and whose claim of a violation arises out of the individual's employment.

(5) EMPLOYEE OF AN INSTRUMENTALITY.—The term ''individual on the payroll of an employing office of an instrumentality'' means—

(A) any individual on the payroll of an instrumentality of the legislative branch of the Federal Government;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A); or

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation arises out of the individual's instrumentality employment.

(6) HEAD OF AN EMPLOYING OFFICE.—The term ''head of an employing office'' means the individual who has final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the Congressional employment of an employee.

SEC. 3. APPLICATION OF LAWS.

(a) LAWS WHICH WILL APPLY.—The following laws shall apply, as prescribed by this subsection, to the legislative branch of the Federal Government:

(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(3) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(4) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) (including remedies available to private employees), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(5) Titles I and V of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(6) The Occupational Safety and Health Act of 1970 (other than section 19) (29 U.S.C. 651 et seq.) (subject to subsection (c)), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 2 years after the date of the enactment of this Act.

(7) Chapter 71 (relating to Federal labor management relations) of title 5, United States Code, effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 2 years after the date of the enactment of this Act.

(8) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act, except that this Act shall not apply to the United States Capitol Police.

(9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

(10) The Rehabilitation Act of 1973 (29 U.S.C. 791), effective on the earlier of the effective date of applicable regulations of the Office of Compliance under section 5 or 1 year after the date of the enactment of this Act.

The laws referred to in this subsection which apply now to congressional employees shall continue to apply to such employees until the effective date such laws are made applicable in accordance with this subsection.

(b) LAWS WHICH MAY BE MADE APPLICABLE.—Any provision of Federal law shall, to the extent that it relates to the terms and conditions of employment (including hiring, promotion or demotion, salary and wages, overtime compensation, benefits, work assignments or reassignments, termination, protection from discrimination in personnel actions, health and safety of employees, and family and medical leave) of employees apply to the legislative branch of the Federal Government in accordance with this Act.

(c) COMPLIANCE WITH OSHA.—The legislative branch of the Federal Government shall comply with the Occupational Safety and Health Act of 1970 as follows: If a citation of a violation of such Act is received, action to abate the violation shall take place as soon as possible, but no later than the fiscal year following the fiscal year in which the citation is issued.

SEC. 4. OFFICE OF COMPLIANCE.

(a) ESTABLISHMENT.—There is established in the legislative branch an Office of Compliance (hereinafter in this Act referred to as the ''Office'').

(b) COMPOSITION.—

(1) BOARD OF DIRECTORS.—The Office shall have a Board of Directors. The Board of Directors shall consist of 8 individuals appointed jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate. Appointments of the first 8 members of the Board of Directors shall be completed not later than 120 days after the date of the enactment of this Act.

(2) EXECUTIVE DIRECTOR.—

(A) IN GENERAL.—The Chairperson of the Board of Directors shall appoint, may establish the compensation of, and may terminate, subject to the approval of the Board of Directors, an Executive Director (referred to in this Act as the ''executive director''). The compensation of the executive director may not exceed the compensation for level V of the Executive Schedule under section 5316 of title 5, United States Code. The executive director shall be an individual with training or

expertise in the application of the laws referred to in section 3 to employment. The appointment of the first executive director shall be completed no later than 120 days after the initial appointment of the Board of Directors.

(B) OFFICE.—The executive director may not be an individual who holds or may have held the position of Member of the House of Representatives or Senator. The executive director may not be an individual who holds the position of employee of the House of Representatives or the Senate but the executive director may be an individual who held such a position at least 4 years before appointment as executive director. The term of office of the executive director shall be a single term of 5 years.

(c) BOARD OF DIRECTORS QUALIFICATIONS.—

(1) SPECIFIC QUALIFICATIONS.—

(A) LOBBYING.—No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Clerk of the House of Representatives or the Secretary of the Senate shall be considered eligible for appointment to, or service on, the Board of Directors.

(B) OFFICE.—No member of the Board of Directors appointed under subsection (b)(1) may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of employee of the House of Representatives or Senate, or may have held such a position within 4 years of the date of appointment.

(2) HOLDING OFFICE.—If during a term of office a member of the Board of Directors engages in an activity described in paragraph (2)(A), such position shall be declared vacant and a successor shall be selected in accordance with subsection (b)(1).

(3) VACANCIES.—A vacancy in the Board of Directors shall be filled in the manner in which the original appointment was made.

(d) BOARD OF DIRECTORS TERM OF OFFICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), membership on the Board of Directors shall be for 5 years. A member shall only be eligible for appointment for a single term of office.

(2) FIRST APPOINTMENTS.—Of the members first appointed to the Board of Directors—

(A) 2 shall have a term of office of 2 years,

(B) 2 shall have a term of office of 3 years,

(C) 2 shall have a term of office of 4 years, and

(D) 2 shall have a term of office of 5 years,

as designated at the time of appointment by the persons specified in subsection (b)(1).

(3) REMOVAL.—Any member of the Board of Directors may be removed from office by a majority decision of the appointing authorities described in subsection (b)(1) and only for—

(A) disability that substantially prevents the member from carrying out the duties of the member,

(B) incompetence,

(C) neglect of duty,

(D) malfeasance, or

(E) a felony or conduct involving moral turpitude.

(e) CHAIRPERSON.—The Chairperson of the Board of Directors shall be appointed from the members of the Board of Directors by the members of the Board.

(f) COMPENSATION OF MEMBERS.—

(1) PER DIEM.—Each member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) TRAVEL EXPENSES.—Each member of the Board of Directors shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(g) OFFICE STAFF.—The executive director may appoint and fix the compensation of such staff, including hearing officers, as are necessary to carry out this Act.

(h) DETAILEES.—The executive director may, with the prior consent of the Government department or agency concerned, use the services of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(i) CONSULTANTS.—In carrying out this Act, the executive director may procure the temporary (not to exceed 1 year) or intermittent services of individual consultants or organizations thereof.

SEC. 5. STUDY AND REGULATIONS.

(a) INITIAL ACTION.—

(1) IN GENERAL.—The Board of Directors shall conduct a study of the manner in which the laws made applicable to the legislative branch of the Federal Government under section 3(a) should apply. The Board of Directors shall complete such study and report the results to Congress not later than 180 days after the date of the first appointment of the first executive director.

(2) INSTRUMENTALITIES.—The Board of Directors shall include in its study under paragraph (1) an examination of the procedures used by the instrumentalities to enforce the application of laws applicable to the legislative branch of the Federal Government and a determination as to whether to direct the instrumentality to make improvements in its regulations and procedures so as to assure that procedures as effective as the procedures set forth in sections 7 through 12 will apply. If the instrumentality has no such regulations and procedures, the Board may direct the instrumentality to adopt the requisite regulations and procedures, or, if deemed necessary, in lieu thereof may itself adopt regulations pursuant to this section or authorize use of the procedures pursuant to sections 7 through 12.

(b) CONTINUING ACTION.—On an ongoing basis the Board of Directors—

(1) shall determine which of the laws referred to in section 3(b) should apply to the legislative branch of the Federal Government and if it should, the manner in which it should be made applicable;

(2) shall study the application to the legislative branch of the Federal Government of provisions of Federal law referred to in section 3 that are enacted after the date of the enactment of this Act;

(3) may propose regulations with respect to such application in accordance with subsection (c); and

(4) may review the regulations in effect under subsection (e)(1) and make such amendments as may be appropriate in accordance with subsection (c).

(c) REGULATIONS.—

(1) LAWS MADE APPLICABLE.—

(A) GENERAL RULE.—Not later than 180 days after the date of the completion of the study under subsection (a), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations to implement the requirements of the laws made applicable to the legislative branch of the Federal Government under section 3(a). The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(B) CONGRESSIONAL NOTICE.— In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(C) AMENDMENTS AND REPEALS.—When proposing regulations under subparagraph (A) to implement the requirements of a law referred to in section 3(a), the Board of Directors shall recommend to the Congress changes in or repeals of existing law to accommodate the application of such law to the legislative branch of the Federal Government.

(D) FINAL REGULATIONS.—The Board of Directors shall, in accordance with such section 553, issue final regulations not later than 60 days after the end of the comment period on the proposed regulations.

(2) CONTINUING ACTION.—

(A) GENERAL RULE.—Not later than 180 days after the date of the completion of the study or a determination under subsection (b), the Board of Directors shall, in accordance with section 553 of title 5, United States Code, propose regulations that specify which of the provisions of Federal law considered in such study shall apply to the legislative branch of the Federal Government. The Board of Directors shall provide a period of at least 30 days for comment on the proposed regulations.

(B) CONGRESSIONAL NOTICE.— In addition to publishing a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, the Board of Directors shall concurrently submit such notice for publication in the Congressional Record.

(C) AMENDMENTS AND REPEALS.—When proposing regulations under subparagraph (A) specifying which of the provisions of Federal law referred to in section 3(b) shall apply to the legislative branch of the Federal Government, the Board of Directors shall recommend to the Congress changes in or repeals of existing law to accommodate the application of such law to the legislative branch of the Federal Government.

(D) FINAL REGULATIONS.— The Board of Directors shall, in accordance with such section 553, issue final regulations not later than 60 days after the end of the comment period on the proposed regulations.

(3) REGULATION REQUIREMENTS.—Regulations under paragraphs (1) and (2) shall be consistent with the regulations issued by an agency of the executive branch of the Federal Government under the provision of law made applicable to the legislative branch of the Federal Government, including portions relating to remedies.

(4) ACTION IF DISAPPROVAL.—If a regulation is disapproved by a concurrent resolution considered under subsection (e), not later than 60 days after the date of the disapproval, the Board of Directors shall propose a new regulation to replace the regulation disapproved. The action of the Board of Directors under this paragraph shall be in accordance with the applicable requirements of this subsection.

(d) TRANSMITTAL.—A final regulation issued under subsection (c) shall be transmitted to the Congress for consideration under subsection (e).

(e) TAKING EFFECT OF REGULATIONS.—

(1) GENERAL RULE.—Subject to subsection (f), a final regulation which is issued under subsection (c) shall take effect upon the expiration of 60 days from the date the final regulation is issued unless disapproved by the Congress by concurrent resolution.

(2) CONCURRENT RESOLUTION.—A concurrent resolution referred to in paragraph (1) may be introduced in the House of Representatives or the Senate within 5 days of session

after the date on which the Board of Directors issues the final regulation to which the concurrent resolution applies. The matter after the resolving clause of the resolution shall be as follows: ''That Congress disapproves the issuance of final regulations of the Office of Compliance as issued on _____ (the blank space being appropriately filled in).''.

(3) PROCEDURE.—A concurrent resolution referred to in paragraph (1) shall be referred to the appropriate committee of the House involved. If no concurrent resolution is reported within 15 days of session after the Board of Directors issues final regulations under subsection (c)(1)(D) or (c)(2)(D), the committee to which the concurrent resolution was referred shall be discharged from further consideration of the first such concurrent resolution introduced and the concurrent resolution shall be placed on the appropriate calendar of the House involved. Any meeting of a committee on a concurrent resolution shall be open to the public. Within 5 days of session after the concurrent resolution is reported or discharged, it shall be in order as a matter of highest privilege to move to proceed to its consideration and such motion shall not be debatable. The concurrent resolution shall be debatable for not to exceed 4 hours equally divided between proponents and opponents and it shall not be subject to amendment. If, prior to the adoption of a concurrent resolution by one House, that House receives a concurrent resolution of the other House with respect to the same regulations, then the procedure in that House shall be the same as if no concurrent resolution had been received from the other House, but vote on final adoption shall be on the concurrent resolution of the other House. If a concurrent resolution is received by a House in which no identical concurrent resolution has been introduced, it shall be referred to the appropriate committee and the same procedures and 20-day period for action shall apply to the consideration of the concurrent resolution by that House as would apply to an introduced concurrent resolution.

(f) RULEMAKING POWER.—The provisions of subsection (e) of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(g) OPEN TO THE PUBLIC.—Any meeting of the Board of Directors held in connection with a study under subsection (a) or (b) shall be open to the public. Any meeting of the Board of Directors in connection with a regulation under subsection (c) shall be open to the public.

SEC. 6. OTHER FUNCTIONS.

(a) RULES OF THE OFFICE.—The executive director shall adopt rules governing the procedures of the Office, subject to the approval of the Board of Directors, including the procedures of hearing boards, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner. The executive director may consult with the Chairman of the Administrative Conference of the United States, the Legal Counsel of the Senate, and the General Counsel of the House of Representatives on the adoption of rules.

(b) INVESTIGATIVE AUTHORITY.—The executive director shall have authority to conduct such investigations as the executive director requires to implement sections 8 through 10 and section 12.

(c) DUTIES.—The Office shall—

(1) carry out a program of education for Members of Congress and other employing authorities of the legislative branch of the Federal Government respecting the laws made applicable to them and a program to inform individuals of their rights under laws applicable to the legislative branch of the Federal Government and under sections 7 through 12,

(2) in carrying out the program under paragraph (1), distribute the telephone number and address of the Office, procedures for action under sections 7 through 12, and any other information the executive director deems appropriate for distribution, distribute such information to Members of Congress and other employing authorities of the legislative branch of the Federal Government in a manner suitable for posting, provide such information to new employees of the legislative branch of the Federal Government, distribute such information to the residences of congressional employees, and conduct seminars and other activities designed to educate employers and employees in such information,

(3) compile and publish statistics on the use of the Office by congressional employees, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of employees who initiated proceedings with the Office under sections 7 through 12 and the result of such proceedings, and on the number of employees who filed a complaint under section 10, the basis for the complaint, and the action taken on the complaint, and

(4) within 180 days of the initial appointment of the executive director and in conjunction with the Clerk of the House of Representatives and the Secretary of the Senate, develop a system for the collection of demographic data respecting the composition of the congressional employees, including race, sex, and wages, and a system for the collection of information on employment practices, including family leave and flexible work hours, in Congressional offices.

(d) REPORT.—Within one year of the date the system referred to in subsection (c)(4) is developed and annually thereafter, the Board of Directors shall submit to Congress a report on the information collected under such system. Each report after the first report shall contain a comparison and evaluation of data contained in the previous report.

SEC. 7. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

The procedure for consideration of alleged violations of laws made applicable to the legislative branch of the Federal Government under this Act consists of 4 steps as follows:

(1) Step I, counseling, as set forth in section 8.

(2) Step II, mediation, as set forth in section 9.

(3) Step III, formal complaint and hearing by a hearing board, as set forth in section 10.

(4) Step IV, judicial review if a congressional employee is aggrieved by a dismissal of a claim under section 10(c), a final decision under section 10(g), or an order under section 10(h) or if a head of an employing office is aggrieved by a final decision under section 10(g) or would be subject to an order issued under section 10(h).

(5) Step V, as an alternative to steps III and IV, a civil action in a district court of the United States in accordance with section 12.

A congressional employee may elect the procedure described in paragraph (3) or (5) but not both procedures.

SEC. 8. STEP I: COUNSELING.

(a) IN GENERAL.—A congressional employee alleging a violation of a law made applicable to the legislative branch of the Federal Government under this Act may request counseling through the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the alleged violation forming the basis of the request for counseling occurred.

(b) PERIOD OF COUNSELING.—The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

SEC. 9. STEP II: MEDIATION.

(a) IN GENERAL.—Not later than 15 days after the end of the counseling period under section 8, the employee who alleged a violation of a law made applicable to the legislative branch of the Federal Government under this Act may file a request for mediation with the Office. Mediation—

(1) may include the Office, the employee, the employing office, and individuals who are recommended by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters, and

(2) shall be a process involving meetings with the parties separately or jointly for the purpose of resolving the dispute between the employee and the employing office.

(b) MEDIATION PERIOD.—The mediation period shall be 30 days beginning on the date the request for mediation is received and may be extended for an additional 30 days at the discretion of the Office. The Office shall notify the employee and the head of the employing office when the mediation period has ended.

SEC. 10. STEP III: FORMAL COMPLAINT AND HEARING.

(a) FORMAL COMPLAINT AND REQUEST FOR HEARING.—Not later than 30 days after receipt by the congressional employee of notice from the Office of the end of the mediation period under section 9, the congressional employee may file a formal complaint with the Office against the head of the employing office involved. No complaint may be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 8 and 9.

(b) HEARING BOARD.—A board of 3 independent hearing officers (hereinafter in this Act referred to as a ''hearing board''), who are not Members of the House of Representatives, Senators, or officers or employees of the House of Representatives or Senate, chosen by the executive director (one of whom shall be designated by the executive director as the presiding hearing officer) shall be assigned to consider each complaint filed under subsection (a). The executive director shall appoint hearing officers from candidates who are recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States. A hearing board shall act by majority vote.

(c) DISMISSAL OF FRIVOLOUS CLAIMS.—Prior to a hearing under subsection (d), a hearing board may dismiss any claim that it finds to be frivolous.

(d) HEARING.—A hearing shall be conducted—

(1) in closed session on the record by a hearing board; and

(2) no later than 30 days after filing of the complaint under subsection (a), except that the Office may, for good cause, extend up to

an additional 60 days the time for conducting a hearing.

(e) DISCOVERY.—Reasonable prehearing discovery may be permitted at the discretion of the hearing board.

(f) SUBPOENA POWER.—

(1) IN GENERAL.—A hearing board may authorize subpoenas, which shall be issued by the presiding hearing officer on behalf of the hearing board for the attendance of witnesses at proceedings of the hearing board and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of evidence may be required from any place within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the hearing board may apply to a United States district court for an order requiring that person to appear before the hearing board to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the hearing board shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(5) IMMUNITY.—The hearing board is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

(g) HEARING BOARD DECISION.—As expeditiously as possible, but in no case more than 45 days after the conclusion of the hearing, the hearing board shall make a decision in the matter for which the hearing was held. The decision of the hearing board shall be transmitted by the Office to the employee and the employing office. The decision shall state the issues raised by the complaint, describe the evidence in the record, and contain a determination as to whether a violation of a law made applicable to the legislative branch of the Federal Government under this Act has occurred. Any decision of the hearing board shall contain a written statement of the reasons for the hearing board's decision. A final decision of the hearing board shall be made available to the public by the Office.

(h) REMEDY ORDER.—If the decision of the hearing board under subsection (g) is that a violation of a law made applicable to the legislative branch of the Federal Government under this Act has occurred, it shall order the remedies under such law as made applicable to the legislative branch of the Federal Government under this Act, except that no Member of the House of Representatives, Senator, any other head of an employing office, or any agent of such a Member, Senator, or employing office, shall be personally liable for the payment of compensation. The hearing board shall have no authority to award punitive damages. The entry of an order under this subsection shall constitute a final decision for purposes of judicial review under section 11.

(i) FUNDS.—There shall be established in the House of Representatives and in the Senate a fund from which compensation (including attorney's fees) may be paid in accordance with an order under subsection (h) or as a result of judicial review under section 11 or a civil action under section 12. From the outset of any proceeding in which compensation may be paid from a fund of the House of Representatives, the General Counsel of the House of Representatives may provide the respondent with representation.

SEC. 11. JUDICIAL REVIEW.

(a) IN GENERAL.—

(1) TYPES OF REVIEW.—Following any hearing under section 10 on a complaint relating to a provision of law described in section 3, any congressional employee aggrieved by a dismissal of a claim under section 10(c), a final decision under section 10(g), a final order under section 10(h), or any head of an employing office aggrieved by a final decision under section 10(g) or a final order under section 10(h), may petition for review by the United States Court of Appeals for the Federal Circuit in accordance with paragraph (2).

(2) PROVISIONS APPLICABLE TO REVIEW.—The following provisions apply to a review under paragraph (1):

(A) LAW APPLICABLE.—Chapter 158 of title 28, United States Code, shall apply—

(i) with respect to section 2344 of title 28, United States Code, service of the petition shall be on the House or Senate Legal Counsel, or the appropriate entity of an instrumentality, as the case may be, rather than on the Attorney General;

(ii) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(iii) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 10(g), an order under section 10(h); and

(iv) the Office shall be an ''agency'' as that term is used in chapter 158 of title 28, United States Code.

(B) STANDARD OF REVIEW.—To the extent necessary for decision and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a dismissal under section 10(c), a final decision under section 10(g), or an order under section 10(h) if it is determined that the dismissal, decision, or order was—

(i) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(ii) not made consistent with required procedures; or

(iii) unsupported by substantial evidence.

(C) RECORD.—In making determinations under subparagraph (B), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before the hearing board, the decision of the hearing board, and the order of the hearing board.

(b) ATTORNEY'S FEES.—If a congressional employee is the prevailing party in a proceeding under this section, attorney's fees for the judicial proceeding may be allowed by the court in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(k)).

SEC. 12. CIVIL ACTION.

(a) IN GENERAL.—

(1) CIVIL ACTION.—A congressional employee may, within 30 days after receipt of notice from the Office of the end of the mediation period under section 9 for a violation of a law made applicable to the legislative branch of the Federal Government, bring a civil action in a district court of the United States seeking relief from the alleged violation of law if such a civil action may be brought by an employee under such law. In any such civil action, any party may demand a jury trial.

(2) EXHAUSTION REQUIREMENT.—No civil action may be filed under paragraph (1) unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 8 and 9.

(3) COURT ORDER.—If a court determines that a violation of law occurred, the court may only enter an order described in section 10(h).

(b) ATTORNEY'S FEES.—If a congressional employee is the prevailing party in a proceeding under this section, attorney's fees may be allowed by the court in accordance with any standards prescribed under Federal law for the award of such fees in the event of a violation of such provision.

SEC. 13. RESOLUTION OF COMPLAINT.

If, after a formal complaint is filed under section 10, the employee and the head of the employing office resolve the issues involved, the employee may withdraw the complaint or the parties may enter into a written agreement, subject to the approval of the executive director.

SEC. 14. PROHIBITION OF INTIMIDATION.

Any intimidation of, or reprisal against, any employee by any Member of the House of Representatives, Senator, or officer or employee of the House of Representatives or Senate, by the Architect of the Capitol or anyone employed by the Architect of the Capitol, or by an instrumentality of the legislative branch of the Federal Government because of the exercise of a right under this Act constitutes an unlawful employment practice, which may be remedied in the same manner under this Act as is a violation of a law made applicable to the legislative branch of the Federal Government under this Act.

SEC. 15. CONFIDENTIALITY.

(a) COUNSELING.—All counseling shall be strictly confidential except that the Office and the employee may agree to notify the head of the employing office of the allegations.

(b) MEDIATION.—All mediation shall be strictly confidential.

(c) HEARINGS.—Except as provided in subsections (d) and (e), the hearings and deliberations of the hearing board shall be confidential.

(d) RELEASE OF RECORDS FOR JUDICIAL ACTION.—The records of hearing boards may be made public if required for the purpose of judicial action under section 9.

(e) ACCESS BY COMMITTEES OF CONGRESS.—At the discretion of the executive director, the executive director may provide to the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate access to the records of the hearings, including all written and oral testimony in the possession of the hearing boards, concerning a decision under section 10(g). The executive director shall not provide such access until the executive director has consulted with the individual filing the complaint at issue in the hearing, and until the hearing board has issued the decision.

(f) COORDINATION.—The executive director shall coordinate the proceedings with the Committee on Standards and Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate to ensure effectiveness, to avoid duplication, and to prevent penalizing cooperation by respondents in the respective proceedings.

SEC. 16. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) IN GENERAL.—It shall not be a violation of a law made applicable to the legislative branch of the Federal Government under this Act to consider the—

(1) party affiliation,

(2) domicile, or

(3) political compatibility with the employing office,

of a congressional employee with respect to employment decisions.

(b) DEFINITION.—For purposes of subsection (a), the term ''employee'' means—

(1) an employee on the staff of the House of Representatives or Senate leadership,

(2) an employee on the staff of a committee or subcommittee,

(3) an employee on the staff of a Member of the House of Representatives or Senate,

(4) an officer or employee of the House of Representatives or Senate elected by the House of Representatives or Senate or appointed by a Member of the House of Representatives or Senate, other than those described in paragraphs (1) through (3), or

(5) an applicant for a position that is to be occupied by an individual described in paragraphs (1) through (4).

SEC. 17. ENFORCEMENT; OTHER REVIEW PROHIBITED.

(a) ENFORCEMENT.—This Act shall not be construed to authorize enforcement by the executive branch of any of the laws made applicable to congressional employees under this Act.

(b) REVIEW.—No congressional employee may commence a judicial proceeding to redress practices prohibited under section 5, except as provided in this Act.

SEC. 18. STUDY.

(a) STUDY.—The Office shall conduct a study—

(1) of the ways that access by the public to information held by the Congress may be improved, streamlined, and made consistent between the House of Representatives and the Senate and of the application of section 552 of title 5, United States Code to the legislative branch of the Federal Government; and

(2) of the application of the requirement of section 552a of title 5, United States Code, to the legislative branch of the Federal Government.

(b) STUDY CONTENT.—The study conducted under subsection (a) shall examine—

(1) information that is currently made available under such section 552 by Federal agencies and not by the legislative branch of the Federal Government;

(2) information held by the non-legislative offices of the legislative branch of the Federal Government, including—

(A) the instrumentalities,

(B) the Architect of the Capitol,

(C) the Chief Administrative Officer of the House of Representatives,

(D) the Clerk of the House of Representatives,

(E) the Secretary of the Senate,

(F) the Inspector General of the House of Representatives,

(G) the Sergeant at Arms of the House of Representatives and the Sergeant at Arms of the Senate,

(H) the United States Capitol Police, and

(I) the House Commission on Congressional Mailing Standards;

(3) financial expenditure information of the legislative branch of the Federal Government; and

(4) provisions for judicial review of denial of access to information held by the legislative branch of the Federal Government.

(c) TIME.—The Office shall conduct the study prescribed by subsection (a) and report the results of the study to the Congress not later than one year after the date of the initial appointment of the Board of Directors.

□ 0030

The SPEAKER pro tempore (Mr. THOMAS). Pursuant to the provisions of section 108 and title I of House Resolution 6, it is now in order to consider H.R. 1, the Congressional Accountability Act.

The gentleman from Connecticut [Mr. SHAYS] will be recognized for 30 minutes, and the gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I yield myself such time as I might consume, and say to the Members of this Chamber that the Congressional Accountability Act is not one person's bill, it was authored 2 years ago by a colleague of mine, Dick Swett. There were four original cosponsors, ROSCOE BARTLETT, JAY DICKEY, David Mann, and PAUL MCHALE. The cochairman of the Freshman Bipartisan Task Force on Congressional Reform TILLIE FOWLER, PETER TORKILDSEN, Karen Shepherd, Eric Fingerhut and 100 freshmen cosponsored this bill. The presidents of the freshman class last year, EVA CLAYTON and BUCK MCKEON, cosponsored this bill. The Joint Committee on the Organization of Congress headed by LEE HAMILTON and DAVID DREIER, Republicans and Democrats throughout, championed this bill through their committee. The chairmen and ranking members of the Committee on House Administration and Committee on Rules that marked up H.R. 4822 on which this bill is based, Republicans and Democrats, were essential to its work: CHARLIE ROSE, BILL THOMAS, JOE MOAKLEY, JERRY SOLOMON. Other leaders who have been working on this issue for years and years and years, BILL GOODLING and HARRIS FAWELL and others, in particular BARNEY FRANK, who encouraged the Speaker of the House in this past time to move forward with this bill, was essential to its passage last time with JOHN BOEHNER.

Mr. Speaker, this bill has had bipartisan support. It moved forward in this Chamber last year with bipartisan support. Republicans and Democrats have made their mark on this bill.

I also want to thank the former Speaker Tom Foley for guaranteeing a vote and moving it to the Senate and for NEWT GINGRICH, our present Speaker, for championing this bill wherever he went, and to thank STENY HOYER for his work. The bottom line to this is that this is our bill, it belongs to all of us, and it is a strong bill. It includes all the laws that we are presently exempted from. It covers all the instrumentalities, the Library of Congress, the GAO, it gives them the protection, and it allows employees for the first time to go to court, civil action if they choose to, de novo, or to have a court appeal.

In the whole process of deliberation on this bill, Mr. Speaker, we had 3 guiding principles that Dick Swett and I worked on with so many other Members. If a law is right for the private sector, it is right for Congress. Congress will write better laws when it has to live by the same laws it imposes on the private sector and the executive branch and we must as well respect the separation of powers embodied in the Constitution.

Mr. Speaker, I do not quite know how long this bill will take in debate, it may be a full hour, but it is truly our bill. It passed this Chamber with overwhelming support, and it is my hope that the Senate will act shortly on this legislation, maybe tomorrow, and that we will have a conference and finalize this bill possibly by next week.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore (Mr. HASTERT). The gentleman from Maryland is recognized.

Mr. HOYER. Mr. Speaker, I rise in strong support of H.R. 1.

I want to at the outset congratulate the gentleman from Connecticut [CHRIS SHAYS] and Dick Swett from New Hampshire. Dick is no longer with us. CHRIS is obviously here. They worked very hard on this issue in the last Congress. They raised the visibility of this issue, but more importantly than that, they worked with all the Members of this House on both sides of the aisle to try to reach agreement on the very difficult question as to how we include the House and the Senate and the instrumentalities of Congress under the provisions of 10 specific bills which we have passed over the last six decades and apply those so that our employees will enjoy the same protection as the employees of other entities in this country.

It is important that we are moving forward on this bill. It has been blocked frankly for too long. The House passed this bill essentially twice in the last Congress, only to see our efforts thwarted by Republican-led efforts in the Senate, unfortunately. The Democratic and Republican Members of this House want this bill and as has been said earlier in the day voted to approve it 427–4 back in August of last year.

We have gone a long way toward making sure that the Congress lives under the same laws as any other Americans. Most pieces of legislation we have passed apply to Congress. The Americans with Disabilities Act which I proudly cosponsored specifically applies to Congress, as did the Civil Rights Act, the Minimum Wage Act, the Fair Labor Standards Act, and the Family and Medical Leave Act, all apply now. The House has also had in place since 1988 prohibitions against employment discrimination.

H.R. 1 will ensure that all Members of the Congress, not just House Members, live under all the laws we pass and do so permanently, not just as internal House rules which are now on the books adopted by this House in October of last year, but as a statute, a part of statutory law.

I cannot tell you how many times I have had business men and women, men and women in every walk of life complain that Congress passes laws

and then simply exempts itself. Every one of us on this House floor has heard that criticism, which was legitimate, by our publics. Most of my constituents did not know frankly that the Congressional Accountability Act passed the House last year by that vote of 427–4. In fact the discussions that I have heard in debates sometimes on this floor and during the course of this election, you would not know that the House had acted. You would not know that it was in our rules. That perhaps served the purposes of some, but the fact is we did act. But the other body did not. And the instrumentalities are not covered. Furthermore, the mechanisms for appeal and hearing process are not provided for adequately in the rules because they could not be provided for adequately in the rules.

The American people deserve something more than the internal House rule that we have. But as importantly our employees deserve better than that. That really is the crux of this issue, so that we can protect them as we have protected others throughout this country.

I want to go home and tell those constituents that have talked to me and to all of you that we have answered their plea. I want to tell them that we meet the same requirements that they do, that we follow the same laws that we ask them to, from OSHA to Fair Labor Standards. I want to tell them that our employees have the same protections theirs do, from anti-age discrimination to family and medical leave. Perhaps the shared experience will help us, as some of you believe, write better, more careful laws.

□ 0040

This is about common sense, trust and accountability. That is why we are all here late into the evening finishing the work which began the last Congress. I hope all of my colleagues will join me in moving forward on H.R. 1.

Again I want to congratulate the gentleman from Connecticut, Mr. SHAYS and Mr. Swett for their leadership and their tenacious support of this very important piece of legislation.

Mr. SHAYS. Mr. Speaker, there are speakers on both sides. There will not be a vote right this second. I yield myself 30 seconds to correct one point that was made during the debate on the rule and now here on the issue of Republicans killing it in the Senate. To correct the RECORD, Mr. Speaker, this bill passed with bipartisan support in this Chamber. It died in the Senate with bipartisan support.

The Senate Government Affairs Committee held a hearing on June 29. They then reported out and marked up the bill on September 20, after the break. They reported the bill out on the third and filed their report. The report was not printed until October 6, the day it was to be voted on. So any Member could object to it being brought up.

I say to the House it passed here with bipartisan support; it died there with bipartisan support.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Economic and Educational Opportunity Committee, who is truly the father of this legislation.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, on the last day Congress met on October 7, I recorded my serious concerns with the rule on congressional coverage then before the House. While I realized the rule was made necessary by the Senate's failure to act, I felt compelled to note the absence of an employee right to go to court, for full trial, where the underlying law provided that right to private sector employees, rendered the proposal fundamentally defective and I am gratified that the bill now before us extends that right by statute to Hill employees.

It also extends 10 major employment laws to Congress, and it is my understanding that we will also add court enforcement under the Veterans Reemployment Act through negotiations with the Senate to the bill that ultimately goes to the President.

Let us send a bill to the President soon. I am pleased that after the last several years where many of us have felt alone in trying to bring attention to this issue that it now appears certain we are on the verge of enactment of true congressional coverage. Yes, let us welcome the moment, but let us also admit that this is a step that should have been taken long ago.

We will never be as careful as we should be in passing, changing, and drafting laws until we ourselves are forced to comply with those laws and the fundamental unfairness of a double standard is obvious in any case. So let us not pat ourselves on the back too eagerly tonight. It is long overdue.

I also want to acknowledge the bipartisanship here in these late hours and am pleased effective congressional coverage will become law on the Republican watch.

Politics, of course, is not a perfect process. This bill is not a perfect process either. Punitive damages have not been included, and personal liability is excluded.

Prior bills I have introduced provided for such liability, but I will leave that battle to another day, recognizing its controversial nature, and not wishing to jeopardize the passage of the legislation.

This is a new beginning that will go a long way in restoring the confidence of the American people in this great institution.

Finally, I wish to acknowledge the leadership of my colleagues, the gentleman from Connecticut, CHRIS SHAYS, and the gentleman from Illinois, HARRIS FAWELL, on this issue and that of key staffers such as Randy Johnson, Gary Visscher, Peter Carson, and Rob Green.

Mr. Speaker, let us work out whatever difference we have with the Senate and get this legislation to the President this month.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. HAMILTON], who cochaired the bipartisan reform commission.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding the time and I rise in strong support of H.R. 1, the Congressional Accountability Act. Let me acknowledge that there have been many Members in both Chambers who deserve credit for the passage of this bill tonight, and I commend especially the gentleman from Connecticut and the gentleman from Maryland for their outstanding leadership.

I think there are three reasons why it is important for Members of Congress to follow the same laws that cover the private sector. First, the widespread perception that Members have exempted themselves from many laws significantly undermines the confidence of the American people in this institution. We lose credibility and legitimacy when people believe that Members are somehow above the law.

Second, more fully applying laws to Congress will improve the quality of legislation that we pass. A number of Members have made that point this evening. It can be difficult for Members to understand completely the practical implications of the legislation that we pass when we are not forced to confront these implications in our own place of work.

Third, and this point I think has not been mentioned, it is simply unfair to congressional employees not to extend to them the same rights and protections available to those who work elsewhere.

May I also add just a word of caution. House passage of this Congressional Accountability Act is not the final process or hurdle in the process of bringing this legislation to enactment. The Senate, I know, has promised very quick consideration of a bill to apply laws to Congress. My information is, however, that the bill that the Senate will pass is going to be very different from the bill that we pass, and then we will have to agree on a single consensus package. We still have got a lot of work to do on this package. I hope Members will continue to follow it very carefully until we bring it to the point of enactment.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois, Mr. HARRIS FAWELL, who has really been a champion of this legislation for years.

(Mr. FAWELL asked and was given permission to revise and extend his remarks.)

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Connecticut for yielding me this time. He has been the leader and has brought this bipartisan

group together, but the gentleman from Pennsylvania [Mr. GOODLING] and so many others, have been also in the ranks. As has been stated, many Members have had a part to play.

We have all heard the old phrase that Congress would exempt itself from the law of gravity if it thought it could get away with it. And, indeed, Congress has tried to get away with it for a long time.

But that is changing now. And I compliment the new leadership in the House for having a Congressional Accountability Act as the first bill to be presented to the 104th Congress.

We know this bill is not perfect. And the full specifics as to the exact manner in which the 10 ''place of employment'' labor laws shall be applied to congressional employers will be fully determined by the passage of regulations by the Office of Compliance.

But the bill does establish the standard that congressional employees will have the right, in instances of violations of these labor laws by Members of Congress, to the same basic employee protections as possessed by employees in the private sector. This will include the right of congressional employees to seek a full de novo jury trial in Federal court against their congressional employers, complete with general damages, court costs and recovery of attorney's fees.

The bill does now allow for such employees to obtain punitive damages against their congressional employers. In addition, Members of Congress are indemnified for any damages, costs, or legal fees to which a prevailing employee may be found entitled. Private sector employers can generally be held personally liable for those types of damages under civil rights law, the Age Discrimination in Employment Act and the Americans With Disabilities Act.

What is most important, however, is that our Leadership in Congress is now committed to place this long overdue type of legislation on the front burner, indeed, as the very first bill to be considered in this 104th Congress. The Senate is doing likewise and doubtless both the House and Senate in conference will soon agree on a final law—not a set of rules which can be waived at the will of this House—for early presentation to the President to sign. That's what happens when leadership is really dedicated to moving legislation.

Once Congress has established the standard that the place of employment labor laws its passes shall also apply to Congress, these laws will then tend to be more equitable and flexible in the treatment of employees and employers generally within both the private and public sectors. And that is a better employment policy for America in the 21st century.

□ 0050

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY], the vice chairman of the Democratic Caucus.

Mrs. KENNELLY. Mr. Speaker, I am pleased that once again this body has taken up the Congressional Accountability Act as it did twice last year, and I am particularly proud of my colleague from Connecticut [Mr. SHAYS], who joined with a former Member, Mr. Swett from New Hampshire, and did yeoman service to bring about this reform.

As some of us might remember as we read back in history, exempting Congress from various laws began because we thought we would not have the enforcement power that we should have if executive branches had administrative powers over us, so we would not be a coequal branch of government.

As you know, we went too far, and the laws did not apply to Congress. This is unacceptable to the public. I think this is excellent legislation. I think it demonstrates the best sense of what we can do together, Members of both parties working together.

Once again, may I compliment the gentleman from Connecticut [Mr. SHAYS]. He has done an excellent job.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT], an original cosponsor of this legislation.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today in strong support of H.R. 1, the Congressional Accountability Act.

In the 103d Congress, I was an original sponsor of this legislation along with my colleague Mr. SHAYS and am proud to be speaking on the House floor after 2 years of diligent work. This bill is, quite frankly, long overdue.

H.R. 1 is simple and straightforward—it makes us comply with the same laws we impose on the private sector including the Fair Labor Standards Act, the Americans With Disabilities Act, the Family and Medical Leave Act, and OSHA.

It is my view that Member of Congress should be treated the same as our laws treat the American people. If the laws we pass are good enough for our constituents, then they should be good enough for their Representative in Congress. If these laws are so onerous, Congress should simply stop passing them.

I believe we must go further than this bill in reforming Congress. However, H.R. 1 is a giant step in the right direction and I commend all those responsible for bringing this bill to fruition.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, over the years, this Congress has developed a package of policies and a set of laws designed to provide employee protection and to combat discrimination. Those laws have helped to make America better and more fair.

This bill, H.R. 1, will apply those same laws to Congress that now apply to all other employers. I was pleased to be a cosponsor of this bill in the last session of Congress, and I will vote for this bill.

If discrimination occurs in Congress, there should be protection from it, regardless of race, creed, color, sex, age, family status, physical condition, or any other protected class. Labor practices should be fair, the workplace should be safe, and fair notice and retraining should be the expectation of those who work here.

We have outlived the days when Congress can expect special and different treatment from the average employer. If the Constitution means anything for anyone, equal protection of the laws must apply to everyone.

Of all that we have done today, this is the one measure that affects the ordinary citizen. It is a good bill, and I urge my colleagues to vote ''yes'' for passage.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Arkansas [Mr. DICKEY], one of the six original cosponsors, a member of the freshman class that was so important to passage of this bill.

Mr. DICKEY. Mr. Speaker, in 1978 a restaurant owner in Pine Bluff, AR, my hometown, built a restaurant with two required parking spaces, a ramp, and a streetlight for the disabled. In 1992 the regulators came in and said, ''The laws have changed, and you have got to move that ramp and the two parking places to the front door.''

Rather than fight the Government or pay a fine or both, the ramp was moved, the two spaces were moved, but the streetlight was left. So the cost to the owner was $4,000 plus an extra space for the streetlight.

The owner is watching carefully tonight to see that we pass this bill, the Congressional Accountability Act. Why? Because if Congress has to abide by the regulators who come in and sustain their positions with their fines, then congress someday will say, as we have said for a long time, ''We cannot keep this place going with these expenses.''

Then the people who fuel the engine of our economy, the small business person, will find relief in our leadership.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, in a day that could have passed being fairly irrelevant to real Americans, this is something that I think we all can be proud of.

I would like to congratulate and thank my fellow Pennsylvanian, the gentleman from Pennsylvania [Mr. GOODLING], and the gentleman from Indiana [Mr. HAMILTON], and all of the original cosponsors of this effort in the last session and their hard work on it,

and on this day, this is something that goes beyond symbolism.

This is, indeed, something that both the majority and minority Members of the Congress can be proud of.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN], who was the cochairman of the Freshman Bipartisan Task Force on Congressional Reform, so important to the passage of this bill.

Mr. TORKILDSEN. Mr. Speaker, I also want to applaud the efforts of the gentleman from Connecticut [Mr. SHAYS] and of everyone else involved in this measure to bring it forward for passage tonight.

I rise tonight in strong support of H.R. 1. In a direct contradiction of what the Framers of the Constitution intended, Congress has been exempting itself from the very laws that every American must follow.

In the 57th Federalist Paper, James Madison wrote that Members of the House of Representatives ''can make no law which will not have its full operation on themselves and their friends as well as on the great mass of the society. This has always been one of the strongest bonds by which human policy can connect the rulers and the people together.''

Madison was right. For too long what he called one of the strongest bonds connecting lawmakers and the people has been absent from the Congress.

Last fall the House overwhelmingly passed similar legislation. Failure of the Senate to act requires the House to act again this year.

I urge my colleagues to support this measure to make Congress abide by the laws every American citizen must comply with every single day.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MCHALE], one of the original cosponsors of this legislation that passed last year.

Mr. MCHALE. Mr. Speaker, I rise in strong support of H.R. 1, the Congressional Accountability Act, a piece of legislation which I suspect will soon become one of the most important internal reforms enacted by the Congress during the past 50 years.

In Roman times it was said that the people become more subservient to justice when they see the author of the law obeying it himself. That, in fact, was the very principle cited by the gentleman from Massachusetts [Mr. TORKILDSEN] a few moments ago in Federalist 57 as drafted by James Madison, the father of our Bill of Rights.

Although I suspect a vote on this matter will be bipartisan and overwhelming, that should not cloud the recognition that but for the tremendous courage and tenacity of our colleague, the gentleman from Connecticut [Mr. SHAYS], and the leadership of our former colleague, Dick Swett, this matter would not be brought before the House this evening.

Mr. Speaker, I believe very strongly that in our system of justice we cannot have two tiers. All members of our society, be they private citizens or Members of the Congress, are governed by the rule of law, the same rule of law.

I urge an affirmative vote on H.R. 1.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER], who was also just an essential part of the passage of this bill last year as cochairman of the freshman bipartisan task force on congressional reform.

Mrs. FOWLER. Mr. Speaker, I rise today in strong support of the Congressional Accountability Act. I want to commend my friend from Connecticut [Mr. SHAYS] for his hard work.

From the beginning, this was a truly bipartisan effort. Both the Republican and Democrat freshman classes made this bill a top priority early on. By the time this bill passed in the 103d Congress, 97 Members of our class, Democrats and Republicans, had signed on as cosponsors.

Bringing Congress under the laws it passes for everyone else is something I campaigned on when I first ran for this office 2 years ago. It is something I fought for during my first term. It is something we simply must complete on this first day of the 104th Congress if we are to begin earning back the trust and respect the American people once had for this great institution.

The significant long-term impact of this bill will be that we pass better laws. Knowing that what we pass will affect us directly will surely make us more vigilant, more pragmatic, and maybe more reluctant when making the laws.

I urge my colleagues to support this legislation.

□ 0100

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. ROSA DELAURO], one of our chief deputy whips.

Ms. DELAURO. Mr. Speaker, I rise today in support of H.R. 1, the Congressional Accountability Act and to commend my friend and colleague from Connecticut [CHRIS SHAYS] for his determination to see this important legislation come to pass. I also want to pay tribute to former Democratic Congressman Dick Swett of New Hampshire who worked tirelessly in the last Congress on behalf of this common sense legislation. I might add that it was a Democratic Congress which acted to advance this legislation, only to see it blocked by Republicans in the other body.

The Congressional Accountability Act simply requires that Congress abide by all the laws it passes. It's a proposal that is long overdue and one that will move Government closer to the people.

Politicians have set an unequal standard that put them above the people. That was wrong. And, it helps to account for the growing disaffection in the country. By passing this legislation, the people are one step closer to reclaiming this body, which has historically been the people's House. Let's pass the Congressional Accountability Act.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MCKEON] who was president of the Republican freshman class last year and a technical cosponsor.

Mr. MCKEON. I thank the gentleman for yielding this time to me and for all his outstanding work in bringing this bill to this stage.

Mr. Speaker, at every meeting that I attend back home, the one question that always comes up is how can Congress pass laws and then exempt itself. We are supposed to be representative of the people, but we have consistently treated ourselves differently.

I will be the first to admit that I wish we were all exempt from some of the laws and regulations Congress has passed in the last few ears. As a businessman, I have felt the burden of government regulation, but as a Congressman I am exempt from it. That must change.

The Shays amendment is based on a simple principle of fairness. This legislation will require the Congress to comply with the same rules it passes. Just as we back home cannot be above the law, Congress cannot be above the laws it passes by claiming special legislative privilege. The clock has run out on business as usual. Congress must regain the trust of the American people by living under the same laws it imposes on the private sector. I urge you to support the Shays amendment and return accountability to Congress.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BEILENSON].

(Mr. BEILENSON asked and was given permission to revise and extend his remarks.)

Mr. BEILENSON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 1, the Congressional Accountability Act. This bill, which is substantially the same legislation that the House of Representatives passed last August, represents a long-overdue step toward ensuring both that legislative branch employees are treated fairly, and that Members of Congress, as employers, are held to the same standards that our laws demand of private-sector employers.

Mr. Speaker, the charge that Congress exempts itself from laws it passes for everyone else is one of the most frequently heard criticisms of Congress, and understandably so. It is simply wrong to deny to congressional employees the same kinds of employment protections we grant to other employees, and it is wrong to insulate ourselves from the effects of these laws.

Last year, the House of Representatives demonstrated that it was in overwhelming agreement that workplace laws should apply by passing H.R. 4822, the Congressional Accountability Act, by a vote of 427 to 4. Those of us who

are strong supporters of this legislation were hopeful—right up until the last moment of the 103d Congress—that the momentum generated by our strong showing on the vote would galvanize the other body to follow suit, and that we would complete action on this legislation before adjourning.

Unfortunately, that did not happen, and so we are back here today, on this first day of the new Congress, considering again a bill which rightly deserves the high priority it has been given by the new House leadership.

Mr. Speaker, to briefly review the background on this legislation: as Members are aware, in recent years, both the House of Representatives and the Senate have attempted to apply employment-related laws to Congress. It has been a difficult endeavor because we have had to construct a way to do so without breaching the separation of powers doctrine under the U.S. Constitution, which could occur if the executive branch enforced these laws.

For the last 7 years, the House has applied the Fair Labor Standards Act and other antidiscrimination measures to House employees through the Rules of the House. As Congress has passed new laws, such as the Family and Medical Leave Act, we have applied those new measures to the House as well.

However, neither the range of laws we have applied to the House, nor the manner in which they are applied, is comparable to the application of laws to the private sector. Not all the laws that apply elsewhere apply to Congress, and our internal enforcement process does not provide adequate recourse for aggrieved employees. In addition, there are wide variations in the coverage of laws among different groups of legislative branch employees.

Establishing a new system for applying and enforcing these laws, and expanding and making uniform the range of laws covering the legislative branch, was one of the key recommendations of the Joint Committee on the Organization of Congress, which reported those recommendations in November 1993. The Joint Committee, drawing from the original bill authored by the gentleman from Connecticut [Mr. SHAYS], and our former colleague from New Hampshire, Mr. Swett, recommended applying 5 laws to Congress, with the possibility of applying more, and establishing a new, more politically insulated entity, the Office of Compliance, which would be responsible for applying laws to the House, the Senate, and other legislative branch entities. It also recommended new procedures, rights, and remedies for aggrieved employees.

Following hearings on this legislation by the subcommittee on the Rules of the House last spring, and with further efforts by Representatives SHAYS, SWETT, and others, the Joint Committee's recommended legislation was revised in several respects. The result was that H.R. 4288 as considered (and further amended) by the House was a much stronger, much improved version of the compliance legislation included the Joint Committee's bill. It applied twice as many laws; ensured full coverage of all employees of the legislative branch; made the Office of Compliance a more independent entity and gave it more authority in the promulgation of regulations; and ensured that employees would continue to be covered under the various laws we already apply here in the House until the new regulations developed by the Office of Compliance took effect.

As a result, the bill before us, which reflects those improvements, provides for the following:

First, there are 10 employment-related laws that will be applied to the House of Representatives. They are:

The Fair Labor Standards Act;

Title VII of the Civil Rights Act of 1964;

The Americans With Disabilities Act;

The Age Discrimination in Employment Act;

The Family and Medical Leave Act;

The Occupational Safety and Health Act;

The Federal Labor Management Relations Act;

The Employee Polygraph Protection Act;

The Worker Adjustment and Retraining Act; and

The Rehabilitation Act of 1973.

These laws will be administered by a new Office of Compliance, which would replace the Office of Fair Employment Practices. The Office of Compliance would be governed by a 8-member Board of Directors, all of whom would be appointed jointly by the Speaker and the minority leader of the House, and the majority and minority leaders of the Senate. The Office would consist of an Executive Director who is appointed by the Board, and other staff. To help ensure the independence of this new office, the bill prohibits appointing to the Board of Directors current and former Members, current and former House employees (unless their employment in the House was more than 4 years previous to their appointment), and lobbyists; the same restrictions, except for lobbyists, will also apply to the Executive Director.

The Board will conduct a study of the way in which the laws should be applied to the Legislative branch, and then follow that study with proposed regulations prescribing the application of the laws to the House of Representatives. Unless the House rejects the regulations by resolution of disapproval, those regulations will take effect. If they are rejected, the Board would reissue new regulations. Eight laws will be applied at the beginning of 1996, and the remaining two (OSHA and the Federal Labor Relations Act) will be applied at the beginning of 1997, regardless of whether regulations are promulgated by that time.

The bill also establishes a process for resolving alleged violations of the law: first, counseling; then, mediation; and, then, formal complaint and hearing. An independent hearing board will review employee complaints, and upon a finding of liability, prescribe remedies consistent with those that are available to private-sector employees under the relevant law. Parties dissatisfied with the outcome of the hearing would have the opportunity to have a decision reviewed by the Board of Directors.

Laws which currently apply to House employees shall continue to apply until the laws made applicable under this resolution are in effect.

This bill also requires the Office of Compliance to study and recommend additional laws to be applied on a continuing basis, and specifically to review the availability of information in the House and study the possible application of the Freedom of Information Act and the Privacy Act. The Office would also be responsible for educating Members, officers, and employees about their rights and responsibilities under the applicable laws. And, the Office would be required to compile and publish statistics on the use of the Office by House employees, and to develop a system for collecting information on demographic data of employees, and on employment in House offices.

Mr. Speaker, passage of this bill will make Members of the House significantly more accountable for our actions as employers. Perhaps just as importantly, it will give us a better understanding of the effects of laws every private-sector employer must live under and, hopefully, lead to more diligence and care and accountability for the laws we pass. I urge my colleagues to support this legislation.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. UPTON], an original cosponsor of the bill.

Mr. UPTON. I thank the gentleman for yielding this time to me.

Mr. Speaker, it is high time that Congress starts to do what it asks everyone else to do: Live under its own laws. When I walk into a restaurant in my home town in Michigan, the owners of that restaurant must abide by a litany of Federal laws. The kitchen is regulated by OSHA, the doors and tables and chairs must abide by the Americans with Disabilities Act, and the employees and managers are protected by the Fair Labor Standards Act, Age Discrimination in Employment Act, and the Civil Rights Act of 1964 to name just a few. Each year we pass more and more regulations on American businesses. It is time for us to start practicing what we preach, and walk the walk.

The House passed this bill before during the 103d Congress. Elements of this measure were approved by a whopping margin of 348 to 3. However, it was the last vote of the very last day of the 103d Congress. We have an opportunity to act again on the issue on the very first day of the 104th Congress. Let us

take advantage of this special time as all of America watches and send a message back home that we are willing to live under the laws that we make. On the day we perhaps cut Congress' budget by $50 to $100 million, let us do the same thing, impose the same rules on us as on everyone else, the same laws that we ought to live under.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. I thank the gentleman for yielding this time to me.

Mr. Speaker, to paraphrase Yogi Bera, its déjà vu all over again. This bill ought to look familiar because this House overwhelmingly passed it last year. I am happy to vote for congressional compliance 25 times if need be.

Mr. Speaker I find it ironic that on the day we cut committee staff by a third and put thousands of people out of work we celebrate. Mr. Speaker, I also find it ironic that as we cut the committee staff by a third, the office budgets of the new Speaker and the new majority leader have increased by nearly 50 percent.

Mr. Speaker, it is important that we enact this legislation that protects employees.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentleman from Massachusetts, Mr. PETER BLUTE.

Mr. BLUTE. Mr. Speaker, I thank my good friend and neighbor from Connecticut for yielding this time to me.

Mr. Speaker, tonight this is a very important issue that we deal with. It is true that the Shays act is about accountability and the arguments about the particulars of the bill have been made ably by Members of the both parties. It is a true bipartisan effort that we deal with tonight.

But there is one more important aspect of the Shays act that I think we should focus on as we cast our votes. Tonight we have an opportunity to do something about the perception out there in the land that Members of Congress are somehow a privileged elite. We have an opportunity to do something about the view of our constituents that somehow we are above the law. We have an opportunity to show our constituents that we are not in a distant capital and not understanding of their real-world problems.

Worst of all is the perception that the Congress is an arrogant institution. We have an opportunity tonight to deal with that issue. Let us take the first step by passing the Shays act and begin to rehabilitate the reputation of our great institution.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I want to thank the gentleman for yielding this time to me.

Mr. Speaker, I want to reiterate my objection to the procedure by which we are dealing with this. Tom Foley, our former Speaker, has been, it seems to me, unfairly maligned to some extent.

Let us contrast the way we passed this bill, and we passed this bill, as the gentleman from Connecticut has been very decent in pointing out, under Tom Foley's leadership; but we passed it not in the middle of the night. I understand we are here at 10 after 1 in the morning because we are in the midst of this revolution, we are going to work hard except we are taking off now, I gather, for about 10 days. So we stay up late at night, rush this bill through, no amendments are allowed, no discussion will come through. Members are aware, for instance, and I am in favor of this, but it says in here no Member of Congress will be personally liable for the payment of compensation. I think that makes sense.

□ 0110

I do not think all the Members have had a chance to talk about this. This bill does not apply the Freedom of Information Act to Congress. It says we will study it. I think that is a sensible thing, but those are things that ought to be talked about.

This bill, unlike the bill we had before, allows Members to use federally funded frequent flyer miles, and that is not easy to say for me. It allows those to be used for personal use. Now people in the private sector cannot do that. What we are doing with this is giving good intentions a bad name.

Yes, it is a good bill. It is a good bill when we worked it out last year. Typically the gentleman from Connecticut [Mr. SHAYS] tries very hard to be bipartisan, but sometimes, I guess, there are constraints. This is an all partisan sponsorship. This bill was bipartisan until now. What we have got is this silly insistence of rushing this bill through with no amendments at 1 o'clock in the morning when we are about to take 10 days off and do absolutely nothing so the Republicans can take something that was passed under Democratic leadership last year and claim authorship of it.

Mr. Speaker, they are lucky that one particular bill does not apply to Congress, the copyright laws, because if it did, this example of intellectual theft and attempted partisan piracy would be ruled illegal.

Mr. SHAYS. Mr. Speaker, I yield a minute and a half to my colleague, the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I think the gentleman from Connecticut [Mr. SHAYS] for yielding this time to me.

Mr. Speaker, how interesting it is to note the tone of the debate for this last bill this evening. Most of it has been spoken in bipartisanship, and I say that it is music to the ears of most. I think even the old bulls, and the young freshmen, and the sophomores, and juniors—I look at for 4 years of floor action where the outcome, most of it was predetermined before it ever came to the floor. In only 16 years, only one Republican motion to recommit passed in 16 years. That is a crime, and that should not happen from our side to the now-minority either.

I would say to my colleagues, Yes, fight. I did not vote for a single closed rule in 4 years unless it had been cleared by the majority and the minority, and I would fight for continued open rules in most cases. The king-of-the-hill rule in which not a single Republican win was recorded because the outcome was afforded before it ever got to the floor, and that is not in the best interests of the minority or the majority.

Most of the problems that I have seen in the last 4 years have come out of the leadership, not just the Democratic leadership, and I think the challenge is to the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from Georgia [Mr. GINGRICH] to make sure that as much as possible the political rhetoric is taken out of these bills.

Mr. Speaker, I rise in strong support of this bill. It has bipartisan support, and, no, it is not perfect. But I would ask my colleagues to support it.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RIGGS], and I welcome him back to this Chamber.

Mr. RIGGS. Mr. Speaker, I thank the gentleman from Connecticut [Mr. SHAYS] for yielding this time to me, and I realize the hour is getting late, colleagues. I can even hear some audible snoring, so I will take less than my minute and just point out tonight we are ending the double standard that has existed for more than 50 years in this institution and in the process that we are demonstrating to the people that we are willing to change in that Congress no longer considers itself above the law. The Congressional Accountability Act should be approved, and I am heartened to see the bipartisan support for this legislation.

I thank the gentleman for yielding and congratulate him on his leadership. House action on the Congressional Accountability Act is long overdue.

Mr. Speaker, in the 102d Congress, I had the privilege of serving as chairman of the congressional coverage coalition. We continually attempted to bring Congress under the same employment laws as the rest of the country, but we were stymied in our efforts.

We sought to cover Congress under the Family and Medical Leave Act, but were prevented by the Rules Committee from even offering the amendment. We wanted to bring staff under statutory civil rights protections, but were similarly rebuffed. Again, we weren't even given a chance to debate the merits and vote.

These amendments were offered at a time when Congress was being described by the media as ''peak city;'' as a place out of touch with the real world; and—most damning of all—was the ''imperial Congress.''

People reacted with boiling anger when stories such as the House bank and House dining room fiascoes became public knowledge.

Many Members of Congress just couldn't understand why the public was so aroused. Congress was desensitized.

Americans who run businesses—great and small—must comply with burdensome regulations. It is unconscionable that Congress exempted itself from every major employment and civil rights law it passed.

Businesses have long complained about bureaucratic overregulation. One likely reason that Congress has not been responsive is that it has not been subject to these same demands.

Those who want to continue the status quo will say that employees have protections in the House. They will point to the Office of Fair Employment Practices.

It is true that such an office was created in response to earlier scandals. But House employees are denied the right given to other workers to appeal adverse decisions in Federal court.

We may also be told that Congress has treated itself differently ''to preserve separation of powers.'' Isn't this the same argument that has been made by Members who tried to insulate themselves from criminal charges? And haven't the courts routinely rejected that argument?

Today we are ending a double standard that has existed for more than 50 years.

We are demonstrating to the people that we are willing to change, and that Congress no longer considers itself above the law. The Congressional Accountability Act should be approved.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. ALLARD]. I point out to Members here that he was a member of the Joint Committee on the Organization of Congress that championed this legislation.

Mr. ALLARD. Mr. Speaker, change has been the key word the last couple months and today it truly began. The Congressional Accountability Act is the first big step! There are many reasons to support this legislation, but some still have their reservations about complying with the same laws as all other Americans, so I want to address some of the myths surrounding Congressional Accountability.

One argument concerns the constitutional separation of powers between the three branches of government. This is based on the concern over executive and judicial branch oversight of Congress. If this were a problem, then the executive branch would be exempt as well and the Supreme Court would have upheld this separation in precedent cases. However, the opposite is true, the executive must comply and the Supreme Court has never upheld this idea.

I have also heard the claim that elected officials, especially members of Congress, are uniquely vulnerable to charges against them and their jury would be an angry electorate. In my mind, political vulnerability is no different from economic vulnerability. This reaction is no different from the complaints of private sector employers facing complaints or suits from disgruntled employees, labor unions, or unscrupulous competitors. We should be required to defend our actions in the same manner as the people in the private sector. Plus, members of Congress are not willing to grant similar exemptions from the laws to elected state and local officials or to their political challengers.

So what will Congressional compliance allow? First, this Congress would again become a citizens legislature. Why, because we would become true citizens again. We would have to live under the rules which we have imposed on everyone else. Congressional compliance makes Members of Congress become members of their community and see how government rules and regulations affect people's lives. Just maybe, this bill will make Congress stop and ask the question ''If this law is too burdensome for the U.S. House, then maybe it is too burdensome for everybody else.''

That is why I want to encourage all my colleagues to support H.R. 1. This bill will make us accountable to all the legislation we have passed.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOX].

(Mr. FOX asked and was given permission to revise and extend his remarks.)

Mr. FOX. Mr. Speaker, I rise in support of the bill.

I stand in strong support of the Shays Act.

In the last 40 years, Congress has not been required to live under the laws it passes.

Passage of the congressional accountability law will change all that.

It is both fitting and proper that this fundamental reform be the first bill adopted by the 104th Congress which can and should receive unanimous bipartisan support.

PARLIAMENTARY INQUIRIES

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. EHLERS). What is the gentleman's parliamentary inquiry?

Mr. FRANK of Massachusetts. Mr. Speaker, the House just adopted a rule sponsored by the Republican Party which says that the CONGRESSIONAL RECORD will from hereon be a substantially verbatim transcript, so when the gentleman from Pennsylvania [Mr. FOX] asks unanimous consent to revise and extend, I do not know what he could revise.

As I understand the rule, it says one can make punctuation and grammatical corrections, so are we adding semicolons? I mean what will appear in the RECORD as a result of that request because we have a new rule now? I would like to know what would appear in the RECORD.

The SPEAKER pro tempore. In the opinion of the Chair the new standing rule of the House establishes a standard for the actual remarks to appear only as spoken in debate. Absent a unanimous consent permission to extend and revise remarks, a Member may not include any additional portion of the remarks not actually uttered on the floor either by way of revision or extension. By obtaining unanimous consent to revise and extend, a Member will be in effect able to relax the otherwise strict prohibition contained in clause 9 of rule XIV, but only in two respects: No. 1, to revise and/or to make technical, grammatical and typographical corrections; and, 2, to extend remarks, and this is the key point.

Mr. FRANK of Massachusetts. Well, further parliamentary inquiry.

The SPEAKER pro tempore. Let me finish. Two, to extend remarks which have not been actually uttered in debate, which remarks would appear in distinctive type style and could not be confused with remarks actually uttered.

Thus the unanimous consent permission would not permit prepared or revised remarks not actually uttered in debate to be substituted for remarks actually uttered, but would only permit the supplementation in a distinctive type style to follow all the remarks actually uttered. In no event would the actually uttered remarks be removable. The Chair will direct the Committee on House Oversight to promulgate rules for printing of the CONGRESSIONAL RECORD consistent with this interpretation. The RECORD will carry a daily notice to all readers to this effect.

□ 0120

Mr. FRANK of Massachusetts. Mr. Speaker, continuing my parliamentary inquiry, if a Member then says ''I ask unanimous consent to revise and extend and I oppose the bill,'' he cannot change that wording, is that correct, except to add punctuation, like an exclamation point? Is it correct that that wording would then appear? Then as I would understand it, if this is correct further, anything beyond that would appear in a distinctive typeface.

Mr. Speaker, would it indicate it was not uttered on the floor, or would it just be a distinctive typeface?

The SPEAKER pro tempore. The gentleman is correct. The distinctive typeface would pertain to the comments turned in to the Clerk.

Mr. FRANK of Massachusetts. Mr. Speaker, further parliamentary inquiry. The Chair explained anything uttered could not be changed, but something not uttered could be included in a separate typeface. So if one wanted to get a perfect set of remarks in, would one not be better advised not to utter anything because you could not change the utterance, but instead, put it in in writing.

The SPEAKER pro tempore. That would generally be a wiser course of action.

Mr. FRANK of Massachusetts. Mr. Speaker, further parliamentary inquiry, and I think Members should be

aware of this, because this is a new rule for Members who have been here for a while. As I understand it, rising and asking for unanimous consent to revise and extend your remarks and saying you are in opposition, gives you the right to be in the RECORD to say only that and nothing further, except in a typeface that indicates you were not speaking. Is that correct?

The SPEAKER pro tempore. That is the Chair's understanding.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. GANSKE].

(Mr. GANSKE asked and was given permission to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, let me say, first, what a privilege it is for me to join this great body, and I want my children to be proud also. That is why we should pass this bill. It is the right thing to do. Congress should operate under the same laws everybody else does—it is only fair. But more importantly Congress will learn the practical consequences of these laws. Prior to November 8, I was a surgeon, essentially running a small business. When Congress has to deal with the same laws and regulations that small businesses do, I predict that we will modify many of the laws in a more commonsense way. I urge you to vote for this bill.

Mr. Speaker, it is very fitting that my first floor statement as the new Representative of the Fourth District of the State of Iowa is about congressional reform.

Congressional reform was a major concern to the voters in last November's elections, throughout the country and specifically in the Fourth District of Iowa. Citizens concerned about the future of this country insisted that Congress needed to reform itself and make the Federal Government responsive to the people. The voters demanded control of their government.

Today, on this first day of the 104th Congress, I am proud to say to the people of the Fourth District of Iowa, that the new Republican majority is doing just that.

Today, I will be voting for nine major reforms of this institution—reforms that are long overdue. Reforms that will forever change the way business is done in Washington. These reforms include: Applying all laws to Congress; cutting the number of committees and subcommittees; cutting committee staff by a third; opening committee meetings to the public; limiting the terms committee chairmen can serve; banning proxy voting in committees; requiring a three-fifths majority to increase income tax rates; ending phony accounting by restoring honest numbers and zero baselines to the Federal budget process; and announcing a comprehensive independent audit of the House books.

The House of Representatives will no longer exempt itself from the laws they write. The Congressional Accountability Act ensures Members of Congress must observe employment laws, occupational health and safety laws, as well as other laws. If the American people have to live under these laws, it is high time that Congress do the same.

In the last 25 years, the Democrats have increased the budget of the Congress by 700 percent and tripled the size of committee staff. The last time the House dissolved a standing committee was 1947. That is going to change beginning today.

Three committees will be shut down—Merchant Marine and Fisheries, Post Office and Civil Service, and the District of Columbia committee. Committee chairs will be required to eliminate an additional 25 subcommittees, and committee staff will drop from nearly 2,000 this year to about 1,300.

Legislative Service Organizations are groups for like-minded members supported by congressional staff, housed in congressional buildings, and often spending the taxpayers' money with little or no accountability. This type of abuse is one reason the public distrusts our government. Well, no more. These organizations will be eliminated.

These reforms are just the beginning. Any institution that is not constantly reforming itself in the face of changing times will soon collapse. I say to my colleagues, Democrat and Republican, that these reforms are dramatic and historic, but they are just the beginning of a long journey to redeeming the reputation of the U.S. Congress.

I look forward to working with my colleagues to continue to bring new changes to this institution, today and well into the future.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROYCE].

(Mr. ROYCE asked and was given permission to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, I rise in support for a longstanding Republican initiative that we have waited many years to see become law. It would put into permanent law section 108 of the rules changes which we just adopted. Simply put, it will subject Congress to the same laws that we apply to everyone else. I call it the golden rule. No American should be immune from the law or receive special treatment in its application, but that is what Congress has done by routinely exempting itself from the very laws it imposes upon others.

A double standard is a symbol of the arrogance of power which epitomizes Washington for so many citizens. It will also spur lawmakers to review more carefully the laws they pass.

In summary, if we pass it, we have to live by it. I urge an aye vote.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, my colleagues, I am going to congratulate Members on both sides of the aisle for the work they have put into this bill over the last several sessions. The gentleman from Connecticut [Mr. SHAYS] has been particularly active and has done a great job, along with the gentleman from New Hampshire, Mr. Swett, in the last session. It is about time this bill has come to the floor so we can actually get it implemented.

But I hope there will be two things that come as a result of this legislation actually being enacted. First is that Members will begin to realize when we are drafting bills and we are building bills here on the floor, that the full weight of these bills will in fact fall upon us as Members of Congress. I think that with the passage of this bill, that Members will recognize that fact, that we are going to have to live under these. We might be a little more cautious.

Second, I would point out that we ought to, as we begin to live under these laws, we are going to realize that the Fair Labor Standards Act, the Civil Rights Act, and other laws we have exempted ourselves from, are rather weighty. They are weighty on the private sector, and they are going to be very difficult for all of the Members to comply with under our current structure. So we are going to have two choices, and we ought to have a debate about whether we should continue to live under the laws as they were drafted, or whether in fact we ought to go back and listen to what the American people said on November 8 when they said Government is too big, it spends too much, and is too intrusive, and maybe we ought to look at some of those laws and revise a lot of them.

Let me also say as we begin to close this debate tonight, that as this opening day comes to a close, we have lived up to the first part of our Contract with America. We have had real reform of the people's House. And just as important as that was, today we did that in a very bipartisan manner. And I hope that as we continue over the next 99 days, we will continue to pass the rest of the Contract with America in this same spirit of bipartisanship.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in November there were 435 contracts made in each of our districts, and we came here to represent as best we can the aspirations and the hopes of our constituents.

I would hope that as we proceed, that we together work to merit and properly explain this institution so that we can merit the respect of the American public.

I want to tell my new friends on both sides of the aisle who have come here that we spend a lot of time in this institution denigrating this institution. We have 435 campaigns that spend millions of dollars, and on both sides of the aisle we tell the American public how bad this institution is.

That is a disservice. It is a disservice to this institution, and it is a disservice to our democracy. It is no wonder that the American public has come to believe that this institution is not as good as I believe it to be, having served here for 14 years, and is peopled by individuals of integrity, patriotism, and commitment to the common good.

We have differences. But few of my colleagues on either side of the aisle I believe do not have their constituents' best interests at heart and want to serve the best interests of their country.

I say that in the context that many of these laws do in fact apply to the Congress. What they do not do, as has

been observed, is give the redress that is given in the private sector.

That has been done for some very legitimate reasons in terms of the separate but equal status of this body with the executive department which is called upon in other instances to enforce these statutes. And determination has been made that it would be inappropriate to subject one coequal body to regulation by another coequal body. In fact, this very legislation, which is bipartisan in nature, addresses that concern and sets up an Office of Compliance within the Congress.

So as we in a bipartisan fashion pass this piece of legislation, which some believe will show how onerous are the protections we have extended to employees, and some of us believe how appropriate it is to extend to our own employees the protections for their safety, for their health, and for nondiscrimination that we have extended to employees throughout this country.

□ 0130

So I join my friend, the gentleman from Connecticut [Mr. SHAYS]. I regret, frankly, that my friend, the gentleman from New Hampshire, Mr. Swett, is not here.

I congratulate all those, the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Indiana [Mr. HAMILTON], and others who have been involved in bringing to fruition this very difficult piece of legislation.

I want to reiterate the remarks of the gentleman from Massachusetts [Mr. FRANK]. Speaker Foley, knowing full well that this was a difficult piece of legislation, nevertheless said, ''We are going to bring it to the floor. I want to see this legislation passed.'' In August we did and it was passed. Unfortunately, it did not pass into law, but fortunately for us, in a bipartisan fashion we can act tonight to do what is right.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would conclude and not use all of my time, but would thank the Members for their graciousness, and particularly thank the gentleman from Maryland [Mr. HOYER] for taking the place of the gentleman from New Hampshire, Dick Swett, in this important debate. I thank him from the bottom of my heart for treating it with such seriousness.

I say to my Members that behind the Speaker is the flag of the United States. The American people revere that flag, but that flag is a symbol. It is a piece of cloth that represents so much. Our Founding Fathers established in the Constitution this body, the people's body. My hope and prayer is that the American people will respect Congress as much as they respect the American flag.

Mr. DICKEY. Mr. Speaker, I rise in strong support of H.R. 1, and I am proud to have been an original cosponsor last Congress and again this Congress.

As we pass H.R. 1, we keep another promise to America—to end the double-standard congressional exemption regarding civil rights and employee protection laws. As a small businessperson and cosponsor of this legislation, I fully support the three principles behind the Congressional Accountability Act:

If a law is right for the private sector, it is right for Congress;

Congress will write better laws when it has to live by the same burdens it imposes on the private sector and local governments.

And we do so by respecting the separation of powers embodied in the Constitution and provide appeals to the courts.

Mr. Speaker, I have experienced first hand from a business standpoint the financial burdens imposed by excessive unfunded Federal mandates such the Family and Medical and Leave Act, OSHA laws, and the Americans with Disabilities Act.

As we close this historic first day of the 104th Congress, having significantly reformed the rules by which this institution operates, it is appropriate that we bring these laws to bear on us as we have imposed them on others. Hopefully, this will provide the discipline we need to better scrutinize future bills in terms of costs and excessive Federal intervention in our lives.

I urge my colleagues to vote for passage of H.R. 1.

Ms. NORTON. Mr. Speaker, my thanks to Representative CHRIS SHAYS for not giving up on H.R. 1, the Congressional Accountability Act. The gentleman from Connecticut should feel doubly rewarded since this very bill passed the House once before—during the 103d Congress. Since the Senate chose to turn it down, we are doing the right thing in proceeding without hesitation to enact the Congressional Accountability Act again today.

As a member of the Joint Committee on the Organization of the Congress, I took a special interest in applying our laws to Members. I felt obligated to do so as a past chair of the Equal Employment Opportunity Commission, which has jurisdiction over many of the laws at issue today in this bill. Give the House credit, however, for having years ago applied these laws to itself. What has been missing was not the laws but an enforcement mechanism independent of the House. I am particularly proud that this mechanism is the central contribution of the Congressional Accountability Act.

This bill more than meets the standard set by those who sought passage of a law to apply congressional acts to the Congress itself. H.R. 1 sets a higher standard. For example, H.R. 1 allows employees to go immediately to court or to an administrative hearing to initiate a claim of discrimination. As a lawyer and former professional in the field, I have some reservations about eliminating the useful and ancient rule that claimants exhaust administrative remedies before proceeding to more costly and cumbersome court processes. The courts are already clogged. These days they should be reserved as much as possible for matters such as criminal trials. Cost-free administrative resolution of claims of the kind encompassed by H.R. 1 is always less expensive and often far more yielding of appropriate remedies in shorter periods of time.

Nevertheless, if this bill passes we must celebrate the choice to allow Members and employees to submit to an administrative process where hearing officers are selected from a rotating list of professionals recommended by the Administrative Conference of the United States and the Federal Mediation and Conciliation Service. The independence of the fact-finding process from control of the House is extraordinary for a legislative body and does great honor to the House.

I hope that this time Members in the majority will insist that Republicans in the Senate take the lead of their Republican colleagues in the House and make the Congressional Accountability Act the law of the land.

I am pleased to support H.R. 1.

Mr. FRANKS of Connecticut. Mr. Speaker, today I rise in support of H.R. 1, the Congressional Accountability Act. This bill is the first step toward fulfilling the Republican pledge to the American people to demonstrate our sincerity about changing the way we conduct business in this body. For over 100 years, beginning with the first exemption from the Civil Service Act of 1883, Congress has absolved itself from laws which apply to private employers and other Government employers. The American people are not fooled—they recognize hypocrisy when they see it. It's no surprise that a majority of the American people consider us to be an elitist, privileged, out-of-touch group of individuals who can not recognize that it is wrong to require compliance from the entire Nation—except for ourselves. Thanks to the Republican leadership, we now have a chance to change our image—to show the American people that we too will accept the responsibility for complying with the laws that we pass for the rest of America.

The bill before us today applies 10 laws to this body—the Fair Labor Standards Act; title VII of the Civil Rights Act of 1964; Americans with Disabilities Act; Age Discrimination in Employment Act; Family and Medical Leave Act; Occupational Safety and Health Act; Federal Labor Management Relations Act; Employee Polygraph Protection Act; Worker Adjustment and Retraining Notification Act; and the Rehabilitation Act of 1973. The newly created Office of Compliance will develop regulations to apply these laws to Congress which are consistent with application in the private sector. A four-step process is established to address employee complaints. If, after the mediation process, the complaint is not resolved, the aggrieved employee may seek redress in U.S. District Court for alleged violations.

I am confident that the legislation before us today will strengthen our credibility with the American people. It is time for this body to accept that we can no longer treat ourselves as a privileged body unaccountable for actions which violate the laws of this Nation.

I look forward to passage and implementation of this bill.

Mr. FAWELL. Mr. Speaker, the concept of applying the laws of the land to Congress has been one which I have been fighting for since I first came to Congress. This is why I am pleased to see a bill on the floor of the House which attempts to achieve this goal. The bill before us today, H.R. 1, the Congressional Accountability Act, is a good step in the direction of true congressional coverage, and it is very similar to the bill of the same name which was passed by the House last August. Both measures have been a long time in coming.

The hypocrisy of Congress in exempting itself from the very laws it imposes on others is

so obvious, that one wonders how the practice so long managed to escape wide criticism. In the last few years, however, we have seen a change in the long-standing attitude that Congress is so unique and so different that it simply must be afforded special exemptions, even from employment laws, or it could not function; and those of us who once felt alone in the wilderness in urging Congressional coverage now have welcome company. The reality is that the public is fed up, and Congress has been reacting. I am very pleased that the Republican Leadership is bringing H.R. 1 to the floor today, as the first bill to be passed as part of the Contract With America.

In my years in the House, it has become increasingly clear that Congress, in its imperial wisdom, too cavalierly and too eagerly, continues to place layer upon layer of regulatory requirements on the private sector—without any deep understanding for what it is doing. Congressional coverage is vitally important because it will help Congress to adopt credible, effective and workable laws which affect everyone else in the United States and will allow Congress to truly feel the pain of the impact of these laws. If the statutes don't apply to us, how in the world are we supposed to know how they will work in the real world outside of the beltway?

Mr. Speaker, H.R. 1 sets up a Congressional Office of Compliance which would be required to issue regulations to implement the application of 10 laws to Congress. Although there is no committee report language accompanying this bill, it is my understanding that the bill's sponsor, my colleague, Mr. SHAYS, is looking to the August, 1994, report language which accompanied last year's legislation, to provide guidance to the Office of Compliance. This report language directs that the Compliance Office should implement the specific provisions of the laws listed in the act to the greatest extent possible, and that it is not the act's intent that existing law be reinterpreted. I very much agree with Mr. SHAYS on this point.

I am also heartened by the fact that the Occupational Safety and Health Act is one of the statutes which will be applied to Congress. In 1993, I introduced the Congressional Safety and Health Act (H.R. 3458) to extend OSHA protections to employees of the House and its instrumentalities. Last year's Report language suggests an approach which is modeled after my bill, to ensure that OSHA enforcement mechanisms are applied to Congress that mirror, as closely as possible, those found in the private sector.

With regard to remedies available to aggrieved employees, H.R. 1 copies the private sector process in allowing private law suits in court, with jury trials, where the underlying law allows for such law suits. In my view, this is a very important provision in the bill, because Congressional employees should be entitled to the same type of damages as private sector employees under the relevant laws.

I must emphasize that if Members of Congress and Senators are not subjected to the same employee remedies which exist under many of the laws of the land, especially in the area of ''place-of-employment'' labor law, then we will not have true Congressional coverage of these laws. This is not very well known, because Members are currently exempt from the most important aspect of many private sector laws, the right of employees to sue the employer in trial court for damages. In this day and age, these employee rights are what put the ''teeth'' into many of our private sector labor laws—and in ever increasing frequency, Congress is expanding these rights.

Mr. Speaker, with regard to one of the laws included in H.R. 1, the Family and Medical Leave Act, I am pleased today to see that Members will be supporting the correct position on its application to Congress—a position which was not accepted when I offered my motion to recommit the FMLA bill when it was considered by the House in 1993. My motion would have allowed Congressional employees to use judicial remedies in the FMLA's enforcement and would have allowed Members to be sued in Federal court for violations of the Act. H.R. 1 does, with the exception of allowing punitive damages and Member liability for wrongdoing, achieve the same result that I attempted to accomplish with my motion last year.

H.R. 1, however, although it provides major improvements in terms of employee rights, still is still very deficient in the area of employer accountability. Under this bill, all Members of Congress, Senators, and heads of employing offices are totally shielded from any financial liability resulting from wrongdoing, even in proven cases of egregious violations of the law. This is a step back from the current procedures of the existing House Office of Fair Employment Practices, which provide for award payments from Members' office accounts. The bill also sets up a separate fund and provides for government-paid attorney representation, no matter how outrageous the behavior or allegations in question. In addition, H.R. 1 expressly excludes awards of punitive damages. Where is the sting here? If only private sector companies were lucky enough to have this arrangement!

In the final analysis, the lack of employer accountability in this legislation will likely result in additional litigation against Congressional employers, because the ''deep pocket'' of the government—the taxpayers—will pay for any damages or attorney fees which are awarded.

Mr. Speaker, despite these defects in the bill, it is still an improvement over the current situation. I would also hope that the shortcomings I mentioned can be addressed in conference with the Senate. There are many members who should be thanked for their work on this issue, but I would like to specifically recognize several of my colleagues: Mr. SHAYS for his perseverance in promoting their legislation; Mr. DREIER and Mr. HAMILTON for their work in the Joint Committee on the Organization of Congress, on which H.R. 1 is based; Mr. GOODLING, the new Chairman of the Economic and Educational Opportunities Committee who introduced legislation in 1993 which guided the authors of H.R. 1 and ensured that we have a better product before us today; and finally, the new Republican Leadership—Speaker GINGRICH and Majority Leader ARMEY for having the wisdom and the foresight to include Congressional coverage as part of the Contract With America.

I only hope that the Senate will follow our lead and will pass similar legislation in the near future so that we may go to conference and send a bill to the President this year—one that provides a real and workable mechanism for making Congress subject to the same laws it mandates on the private sector.

Mr. TRAFICANT. Mr. Speaker, I rise in strong support of the Congressional Accountability Act and applaud those leaders on both sides of the aisle for bringing this legislation forward in the House. In the 103d Congress, Democrats and Republicans in the House acted responsibly and passed this important and long overdue legislation. I am pleased that it is one of the first orders of business in the 104th Congress.

One of the reasons I strongly support this legislation is that it will—for the first time—extend Federal labor law to the U.S. Capitol Police.

For the past 2 years, I have waged a lonely struggle to get the House leadership to address the serious morale problem which exists on the U.S. Capitol Police. Over the past 10 years, dramatic progress has been made in transforming the Capitol Police form a patronage club to one of the best trained and most professional law enforcement agencies in the country. unfortunately, the upgrades in training and professional standards have not been matched by parallel advances in labor or management policies. I have found instances of age, sex, and racial discrimination. I have found that in all too many instances management is petty, unsympathetic, and incompetent. The Capitol Police Board has made some important changes, but has done nothing to address the fundamental structural problems that exist. For example, the ombudsperson they established to hear complaints and grievances reports directly to management, and is perceived by the rank and file as a tool of management and not as an objective third party who can resolve problems.

The 3-day demonstration on the steps of the Capitol in February 1994 was proof positive that the morale problem is widespread, and not simply a matter of a few disgruntled officers making a lot of noise. There is a serious problem and Congress can't ignore it.

Many of the problems on the force could be effectively addressed simply by giving the rank and file what every other Federal law enforcement agency has: collective bargaining rights. As a Democrat, I am ashamed of the fact that the party of the working man and woman has turned its back on the brave officers who protect and serve them every day.

With passage of the Congressional Accountability Act, Congress has the opportunity to right this wrong. The act would afford the U.S. Capitol Police with the same labor rights as other Federal law enforcement officers.

The legislation would allow for a 2-year grace period before the Capitol Police would be permitted to collectively bargain. I intend to ask the Speaker and other congressional leaders to waive this provision and afford the rank and file the right to collectively bargain immediately. I would also strongly recommend that action be taken to fully professionalize the management of the force so that the officers are being led by experienced and competent managers.

By acting swiftly on this issue we will be sending a positive message to the rank and file that—at long last—those who run the House care about the men and women who protect the House.

In closing, Mr. Speaker, I urge my colleagues to support the Congressional Accountability Act.

Mr. SHAYS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EHLERS). Pursuant to section 108 of House Resolution 6, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHAYS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 429, nays 0, not voting 5, as follows:

[Roll No. 15]

YEAS—429

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lambert-Lincoln
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—4

Brown (FL)
Martinez
Stark
Yates

□ 0146

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1, the bill just passed.

POINT OF ORDER

Mr. FRANK of Massachusetts. Mr. Speaker, a point of order. I would think that that motion would be that Members would have 5 days to extend their remarks, but under the new rules I do not see how they could revise remarks unmade, so Members would be allowed to extend. But I think under the new rule giving Members the chance to review unmade remarks is out of order, and they could only extend in a different typeface.

Mr. SOLOMON. Mr. Speaker, might I be heard on the point of order?

The SPEAKER pro tempore (Mr. LAZIO of New York). The Chair would advise that Members' remarks can only be revised for technical reasons.

Mr. FRANK of Massachusetts. But my parliamentary inquiry, Mr. Speaker, is how can a Member make a technical correction to things they never said yet? If we are taking this request, it is Members who have not said anything yet, and it would let them put something into the RECORD as if they said something, and under the new rules all they can do, it seems to me, is to extend. I would hope this is not allowing someone to say something they already said, and I just do not want Members to have the wrong impression.

The SPEAKER pro tempore. The Chair advised the body earlier that the changes cannot be substantive, that they can only be technical in nature.

Is there objection to the request of the gentleman from Connecticut?

Mr. THOMAS. Mr. Speaker, reserving the right to object, as was stated from the Chair earlier, the Committee on House Oversight will promulgate rules and language to deal with this. The gentleman from Massachusetts is correct. We are in a slight conundrum right now because we are utilizing words that have been used historically, the classic revise and extend. More properly I think it should be correct and extend. And although we are in this situation now where we are still using the what would be archaic language, we will provide the appropriate language and the structure for dealing with that early tomorrow morning for the gentleman.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman, and I gather revolutions would be confusing even to those who are trying to promulgate them so I appreciate that.

Mr. THOMAS. Order will come out of the structure, I assure the gentleman from Massachusetts. And I will not object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I seek recognition for the purpose of inquiring with the majority leader the schedule for next week. I yield to the majority leader for that purpose.

Mr. ARMEY. I thank the distinguished minority leader for yielding.

Let me announce the schedule for the rest of this week and the following week. We have had a long but productive day, and the vote we have just concluded is the last scheduled vote for today. Members should be advised that votes on further business are possible but I believe unlikely. Certainly we will not be calling any from our side, and I doubt that they will be called from the other side. Still, nevertheless, it is possible.

The remainder of this week and next week will be extremely busy workdays. Although we do not expect votes on the floor the remainder of this week or next, committees will be fully occupied with their organizational meetings, hearings, and markups on contract bills and other business.

I would like to remind all Members that under our new rules attendance at committee meetings are particularly important. First, any votes taken in committee will be open to public record. Second, there is a ban on proxy voting so Members will have to attend all meetings at which votes are taken in order for their constituents' voices to be heard.

In order to reiterate, the House will meet at 10 o'clock tomorrow in pro forma session. Friday the House will not be in session.

Next week the House will meet in pro forma session Monday, Wednesday, and Friday. The House will convene at 2 o'clock, 11 a.m. on Wednesday and 10 a.m. on Friday.

Mr. GEPHARDT. Could the gentleman perhaps relate to Members as to when he thinks in the following week there will be the first vote and at about what time and on what day? Would that be on Tuesday?

Mr. ARMEY. Will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. ARMEY. Monday of the following week of course is a holiday. We are not prepared at this point to announce any votes for that week. Should it develop that committees are able to produce work that could be possibly scheduled for the floor we will make an announcement to the Members in a timely fashion. I would advise Members that they may want to check their whips, rotary whips.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the Speaker.

Mr. GINGRICH. Mr. Speaker, I want to take the floor for a second just to say that we are very interested in working with the other side in moving legislation, including fairly small things that might be mutually agreed to, as early as possible. But frankly, as Members know, if we protect your rights to have, for example, 3 days for the minority reviews on bills coming out of committee, and then we protect your rights going through the Rules Committee process, we probably have about 10 or 12 days where we have to say to our colleagues yes, you have to be here; no, we are not going to put Mickey Mouse on the legislative schedule just to give you some cover. And since we do not have proxy voting anymore, you are going to have to be here and be in committee, and this is substantive work. We may have to consult with you to find what is the best way in the interest of the House to manage this 2-week transition process. But I do not want us, and in fact we will not try to run over your rights to file minority views, your rights to have the process at the Rules Committee, your rights to have something come out the Rules Committee to come to the floor. As you know, we do not have a chart that shows it, but it could not be hard to generate one. If we really guarantee both sides their rights, it is about an 8- to 10-legislative-day process I am told by the Rules Committee members to get something done in a fair way, so we have about a 2-week startup process here that is very real, and I think the press will have more than enough to cover to amuse itself. But it will not be on the floor.

So we would rather go to pro forma sessions, but have Members here, and have them understand that with this no-proxy-voting situation it is a very real requirement to be here when your committees meet, because very real decisions will be made without proxies.

So I would hope that we could work it out. I just outlined that because I know some Members on both sides have been confused, and on your side several Members suggested, well, gee, all of a sudden we will have no business. Here we have the chairman of the Rules Committee who has an example of why it takes about 10 days, and we can talk this out.

I would just say to any of your Members who suggest to us this is a sign that we have not planned it out or that we are being dilatory that in fact the only way to preempt this is to go to suspensions or to in some way minimize the rights of Democrats to file minority views and to file amendments. So I would hope we could work together, get the fastest possible startup time, but do so in a way that protects every Member.

I appreciate the majority leader and minority leader allowing me to intervene for a moment to express my deepest concern on this, and I thank them.

Mr. GEPHARDT. I would simply suggest to Members on our side and probably on your side as well that they need to communicate with the Chair and ranking member of their committees to determine whether or not there are meetings and markups and other activities of the committees so they know when they are expected to be there.

□ 0200

But I understand what you are saying. We will communicate with our Members through the whip system, through the cloakrooms.

Mr. ARMEY. I thank the gentleman.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I am happy to yield to the gentleman from California.

Mr. THOMAS. One of the difficulties on some committees, I would tell the minority leader, is we do not yet know the minority composition of the committee. I was wondering if the minority leader would indicate when I might know the makeup, for example, of the minority members of the Committee on Oversight.

Mr. GEPHARDT. As soon as we can do that.

Mr. THOMAS. That might be part of the problem. It is difficult to hold an organizing meeting of the committee when the members of the committee have not been named.

Mr. GEPHARDT. I understand that.

Mr. THOMAS. I thank the gentleman.

Mr. ARMEY. If the gentleman would yield further, let me just thank the gentleman from Missouri.

I believe we have clearly communicated to Members what to expect and how to check either with their committee chairman or ranking member or with their whip system. We will give as much notification as we can and see to it every Member's rights are protected.

I thank the gentleman.

Mr. GEPHARDT. I thank the gentleman.

ADJOURNMENT FROM THURSDAY, JANUARY 5, 1995 TO MONDAY, JANUARY 9, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on the legislative day of Thursday, January 5, 1995, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. LAZIO of New York). Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT FROM MONDAY, JANUARY 9, 1995 TO WEDNESDAY, JANUARY 11, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, January 9, 1995, it adjourn to meet at 11 a.m. on Wednesday, January 11.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT FROM WEDNESDAY, JANUARY 11, 1995 TO FRIDAY, JANUARY 13, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, January 11, 1995, it adjourn to meet at 10 a.m. on Friday, January 13.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR MEMBERS TO EXTEND REMARKS FOR LEGISLATIVE DAY OF JANUARY 4, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that for the legislative day of January 4, 1995 all Members be permitted to extend their remarks, and to include extraneous material, in that section of the RECORD entitled ''Extension of Remarks''.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. ARMEY. Mr. Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

Mr. Speaker, I might point out that the committee consisted of myself and the minority leader, the gentleman from Missouri [Mr. GEPHARDT]. We had a pleasant conversation with the President. I am sure he will be communicating to us later.

Mr. Speaker, I yield, if he should wish, to the minority leader, the gentleman from Missouri [Mr. GEPHARDT], for any remarks he would like to make.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

This call was a tradition which we have usually fulfilled. We fulfilled it earlier today or yesterday with the gentleman from Texas. We did inform the President, as we are required to do, that the House is seated, we have elected officers, elected a Speaker, and that we were ready for legislative action, and I believe we are having a meeting later today with the President and the bipartisan leadership.

COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Mr. GEPHARDT. Mr. Speaker, I offer a resolution (H. Res. 7) providing for the designation of certain minority employees, and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 7

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective January 3, 1995, until otherwise ordered by the House, to-wit: Thomas O'Donnell, George Kundanis, Marti Thomas, Michael Wessel, Laura Nichols, and Steve Elmendorf, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95–94. In addition, the Minority Leader may appoint and set the annual rate of pay for up to three further minority employees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING OF THE HOUSE OF REPRESENTATIVES

Mr. SOLOMON. Mr. Speaker, I offer a privileged resolution (H. Res. 8) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 8

Resolved, That unless otherwise ordered, the hour of meeting of the House shall be 2 o'clock post meridiem on Mondays; 11 o'clock ante meridiem on Tuesdays and Wednesdays; and 10 o'clock ante meridiem on all other days of the week up to and including May 13, 1995; and that from May 15, 1995, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays and 10 o'clock ante meridiem on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING FOR MORNING HOUR DEBATE AND RESTRICTED SPECIAL ORDER SPEECHES UNTIL FEBRUARY 16, 1995

Mr. SOLOMON. Mr. Speaker, upon consultation with the minority leader, the Speaker has announced the format for recognition for morning hour debate and restricted special order speeches, which will continue until February 16, 1995. It is understood that the continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XIV should circumstances so warrant.

Mr. Speaker, I ask unanimous consent that until February 16, 1995, the House may convene 90 minutes earlier than the time otherwise established by order of the House on Mondays and Tuesdays of each week solely for the purpose of conducting morning hour debates under the following conditions:

First, prayer by the Chaplain, approval of the Journal, and the Pledge of Allegiance to the flag to be postponed until the resumption of the House session following the completion of morning hour debate;

Second, debate to be limited to 30 minutes allocated to each party, with initial and subsequent recognitions alternating between parties;

Third, recognition to be conferred by the Speaker only pursuant to lists submitted by the respective leaderships;

Fourth, no Member to be permitted to address the House for longer than 5 minutes except for the majority leader, minority leader, and minority whip; and

Fifth, morning hour debate will be followed by a recess declared by the Speaker pursuant to clause 12 of rule I, until the appointed hour for the resumption of legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

FORMAT FOR SPECIAL ORDERS

The SPEAKER. Upon consultation with the minority leader, the Chair announces that the format for recognition for morning hour debate and restricted special order speeches, which began on February 23, 1994, will continue until February 16, 1995, as outlined below:

On Tuesdays, following legislative business, the Chair may recognize Members for special order speeches up to midnight, and such speeches may not extend beyond midnight. On all other days of the week, the Chair may recognize Members for special order speeches up to four hours after the conclusion of 5-minute special orders speeches. Such speeches may not extend beyond the 4-hour limit without the permission of the Chair, which may granted only with advance consultation between the leaderships and notification to the House. However, at no time shall the Chair recognize for any special order speeches beyond midnight.

The Chair will first recognize Members for 5-minute special order speeches, alternating initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair will then recognize longer special orders speeches. The 4-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve

its first hour for respective leaderships or their designees. Recognition will alternate initially and subsequently between the parties, regardless of the date the order was granted by the House.

The allocation of time within each party's 2-hour period, or shorter period if prorated to end by midnight, is to be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up for any special order speeches earlier than 1 week prior to the special order, and additional guidelines may be established for such signups by the respective leaderships.

Pursuant to clause 9(b)(1) of rule I, the television cameras will not pan the Chamber, but a ''crawl'' indicating morning hour or that the House has completed its legislative business and is proceeding with special order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XIV should circumstances so warrant.

PROVIDING AMOUNTS FOR THE REPUBLICAN STEERING COMMITTEE AND THE DEMOCRATIC POLICY COMMITTEE

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 9) providing amounts for the Republican Steering Committee and the Democratic Party Committee, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 9

Resolved, That, effective at the beginning of the 104th Congress, there shall be available, in equal amounts to the Republican Steering Committee and the Democratic Policy Committee, such sums as may be necessary, to be provided, as determined by the Committee on Appropriations, from amounts previously appropriated for other purposes under the appropriation for salaries and expenses of the House of Representatives, fiscal year 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR TRANSFER OF TWO EMPLOYEE POSITIONS

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 10) providing for the transfer of two employee positions, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 10

Resolved, That, effective at the beginning of the 104th Congress, two statutory employee positions under the chief majority whip are transferred to the majority leader.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE SACRIFICE AND COURAGE OF ARMY WARRANT OFFICERS DAVID HILEMON AND BOBBY W. HALL II

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the Committee on National Security be discharged from further consideration of the concurrent resolution (H. Con. Res. 1) recognizing the sacrifice and courage of Army Warrant Officers David Hilemon and Bobby W. Hall II, whose helicopter was shot down over North Korea on December 17, 1994, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. MCCOLLUM. Mr. Speaker, reserving the right to object, and I do not intend to do that, I think it needs to be explained, and I would like for the gentleman from South Carolina to concur in this, that this resolution deals with the fact that a helicopter of the Army was downed in Korea on December 17, 1994, and that Army Chief Warrant Officer David Hilemon and Army Chief Warrant Officer Bobby W. Hall II were shot down over North Korea.

This resolution is intended to recognize the sacrifice of Army Chief Warrant Officer David Hilemon to his country and to express the gratitude for his selflessness and deepest regret for his loss of life to his family and to recognize the exceptional service of Army Chief Warrant Officer Bobby W. Hall II to his country and express commendation for his courage.

Am I correct, I ask the gentleman from South Carolina [Mr. SPENCE]?

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. MCCOLLUM. Further reserving the right to object, I yield to the gentleman from South Carolina.

Mr. SPENCE. That is exactly it, yes.

Mr. MCCOLLUM. Further reserving the right to object, Mr. Speaker, I would like to point out in particular to the families of those involved this was a tremendous ordeal.

The individuals involved deserve the commendation that is given in this resolution. It was a very strenuous thing for our country to go through.

It is only appropriate that the very first order of business of this Congress in terms of a formal resolution, beyond the proceedings we have done earlier today, be this concurrent resolution.

With that in mind, and further reserving the right to object, I yield to the gentlewoman from Florida [Mrs. THURMAN], in whose district resides the family and Bobby Hall, Warrant Officer Bobby Hall, who did survive, and I yield for whatever comment she may make under my reservation.

□ 0210

Mrs. THURMAN. I thank the gentleman from Florida and the gentleman from South Carolina.

I know that you have worked tirelessly today to help me get this up tonight. So I really do appreciate their concern and their help.

Mr. Speaker, today I introduced a resolution recognizing the sacrifice and courage of Army Warrant Officers Bobby Hall and David Hilemon, whose helicopter was shot down over North Korea on December 17, 1994.

David Hilemon gave his life in the service of our country, and Bobby Hall performed with bravery and honor during his 13 days in captivity in North Korea. These soldiers displayed the highest ideals of our armed services, and their efforts on behalf of our country should be justly noted.

In addition, I thank the gentleman from New Mexico [Mr. RICHARDSON] who played an invaluable role in bringing this incident to a close, and he also deserves our gratitude. His leadership helped secure the remains of David Hilemon, and he kept the pressure on the North Koreans to release Bobby Hall.

Bobby Hall lives in Brooksville, FL, in the district I represent. On Saturday, Brooksville will be having a celebration in honor of his homecoming.

I have to tell you I never saw anything like it, with yellow ribbons and declared vigils, people coming out into the street, giving food and doing things for the Halls and for their family and loved ones. They just went out of their way to make sure that these folks were taken care of in a time that was not easy.

I do not believe that I ever have seen a community so committed or so united in purpose. Saturday's celebration will be a fitting tribute to Bobby Hall and his family and to the thousands of people who prayed for his safe return.

Finally, I want to express my condolences to the family of David Hilemon for their loss.

I again thank the gentlemen for their assistance.

Mr. MCCOLLUM. Mr. Speaker, further reserving the right to object, and I do not intend to do so, I want to thank the gentlewoman for her efforts in this matter, and I would like to comment on the record that first of all Brooksville, FL, was my birthplace and hometown and Bobby Hall II whom we are noting here in this commendation, his father was in my high school class when I graduated from high school, Hernando High School there.

I did spend time speaking with his father on several occasions during the

time that he was in captivity. It is truly a very important day in that community to celebrate this occasion of the good news return and this particular commemorative is a very important piece of that.

So I thank the gentleman from South Carolina [Mr. SPENCE] for offering it tonight.

I do not intend to object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. LAZIO of New York). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the resolution, as follows:

H. CON. RES. 1

Whereas on December 17, 1994, the helicopter of Army Chief Warrant Officer David Hilemon and Army Chief Warrant Officer Bobby W. Hall II was shot down over North Korea;

Whereas as a result of this incident, Chief Warrant Officer Hilemon sacrificed his life for his country and Chief Warrant Officer Hall was taken captive by the Korean People's Army;

Whereas on December 22, 1994, Chief Warrant Officer Hilemon's remains were returned to the United States at the Demilitarized Zone at Panmunjom and on December 28, 1994, he was laid to rest with full military honors and in full view of Mt. Ranier in the State of Washington, in accordance with the wishes of Chief Warrant Officer Hilemon; and

Whereas Chief Warrant Officer Hall, held in captivity for 13 days under stressful circumstances, served his country above and beyond the call of duty: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the sacrifice of Army Chief Warrant Officer David Hilemon to his country and expresses gratitude for his selflessness and deepest regret for his loss to his family; and

(2) recognizes the exceptional service of Army Chief Warrant Officer Bobby W. Hall II to his country and expresses commendation for his courage.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DESIGNATING MAJORITY MEMBERSHIP ON CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I offer a privileged resolution [H. Res. 11] and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 11

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE: Mr. Roberts, Chairman; Mr. Emerson; Mr. Gunderson; Mr. Combest; Mr. Allard; Mr. Barrett of Nebraska; Mr. Boehner; Mr. Ewing; Mr. Doolittle; Mr. Goodlatte; Mr. Pombo; Mr. Canady; Mr. Smith of Michigan; Mr. Everett; Mr. Lucas; Mr. Lewis of Kentucky; Mr. Baker of Louisiana; Mr. Crapo; Mr. Calvert; Ms. Chenoweth; Mr. Hostettler; Mr. Bryant of Tennessee; Mr. Latham; Mr. Cooley; Mr. Foley; Mr. Chambliss; and Mr. LaHood.

COMMITTEE ON APPROPRIATIONS: Mr. Livingston, Chairman; Mr. McDade; Mr. Myers of Indiana; Mr. Young of Florida; Mr. Regula; Mr. Lewis of California; Mr. Porter; Mr. Rogers; Mr. Skeen; Mr. Wolf; Mr. DeLay; Mr. Kolbe; Mrs. Vucanovich; Mr. Lightfoot; Mr. Packard; Mr. Callahan; Mr. Walsh; Mr. Taylor of North Carolina; Mr. Hobson; Mr. Istook; Mr. Bonilla; Mr. Knollenberg; Mr. Miller of Florida; Mr. Dickey; Mr. Kingston; Mr. Riggs; Mr. Frelinghuysen; Mr. Wicker; Mr. Forbes; Mr. Nethercutt; Mr. Bunn; and Mr. Neumann.

COMMITTEE ON BANKING AND FINANCIAL SERVICES: Mr. Leach, Chairman; Mr. McCollum; Mrs. Roukema; Mr. Bereuter; Mr. Roth; Mr. Baker of Louisiana; Mr. Lazio; Mr. Bachus; Mr. Castle; Mr. King; Mr. Royce; Mr. Lucas; Mr. Weller; Mr. Hayworth; Mr. Metcalf; Mr. Bono; Mr. Ney; Mr. Ehrlich; Mr. Barr; Mr. Chrysler; Mr. Cremeans; Mr. Fox; Mr. Heineman; Mr. Stockman; Mr. LoBiondo; Mr. Watts of Oklahoma (when sworn); and Mrs. Kelly.

COMMITTEE ON THE BUDGET: Mr. Kasich, Chairman; Mr. Hobson; Mr. Walker; Mr. Kolbe; Mr. Shays; Mr. Herger; Mr. Bunning; Mr. Smith of Texas; Mr. Allard; Mr. Miller of Florida; Mr. Lazio; Mr. Franks of New Jersey, Mr. Smith of Michigan; Mr. Inglis; Mr. Hoke; Ms. Molinari, Mr. Nussle; Mr. Hoekstra; Mr. Largent; Mrs. Myrick; Mr. Brownback; Mr. Shadegg; Mr. Radanovich; and Mr. Bass.

COMMITTEE ON COMMERCE: Mr. Bliley, Chairman; Mr. Moorhead; Mr. Fields of Texas; Mr. Oxley; Mr. Bilirakis; Mr. Schaefer; Mr. Barton of Texas; Mr. Hastert; Mr. Upton; Mr. Stearns; Mr. Paxon; Mr. Gillmor; Mr. Klug; Mr. Franks of Connecticut; Mr. Greenwood; Mr. Crapo; Mr. Cox, Mr. Burr; Mr. Bilbray; Mr. Whitfield; Mr. Ganske; Mr. Frisa; Mr. Norwood; Mr. White; and Mr. Coburn.

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES: Mr. Goodling, Chairman; Mr. Petri; Mrs. Roukema; Mr. Gunderson; Mr. Fawell; Mr. Ballenger; Mr. Barrett of Nebraska; Mr. Cunningham; Mr. Hoekstra; Mr. McKeon; Mr. Castle; Mrs. Meyers of Kansas; Mr. Sam Johnson of Texas; Mr. Talent; Mr. Greenwood; Mr. Hutchinson; Mr. Knollenberg; Mr. Riggs; Mr. Graham; Mr. Weldon of Florida; Mr. Funderburk; Mr. Souder; Mr. McIntosh; and Mr. Norwood.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT: Mr. Clinger, Chairman; Mr. Gilman; Mr. Burton of Indiana; Mrs. Morella; Mr. Shays; Mr. Schiff; Ms. Ros-Lehtinen; Mr. Zeliff; Mr. McHugh; Mr. Horn; Mr. Mica; Mr. Blute; Mr. Davis; Mr. McIntosh; Mr. Fox; Mr. Tate; Mr. Chrysler; Mr. Gutknecht; Mr. Souder; Mr. Martini; Mr. Scarborough; Mr. Shadegg, Mr. Flanagan; Mr. Bass; Mr. LaTourette; Mr. Sanford; and Mr. Ehrlich.

COMMITTEE ON HOUSE OVERSIGHT: Mr. Thomas of California, Chairman; Mr. Ehlers; Mr. Roberts; Mr. Boehner; Ms. Dunn; Mr. Diaz-Balart; and Mr. Ney.

COMMITTEE ON INTERNATIONAL RELATIONS: Mr. Gilman, Chairman; Mr. Goodling; Mr. Leach; Mr. Roth; Mr. Hyde; Mr. Bereuter; Mr. Smith of New Jersey; Mr. Burton of Indiana; Mrs. Meyers of Kansas; Mr. Gallegly; Ms. Ros-Lehtinen; Mr. Ballenger; Mr. Rohrabacher; Mr. Manzullo; Mr. Royce; Mr. King; Mr. Kim; Mr. Brownback; Mr. Funderburk; Mr. Chabot, Mr. Sanford; and Mr. Salmon.

COMMITTEE ON THE JUDICIARY: Mr. Hyde, Chairman; Mr. Moorhead; Mr. Sensenbrenner; Mr. McCollum; Mr. Gekas; Mr. Coble; Mr. Smith of Texas; Mr. Schiff; Mr. Gallegly; Mr. Canady; Mr. Inglis of South Carolina; Mr. Goodlatte; Mr. Buyer; Mr. Hoke; Mr. Bono; Mr. Heineman; Mr. Bryant of Tennessee; Mr. Chabot; Mr. Flanagan; and Mr. Barr.

COMMITTEE ON NATIONAL SECURITY: Mr. Spence, Chairman; Mr. Stump; Mr. Hunter; Mr. Kasich; Mr. Bateman; Mr. Hansen; Mr. Weldon of Pennsylvania; Mr. Dornan; Mr. Hefley; Mr. Saxton; Mr. Cunningham; Mr. Buyer; Mr. Torkildsen; Mrs. Fowler; Mr. McHugh; Mr. Talent; Mr. Everett; Mr. Bartlett of Maryland; Mr. McKeon; Mr. Lewis of Kentucky; Mr. Watts of Oklahoma (when sworn); Mr. Thornberry; Mr. Hostetler; Mr. Chambliss; Mr. Hilleary; Mr. Scarborough; Mr. Jones; Mr. Longley; Mr. Tiahrt; and Mr. Hastings of Washington.

COMMITTEE ON RESOURCES: Mr. Young of Alaska, Chairman; Mr. Hansen; Mr. Saxton; Mr. Gallegly; Mr. Duncan; Mr. Hefley; Mr. Doolittle; Mr. Allard; Mr. Gilchrest; Mr. Calvert; Mr. Pombo; Mr. Torkildsen; Mr. Hayworth; Mr. Cremeans; Ms. Cubin; Mr. Cooley; Ms. Chenoweth; Ms. Smith of Washington; Mr. Radanovich; Mr. Jones; Mr. Thornberry; Mr. Hastings of Washington; Mr. Metcalf; Mr. Longley; and Mr. Shadegg.

COMMITTEE ON RULES: Mr. Solomon, Chairman; Mr. Quillen; Mr. Drier; Mr. Goss; Mr. Linder; Ms. Pryce; Mr. Diaz-Balart; Mr. McInnis; and Ms. Waldholtz.

COMMITTEE ON SCIENCE: Mr. Walker, Chairman; Mr. Sensenbrenner; Mr. Boehlert; Mr. Fawell; Mrs. Morella; Mr. Weldon of Pennsylvania; Mr. Rohrabacher; Mr. Schiff; Mr. Barton of Texas; Mr. Calvert; Mr. Baker of California; Mr. Bartlett of Maryland; Mr. Ehlers; Mr. Wamp; Mr. Weldon of Florida; Mr. Graham; Mr. Salmon; Mr. Davis; Mr. Stockman; Mr. Cutknecht; Ms. Seastrand; Mr. Tiahrt; Mr. Largent; Mr. Hilleary; Ms. Cubin; Mr. Foley; and Mrs. Myrick.

COMMITTEE ON SMALL BUSINESS: Mrs. Meyers of Kansas, Chairman; Mr. Hefley; Mr. Zeliff; Mr. Talent; Mr. Manzullo; Mr. Torkildsen; Mr. Bartlett of Maryland; Ms. Smith of Washington; Mr. LoBiondo; Mr. Wamp; Mrs. Kelly; Mr. Chrysler; Mr. Longley; Mr. Jones; Mr. Salmon; Mr. Hilleary; Mr. Souder; Mr. Brownback; Mr. Chabot; Mrs. Myrick; Mr. Funderburk; and Mr. Metcalf.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE: Mr. Shuster, Chairman; Mr. Young of Alaska; Mr. Clinger; Mr. Petri; Mr. Boehlert; Mr. Bateman; Mr. Emerson; Mr. Coble; Mr. Duncan; Ms. Molinari; Mr. Zeliff; Mr. Ewing; Mr. Gilchrest; Mr. Hutchinson; Mr. Baker of California; Mr. Kim; Mr. Horn; Mr. Franks of New Jersey; Mr. Blute; Mr. Mica; Mr. Quinn; Mrs. Fowler; Mr. Ehlors; Mr. Bachus; Mr. Weller; Mr. Wamp; Mr. Latham; Mr. LaTourette; Ms. Seastrand; Mr. Tate; Mrs. Kelly; Mr. LaHood; and Mr. Martini.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Stump, Chairman; Mr. Smith of New Jersey; Mr. Bilirakis; Mr. Spence; Mr. Hutchinson; Mr. Everett; Mr. Buyer; Mr. Quinn; Mr. Bachus; Mr. Stearns; Mr. Ney; Mr. Fox; Mr. Flanagan; Mr. Barr; Mr. Stockman; Mr. Weller; Mr. Hayworth; and Mr. Cooley.

COMMITTEE ON WAYS AND MEANS: Mr. Archer, Chairman; Mr. Crane; Mr. Thomas of California; Mr. Shaw; Mrs. Johnson of Connecticut; Mr. Bunning; Mr. Houghton; Mr. Herger; Mr. McCrery; Mr. Hancock; Mr. Camp, Mr. Ramstad; Mr. Zimmer; Mr. Nussle; Mr. Sam Johnson of Texas; Ms. Dunn; Mr. Collins of Georgia; Mr. Portman; Mr. English of Pennsylvania; Mr. Ensign; and Mr. Christensen.

Mr. BOEHNER (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer a privileged resolution (H. Res. 12) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 12

Resolved, That the following named Members be and they are hereby elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE

E (Kika) de la Garza, Texas; George E. Brown, Jr., California; Charlie Rose, North Carolina; Charles W. Stenholm, Texas; Harold L. Volkmer, Missouri; Tim Johnson, South Dakota; Gary A. Condit, California; Collin C. Peterson, Minnesota; Calvin M. Dooley, California; Eva M. Clayton, North Carolina; David Minge, Minnesota; Earl F. Hilliard, Alabama; Earl Pomeroy, North Dakota; Tim Holden, Pennsylvania; Cynthia McKinney, Georgia; Scotty Baesler, Kentucky; Karen L. Thurman, Florida; Sanford Bishop, Georgia; Bennie G. Thompson, Mississippi; Sam Farr, California; Ed Pastor, Arizona; John Baldacci, Maine.

COMMITTEE ON APPROPRIATIONS

David R. Obey, Wisconsin; Sidney R. Yates, Illinois; Louis Stokes, Ohio; Tom Bevill, Alabama; John P. Murtha, Pennsylvania; Charles Wilson, Texas; Norman D. Dicks, Washington; Martin Olav Sabo, Minnesota; Julian C. Dixon, California; Vic Fazio, California; W.G. (Bill) Hefner, North Carolina; Steny H. Hoyer, Maryland; Richard J. Durbin, Illinois; Ronald D. Coleman, Texas; Alan B. Mollohan, West Virginia; Jim Chapman, Texas; Marcy Kaptur, Ohio; David E. Skaggs, Colorado; Nancy Pelosi, California; Peter J. Visclosky, Indiana; Thomas M. Foglietta, Pennsylvania; Esteban Edward Torres, California; Nita M. Lowey, New York; Ray Thornton, Arkansas.

COMMITTEE ON BANKING AND FINANCIAL SERVICES

Henry B. Gonzalez, Texas; John J. LaFalce, New York; Bruce F. Vento, Minnesota; Charles E. Schumer, New York; Barney Frank, Massachusetts; Paul E. Kanjorski, Pennsylvania; Joseph P. Kennedy II, Massachusetts; Floyd H. Flake, New York; Kweisi Mfume, Maryland; Maxine Waters, California; Bill Orton, Utah; Carolyn B. Maloney, New York; Luis V. Gutierrez, Illinois, Lucille Roybal-Allard, California; Thomas M. Barrett, Wisconsin; Nydia M. Velazquez, New York; Albert R. Wynn, Maryland; Cleo Fields, Louisiana, Melvin Watt, North Carolina; Maurice Hinchey, New York; Gary Ackerman, New York; Ken Bentsen, Texas.

COMMITTEE ON THE BUDGET

Martin Olav Sabo, Minnesota; Charles Stenholm, Texas; Louise M. Slaughter, New York; Mike Parker, Mississippi; William J. Coyne, Pennsylvania; Alan B. Mollohan, West Virginia; Jerry F. Costello, Illinois; Harry Johnston, Florida; Patsy T. Mink, Hawaii; Bill Orton, Utah; Earl Pomeroy, North Dakota; Glen Browder, Alabama; Lynn Woolsey, California; John Olver, Massachusetts; Lucille Roybal-Allard, California; Carrie Meek, Florida; Lynn Rivers, Michigan; Lloyd Doggett, Texas.

COMMITTEE ON COMMERCE

John D. Dingell, Michigan; Henry A. Waxman, California; Edward J. Markey, Massachusetts; W.J. (Billy) Tauzin, Louisiana; Ron Wyden, Oregon; Ralph M. Hall, Texas; John Bryant, Texas; Rick Boucher, Virginia; Thomas J. Manton, New York; Edolphus Towns, New York; Gerry E. Studds, Massachusetts; Frank Pallone, Jr., New Jersey; Sherrod Brown, Ohio; Blanche Lambert, Arkansas; Bart Gordon, Tennessee; Elizabeth Furse, Oregon; Peter Deutsch, Florida; Bobby Rush, Illinois; Anna Eshoo, California; Ron Klink, Pennsylvania; Bart Stupak, Michigan.

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

William (Bill) Clay, Missouri; George Miller, California; Dale E. Kildee, Michigan; Pat Williams, Montana; Matthew G. Martinez, California; Major R. Owens, New York; Thomas C. Sawyer, Ohio; Donald M. Payne, New Jersey; Patsy T. Mink, Hawaii; Robert E. Andrews, New Jersey; Jack Reed, Rhode Island; Tim Roemer, Indiana; Eliot L. Engel, New York; Xavier Bacerra, California; Robert C. ''Bobby'' Scott, Virginia; Gene Green, Texas; Lynn Woolsey, California; Carlos Romero-Barcelo, Puerto Rico; Mel Reynolds, Illinois.

COMMITTEE ON INTERNATIONAL RELATIONS

Lee H. Hamilton, Indiana; Sam Gejdenson, Connecticut; Tom Lantos, California; Robert G. Torricelli, New Jersey; Howard L. Berman, California; Gary L. Ackerman, New York; Harry Johnston, Florida; Eliot L. Engel, New York; *Eni F. H. Faleomavaega, American Samoa (Delegate); Matthew G. Martinez, California; Donald M. Payne, New Jersey; Robert E. Andrews, New Jersey; Robert Menendez, New Jersey; Sherrod Brown, Ohio; Cynthia McKinney, Georgia; Alcee L. Hastings, Florida; Albert R. Wynn, Maryland; Michael R. McNulty, New York; James P. Moran, Virginia.

COMMITTEE ON THE JUDICIARY

John Conyers, Jr., Michigan; Patricia Schroeder, Colorado; Barney Frank, Massachusetts; Charles E. Schumer, New York; Howard L. Berman, California; Rick Boucher, Virginia; John Bryant, Texas; Jack Reed, Rhode Island; Jerrold Nadler, New York; Robert C. ''Bobby'' Scott, Virginia; Melvin Watt, North Carolina; Xavier Becerra, California; Jose Serrano, New York; Zoe Lofgren, California; Shelia Jackson Lee, Texas.

COMMITTEE ON NATIONAL SECURITY

Ronald V. Dellums, California; G.V. (Sonny) Montgomery, Mississippi; Patricia Schroeder, Colorado; Ike Skelton, Missouri; Norman Sisisky, Virginia; John M. Spratt, Jr., South Carolina; Solomon P. Ortiz, Texas; Owen B. Pickett, Virginia; Lane Evans, Illinois; John S. Tanner, Tennessee; Glen Browder, Alabama; Gene Taylor, Mississippi; Neil Abercrombie, Hawaii; Chet Edwards, Texas; Frank Tejeda, Texas; Martin T. Meehan, Massachusetts; *Robert A. Underwood, Guam (Delegate); Jane Harman, California; Paul McHale, Pennsylvania; Pete Geren, Texas; Peter Peterson, Florida; Bill Jefferson, Louisiana; Rosa DeLauro, Connecticut; Mike Ward, Kentucky; Patrick Kennedy, Rhode Island.

COMMITTEE ON SMALL BUSINESS

John J. LaFalce, New York; Ron Wyden, Oregon; Norman Sisisky, Virginia; Kweisi Mfume, Maryland; Floyd H. Flake, New York; Glenn Poshard, Illinois; Eva M. Clayton, North Carolina; Martin T. Meehan, Massachusetts; Nydia M. Velazquez, New York; Cleo Fields, Louisiana; Walter R. Tucker, California; Earl F. Hilliard, Alabama; Pete Peterson, Florida; Bennie Thompson, Mississippi; Chaka Fattah, Pennsylvania; Ken Bentsen, Texas; Karen McCarthy, Missouri; Bill Luther, Minnesota; Patrick Kennedy, Rhode Island.

COMMITTEE ON TECHNOLOGY AND COMPETITIVENESS

George E. Brown, Jr., California; Ralph M. Hall, Texas; James A. Traficant, Jr., Ohio; James A. Hayes, Louisiana; John S. Tanner, Tennessee; Pete Geren, Texas; Tim Roemer, Indiana; Robert E. (Bud) Cramer, Alabama; James Barcia, Michigan; Paul McHale, Pennsylvania; Jane Harman, California; Eddie-Bernice Johnson, Texas; David Minge, Minnesota; John Olver, Massachusetts; Alcee Hastings, Florida; Lynn Rivers, Michigan; Karen McCarthy, Missouri; Mike Ward, Kentucky; Zoe Lofgren, California; Lloyd Doggett, Texas; Michael Doyle, Pennsylvania; Shelia Jackson Lee, Texas; Bill Luther, Minnesota.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Norman Y. Mineta, California; James L. Oberstar, Minnesota; Nick Joe Rahall II, West Virginia; Robert A. Borski, Pennsylvania; William O. Lipinski, Illinois; Robert Wise, West Virginia; James A. Traficant, Jr., Ohio; Peter A. DeFazio, Oregon; James A. Hayes, Louisiana; Bob Clement, Tennessee; Jerry F. Costello, Illinois; Mike Parker, Mississippi; Greg Laughlin, Texas; Glenn Poshard, Illinois; Robert E. (Bud) Cramer, Alabama; Barbara-Rose Collins, Michigan; Eleanor Holmes Norton, D.C. (Delegate); Jerrold Nadler, New York; Pat Danner, Missouri; Robert Menendez, New Jersey; James E. Clyburn, South Carolina; Corrine Brown, Florida; Nathan Deal, Georgia; James A. Barcia, Michigan; Bob Filner, California; Walter R. Tucker, California; Eddie Bernice Johnson, Texas; Bill Brewster, Oklahoma.

COMMITTEE ON VETERANS' AFFAIRS

G.V. (Sonny) Montgomery, Mississippi; Lane Evans, Illinois; Joseph P. Kennedy II, Massachusetts; Chet Edwards, Texas; Maxine Waters, California; Bob Clement, Tennessee; Bob Filner, California; Frank Tejeda, Texas; Luis V. Gutierrez, Illinois; Scotty Baesler, Kentucky; Sanford Bishop, Georgia; James E. Clyburn, South Carolina; Corrine Brown, Florida; Michael Doyle, Pennsylvania; Frank Mascara, Pennsylvania.

COMMITTEE ON WAYS AND MEANS

Sam Gibbons, Florida; Charles B. Rangel, New York; Fortney Pete Stark, California; Andrew Jacobs, Jr., Indiana; Harold E. Ford, Tennessee; Robert T. Matsui, California; Barbara B. Kennelly, Connecticut; William J. Coyne, Pennsylvania; Sander M. Levin, Michigan; Benjamin L. Cardin, Maryland; Jim McDermott, Washington; Gerald D. Kleczka, Wisconsin; John Lewis, Georgia; L.F. Payne, Virginia; Richard E. Neal, Massachusetts.

Mr. FAZIO of California (during the reading). Mr. Speaker, I ask unanimous consent the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTING REPRESENTATIVE BERNARD SANDERS OF VERMONT TO STANDING COMMITTEES

Mr. FAZIO of California. Mr. Speaker, I offer a separate privileged resolution (H. Res. 13) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 13

Resolved, That the following named Member be and is hereby elected to the following standing committees:

Committee on Banking and Financial Services: Bernard Sanders of Vermont.

Committee on Government Reform and Oversight: Bernard Sanders of Vermont.

Mr. FAZIO of California (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JACKSON-LEE. Mr. Speaker, on rollcall 3 I am recorded as not voting because I was unavoidably detained. Had I been present, I would have voted ''no.''

I ask unanimous consent that this statement appear in the RECORD immediately following that vote.

The SPEAKER. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

APPOINTMENT AS MEMBERS OF HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER. Pursuant to section 127 of Public Law 97–377, the Chair appoints as members of the House of Representatives page board the following Members of the House: Mr. EMERSON of Missouri, and Mr. KOLBE of Arizona.

APPOINTMENT AS MEMBERS OF HOUSE OFFICE BUILDING COMMISSION

The SPEAKER. Pursuant to the provisions of 40 U.S.C., 175 and 176, the Chair appoints the gentleman from Texas, [Mr. ARMEY], as a member of the House Office Building Commission, to serve with himself and the gentleman from Missouri [Mr. GEPHARDT].

APPOINTMENT AS MEMBERS OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Pursuant to the provisions of clause 1 of rule 48 and clause 6(f) of rule 10, the Chair appoints as Members of the Permanent Select Committee on Intelligence the following Members of the House:

Mr. COMBEST, of Texas, Chairman;
Mr. DORNAN, of California;
Mr. YOUNG, of Florida;
Mr. HANSEN, of Utah;
Mr. LEWIS, of California;
Mr. GOSS, of Florida;
Mr. SHUSTER, of Pennsylvania;
Mr. MCCOLLUM of Florida;
Mr. CASTLE of Delaware;
Mr. DICKS of Washington;
Mr. RICHARDSON, of New Mexico;
Mr. DIXON of California;
Mr. TORRICELLI, of New Jersey;
Mr. COLEMAN of Texas;
Ms. PELOSI, of California; and
Mr. LAUGHLIN, of Texas.

POLICIES OF THE CHAIR

The SPEAKER. The Chair customarily takes this occasion on the opening day of a Congress to announce his policies with respect to particular aspects of the legislative process. The Chair will insert in the RECORD announcements by the Speaker concerning: first, privileges of the floor; second, the introduction of bills and resolutions; third, unanimous consent requests for the consideration of bills and resolutions; fourth, recognition for 1-minute speeches and special orders; fifth, decorum in debate; sixth, the conduct of votes by electronic device; and seventh, requests for leave of committees to sit during the 5-minute rule.

These announcements, where appropriate, will reiterate the origins of the stated policies. The Speaker intends to continue in the 104th Congress the policies reflected in these statements. The policy announced in Congresses prior to the 103d Congress with respect to requests for committees to sit during the 5-minute rule is once again pertinent. The policy announced in the 102d Congress with respect to jurisdictional concepts related to clause 5(b) of rule XXI—tax and tariff measures—will continue to govern but need not be reiterated, as it is adequately documented as precedent in the *House Rules and Manual.*

1. PRIVILEGES OF THE FLOOR

The Speaker's announced instructions to the former Doorkeeper and the Sergeant-at-Arms in the 98th Congress on January 25, 1983, and in the 99th Congress on January 21, 1986, regarding strict enforcement of rule XXXII, specifying those persons having the privileges of the floor during sessions of the House, will be applied during the 104th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 25, 1983

The SPEAKER. Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated as recently as August 22, 1974, by Speaker Albert under the principle stated in Deschler's Procedure, chapter 4, section 3.4, the rule strictly limits the number of committee staff permitted on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member has an amendment actually pending during the 5-minute rule. To this end, the Chair requests all Members and committee staff to cooperate to assure that not more than the proper number of staff are on the floor, and then only during the actual consideration of measures reported from their committees. The Chair will again extend this admonition to all properly admitted majority and minority staff by insisting that their presence on the floor, including the areas behind the rail, be restricted to those periods during which their supervisors have specifically requested their presence. The Chair stated this policy in the 97th Congress, and an increasing number of Members have insisted on strict enforcement of the rule. The Chair has consulted with and has the concurrence of the Minority Leader with respect to this policy and has directed [the Doorkeeper and] the Sergeant at Arms to assure proper enforcement of the rule.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 21, 1986

The Speaker. Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining request for suspension or waiver of that rule. As reiterated by the Chair on January 25, 1983, and January 3, 1985, and as stated in chapter 4, section 3.4 of Deschler-Brown's Procedure in the House of Representatives, the rule strictly limits the number of committee staff on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member's amendment is actually pending during the 5-minute rule. It also does not extend to personal staff of Members who are sponsors of pending bills or who are engaging in special orders. The Chair requests the cooperation of all Members and committee staff to assure that only the proper number of staff are on the floor, and then only during the consideration of measures reported from their committees. The Chair is making this statement and reiterating this policy because of concerns expressed by many Members about the number of committee staff on the floor during the last weeks of the first session. The Chair requests each chairman, and each ranking minority member, to submit to the [Doorkeeper] Sergeant at Arms a list of staff who are to be allowed on the floor during the consideration of a measure reported by their committee. Each staff person should exchange his or her ID for a ''committee staff'' badge which is to be worn while on the floor. The Chair has consulted with the Minority Leader and will continue to consult with him. The Chair has furthermore directed the [Doorkeeper and] Sergeant at Arms to assure proper enforcement of rule XXXII.

2. Introduction of Bills and Resolutions

The Speaker's statement in the 98th Congress on January 3, 1983, regarding the signing of bills and resolutions by their first sponsors, will continue to apply in the 104th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1983

The Speaker. The Chair would like to make a statement concerning the introduction and reference of bills and resolutions. As Members are aware, they have the privilege today of introducing bills. Heretofore on the opening day of a new Congress, several hundred bills have been introduced. The Chair will do his best to refer as many bills as possible, but he will ask the indulgence of Members if he is unable to refer all the bills that may be introduced. Those bills which are not referred and do not appear in the RECORD as of today will be included in the

next day's RECORD and printed with a date as of today.

The Chair has advised all officers and employees of the House that are involved in the processing of bills that every bill, resolution, memorial, petition or other material that is placed in the hopper must bear the signature of a Member. Where a bill or resolution is jointly sponsored, the signature must be that of the Member first named thereon. The bill clerk is instructed to return to the Member any bill which appears in the hopper without an original signature. This procedure was inaugurated in the 92d Congress. It has worked well, and the Chair thinks that it is essential to continue this practice to insure the integrity of the process by which legislation is introduced in the House.

SPECIAL RULE FOR BILL SPONSORSHIP ON OPENING DAY OF 104TH CONGRESS

The Speaker. The House adopted a special rule earlier today which allows the first 20 bills and the first two joint resolutions introduced in the 104th Congress to have more than one Member reflected as a ''first'' sponsor. Those bills must bear not only the signature of the sponsor first listed but the signatures of all ''first'' sponsors listed.

3. Unanimous-Consent Requests for the Consideration of Bills and Resolutions

The Speaker's policy with respect to recognition for unanimous-consent requests for the consideration of unreported bills and resolutions and for the consideration of House bills with Senate amendments (other than requests to go to conference), as initially announced in the 98th Congress on January 25 and April 26, 1984, will apply during the 104th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 25, 1984

The Speaker. As indicated in section [757] of the *House Rules and Manual*, the Chair has established a policy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority and minority floor leadership and committee and subcommittee chairmen and ranking minority members have no objection. Consistent with that policy, and with the Chair's inherent power of recognition under clause 2 of the rule XIV, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 7 of rule I, will decline recognition for unanimous consent request for consideration of bills and resolutions without assurances that the request has been cleared by that leadership. This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed; that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle.

ANNOUNCEMENT BY THE SPEAKER, APRIL 26, 1984

The Speaker. With respect to unanimous consent requests to dispose of Senate amendments to House bills on the Speaker's table, the Chair will entertain such a request only if made by the chairman of the committee with jurisdiction, or by another committee member authorized to make the request.

4. Recognition for 1-Minute Speeches and Special Orders

The Speaker's statement in the 98th Congress on January 25, 1984, with respect to the Speaker's policy for recognition for 1-minute speeches will apply during the 104th Congress. The Speaker today announces a residual policy for the recognition of special order speeches absent an agreement between the leaderships to the contrary.

ANNOUNCEMENT BY THE SPEAKER, AUGUST 8, 1984, RELATIVE TO RECOGNITION FOR ONE-MINUTE SPEECHES

The Speaker. After consultation with and concurrence by the Minority Leader, the Chair announces that he will institute a new policy of recognition for ''1-minute'' speeches and for special order requests. The Chair will alternate recognition for 1-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit 1-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 4, 1995, RELATIVE TO ''RESIDUAL'' POLICY FOR RECOGNITION FOR SPECIAL ORDER SPEECHES

The Speaker. Absent an agreement between the leadership regarding recognition for requests to address the House for ''special order speeches'' at the end of legislative business, the Chair will decline recognition for permission to address the House for any period extending more than one week in advance of the request. In accordance with the Speaker's policy as enunciated on August 8, 1984, the Chair will first recognize Members who wish to address the House for 5 minutes or less, alternating between majority and minority Members in the order in which those permissions were granted by the House. Thereafter, the Chair will recognize Members who wish to address the House for longer than 5 minutes up to 1 hour, again alternating between majority and minority Members in the order in which those permissions were granted by the House. However, unlike the Speaker's policy of August 8, 1984, the Chair will alternate daily between parties recognition for the first special order longer than five minutes regardless of the order in which permissions were granted.

ANNOUNCEMENT BY THE SPEAKER JANUARY 4, 1995, RELATIVE TO SPECIAL ORDER SPEECHES AND MORNING HOUR DEBATE

The Speaker. Upon consultation with the Minority Leader, the Chair announces that the format for recognition for ''morning hour'' debate and restricted special order speeches, which began on February 23, 1994, will continue until February 16, 1995, as outlined below:

On Tuesdays, following legislative business, the Chair may recognize Members for special order speeches up to midnight, and such speeches may not extend beyond midnight. On all other days of the week, the Chair may recognize Members for special order speeches up to four hours after the conclusion of five minute special orders speeches. Such speeches may not extend beyond the four-hour limit without the permission of the Chair, which may be granted only with advance consultation between the leaderships and notification to the House. However, at no time shall the Chair recognize for any special order speeches beyond midnight.

The Chair will first recognize Members for five-minute special order speeches, alternating initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair will then recognize longer special orders speeches. The four-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve its first hour for respective leaderships or their designees. Recognition will alternate initially and subsequently between the parties, regardless of the date the order was granted by the House.

The allocation of time within each party's two-hour period (or shorter period if prorated to end by midnight) is to be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up for any special order speeches earlier than one week prior to the special order, and additional guidelines may be established for such sign-ups by the respective leaderships.

Pursuant to clause 9(b)(1) of rule I, the television cameras will not pan the chamber, but a ''crawl'' indicating Morning Hour or that the House has completed its legislative business and is proceeding with special order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XIV should circumstances so warrant.

5. Decorum in Debate

The Speaker's statement in the 102d Congress on January 3, 1991, with respect to decorum in debate, will apply during the 104th Congress as supplemented by an announcement made by the Speaker earlier today.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1991

The Speaker. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly but the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XIV to gain a better understanding of the proper rules of decorum expected of them, and especially: First, to avoid ''personalities'' in debate with respect to references to other Members, the Senate, and the President; second, to address the Chair while standing and only when and not beyond the time recognized, and not to address the television or other imagined audience; third, to refrain from passing between the Chair and the Member speaking, or directly in front of a Member speaking from the well; fourth, to refrain from smoking in the Chamber; and generally to display the same degree of respect to the Chair and other Members that every Member is due.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 4, 1995

The SPEAKER. The Chair would like all Members to be on notice that the Chair intends to strictly enforce time limitations on debate. Before gavelling Members down precisely when their time has expired, the Chair will lightly tap the gavel as a warning that a Member has 10 seconds remaining. Furthermore, the Chair may immediately interrupt Members in debate who transgress rule XIV by failing to avoid ''personalities'' in debate with respect to references to the Senate, the President, and other Members, rather than wait for Members to complete their remarks.

Finally, it is not in order to speak disrespectfully of the Speaker; and under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.

6. Conduct of Votes by Electronic Device

ANNOUNCEMENT BY THE SPEAKER JANUARY 4, 1995

The Chair wishes to enunciate a clear policy with respect to the conduct of electronic votes.

As Members are aware, clause 5 of rule XV provides that Members shall have not less than 15 minutes in which to answer an ordinary rollcall vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. The events of October 30, 1991, stand out as proof of this point. On that occasion, the House was considering a bill in the Committee of the Whole under a special rule that placed an overall time limit on the amendment process, including the time consumed by rollcalls. The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

The Chair desires that the example of October 30, 1991, be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock.

Although no occupant of the Chair would prevent a Member who is in the well of the chamber before the announcement of the result from casting his or her vote, each occupant of the Chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity. Members should not rely on signals relayed from outside the chamber to assume that votes will be held open until they arrive in the chamber.

7. Requests for Leave of Committees to Sit During the Five-Minute Rule

The SPEAKER'S statement in the 98th Congress on March 3, 1983, with respect to requests for leave of committees to sit during the five-minute rule, will again apply during the 104th Congress, except that the Chair, under clause 2 of rule XI, may entertain a motion of the Majority Leader granting such leave to one or more committees.

ANNOUNCEMENT BY THE SPEAKER, MARCH 3, 1983

The SPEAKER. The Chair announces that he will recognize Members to make requests for committees to sit during the 5-minute rule only at certain times during the legislative day. While the precedents indicate that such requests when pending are not votes requiring the presence of a quorum, the Chair wishes to avoid the need for a call of the House pending such requests but at the same time to assure predictability as to when he will accord recognition. Therefore, the Speaker intends to set up the following guidelines:

First as has been established by precedent, permission to sit shall require unanimous consent if the permission pertains to a day for which the program has not been announced. Thus, prior to the announcement of the legislative program for the following week, only one objection would be required to prevent a committee from sitting. Following the announcement by the Majority Leader, or his designee, of the program for the next week, the Chair would entertain requests for committees to sit during the following week and 10 objections would then be required. The Chair wants it to be clearly understood that the first available opportunity in the House following the announcement of the program is an appropriate time for considering requests pertaining to the following week if the announcement comes before the completion of all legislative business.

Second, the Chair will not entertain requests on days when all votes on legislative matters have been postponed to a later date; however, the Chair will accept requests for committee hearings to be held later in the week if the request has the concurrence of the ranking minority member of the committee or subcommittee.

Third, on days when legislative business is to be conducted, and when rollcall votes are in order on legislation, the Chair will recognize during the 1-minute period only when he is assured that the ranking minority member of the committee or subcommittee involved supports the requests for the hearings or meetings.

Requests that have been objected to by 10 or more Members pursuant to clause 2(i) of Rule XI may not be renewed on the same day unless the Chair is assured that the objections have been withdrawn. The Chair will in no instance entertain requests after the legislative business of the day has been concluded; that is, after leaves of absence have been laid down or unanimous consent requests from the majority and minority tables have been entertained at the end of the day.

□ 0220

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 1995.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER. Under Clause 4 of Rule III of the Rules of the U.S. House of Representatives, I herewith designate Ms. Linda Nave, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which she would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 104th Congress or until modified by me.

With great respect, I am

Sincerely yours,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. If I might before the gentleman from New York [Mr. SOLOMON] moves to adjourn, let the Chair say to the Members that the House has now been in session for some 14 hours and 25 minutes. I think it has been not only the longest and most working-like opening session, but one of the most productive sessions for any single day in House history. The Chair wants to thank both the Democrat Members and the Republican Members for participating. The Chair wants to thank the freshmen on both sides because there was very vigorous and effective involvement, and that is the way it should be. We are in an age when people get elected to do the job from day one, and we are very grateful for their participation. The Chair wishes to express to all Members his immense gratitude for this opening day and how much he hopes this augers well for the future and what we can do together.

INTRODUCTION OF LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, I am today introducing five pieces of legislation that received overwhelming bipartisan support in the last Congress. They cover a range of important issues the 104th Congress must address: telecommunications reform, Superfund reform, safe drinking water, and interstate waste and flow control.

These bills are largely the same as the final versions of the legislation written or acted upon by the Commerce Committee or the House in the last Congress. Interstate waste and flow control passed the House by unanimous consent. Safe drinking water was approved under the suspension calendar. Superfund was approved by a 44–0 margin in committee. And the House approved telecommunications reform by a vote of 423–5.

The telecommunications legislation will reform our Nation's outdated telecommunications laws, and create an environment where competition, rather than government regulation, will govern the services that customers will have available. The text of the bill that I am introducing today is identical to last year's, with two exceptions:

First, the requirement for the Justice Department to hold a hearing in every case in which a Bell Operating company requests relief has been deleted. This requirement imposed administrative burdens on the Justice Department, yet served no useful purpose. At the request of the Justice Department, it has been deleted.

Second, there was some confusion last year about a provision that could have delayed Bell Company entry into certain long distance markets as a result of an ambiguity in the statute. During the House consideration of the legislation, Chairman Brooks and I engaged in a colloquy to clarify that ambiguity. I have made changes in the text of the legislation I am introducing today to conform the statutory text with the colloquy.

The interstate waste and flow control bills resolve some long-standing disputes between state and municipal governments, and between different regions of the country. The Superfund reform had the support of a broad coalition of industry, small business, State and local governments, the environmental community, banks, and many

others. It will make the cleanup of toxic waste sites more efficient and more economical, and will restore some sense of reason and fairness to the liability system. The Safe Drinking Water Act revisions uphold water quality standards while accounting for the special needs of smaller communities.

All of these bills were the product of extensive discussions and negotiations involving the full range of interests. While these are good bills in their current form, I neither expect nor ask the 104th Congress to enact these measures without full discussion or amendment. I am prepared, and even eager, to work with my Republican colleagues in fashioning productive legislation that achieves the same solid degree of consensus we were able to reach last year. I am introducing these bills today in that spirit of cooperation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BROWN of Florida (at the request of Mr. GEPHARDT) for today after 10:15 p.m. on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Member (at the request of Mr. FAZIO of California) to revise and extend his remarks and include extraneous material:

Mr. DINGELL for 5 minutes today.

The following Member (at the request of Mr. LAZIO of New York) to revise and extend his remarks and include extraneous material:

Mr. EHLERS for 5 minutes on January 5.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 24 minutes a.m.), the House adjourned until today, Thursday, January 5, 1995, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 103d Congress, pursuant to the provisions of 2 U.S.C. 25.

Honorable Steve Largent, 1st District Oklahoma.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

FEBRUARY 12, 1994

H.R. 3759, An Act making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

FEBRUARY 16, 1994

H.R. 1303, An Act to designate the Federal Building and United States Courthouse located at 402 East State Street in Trenton, New Jersey, as the ''Clarke S. Fisher Federal Building and United States Courthouse''.

H.R. 2223, An Act to designate the Federal Building located at 525 Griffin Street in Dallas, Texas, as the ''A. Maceo Smith Federal Building''.

H.R. 2555, An Act to designate the Federal building located at 100 East Fifth Street in Cincinnati, Ohio, as the ''Potter Stewart United States Courthouse''.

H.R. 3186, An Act to designate the United States courthouse located in Houma, Louisiana, as the ''George Arceneaux, Jr., United States Courthouse.''

H.R. 3356, An Act to designate the United States courthouse under construction at 611 Broad Street, in Lake Charles, Louisiana, as the ''Edwin Ford Hunter, Jr., United States Courthouse''.

MARCH 9, 1994

H.R. 2339, An act to revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes.

H.R. 3617, An Act to amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes.

MARCH 30, 1994

H.R. 3345, An Act to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

MARCH 31, 1994

H.R. 1804, An Act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

H.R. 4122, An Act to temporarily extend certain provisions of the Marine Mammal Protection Act.

APRIL 6, 1994

H.J. Res. 329, Joint Resolution designating March 23, 1994, as ''Education and Sharing Day, U.S.A.''.

APRIL 30, 1994

H.R. 2333, An Act to authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

H.R. 4066, An Act to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup Soccer Games, the 1994 World Rowing Championships, the 1995 Special Olympics World Games, the 1996 Summer Olympics, and the 1996 Paralympics.

MAY 4, 1994

H.R. 821, An Act to amend title 38, United States Code, to extend eligibility for burial in national cemeteries to persons who have 20 years of service creditable for retired pay as members of a reserve component of the Armed Forces and to their dependents.

H.R. 2884. An Act to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

H.R. 3693. An Act to designate the United States Courthouse under construction in Denver, Colorado, as the ''Byron White United States Courthouse''.

MAY 16, 1994

H.J. Res. 239. Joint Resolution to authorize the President to proclaim September 1994 as ''Classical Music Month''.

H.R. 4204. An Act to designate the Federal building located at 711 Washington Street in Boston, Massachusetts, as the ''Jean Mayer Human Nutrition Research Center on Aging''.

MAY 19, 1994

H.R. 1134. An Act to provide for the transfer of certain public lands located in Clear Creek County, Colorado, to the Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.

H.R. 1727. An Act to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

MAY 25, 1994

H.J. Res. 303. Joint Resolution to designate June 6, 1994, as ''D-Day National Remembrance Day''.

H.R. 2868. An Act to designate the Federal building located at 600 Camp Street in New Orleans, Louisiana, as the ''John Minor Wisdom United States Court of Appeals Building'', and for other purposes.

MAY 31, 1994

H.R. 2139. An Act to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1994, 1995, 1996, and 1997.

JUNE 10, 1994

H.R. 3863. An Act to designate the Post Office building located at 401 E. South Street in Jackson, Mississippi, as the ''Medgar Wiley Evers Post Office''.

JUNE 13, 1994

H.R. 1632. An Act to amend title 11, District of Columbia Code, and Part C of title IV of the District of Columbia Self-Government and Governmental Reorganization Act to remove gender-specific references.

JUNE 16, 1994

H.R. 965. An Act to provide for toy safety and for other purposes.

JUNE 28, 1994

H.R. 3676. An Act to amend the District of Columbia Spouse Equity Act of 1988 to provide for coverage of the former spouses of judges of the District of Columbia courts.

H.R. 4205. An Act to amend title 11, D.C. Code, to clarify that blind individuals are eligible to serve as jurors in the Superior Court of the District of Columbia.

JULY 5, 1994

H.R. 1183. An Act to validate conveyance of certain lands in the State of California that

form part of the right-of-way granted by the United States to the Central Pacific Railway Company.

H.R. 1758. An Act to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, III, and V–X of title 49, United States Code, ''Transportation'', and to make other technical improvements in the Code.

H.R. 2559, An Act to designate the Federal building located at 601 East 12th Street in Kansas City, Missouri, as the ''Richard Bolling Federal Building'' and the United States Courthouse located at Ninth and Locust Streets, in Kansas City, Missouri, as the ''Charles Evans Whittaker United States Courthouse''.

H.R. 3724, An Act to designate the United States courthouse located in Bridgeport, Connecticut, as the ''Brien McMahon Federal Building''.

H.R. 4568, An Act making supplemental appropriations for the Department of Housing and Urban Development for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 4581, An Act to provide for the imposition of temporary fees in connection with the handling of complaints of violations of the Perishable Agricultural Commodities Act, 1930.

H.R. 4635, An Act to extend the Export Administration Act of 1979.

JULY 21, 1994

H.R. 3567, An Act to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes.

JULY 22, 1994

H.R. 4322, An Act to amend the Small Business Act to increase the authorization for the development company program, and for other purposes.

H.R. 4454, An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes.

AUGUST 1, 1994

H.R. 572, An Act for the relief of Melissa Johnson.

H.R. 1346, An Act to designate the Federal building located on St. Croix, Virgin Islands, as the ''Almeric L. Christian Federal Building''.

H.R. 1873, An Act to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for the amount of benefits or services based on need.

H.R. 2532, An Act to designate the Federal building and United States courthouse in Lubbock, Texas, as the ''George H. Mahon Federal Building and United States Courthouse''.

H.R. 3770, An Act to designate the United States courthouse located at 940 Front Street in San Diego, California, and the Federal building attached to the courthouse as the ''Edward J. Schwartz Courthouse and Federal Building''.

H.R. 3840, An Act to designate the Federal building and United States courthouse located at 100 East Houston Street in Marshall, Texas, as the ''Sam B. Hall, Jr. Federal Building and United States Courthouse''.

AUGUST 11, 1994

H.R. 374, Joint Resolution designating August 2, 1994, as ''National Neighborhood Crime Watch Day.''

H.R. 2457, An Act to direct the Secretary of the Interior to conduct a salmon captive broodstock program.

AUGUST 12, 1994

H.R. 4429, An Act to authorize the transfer of naval vessels to certain foreign countries.

AUGUST 15, 1994

H.R. 4277, An Act to establish the Social Security Administration as an independent agency and to make other improvements in the old-age survivors, and disability insurance program.

AUGUST 16, 1994

H.R. 868, An Act to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes.

AUGUST 19, 1994

H.R. 4790, An Act to designate the United States courthouse under construction in St. Louis, Missouri, as the ''Thomas F. Eagleton United States Courthouse''.

AUGUST 23, 1994

H.J.Res. 131, Joint Resolution designating December 7 of each year as ''National Pearl Harbor Remembrance Day''.

H.J.Res. 175, Joint Resolution designating October 1994 as ''Italian-American Heritage and Culture Month''.

H.R. 1426, An Act to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes.

H.R. 1631, An Act to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia.

H.R. 1933, An Act to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, to extend such Commission, and to support the planning and performance of national service opportunities in conjunction with the Federal legal holiday honoring the birthday of Martin Luther King, Jr.

H.R. 2739, An Act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

H.R. 4426, An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 4453, An Act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

AUGUST 25, 1994

H.R. 4812, An Act to direct the Administrator of General Services to acquire by transfer the Old U.S. Mint in San Francisco, California, and for other purposes.

AUGUST 26, 1994

H.R. 2178, An Act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997, and for other purposes.

H.R. 2243, An Act to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes.

H.R. 2815, An Act to designate a portion of the Farmington River in Connecticut as a component of the National Wild and Scenic Rivers System.

H.R. 2942, An Act to designate certain lands in the Commonwealth of Virginia as the George Washington National Forest Mount Pleasant Scenic Area.

H.R. 2947, An Act to amend the Commemorative Works Act, and for other purposes.

H.R. 3197, An Act to redesignate the postal facility located at 2100 North 13th Street in Reading, Pennsylvania, as the ''Gus Yatron Postal Facility''.

H.R. 4506, An Act making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4603, An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes.

SEPTEMBER 13, 1994

H.R. 3355, An Act to control and prevent crime.

SEPTEMBER 23, 1994

H.R. 3474, An Act to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes.

SEPTEMBER 28, 1994

H.R. 4624, An Act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes.

SEPTEMBER 29, 1994

H.R. 3841, An Act to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching.

SEPTEMBER 30, 1994

H.R. 4539, An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4554, An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4556, An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4602, An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4606, An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4649, An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes.

H.R. 4650, An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

OCTOBER 3, 1994

H.R. 4190, An Act to designate the building located at 41–42 Norre Gade in Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the Alvaro de Lugo Post Office; and to amend title 39, United States Code to make applicable with respect to the United States Postal Service certain

exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes.

OCTOBER 6, 1994

H.J. Res. 363, Joint Resolution to designate October 1994 as ''Crime Prevention Month''.

H.R. 1779, An Act to designate the facility of the United States Postal Service located at 401 South Washington Street in Chillicothe, Missouri, as the ''Jerry L. Litton United States Post Office Building'', and to authorize travel and transportation expenses for certain Federal career appointees, and for other purposes.

H.R. 2144, An Act to provide for the transfer of excess land to the Government of Guam, and for other purposes.

H.R. 3679, An Act to authorize the Secretary of the Interior to carry out a program to be known as the Junior Duck Stamp Conservation and Design program, and for other purposes.

H.R. 3839, An Act to designate the United States Post Office building located at 220 South 40th Avenue in Hattiesburg, Mississippi, as the ''Roy M. Wheat Post Office''.

H.R. 4177, An Act to designate the United States Post Office building located at 1601 Highway 35 in Middletown, New Jersey, as the ''Candace White Post office''.

H.R. 4191, An Act to designate the United States Post Office building located at 9630 Estate Thomas in Saint Thomas, Virgin Islands, as the ''Aubrey C. Ottley Post Office''.

H.R. 4230, An Act to amend the American Indian Religious Freedom Act to provide for the traditional use of peyote by Indians for religious purposes, and for other purposes.

H.R. 4569, An Act to extend and make amendments to the President John F. Kennedy Assassination Records Collection Act of 1992.

H.R. 4647, An Act to direct the Secretary of the Interior to convey to the City of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge.

OCTOBER 10, 1994

H.R. 5060, An Act to provide for the continuation of certain fee collections for the expenses of the Securities and Exchange Commission for fiscal year 1995.

OCTOBER 13, 1994

H.R. 995, An Act to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes.

H.R. 4217, An Act to reform the Federal crop insurance program, and for other purposes.

OCTOBER 14, 1994

H.J. Res. 389, Joint Resolution to designate the second Sunday in October of 1994 as ''National Children's Day''.

H.J. Res. 398, Joint Resolution to establish the fourth Sunday of July as ''Parents' Day''.

H.J. Res. 415, Joint Resolution designating the week beginning October 16, 1994, as ''National Penny Charity Week''.

H.R. 734, An Act to amend the Act entitled, ''An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes''.

H.R. 3694, An Act to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically, sexually, or emotionally abusing a child.

H.R. 4299, An Act to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 4543, An Act to designate the United States courthouse to be constructed at 907 Richland Street in Columbia, South Carolina, as the ''Matthew J. Perry, Jr. United States Courthouse.''

OCTOBER 18, 1994

H.R. 810, An Act for the relief of Elizabeth M. Hill.

OCTOBER 19, 1994

H.J. Res. 401, Joint Resolution designating the months of March 1995 and March 1996 as ''Irish-American Heritage Month''.

H.J. Res. 417, Joint Resolution providing for temporary extension of the application of the final paragraph of section 10 of the Railway Labor Act with respect to the dispute between the Soo Line Railroad Company and certain of its employees.

H.R. 1520, An Act to amend the Petroleum Marketing Practices Act.

H.R. 2826, An Act to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

H.R. 2902, An Act to amend the District of Columbia Self-Government and Governmental Reorganization Act to reauthorize the annual Federal payment to the District of Columbia for fiscal year 1996, and for other purposes.

H.R. 3485, An Act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1995 and 1996.

H.R. 4308, An Act to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal years 1995 through 1998, and for other purposes.

H.R. 4379, An Act to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports, and for other purposes.

H.R. 4653, An Act to settle Indian land claims within the State of Connecticut, and for other purposes.

H.R. 5155, An Act to authorize the transfer of naval vessels to certain foreign countries.

OCTOBER 20, 1994

H.R. 6, An Act to extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes.

OCTOBER 22, 1994

H.J. Res. 425, Joint Resolution providing for the convening of the First Session of the One Hundred Fourth Congress.

H.R. 2135, An Act to provide for a National Native American Veterans' Memorial.

H.R. 2266, An Act for the relief of Orlando Wayne Naraysingh.

H.R. 2294, An Act to redesignate the Post Office building located at 1000 Lamar Street in Wichita Falls, Texas, as the ''Graham B. Purcell, Jr. Post Office Building''.

H.R. 2411, An Act for the relief of Leteane Clement Monatsi.

H.R. 4192, An Act to designate the United States Post Office building located at 3000 Veterans Drive in Saint Thomas, Virgin Islands, as the ''Arturo R. Watlington, Sr. Post Office''.

H.R. 4278, An Act to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act.

H.R. 4361, An Act to amend chapter 63 of title 5, United States Code, to provide that an employee of the Federal Government may use sick leave to attend to the medical needs of a family member, and for other purposes.

H.R. 4535, An Act to amend the Securities Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes.

H.R. 4896, An Act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.R. 4924, An Act to assist in the conservation of rhinoceros and tigers by supporting and providing financial resources for the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and of the CITES Secretariat.

H.R. 4950, An Act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes.

H.R. 5053, An Act to authorize the Secretary of Agriculture to extend for one year Water Bank Act agreements that are due to expire on December 31, 1994.

H.R. 5116, An Act to amend title 11 of the United States Code.

OCTOBER 25, 1994

H.R. 512, An Act to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill; to provide for continuation of health benefits coverage for certain individuals enrolled in health benefits plans administered by the Office of the Comptroller of the Currency or the Office of Thrift Supervision, and for other purposes.

H.R. 783, An Act to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization.

H.R. 808, An Act for the relief of James B. Stanley.

H.R. 2056, An Act to redesignate the Post Office building located at 600 Princess Anne Street in Fredericksburg, Virginia, as the ''Samuel E. Perry Post Office Building''.

H.R. 2440, An Act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

H.R. 4833, An Act to reform the management of Indian Trust Funds, and for other purposes.

H.R. 4842, An Act to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act and to provide for tribal Self-Governance, and for other purposes.

H.R. 4922, An Act to amend title 18, United States Code, to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes.

H.R. 5034, An Act to make certain technical amendments relating to the State Department Basic Authorities Act of 1956, the United States Information and Educational Exchange Act of 1948, and other provisions of law.

OCTOBER 29, 1994

H.R. 2970, An Act to reauthorize the Office of Special Counsel, and for other purposes.

OCTOBER 31, 1994

H.R. 3499, An Act to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act.

H.R. 3678, An Act to authorize the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf sand, gravel, and shell resources.

H.R. 4196, An Act to ensure that timber-dependent communities adversely affected by the Forest Plan for a Sustainable Economy

and a Sustainable Environment qualify for loans and grants from the Rural Development Administration.

H.R. 4455, An Act to authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes.

H.R. 4778, An Act to codify without substantive change recent laws related to transportation and to improve the United States Code.

H.R. 5084, An Act to amend title 13, United States Code, to improve the accuracy of census address lists, and for other purposes.

H.R. 5176, An Act to amend the Federal Water Pollution Control Act relating to San Diego ocean discharge and waste water reclamation.

H.R. 5252, An Act to amend the Social Security Act and related Acts to make miscellaneous and technical amendments, and for other purposes.

NOVEMBER 2, 1994

H.J. Res. 271, Joint Resolution designating the month of November in each of calendar years 1993 and 1994 a ''National American Indian Heritage Month''.

H.J. Res. 326, Joint Resolution designating January 16, 1995, as ''National Good Teen Day''.

H.R. 1348, An Act to establish the Ouinebaug and Shetuckert Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes.

H.R. 3050, An Act to expand the boundaries of the Red Rock Canyon National Conservation Area.

H.R. 3059, An Act to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage.

H.R. 3313, An Act to amend title 38, United States Code, to extend certain expiring veterans' health care programs, and for other purposes.

H.R. 3984, An Act to designate the building located at 216 Coleman Avenue in Waveland, Mississippi, for the period of time during which it houses operations of the United States Postal Service, as the ''John Longo, Jr. Post Office''.

H.R. 4180, An Act to provide for the annual publication of a list of federally recognized Indian tribes, and for other purposes.

H.R. 4193, An Act to designate the building located at 100 Vester Gade, in Cruz Bay, Saint Thomas, Virgin Islands, for the period of time during which it houses operations of the United States Postal Service, as the ''Ubaldina Simmons Post Office''.

H.R. 4452, An Act to designate the United States Post Office building located at 115 North Chester in Ruleville, Mississippi, as the ''Fannie Lou Hamer Post Office''.

H.R. 4497, An Act to award a congressional gold medal to Rabbi Menachem Mendel Schneerson.

H.R. 4551, An Act to designate the United States Post Office building located at 301 West Lexington Street in Independence, Missouri, as the ''William J. Randall Post Office''.

H.R. 4571, An Act to designate the United States Post Office building located at 103–104 Estate Richmond in Saint Croix, Virgin Islands, as the ''Wilbert Armstrong Post Office''.

H.R. 4595, An Act to designate the building at 4021 Laclede in St. Louis, Missouri, for the period of time during which it houses operations of the United States Postal Service, as the ''Marian Oldham Post Office''.

H.R. 4598, An Act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coastal Barrier Resources Act.

H.R. 4709, An Act to make certain technical corrections, and for other purposes.

H.R. 4757, An Act to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes.

H.R. 4777, An Act to make technical improvements in the United States Code by amending provisions to reflect the current names of congressional committees.

H.R. 4781, An Act to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes.

H.R. 4814, An Act to grant the consent of the Congress to amendments to the Central Midwest Interstate Low-Level Radioactive Waste Compact.

H.R. 4867, An Act to authorize appropriations for high-speed rail transportation, and for other purposes.

H.R. 4967, An Act to designate the United States courthouse located at 231 West Lafayette Street in Detroit, Michigan, as the ''Theodore Levin United States Courthouse'' and to designate the postal facility located at 1401 West Fort Street in Detroit, Michigan, as the ''George W. Young Post Office''.

H.R. 5102, An Act to amend title 18, United States Code, with respect to certain crimes relating to Congressional medals of honor.

H.R. 5161, An Act to amend the Omnibus Budget Reconciliation Act of 1993 to permit the prompt sharing of timber sale receipts of the Forest Service and the Bureau of Land Management.

H.R. 5200, An Act to resolve the 107th meridian boundary dispute between the Crow Indian Tribe and the United States.

H.R. 5220, An Act to provide for the acceptance by the Secretary of Education of applications submitted by the local educational agency serving the Window Rock Unified School District, Window Rock, Arizona, under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal years 1994 and 1995.

H.R. 5244, An Act to amend title 38, United States Code, to revise and improve veterans' benefits programs, and for other purposes.

H.R. 5246, An Act to amend the Foreign Assistance Act of 1961 to make certain corrections relating to international narcotics control activities, and for other purposes.

NOVEMBER 9, 1994

H.J. Res. 390, Joint Resolution designating September 17, 1994, as ''Constitution Day''.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

FEBRUARY 22, 1994

S.J.Res. 119, Joint Resolution to designate the month of March 1994 as ''Irish-American Heritage Month''.

MARCH 17, 1994

S. 1789, An Act to amend title 23, United States Code, to permit the use of funds under the highway bridge replacement and rehabilitation program for seismic retrofit of bridges, and for other purposes.

MARCH 24, 1994

S.J. Res. 56, Joint Resolution to designate the week beginning April 11, 1994, as ''National Public Safety Telecommunications Week''.

S.J. Res. 162, Joint Resolution designating March 25, 1994, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''.

S.J. Res. 163, Joint Resolution to proclaim March 20, 1994, as ''National Agriculture Day.''

S.J. Res. 171, Joint Resolution to designate March 20 through March 26, 1994, as ''Small Family Farm Week''.

MARCH 25, 1994

S. 1926, An Act to amend the Food Stamp Act of 1977 to modify the requirements relating to monthly reporting and staggered issuance of coupons for households residing on Indian reservations, to ensure adequate access to retail food stores by food stamp households, and to maintain the integrity of the food stamp households, and to maintain the integrity of the food stamp program, and for other purposes.

APRIL 6, 1994

S. 1284, An Act to amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

S. 1913, An Act to extend certain compliance dates for pesticide safety training and labeling requirements.

APRIL 11, 1994

S. 476, An Act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, and for other purposes.

S. 1299, An Act to amend section 203 of the Housing and Community Development Amendments of 1978 to provide for the disposition of multifamily properties owned by the Secretary of Housing and Urban Development, to provide for other reforms in programs administered by the Secretary, and to make certain technical amendments, and for other purposes.

APRIL 14, 1994

S. 1206, An Act to redesignate the Federal building at 380 Trapelo Road in Waltham, Massachusetts, as the ''Frederick C. Murphy Federal Center''.

APRIL 28, 1994

S. 2004, An Act to extend until July 1, 1998, the exemption from ineligibility based on a high default rate for certain institutions of higher education.

APRIL 30, 1994

S. 1636, An Act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes.

MAY 4, 1994

S. 375, An Act to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1574, An Act to authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes.

S.J. Res. 143, Joint Resolution providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 144, Joint Resolution providing for the appointment of Manuel Luis Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 150, Joint Resolution to designate the week of May 2 through May 8, 1994, as ''Public Service Recognition Week''.

MAY 6, 1994

S. 2005, An Act to make certain technical corrections, and for other purposes.

MAY 11, 1994

S. 1930, An Act to amend the Consolidated Farm and Rural Development Act to improve the administration of claims and obligations of the Farmers Home Administration, and for other purposes.

MAY 16, 1994

S.J. Res. 146, Joint Resolution designating May 1, 1994, through May 7, 1994, as ''National Walking Week''.

MAY 18, 1994

S. 2000, An Act to authorize appropriations to carry out the Head Start Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981, and for other purposes.

MAY 19, 1994

S. 341, An Act to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

MAY 25, 1994

S.J. Res. 168, Joint Resolution designating May 11, 1994, as ''Vietnam Human Rights Day''.

MAY 26, 1994

S. 636, An Act to amend title 18, United States Code, to assure freedom of access to reproductive services.

S. 2024, An Act to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes.

S. 2087, An Act to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain products packaged prior to August 8, 1994.

MAY 31, 1994

S. 1654, An Act to make certain technical corrections.

S.J. Res. 179, Joint Resolution to designate the week of June 12 through 19, 1994, as ''National Men's Health Week''.

JUNE 30, 1994

S. 24, An Act to reauthorize the independent counsel law for an additional 5 years, and for other purposes.

JULY 1, 1994

S. 1904, An Act to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals.

JULY 20, 1994

S.J. Res. 187, Joint Resolution designating July 16 through July 24, 1994, as ''National Apollo Anniversary Observance''.

JULY 22, 1994

S. 273, An Act to remove certain restrictions from a parcel of land owned by the city of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes.

S. 1402, An Act to convey a certain parcel of public land to the County of Twin Falls, Idaho, for use as a landfill, and for other purposes.

AUGUST 1, 1994

S. 537, An Act for the relief of Tania Gil Compton.

S. 832, An Act to designate the plaza to be constructed in the Federal Triangle property in Washington, DC, as the ''Woodrow Wilson Plaza''.

S. 1880, An Act to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994.

S.J. Res. 172, Joint Resolution designating May 29, 1995, through June 6, 1995, as a ''Time for the National Observance of the Fiftieth Anniversary of World War II''.

AUGUST 11, 1994

S.J. Res. 195, Joint Resolution to designate August 1, 1994, as ''Helsinki Human Rights Day''.

AUGUST 17, 1994

S. 1458, An Act to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

AUGUST 18, 1994

S.J. Res. 204, Joint Resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding.

AUGUST 19, 1994

S.J. Res. 178, Joint Resolution to proclaim the week of October 16 through October 22, 1994, as ''National Character Counts Week''.

AUGUST 26, 1994

S. 2099, An Act to establish the Northern Great Plains Rural Development Commission, and for other purposes.

S.J. Res. 153, Joint Resolution to designate the week beginning on November 20, 1994 and ending on November 26, 1994, as ''National Family Caregivers Week''.

S.J. Res. 196, Joint Resolution to designating September 16, 1994, as ''National POW/MIA Recognition Day'' and authorizing display of the National League of Families POW/MIA flag.

SEPTEMBER 21, 1994

S. 1066, An Act to restore Federal services to the Pokagon Band of Potawatomi Indians.

S. 1357, An Act to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

SEPTEMBER 23, 1994

S. 859, An Act to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926.

OCTOBER 5, 1994

S. 2182, An Act to authorize appropriations for fiscal year 1995 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.

OCTOBER 6, 1994

S. 716, An Act to require that all Federal lithographic printing be performed using ink made from vegetable oil and materials derived from other renewable resources, and for other purposes.

S. 1406, An Act to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

S. 1703, An Act to expand the boundaries of the Piscataway Park, and for other purposes.

OCTOBER 8, 1994

S.J. Res. 221, Joint Resolution to express the sense of the Congress in Commemoration of the 75th anniversary of Grand Canyon National Park.

OCTOBER 13, 1994

S. 1587, An Act to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

S. 2170, An Act to provide a more effective, efficient, and responsive Government.

OCTOBER 14, 1994

S. 316, An Act to establish the Saguaro National Park in the State of Arizona, and for other purposes.

S. 1233, An Act to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes.

S.J. Res. 157, Joint Resolution to designate 1994 as ''The Year of Gospel Music''.

S.J. Res. 185, Joint Resolution to designate October 1994 as ''National Breast Cancer Awareness Month''.

S.J. Res. 198, Joint Resolution designating 1995 as the ''Year of the Grandparent''.

OCTOBER 18, 1994

S. 2406, An Act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes.

S.J. Res. 220, Joint Resolution to designate October 19, 1994, as ''National Mammography Day''.

OCTOBER 19, 1994

S. 2475, An Act to authorize assistance to promote the peaceful resolution of conflicts in Africa.

OCTOBER 20, 1994

S. 922, An Act to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court.

OCTOBER 22, 1994

S. 340, An Act to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 455, An Act to amend title 31, United States Code, to increase Federal payments to units of general local governments for entitlement lands, and for other purposes.

S. 528, An Act to provide for the transfer of certain United States Forest Service lands located in Lincoln County, Montana, to Lincoln County in the State of Montana.

S. 720, An Act to clean up open dumps on Indian lands, and for other purposes.

S. 1225, An Act to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission.

S. 1312, An Act to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries.

S. 1457, An Act to amend the Aleutian and Pribilof Islands Restitution Act to increase authorization for appropriation to compensate Aleut villages for church property lost, damaged, or destroyed during World War II.

S. 2060, An Act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 2073, An Act to designate the Warren B. Rudman United States Courthouse, the Jamie L. Whitten Federal Building, and the William H. Natcher Federal Building and United States Courthouse.

S. 2395, An Act to designate the United States Courthouse in Detroit, Michigan, as the ''Theodore Levin Courthouse'', and for other purposes.

S. 2466, An Act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

S. 2500, An Act to enable producers and feeders of sheep and importers of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes.

S.J. Res. 90, Joint Resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

OCTOBER 25, 1994

S. 784, An Act to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 1927, An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, to revise and improve veterans' benefits programs, and for other purposes.

S. 2372, An Act to amend the United States Commission on Civil Rights Act of 1983.

S. 2407, An Act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2534, An Act to revise and improve the process for disposing of buildings and property at military installations under the base closure laws.

S.J. Res. 227, Joint Resolution approving the location of a Thomas Paine Memorial and a World War II Memorial in the Nation's Capital.

S.J. Res. 229, Joint Resolution regarding United States policy toward Haiti.

OCTOBER 31, 1994

S. 21, An Act to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks, to establish the Mojave National Preserve, and for other purposes.

S. 1146, An Act to provide for the settlement of water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County Arizona, and for other purposes.

NOVEMBER 2, 1994

S. 1614, An Act to amend the Child Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes.

MESSAGES AND COMMUNICATIONS RECEIVED FOLLOWING THE SINE DIE ADJOURNMENT OF THE 103RD CONGRESS AND FOLLOWING THE PUBLICATION OF THE FINAL ADDITION OF THE CONGRESSIONAL RECORD OF THE 103RD CONGRESS

COMMUNICATION FROM THE HON. ROBERT H. MICHEL, MINORITY LEADER

OFFICE OF THE REPUBLICAN LEADER,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives
Washington, DC

DEAR MR. SPEAKER: Pursuant to Section 904(b) of Public Law 103–236, I hereby appoint the following individuals to the Commission on Protecting and Reducing Government Secrecy: Representative Larry Combest of Texas and Mr. Martin Faga of Bethlehem, Pennsylvania.

Sincerely,

BOB MICHEL,
Republican Leader.

APPOINTMENTS AFTER SINE DIE ADJOURNMENT AND FOLLOWING THE PUBLICATION OF THE FINAL ADDITION OF THE CONGRESSIONAL RECORD OF THE 103RD CONGRESS

Pursuant to the provisions of section 303(a) of Public Law 103–3, and the order of the House of Friday, October 7, 1994 authorizing the Speaker and the minority leader to appoint commissions, boards and committees authorized by law or by the House, the Speaker on Thursday, December 22, 1994 did appoint to the Commission on Leave the following Member of the House to fill the existing vacancy thereon:

Mrs. SCHROEDER of Colorado.

Pursuant to the provisions of section 270002 of Public Law 103–322, and the order of the House of Friday, October 7, 1994 authorizing the Speaker and the minority leader to appoint commissions, boards and committees authorized by law or by the House, the Speaker on Thursday, December 22, 1994, did appoint to the National Commission on Crime Prevention and Control the following members on the part of the House:

Mr. Thomas F. Railsback, Moline, IL.

Mr. Werner, W. Brandt, Arlington, VA.

And on January 3, 1995 did also appoint:

Mr. Jeffrey A. Teitz, Newport, RI.

Mr. Larry Erickson, Spokane, WA.

Mr. Jonathan R. Yarowsky, Washington, DC.

Mr. Michael J. O'Neil, Oakton, VA.

Pursuant to the provisions of section 1 of 2 U.S.C. 154, as amended by section 1 of Public Law 102–246, and the order of the House of Friday, October 7, 1994 authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on Friday, December 23, 1994 did appoint to the Library of Congress Trust Fund Board the following members on the part of the House:

Mr. Peter Lynch, Boston, MA to fill the unexpired term of Mr. Robert Rubin.

Mr. Thomas S. Foley, Washington, DC, to a 4-year term.

and on Tuesday, January 3, 1995 did also appoint:

Mr. Lawrence Tisch, New York, NY, to a 2-year term.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A communication from the President of the United States, transmitting a report of one revised deferral of budgetary resources, totaling $1.2 billion, pursuant to 2 U.S.C. 685(c) (H. Doc. No. 104–8); to the Committee on Appropriations and ordered to be printed.

2. A communication from the President of the United States, transmitting his request to make available appropriations totaling $32,200,000 in budget authority for the Departments of Housing and Urban Affairs, and Commerce, and to designate these amounts as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–9); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's first special impoundment message for fiscal year 1995, pursuant to 2 U.S.C. 685 (H. Doc. No. 104–14); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Controller, Office of the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5. A letter from the Comptroller, Office of the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6. A letter from the General Counsel, Department of Defense, transmitting a copy of the President's Executive order updating the ''Manual for Courts-Martial, United States, 1984''; to the Committee on National Security.

7. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

8. A letter from the Secretary of Education, transmitting final priorities—Special Studies Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

9. A letter from the Secretary of Education, transmitting final priorities—rehabilitation training programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

10. A letter from the Secretary of Education, transmitting final priorities—special demonstrations; and projects with industry, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

11. A letter from the Secretary of Education, transmitting final regulations—William D. Ford Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

12. A letter from the Secretary of Education, transmitting final regulations—Federal Perkins Loan Program, Federal Work-Study, and Federal Supplemental Educational Opportunity Grant Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

13. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning to project arrangements to be conducted under the 1992 agreement with Australia on cooperation in radar activities (Transmittal No. 13–94), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

14. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the fiscal year 1994 annual report on the operation of the special defense acquisition

fund, pursuant to 22 U.S.C. 2795b(a); to the Committee on International Relations.

15. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to section 3 of the AECA concerning the unauthorized transfer of U.S.-origin defense articles, pursuant to 22 U.S.C. 2314(d); to the Committee on International Relations.

16. A communication from the President of the United States, transmitting an unclassified report on the Loan Guarantees to Israel Program and on economic conditions in Israel, pursuant to section 226(k) of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

17. A communication from the President of the United States, transmitting the second monthly report on the situation in Haiti, pursuant to 50 U.S.C. 1541 note; to the Committee on International Relations.

18. A communication from the President of the United States, transmitting the third monthly report on the situation in Haiti, pursuant to 50 U.S.C. 1541 note; to the Committee on International Relations.

19. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

20. A communication from the President of the United States, transmitting the final part of his report on the extent to which federally funded international exchange programs share similar objectives, pursuant to section 229(a) of the Foreign Relations Authorization Act, fiscal years 1994 and 1994; to the Committee on International Relations.

21. A communication from the President of the United States, transmitting a report on developments since his last report concerning the national emergency with respect to the Governments of Serbia and Montenegro, pursuant to 50 U.S.C. 1703(c) (H. Doc. No. 104–5); to the Committee on International Relations and ordered to be printed.

22. A communication from the President of the United States, transmitting notification that the Libyan emergency is to continue in effect beyond January 7, 1995, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 104–7); to the Committee on International Relations and ordered to be printed.

23. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102–1, section 3 (105 Stat. 4) (H. Doc. No. 104–11); to the Committee on International Relations and ordered to be printed.

24. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

25. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committees on International Relations.

26. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's certification and justifications that the Republic of Belarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine are committed to the courses of action described in section 1201 of the Cooperative Threat Reduction Act of 1994; to the Committee on International Relations.

27. A communication from the President of the United States, transmitting his fourth report on the continuing deployment of a United States Army peacekeeping contingent as part of the U.N. Protection Force (UNPROFOR] in the former Yugoslav Republic of Macadonia [FYROM], consistent with the War Powers Resolution (H. Doc. No. 104–6); to the Committee on International Relations and ordered to be printed.

28. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of H.R. 5110, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Reform and Oversight.

29. A communication from the President of the United States, transmitting his report on the implementation of locality-based comparability payments for General Schedule employees for calendar year 1995, pursuant to 5 U.S.C. 5304(d)(3) (H. Doc. No. 104–13); to the Committee on Government Reform and Oversight and ordered to be printed.

30. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

31. A letter from the inspector general, Department of Commerce, transmitting the semiannual report on the activities of the inspector general for the period ending September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

32. A letter from the Secretary, Department of Education, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

33. A letter from the Secretary of Education, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

34. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, and management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2515. 2526); to the Committee on Government Reform and Oversight.

35. A letter from the Secretary, Department of the Interior, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, together with the Secretary's report on audit followup, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

36. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–347, ''Closing of a Public Alley in Square 120, S.O. 91–8, Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

37. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–344, ''Armory Board Interim Authority Temporary Amendment Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

38. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–346, ''Public Assistance and Day Care Policy Temporary Amendment Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

39. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–345, ''Prevention of the Spread of the Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Temporary Amendment Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

40. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–343, ''Qualified Massage Therapists Amendment Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

41. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–340, ''Medicaid Benefits Protection Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

42. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–341, ''Respiratory Care Practice Amendment Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

43. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–342, ''Moratorium on the Issuance of New Retailer's Licenses Class B Amendment Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

44. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled ''Review of the Implementation of Audit Recommendations For the Public Access Corporation of the District of Columbia,'' pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

45. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled ''Program Review of the District of Columbia Lottery and Charitable Games Control Board For Fiscal Years 1988 Through 1993,'' pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

46. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in November 1994, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

47. A letter from the Chairman, Armed Forces Retirement Home Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

48. A letter from the Chairman, Commodity Futures Trading Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

49. A letter from the Chief Executive Officer, Corporation for National Service, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat.

2526); to the Committee on Government Reform and Oversight.

50. A letter from the Chairman, Corporation for Public Broadcasting, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

51. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

52. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report of activities of the inspector general for the period April 1, 1994, through September 30, 1994, and the Secretary's semiannual report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Reform and Oversight.

53. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (96 Stat. 750, 102 Stat. 2526); to the Committee on Government Reform and Oversight.

54. A letter from the Attorney General, Department of Justice, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, and the management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Reform and Oversight.

55. A letter from the Secretary, Department of Transportation, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

56. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, and the Department's management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526, 2640); to the Committee on Government Reform and Oversight.

57. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report of the Office of Inspector General covering the period April 1, 1994, through September 30, 1994, and the semiannual management report, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

58. A letter from the Chairman, Farm Credit Administration, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

59. A letter from the Federal Housing Finance Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

60. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

61. A letter from the Administrator, General Services Administration, transmitting the semiannual report on the activities of the Department's inspector general for the period April 1, 1994, through September 30, 1994, and the management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

62. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

63. A letter from the Chairman, Interstate Commerce Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

64. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on the activities of the inspector general for the period ending September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

65. A letter from the Acting Archivist, National Archives, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

66. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

67. A letter from the Chairman, National Credit Union Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

68. A letter from the Chairman, National Endowment for the Arts, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

69. A letter from the President, National Endowment for Democracy, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

70. A letter from the Chairman, National Labor Relations Board, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

71. A letter from the Chairman, National Mediation Board, transmitting the 1994 annual report in compliance with the Inspector General Act amendments of 1988, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

72. A letter from the Chairman, National Science Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

73. A letter from the Director, Office of Personnel Management, transmitting the semiannual report of the inspector general for the period of April 1, 1994, through September 30, 1994, and management response for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Reform and Oversight.

74. A letter from the Director, Peace Corps, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(C)(3); to the Committee on Government Reform and Oversight.

75. A letter from the Director, Peace Corps, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

76. A letter from the Chairman, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

77. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

78. A letter from the Director, Selective Service System, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

79. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, and the management report on final actions, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

80. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

81. A letter from the Executive Director, State Justice Institute, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

82. A letter from the Chairman, Thrift Depositor Protection Oversight Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

83. A letter from the Chairman, U.S. Equal Employment Opportunity Commission,

transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

84. A letter from the Administrator, U.S. Information Agency, transmitting the semiannual report of the inspector general's activities for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 99–399, section 412(a); to the Committee on Government Reform and Oversight.

85. A letter from the Director, U.S. Information Agency, transmitting the semiannual report of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 99–399, section 412(a); to the Committee on Government Reform and Oversight.

86. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

87. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

88. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

89. A letter from the Chairman, U.S. Commission for the Preservation of America's Heritage Abroad, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

90. A letter from the Public Printer, U.S. Government Printing Office, transmitting the semiannual report of the Office of Inspector General for the period April 1, 1994, through September 30, 1994, and the management report for the same period, pursuant to 44 U.S.C. 3903 (102 Stat. 2531); to the Committee on Government Reform and Oversight.

91. A letter from the Director, U.S. Soldiers' & Airmen's Home, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

92. A letter from the Director, Woodrow Wilson Center, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

93. A letter from the Clerk of the House, transmitting a list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives (H. Doc. No. 104–15); to the Committee on House Oversight and ordered to be printed.

94. A communication from the President of the United States, transmitting a report on standards for assessing and enhancing the seimic safety of existing buildings constructed for or leased by the Federal Government, pursuant to Public Law 101–614, section 8 (104 Stat. 3237); to the Committee on Science.

95. A communication from the President of the United States, transmitting a report concerning emigration laws and policies of the Republic of Bulgaria, pursuant to 19 U.S.C. 2432(b) (H. Doc. No. 104–10); to the Committee on Ways and Means and ordered to be printed.

96. A communication from the President of the United States, transmitting a report concerning emigration laws and policies of the Russian Federation, pursuant to 19 U.S.C. 2432(b) (H. Doc. No. 104–12); to the Committee on Ways and Means and ordered to be printed.

97. A letter from the Acting Secretary, Department of the Treasury; transmitting the U.S. Government annual report for the fiscal year ended September 30, 1994, pursuant to 31 U.S.C. 331(c); to the Committee on Ways and Means.

98. A letter from the Director, Office of Management and Budget, transmitting OMB's final sequestration report to the President and Congress for fiscal year 1995, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); to the Committee on the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted December 22, 1994]

Mr. MINETA: Committee on Public Works and Transportation. Summary of legislative activities of the Committee on Public Works and Transportation, 103d Congress (Rept. 103–877). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. Activities report of the Committee on Veterans' Affairs, House of Representatives, 103d Congress (Rept. 103–878). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 23, 1994]

Mr. GLICKMAN: Permanent Select Committee on Intelligence. Report on the activities of the Permanent Select Committee on Intelligence during the 103d Congress (Rept. 103–879). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 29, 1994]

Mr. HAMILTON: Committee on Foreign Affairs. Legislative review activities of the Committee on Foreign Affairs during the 103d Congress (Rept. 103–880). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on Armed Services. Report of the activities of the Committee on Armed Services for the 103d Congress (Rept. 103–881). Referred to the Committee of the Whole House on the State of the Union.

[Submitted January 2, 1995]

Mr. DINGELL: Committee on Energy and Commerce. Report on the activities of the Committee on Energy and Commerce for the 103d Congress (Rept. 103–882). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. Report on the activities of the Committee on the Judiciary during the 103d Congress (Rept. 103–883). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Report on the activities of the Committee on Government Operations during the 103d Congress (Rept. 103–884). Referred to the Committee of the Whole House on the State of the Union.

Mr. LAFALCE: Committee on Small Business. Summary of activities of the Committee on Small Business during the 103d Congress (Rept. 103–885). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. Report on activities of the Committee on Agriculture during the 103d Congress (Rept. 103–886). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. Final report on the activities of the Committee on Merchant Marine and Fisheries Committee, 103d Congress (Rept. 103–887). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology. Summary of activities of the Committee on Science, Space, and Technology (Rept. 103–888). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee on Appropriations. Report on the activities of the Committee on Appropriations (Rept. 103–889). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SHAYS, Mr. GOODLING, and Mr. THOMAS (for themselves, and Mr. MCHALE, Mr. HOYER, Mr. DICKEY, Mr. HAMILTON, Mrs. FOWLER, Mrs. CLAYTON, Mr. FAWELL, Mr. BARRETT of Wisconsin, Mr. BARTLETT of Maryland, Mr. TORKILDSEN, Mr. MCKEON, Mr. ALLARD, Mr. ARCHER, Mr. ARMEY, Mr. BACHUS, Mr. BAKER of Louisiana, Mr. BAKER of California, Mr. BALLENGER, Mr. BARR, Mr. BARRETT of Nebraska, Mr. BARTON of Texas, Mr. BEREUTER, Mr. BILBRAY, Mr. BLILEY, Mr. BLUTE, Mr. BOEHLERT, Mr. BONILLA, Mr. BONO, Mr. BRYANT of Tennessee, Mr. BUNN of Oregon, Mr. BUNNING of Kentucky, Mr. BURR, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CANADY, Mr. CASTLE, Mr. CHABOT, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. CLINGER, Mr. COBLE, Mr. COBURN, Mr. COMBEST, Mr. COX, Mr. CRANE, Mr. CRAPO, Mr. CREMEANS, Mr. CUNNINGHAM, Mr. DAVIS, Mr. DOOLITTLE, Mr. DREIER, Ms. DUNN of Washington, Mr. EHRLICH, Mr. ENSIGN, Mr. EWING, Mr. FLANAGAN, Mr. FOLEY, Mr. FRANKS of New Jersey, Mr. FRANKS of Connecticut, Mr. FRISA, Mr. GALLEGLY, Mr. GANSKE, Mr. GILLMOR, Mr. GOODLATTE, Mr. GOSS, Mr. GRAHAM, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. HANCOCK, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HORN, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mr. KIM, Mr. KING, Mr. KLUG, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LANTOS, Mr. LARGENT, Mr. LATOURETTE, Mr. LAZIO of New York, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. LIVINGSTON, Mr. LOBIONDO, Mr. LONGLEY, Mr. LUCAS, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTOSH, Mr. MANZULLO, Mr. MARTINI, Mrs. MEYERS of Kansas, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mr. MOORHEAD, Mrs. MORELLA, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEY, Mr. NORWOOD, Mr. NUSSLE, Mr. PACKARD, Mr. PAXON, Mr. PETRI, Mr. PORTER, Ms. PRYCE, Mr. QUILLEN, Mr.

QUINN, Mr. RADANOVICH, Mr. REGULA, Mr. RIGGS, Mr. ROBERTS, Mr. ROHRABACHER, Mr. ROTH, Mrs. ROUKEMA, Mr. ROYCE, Mr. SAXTON, Mr. SENSENBRENNER, Mr. SKEEN, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. STUMP, Mr. TAYLOR of North Carolina, Mrs. VUCANOVICH, Mr. WAMP, Mr. YOUNG of Florida, Mr. ACKERMAN, Mr. BRYANT of Texas, Mr. CARDIN, Mr. CONDIT, Ms. DANNER, Ms. ESHOO, Mr. FILNER, Mr. GORDON, Mr. HOLDEN, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. KLINK, Mr. LAFALCE, Mrs. MALONEY, Mr. MARKEY, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. ORTON, Mr. PALLONE, Mr. POMBO, Mr. POSHARD, Mr. REED, Mr. ROEMER, Mr. SCHUMER, Ms. SLAUGHTER, Mr. STENHOLM, Mrs. THURMAN, Mr. SANDERS, Mr. FORBES, Mr. SOLOMON, Mr. ROSE, Mr. KOLBE, Mr. PARKER, Mr. SCHAEFER, and Mr. UPTON):

H.R. 1. A bill to make certain laws applicable to the legislative branch of the Federal Government; to the Committee on Economic and Educational Opportunities, and in addition to the Committees on House Oversight, Government Reform and Oversight, Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLINGER, Mr. BLUTE, Mr. NEUMANN, and Mr. PARKER (for themselves, Mr. ALLARD, Mr. ARMEY, Mr. BAKER of California, Mr. BUNNING, Mr. BACHUS, Mr. BALLENGER, Mr. BARR, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BONO, Mr. BRYANT of Tennessee, Mr. BROWNBACK, Mr. BURR, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CALLAHAN, Mr. CAMP, Mr. CANADY, Mr. CASTLE, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COBURN, Mr. COLLINS of Georgia, Ms. COLLINS of Michigan, Mr. COOLEY, Mr. COX, Mr. CRAPO, Mr. CREMEANS, Mr. CUNNINGHAM, Ms. DANNER, Mr. DAVIS, Mr. DOOLITTLE, Mr. DORNAN Mr. DREIER, Ms. DUNN, Mr. EMERSON, Mr. ENGLISH, Mr. ENSIGN, Mr. EVERETT, Mr. EWING, Mr. FAWELL, Mr. FLANAGAN, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FOX, Mr. FRELINGHUYSEN, Mr. FRISA, Mr. GANSKE, Mr. GILLMOR, Mr. GOODLATTE, Mr. GOODLING, Mr. GOSS, Mr. GREENWOOD, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HANCOCK, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEINEMAN, Mr. HERGER, Mr. HILLEARY, Mr. HOBSON, Mr. HOKE, Mr. HOSTETTLER, Mr. HORN, Mr. HOUGHTON, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. JONES, Mr. KIM, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LAZIO, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. LOBIONDO, Mr. LONGLEY, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mrs. MYRICK, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. POMBO, Mr. PORTMAN, Mr. QUILLEN, Mr. QUINN, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. RIGGS, Mr. ROTH, Mr. ROYCE, Mr. SANFORD, Mr. SAXTON, Mr. SCHAEFER, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SMITH of Michigan, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOLOMON, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. TIAHRT, Mr. UPTON, Mrs. WALDHOLTZ, Mr. WAMP, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Mr. WHITFIELD, Mr. WICKER, Mr. WELLER, Mr. ZELIFF, Mr. ZIMMER, Mr. KOLBE, Mr. PAXON, Mr. YOUNG of Florida, Mr. COMBEST, Mr. COBLE, Mr. EHRLICH, and Mrs. MEYERS of Kansas):

H.R. 20 A bill to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts; to the committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM, Mr. CANADY, Mr. BARR, and Mr. BREWSTER (for themselves, Mr. ALLARD, Mr. ARMEY, Mr, BACHUS, Mr. BAKER of California, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUTE, Mr. BONO, Mr. BUNNING, Mr. BURR, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. CLINGER, Mr. COBURN, Mr. COOLEY, Mr. CREMEANS, Mrs. CUBIN, Mr. DAVIS, Mr. DOOLITTLE, Mr. DORNAN, Ms. DUNN, Mr. ENGLISH, Mr. EMERSON, Mr. EWING, Mr. EVERETT, Mr. FLANAGAN, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FOX, Mr. FRISA, Mr. GANSKE, Mr. GILCHREST, Mr. GILMAN, Mr. GOODLATTE, Mr. GORDON, Mr. GOSS, Mr. GREENWOOD, Mr. HANCOCK, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEINEMAN, Mr. HERGER, Mr. HILLEARY, Mr. HOBSON, Mr. HOKE, Mr. HOSTETTLER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. JONES, Mr. KIM, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. MCHUGH, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mrs. MYRICK, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. POMBO, Mr. QUINN, Mr. RADANOVICH, Mr. RIGGS, Mr. ROHRABACHER, Mr. ROTH, Mr. ROYCE, Mr. SAXTON, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHAW, Mr. SMITH of Michigan, Mr. SMITH of Texas, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TATE, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. TIAHRT, Mrs. WALDHOLTZ, Mr. WAMP, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WICKER, Mr. ZIMMER, Mr. CRAPO, Mr. KOLBE, Mr. PAXON, Mr. YOUNG of Florida, Mr. WELDON of Florida, Mr. COMBEST, Mr. COBLE, Mr. EHRLICH, Mrs. MEYERS of Kansas, and Mr. HUNTER):

H.R. 3. A bill to control crime; to the Committee on the Judiciary.

By Mr. SHAW, Mr. TALENT, and Mr. LATOURETTE (for themselves, Mr. HUTCHINSON, Mr. HOSTETTLER, Mr. JONES, Mr. TIAHRT, Mrs. MYRICK, MR. ENSIGN, Mrs. CUBIN, Mr. KINGSTON, Mr. HASTINGS of Washington, Mr. GANSKE, Mr. EWING, Mr. WELDON of Florida, Mr. COBURN, Mr. LEWIS of Kentucky, Mr. BUNNING, Mr. FOLEY, Mr. INGLIS of South Carolina, Mr. LIGHTFOOT, Mr. ISTOOK, Mr. CALVERT, Mr. HOBSON, Mr. CREMEANS, Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. HAYWORTH, Mr. FOX, Mr. RADANOVICH, Mr. ROTH, Mr. WAMP, Mr. GOODLING, Mr. GILCHREST, Mr. SOLOMON, Mr. BLILEY, Mr. DOOLITTLE, Mr. PACKARD, Mr. STUMP, Mr. EVERETT, Mr. GILMAN, Mr. MILLER of Florida, Mr. DORNAN, Mr. HASTERT, Mr. CUNNINGHAM, Mr. FORBES, Mr. LINDER, Mr. BLUTE, Mr. ROHRABACHER, Mr. COOLEY, Mr. SMITH of Texas, Mr. CLINGER, Mr. BACHUS, Mr. BALLENGER, Mr. CALLAHAN, Mr. ENGLISH, Mr. SAXTON, Mr. CHRYSLER, Mr. CAMP, Mr. HANCOCK, Mr. NUSSLE, Mr. GREENWOOD, Mr. BARTLETT of Maryland, Mr. TAYLOR of North Carolina, Mr. MCCRERY, Mr. LARGENT, Mr. BAKER of Louisiana, Mr. COLLINS of Georgia, Mr. ARCHER, Mr. THOMAS, Mr. HERGER, Mr. SAM JOHNSON, Mr. STEARNS, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. BAKER of California, Mrs. ROUKEMA, Mr. SENSENBRENNER, Mr. HEINEMAN, Mrs. FOWLER, Mr. ROYCE, Mr. FLANAGAN, Mr. BURR, Mr. LATHAM, Ms. MOLINARI, Mr. GUNDERSON, Mr. RIGGS, Mr. THORNBERRY, Mr. ALLARD, Mr. CHRISTENSEN, Mr. GOODLATTE, Mr. HILLEARY, Mr. WICKER, Mr. BONO, Mr. FRISA, Mr. SHADEGG, Mr. CANADY, Mr. MCCOLLUM, Mr. BARTON of Texas, Mr. BARR, Mr. ARMEY, Mr. HORN, Ms. DUNN, Mr. TATE, Mr. MICA, Mr. CRAPO, Mr. PAXON, Mr. YOUNG of Florida, Mr. WELDON of Pennsylvania, Mr. COMBEST, Mr. COBLE, and Mr. EHRLICH):

H.R. 4. A bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence:

Title I, referred to the Committee on Ways and Means, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title II, referred to the Committee on Ways and Means, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title III, referred to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, Economic and Educational Opportunities, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title IV, referred to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, Commerce, Economic and Educational Opportunities, the Judiciary, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title V, referred to the Committee on Agriculture, and in addition to the Committees on Economic and Educational Opportunities and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title VI–VII, referred to the Committee on Ways and Means; and

Title VIII, referred to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Budget, Economic

and Educational Opportunities, Banking and Financial Services, Commerce, Agriculture, the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLINGER, Mr. PORTMAN, Mr. CONDIT, and Mr. DAVIS (for themselves, and Mr. SHAYS, Mr. MCHUGH, Mr. MICA, Mr. HORN, Mr. ZELIFF, Mr. BURTON of Indiana, Mr. SCHIFF, Mr. BLUTE, Mr. FOX, Mr. WALSH and Mr. CUNNINGHAM):

H.R. 5. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on Rules, the Budget, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE, Mr. NUSSLE, and Mr. SALMON (for themselves, Mr. ALLARD, Mr. ARMEY, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARR, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUTE, Mr. BONO, Mr. BUNNING, Mr. BURR, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CANADY, Mr. CREMEANS, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COBURN, Mr. COOLEY, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DORNAN, Ms. DUNN, Mr. EMERSON, Mr. ENGLISH, Mr. ENSIGN, Mr. EWING, Mr. FLANAGAN, Mr. FOLEY, Mrs. FOWLER, Mr. FORBES, Mr. FOX, Mr. FRISA, Mr. GANSKE, Mr. GILCHREST, Mr. GILMAN, Mr. GILLMOR, Mr. GOODLATTE, Mr. GOODLING, Mr. GREENWOOD, Mr. GUNDERSON, Mr. HANCOCK, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEINEMAN, Mr. HERGER, Mr. HILLEARY, Mr. HOBSON, Mr. HOSTETTLER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. JONES, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LARGENT, Mr. LATOURETTE, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. LONGLEY, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mrs. MYRICK, Mr. PACKARD, Mr. RADANOVICH, Mr. RIGGS, Mr. ROTH, Mr. ROYCE, Mr. SAXTON, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. SMITH of Michigan, Mr. SOLOMON, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. THOMAS, Mr. TIAHRT, Mrs. WALDHOLTZ, Mr. WAMP, Mr. WELDON of Florida, Mr. WELLER, Mr. WICKER, Mr. ZIMMER, Mr. CRAPO, Mr. KOLBE, Mr. PAXON, Mr. YOUNG of Florida, Mr. BROWNBACK, Mr. WELDON of Pennsylvania, Mr. COMBEST, Mr. COBLE, Mr. EHRLICH, and Mrs. MEYERS of Kansas):

H.R. 6. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for families, to reform the marriage penalty, and for other purposes; to the Committee on Ways and Means.

By Mr. SPENCE, Mr. GILMAN, Mr. BRYANT of Tennessee, Mr. HAYES (for themselves, Mr. WELDON of Pennsylvania, Mr. DORNAN, Mr. SAXTON, Mr. TORKILDSEN, Mr. BARTLETT of Maryland, Mr. LONGLEY, Mr. CALLAHAN, Mr. ROYCE, Mr. BACHUS, Mr. HOKE, Mr. HASTERT, Mr. SMITH of Texas, Mr. FUNDERBURK, Mr. CLINGER, Mr. KIM, Mr. BALLENGER, Mr. POMBO, Mr. NUSSLE, Mr. CRANE, Mr. TAYLOR of North Carolina, Mr. CRAPO, Mr. KOLBE, Mr. HALL of Texas, Mr. PAXON, Mr. YOUNG of Florida, Mr. COMBEST, Mr. COBLE, Mr. EHRLICH, Mrs. MEYERS of Kansas, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. BAKER of California, Mr. COX, Mr. SHAW, Mr. HERGER, Mr. HEINEMAN, Mrs. FOWLER, Mr. STEARNS, Mr. HUTCHINSON, Mr. HANCOCK, Mr. ZIMMER, Mr. LINDER, Mr. EMERSON, Mr. HOSTETTLER, Mr. JONES, Mr. ENSIGN, Mr. TIAHRT, Mrs. MYRICK, Mr. HOUGHTON, Mr. FRELINGHUYSEN, Mr. EWING, Mrs. CUBIN, Mr. HASTINGS of Washington, Mr. WELDON of Florida, Mr. GANSKE, Mr. COBURN, Mr. LARGENT, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. LAHOOD, Mr. BUNNING, Mr. FOLEY, Mr. INGLIS of South Carolina, Mr. LIGHTFOOT, Mr. ISTOOK, Mr. CALVERT, Mr. HOBSON, Mr. CREMEANS, Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. GOODLING, Mr. HAYWORTH, Mr. FOX, Mr. RADANOVICH, Mr. WAMP, Mr. GILCHREST, Mr. BLUTE, Mr. SOLOMON, Mr. BLILEY, Mr. DOOLITTLE, Mr. PACKARD, Mr. STUMP, Mr. EVERETT, Mr. MILLER of Florida, Mr. LATOURETTE, Mr. FLANAGAN, Mr. BURR, Ms. MOLINARI, Mr. GUNDERSON, Mr. THORNBERRY, Mr. RIGGS, Mr. GOODLATTE, Mr. CHRISTENSEN, Mr. HILLEARY, Mr. WICKER, Mr. BONO, Mr. COOLEY, Mr. FRISA, Mr. MCINTOSH, Mr. SMITH of New Jersey, Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. CUNNINGHAM, Mr. CHRYSLER, Mr. CANADY, Mr. MCCOLLUM, Mr. BARTON of Texas, Mr. GILLMOR, Mr. BARR, Mr. ARMEY, Mr. FORBES, Mrs. WALDHOLTZ, Mr. TATE, Ms. DUNN, Mr. MICA, and Mr. MCHUGH):

H.R. 7. A bill to revitalize the national security of the United States:

Title I, referred to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title II, referred to the Committee on National Security;

Title III, referred to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Section 401, referred to the Committee on National Security; and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Section 402, referred to the Committee on International Relations:

Title V, referred to the Committee on International Relations, and in addition to the Committee on National Security and the Permanent Select Committee on Intelligence, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title VI, referred to the Committee on International Relations; and

Title VII, referred to the Committee on the Budget.

By Mr. BUNNING, Mr. HASTERT, Mrs. KELLY, and Mrs. THURMAN (for themselves, Mr. WICKER, Mr. HOKE, Mr. FRISA, Mr. MCINTOSH, Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. CHRYSLER, Mr. CUNNINGHAM, Mr. CANADY, Mr. MCCOLLUM, Mr. SHAYS, Mr. BARTON of Texas, Mr. GILLMOR, Mr. BARR, Mr. ARMEY, Mr. FORBES, Mr. HORN, Mrs. WALDHOLTZ, Mr. TATE, Ms. DUNN, Mr. MICA, Mr. MCHUGH, Mr. CRANE, Mr. DORNAN, Mr. BACHUS, Mr. SMITH of Texas, Mr. WELDON of Pennsylvania, Mr. OXLEY, Mr. ROHRABACHER, Ms. DANNER, Mr. SAXTON, Mr. KIM, Mr. BALLENGER, Mr. CALLAHAN, Mr. TALENT, Mr. BAKER of Louisiana, Mr. SCHAEFER, Mr. FILNER, Mr. CRAPO, Mr. KOLBE, Mr. HALL of Texas, Mr. PAXON, Mr. THOMAS, Mr. COMBEST, Mr. COBLE, Mr. EHRLICH, Mrs. MEYERS of Kansas, Mr. YOUNG of Florida, Mr. GOSS, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. COX, Mr. STEARNS, Mr. BAKER of California, Mr. SHAW, Mr. HERGER, Mr. HEINEMAN, Mr. HANCOCK, Mr. SENSENBRENNER, Mrs. FOWLER, Mr. GREENWOOD, Mr. ZIMMER, Mr. LINDER, Mr. HUTCHINSON, Mr. EMERSON, Mr. ENGLISH, Mr. HOSTETTLER, Mr. JONES, Mr. ENSIGN, Mr. SMITH of New Jersey, Mr. TIAHRT, Mrs. MYRICK, Mr. FRELINGHUYSEN, Mr. HOUGHTON, Mrs. CUBIN, Mr. KINGSTON, Mr. EWING, Mr. HASTINGS of Washington, Mr. GANSKE, Mr. WELDON of Florida, Mr. COBURN, Mr. LARGENT, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. INGLIS of South Carolina, Mr. LIGHTFOOT, Mr. ISTOOK, Mr. CALVERT, Mr. HOBSON, Mr. CREMEANS, Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. HAYWORTH, Mr. FOX, Mr. GOODLING, Mr. RADANOVICH, Mr. ROTH, Mr. WAMP, Mr. GILCHREST, Mr. BLUTE, Mr. SOLOMON, Mr. DOOLITTLE, Mr. CAMP, Mr. UPTON, Mr. PACKARD, Mr. STUMP, Mr. EVERETT, Mr. GILMAN, Mr. MILLER of Florida, Mr. LATOURETTE, Mr. ROYCE, Mr. FLANAGAN, Mr. BURR, Mr. LATHAM, Mr. DAVIS, Ms. MOLINARI, Mr. GUNDERSON, Mr. THORNBERRY, Mr. RIGGS, Mr. PORTER, Mr. ALLARD, Mr. CHRISTENSEN, Mr. GOODLATTE, Mr. HILLEARY, Mr. COOLEY, and Mr. BONO):

H.R. 8. A bill to amend the Social Security Act to increase the earnings limit, to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits and to provide incentives for the purchase of long-term care insurance, and for other purposes:

Titles I–III, referred to the Committee on Ways and Means; and

Title IV, referred to the Committee on the Judiciary.

By Mr. ARCHER, Mr. DELAY, Mr. SAXTON, and Mrs. SMITH of Washington (for themselves, Mr. TAUZIN, Mr. HASTERT, Mr. DORNAN, Mr. ROHRABACHER, Mr. BLUTE, Mr. SMITH of Texas, Mr. LINDER, Mr. KIM, Mr. MICA, Mr. BACHUS, Ms. DANNER, Mr. HOKE, Mr. CLINGER, Mr. BALLENGER, Mr. CALLAHAN, Mr. SHAW, Mr. NUSSLE, Mr. LARGENT, Mr. COX, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. BAKER of California, Mr. HERGER, Mr. HEINEMAN, Mrs. FOWLER, Mr.

SENSENBRENNER, Mr. STEARNS, Mr. HUTCHINSON, Mr. HANCOCK, Mr. TALENT, Mr. EMERSON, Mr. ENGLISH, Mr. ENSIGH, Mr. HOSTETTLER, Mr. JONES, Mr. TIAHRT, Mr. MYRICK, Mr. EWING, Mr. HOUGHTON, Mrs. CUBIN, Mr. KINGSTON, Mr. HASTINGS of Washington, Mr. GANSKE, Mr. SCHAEFER, Mr. BAKER of Louisiana, Mr. HALL of Texas, Mr. WELDON of Florida, Mr. COBURN, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. BUNNING, Mr. FOLEY, Mr. INGLIS of South Carolina, Mr. LIGHTFOOT, Mr. ISTOOK, Mr. CALVERT, Mr. HOBSON, Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. HAYWORTH, Mr. FOX, Mr. RADANOVICH, Mr. ROTH, Mr. WAMP, Mr. SOLOMON, Mr. BLILEY, Mr. DOOLITTLE, Mr. PACKARD, Mr. GILMAN, Mr. MILLER of Florida, Mr. ROYCE, Mr. FLANAGAN, Mr. LATHAM, Ms. MOLINARI, Mr. GUNDERSON, Mr. THORNBERRY, Mr. RIGGS, Mr. ALLARD, Mr. CHRISTENSEN, Mr. GOODLATTE, Mr. SANFORD, Mr. HILLEARY, Mr. COOLEY , Mr. WICKER, Mr. BONO, Mr. FRISA, Mr. MCINTOSH, Mr. EVERETT, Mr. SMITH of New Jersey, Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. CHRYSLER, Mr. CUNNINGHAM, Mr. CANADY, Mr. MCCOLLUM, Mr. GOODLING, Mr. BARTON of Texas, Mr. BARR, Mr. ARMEY, Mr. FORBES, Mrs. WALDHOLTZ, Mr. TATE, Ms. DUNN, Mr. MCHUGH, Mr. CRAPO, Mr. KOLBE, Mr. PAXON, Mr. YOUNG of Florida, Mr. COMBEST, Mr. COBLE, Mr. EHRLICH, and Mrs. MEYERS of Kansas);

H.R. 9. A bill to create jobs, enhance wages, strengthen property rights, maintain certain economic liberties, decentralize and reduce the power of the Federal Government with respect to the States, localities, and citizens of the United States, and to increase the accountability of Federal officials:

Titles I–II, referred to the Committee on Ways and Means;

Title III, referred to the Committee on Science, and in addition to the Committees on Commerce and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title IV, referred to the Committee on the Budget, and in addition to the Committees on Rules, Government Reform and Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title V, referred to the Committee on Government Reform and Oversight;

Title VI–IX, referred to the Committee on the Judiciary;

Title X, referred to the Committee on the Budget, and in addition to the Committees on Government Reform and Oversight, Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned;

Title XI, referred to the Committee on Ways and Means, and in additon to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; and

Title XII, referred to the Committee on Ways and Means.

By Mr. HYDE, Mr. RAMSTAD, Ms. CHENOWETH, and Mr. CONDIT (for themselves, Mr. ARMEY, Mr. ALLARD, Mr. BACHUS, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUTE, Mr. BONO, Mr. BUNNING, Mr. BURR, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CANADY, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. CLINGER, Mr. COBURN, Mr. COOLEY, Mr. COX, Mr. CRANE, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DAVIS, Mr. DOOLITTLE, Mr. DORNAN, Ms. DUNN, Mr. EMERSON, Mr. ENSIGN, Mr. EVERETT, Mr. EWING, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FOX, Mr. FRISA, Mr. GANSKE, Mr. GILCHREST, Mr. GILMAN, Mr. GOODLATTE, Mr. GOODLING, Mr. GUNDERSON, Mr. HANCOCK, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEINEMAN, Mr. HERGER, Mr. HILLEARY, Mr. HOBSON, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. INGLIS of South Carolina, Mrs. JOHNSON of Connecticut, Mr. JONES, Mr. KIM, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mrs. MYRICK, Mr. NUSSLE, Mr. PACKARD, Mr. PORTER, Mr. PORTMAN, Mr. RADANOVICH, Mr. RIGGS, Mr. ROHRABACHER, Mr. ROTH, Mr. ROYCE, Mr. SANFORD, Mr. SCHAEFER, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SMITH of Texas, Mr. SMITH New Jersey, Mr. SMITH of Michigan, Mr. SOLOMON, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. TAYLOR of North Carolina, Mr. TEJEDA, Mr. THORNBERRY, Mr. TIAHRT, Mr. UPTON, Mrs. WALDHOLTZ, Mr. WAMP, Mr. WELDON of Florida, Mr. ZIMMER, Mr. CRAPO, Mr. KOLBE, Mr. PAXON, Mr. YOUNG of Florida, Mr. COMBEST, Mr. EHRLICH, and Mrs. MEYERS of Kansas):

H.R. 10. A bill to reform the Federal civil justice system; to reform product liability law:

Title I, referred to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; and

Title II, referred to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. VUCANOVICH, Mr. THOMAS, and Mr. WELLER (for themselves, Mr. ROYCE, Mr. MCINTOSH, Mr. CRANE, Mr. FORBES, Mr. CUNNINGHAM, Mr. ROHRABACHER, Mr. DORNAN, Mr. HASTERT, Mr. BLUTE, Mr. WELDON of Pennsylvania, Mr. BARTLETT of Maryland, Mr. ZIMMER, Mr. LINDER, Mr. BACHUS, Mr. SMITH of Texas, Mr. COOLEY, Mr. GREENWOOD, Mr. HOKE, Mr. SAXTON, Mr. TAYLOR of North Carolina, Mr. LARGENT, Mr. KIM, Mr. BALLENGER, Mr. CALLAHAN, Mrs. ROUKEMA, Mr. CHRYSLER, Mr. HANCOCK, Mr. NUSSLE, Mr. BAKER of Louisiana, Mr. STEARNS, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. BAKER of California, Mr. SHAW, Mr. HERGER, Mr. SENSENBRENNER, Mrs. FOWLER, Mr. EMERSON, Mr. HUTCHINSON, Mr. HEINEMAN, Mr. ENGLISH, Mr. HOSTETTLER, Mr. JONES, Mr. ENSIGN, Mr. TIAHRT, Mrs. MYRICK, Mrs. CUBIN, Mr. KINGSTON, Mr. EWING, Mr. HASTINGS of Washington, Mr. GANSKE, Mr. WELDON of Florida, Mr. COBURN, Mr. LEWIS of Kentucky, Mr. BUNNING, Mr. INGLIS of South Carolina, Mr. LIGHTFOOT, Mr. ISTOOK, Mr. CALVERT, Mr. CREMEANS, Mr. KNOLLENBERG, Mr. SCHAEFER, Mr. BILIRAKIS, Mr. HAYWORTH, Mr. FOX, Mr. RADANOVICH, Mr. GOODLING, Mr. WAMP, Mr. GILCHREST, Mr. SOLOMON, Mr. BLILEY, Mr. DOOLITTLE, Mr. CAMP, Mr. PACKARD, Mr. STUMP, Mr. GILMAN, Mr. MILLER of Florida, Mr. LATOURETTE, Mr. FLANAGAN, Mr. BURR, Mr. LATHAM, Ms. MOLINARI, Mr. GUNDERSON, Mr. THORNBERRY, Mr. RIGGS, Mr. ALLARD, Mr. GOODLATTE, Mr. CHRISTENSEN, Mr. HILLEARY, Mr. WICKER, Mr. BONO, Mr. FRISA, Mr. SMITH of New Jersey, Mr. TALENT, Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. CANADY, Mr. MCCOLLUM, Mr. SHAYS, Mr. BARTON of Texas, Mr. BARR, Mr. ARMEY, Mrs. WALDHOLTZ, Mr. TATE, Ms. DUNN, Mr. MICA, Mr. MCHUGH, Mr. EVERETT, Mr. ROTH, Mr. CRAPO, Mr. PAXON, Mr. YOUNG of Florida, Mr. COBLE, Mr. EHRLICH, and Mrs. MEYERS of Kansas):

H.R. 11. A bill to strengthen the rights of parents:

Titles I–II, referred to the Committee on Ways and Means;

Title III, referred to the Committee on the Judiciary;

Title IV, referred to the Committee on Government Reform and Oversight; and

Title V, referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas, Mr. HYDE, Mr. TATE, and Mr. PETE GEREN of Texas (for themselves, Mr. ALLARD, Mr. ARMEY, Mr. MICA, Mr. BACHUS, Mr. BAKER of California, Mr. BALLENGER, Mr. BARR, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mr. BLUTE, Mr. BONILLA, Mr. BONO, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CANADY, Mr. CASTLE, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COBURN, Mr. COLLINS of Georgia, Mr. COMBEST, Mr. COOLEY, Mr. COX, Mr. CRANE, Mr. CREMEANS, Mrs. CUBIN, Mr. CUNNINGHAM, Ms. DANNER, Mr. DORNAN, Mr. DUNCAN, Ms. DUNN, Mr. EMERSON, Mr. ENGLISH, Mr. ENSIGN, Mr. EVERETT, Mr. EWING, Mr. FAWELL, Mr. FLANAGAN, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FOX, Mr. FRELINGHUYSEN, Mr. FRISA, Mr. GANSKE, Mr. GEKAS, Mr. GILCHREST, Mr. GILLMOR, Mr. GOODLATTE, Mr. GOODLING, Mr. GOSS, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. HANCOCK, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEINEMAN, Mr. HERGER, Mr. HILLEARY, Mr. HOBSON, Mr. HORN, Mr. HOUGHTON, Mr. HUNTER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. JONES, Mr. KIM, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. LOBIONDO, Mr. LUCAS, Mr. MCINTOSH, Mr. MCCOLLUM, Mr.

McCRERY, Ms. MOLINARI, Mrs. MEYERS of Kansas, Mr. MILLER of Florida, Mr. MOORHEAD, Mrs. MYRICK, Mr. NEUMANN, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. POMBO, Mr. PORTMAN, Ms. PRYCE, Mr. RADANOVICH, Mr. QUILLEN, Mr. QUINN, Mr. RIGGS, Mr. ROTH, Mr. ROYCE, Mr. SANFORD, Mr. SAXTON, Mr. SCHAEFER, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SOLOMON, Mr. SPENCE, Mr. STEARS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. TIAHRT, Mrs. WALDHOLTZ, Mr. WAMP, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WHITFIELD, Mr. WICKER, Mr. ZIMMER, Mr. CRAPO, Mr. KOLBE, Mr. PAXON, Mr. YOUNG of Florida, Mr. COBLE, and Mr. EHRLICH):

H.J. Res. 1. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. McCOLLUM, Mr. HANSEN, Mr. PETERSON of Minnesota, amd Mr. LoBIONDO (for themselves, and Mr. LIGHTFOOT, Mr. GILLMOR, Mr. ALLARD, Mr. ARMEY, Mr. BACHUS, Mr. BAKER of California, Mr. BALLENGER, Mr. BARCIA of Michigan, Mr. BARR, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BEREUTER, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUTE, Mr. BONILLA, Mr. BROWNBACK, Mr. BRYANT of Tennessee, Mr. BUNNING, Mr. BURR, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CANADY, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. COBLE, Mr. COLLINS of Georgia, Mr. COOLEY, Mr. CRANE, Mr. CREMEANS, Mr. CUNNINGHAM, Mr. DEAL, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DOOLITTLE, Ms. DUNN, Mr. ENGLISH, Mr. ENSIGN, Mr. EVERETT, Mr. EWING, Mr. FIELDS of Texas, Mr. FLANAGAN, Mr. FOLEY, Mr. FORBES, Mr. FOX, Mr. FRANKS of Connecticut, Mr. FRISA, Mr. FUNDERBURK, Mr. GALLEGLY, Mr. GANSKE, Mr. GEKAS, Mr. GOODLATTE, Mr. GOSS, Mr. GRAHAM, Mr. GREENWOOD, Mr. GUNDERSON, Mr. GUTKNECHT, Mr. HANCOCK, Ms. HARMAN, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HILLEARY, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOKE, Mr. HORN, Mr. HOUGHTON, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. KIM, Mr. KINGSTON, Mr. KLUG, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LATHAM, Mr. LATOURETTE, Mr. LAZIO, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS, Mr. McINTOSH, Mr. McKEON, Mr. MEEHAN, Mr. METCALF, Mr. MICA, Mr. MILLER of Florida, Mr. MINGE, Mrs. MYRICK, Mr. NEUMANN, Mr. NEY, Mr. NORWOOD, Mr. NUSSLE, Mr. PACKARD, Mr. PAXON, Mr. POMBO, Mr. PORTMAN, Ms. PRYCE, Mr. QUINN, Mr. RAMSTAD, Mr. RADANOVICH, Mr. RIGGS, Mr. ROHRABACHER, Mr. ROYCE, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SCHAEFER, Ms. SEASTRAND, Mr. SHADEGG, Mr. SHAW, Mr. SMITH of Michigan, Mr. SMITH of Texas, Mr. SOLOMON, Mr. SOUDER, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. TIAHRT, Mr. TORKILDSEN, Mr. UPTON, Mrs. WALDHOLTZ, Mr. WAMP, Mr. WELLER, Mr. WHITE, Mr. WHITFIELD, Mr. WILSON, Mr. ZELIFF, Mr. ZIMMER, and Mr. McINNIS):

H.J. Res. 2. Joint resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on the Judiciary.

By Mr. INGLIS of South Carolina (for himself, Mr. DORNAN, Mr. SANFORD, Mr. ARMEY, Mr. GOSS, Mr. HUTCHINSON, Mr. DICKEY, Mr. ROYCE, Mr. HOEKSTRA, Mr. LEWIS of Kentucky, Mr. SALMON, Mr. GRAHAM, Mr. DAVIS, Mr. HEINEMAN, Mr. CHABOT, Mrs. SMITH of Washington, Mr. GANSKE, Mr. CHRYSLER, Mr. ENSIGN, Mr. COOLEY, Mr. CHRISTENSEN, Mr. FOX, Mr. CALVERT, Mr. NETHERCUTT, Mr. SHADEGG, Mr. METCALF, Mr. WHITFIELD, Mr. BASS, Mr. SOLOMON, Mr. FORBES, Mr. BLUTE, Mr. SMITH of Texas, Mr. BACHUS, Mr. KIM, Mr. RIGGS, Mr. LONGLEY, MR. COX, Mr. SMITH of Michigan, Mr. BAKER of California, Mr. WELDON of Florida, Mr. COBURN, Mr. RADANOVICH, Mr. ROTH, Mr. PACKARD, Mr. STUMP, Mr. EVERETT, Mr. THORNBERRY, Mr. ALLARD, Mr. BONO, Mr. CUNNINGHAM, Mr. TATE, Ms. DUNN, and Mr. TALENT):

H.J. Res. 3. Joint resolution proposing an amendment to the Constitution of the United States limiting the period of time U.S. Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. ALLARD (for himself, Mr. BACHUS, Mr. BARCIA of Michigan, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BEREUTER, Mr. BURTON of Indiana, Mr. CONDIT, Mr. CRAPO, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EMERSON, Mr. FRANKS of New Jersey, Mr. GALLEGLY, Mr. GILCHREST, Mr. GOODLATTE, Mr. HEFLEY, Mr. HUNTER, Mr. KNOLLENBERG, Ms. MOLINARI, Mr. OXLEY, Mr. QUILLEN, Mr. ROHRABACHER, Mr. ROTH, Mr. ROYCE, Mr. SCHAEFER, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. STUMP, Mr. TALENT, Mr. WALSH, and Mr. WILSON):

H.J. Res. 4. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. HANSEN, Mr. LIGHTFOOT, Mr. GILLMOR, Mr. POMBO, Mr. BARRETT of Nebraska, Mr. EVERETT, Mr. BUYER, Mr. PACKARD, Mr. CUNNINGHAM, Mr. STUMP, Mr. GRAHAM, Mr. GUTKNECHT, Mr. McKEON, Mr. ALLARD, Mr. GOODLATTE, Mr. CALVERT, Ms. PRYCE, Mr. HOEKSTRA, Mr. DEAL, Mr. BEREUTER, Mr. SCHAEFER, Mr. WILSON, Mr. CHAMBLISS, Ms. HARMAN, Mr. GOSS, Mr. TALENT, Mr. BARTLETT of Maryland, and Mr. FORBES):

H.J. Res. 5. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives and to limit the number of terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. SPENCE (for himself, Mrs. THURMAN, Mr. STEARNS, Mr. McCOLLUM, Mr. RICHARDSON, Mr. BILIRAKIS, Mr. GOSS, Mr. HASTINGS of Florida, Mr. DEUTSCH, Mr. GIBBONS, Mr. PETERSON of Florida, Mrs. FOWLER, Mr. CANADY, Mr. SHAW, Mr. DIAZ-BALART, Mrs. MEEK of Florida, Mr. MILLER of Florida, Ms. BROWN of Florida, Mr. YOUNG of Florida, Mr. SCARBOROUGH, Ms. ROS-LEHTINEN, Mr. FOLEY, and Mr. WELDON of Florida):

H. Con. Res. 1. Concurrent resolution recognizing the sacrifice and courage of Army Warrant Officers David Hilemon and Bobby W. Hall II, whose helicopter was shot down over North Korea on December 17, 1994; to the Committee on National Security.

By Mr. BOEHNER:

H. Res. 1. Resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. ARMEY:

H. Res. 2. Resolution to inform the Senate that a quorum of the House has assembled and of the election of the Speaker and the Clerk; considered and agreed to.

H. Res. 3. Resolution authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress; considered and agreed to.

H. Res. 4. Resolution authorizing the Clerk to inform the President of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. SOLOMON:

H. Res. 5. Resolution providing for the consideration of the resolution (H. Res. 6) adopting the Rules of the House of Representatives for the 104th Congress; considered and agreed to.

By Mr. ARMEY:

H. Res. 6. Resolution adopting the Rules of the House of Representatives for the 104th Congress; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 7. Resolution providing for the designation of certain minority employees; considered and agreed to.

By Mr. SOLOMON:

H. Res. 8. Resolution fixing the daily hour of meeting for the 104th Congress; considered and agreed to.

By Mr. ARMEY:

H. Res. 9. Resolution providing amounts for the Republican Steering Committee and the Democratic Policy Committee; considered and agreed to.

H. Res. 10. Resolution providing for the transfer of two employee positions; considered and agreed to.

By Mr. BOEHNER:

H. Res. 11. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FAZIO:

H. Res. 12. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

H. Res. 13. Resolution electing Representative BERNARD SANDERS of Vermont to standing committees; considered and agreed to.

By Mr. LINDER:

H. Res. 14. Resolution providing for the consideration of a joint resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

1. By the SPEAKER: Memorial of the General Assembly of the State of California, relative to air standards in places of employment; to the Committee on Economic and Educational Opportunities.

2. Also, memorial of the General Assembly of the State of California, relative to the Industry of the Month Program; to the Committee on Commerce.

3. Also, memorial of the General Assembly of the State of California, relative to Peace

Corps' World Wise Schools Program; to the Committee on International Relations.

4. Also, memorial of the General Assembly of the State of California, relative to the Osaka Prefectural Government; to the Committee on International Relations.

5. Also, memorial of the General Assembly of the State of California, relative to Code Enforcement Week; to the Committee on Government Reform and Oversight.

6. Also, memorial of the General Assembly of the State of California, relative to Italian Americans; to the Committee on House Oversight.

7. Also, memorial of the General Assembly of the State of California, relative to the memorial highways; to the Committee on Transportation and Infrastructure.

8. Also, memorial of the General Assembly of the State of California, relative to the Roger Van Den Broeke Memorial Plaque; to the Committee on Transportation and Infrastructure.

9. Also, memorial of the General Assembly of the State of California, relative to the Veterans' Memorial Freeway; to the Committee on Transportation and Infrastructure.

10. Also, memorial of the General Assembly of the State of California, relative to the Veterans' Memorial Freeway; to the Committee on Transportation and Infrastructure.

11. Also, memorial of the General Assembly of the State of California, relative to Stone Turnpike Memorial Freeway; to the Committee on Transportation and Infrastructure.

12. Also, memorial of the General Assembly of the State of California, relative to special highway designations; to the Committee on Transportation and Infrastructure.

13. Also, memorial of the General Assembly of the State of California, relative to the H. Dana Bowers Memorial Vista Point; to the Committee on Transportation and Infrastructure.

14. Also, memorial of the General Assembly of the State of California, relative to State trade and commerce with Japan and other Pacific rim nations; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII,

1. The SPEAKER presented a petition of the Embassy of the Argentine Republic, relative to GATT; which was referred to the Committee on Ways and Means.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, JANUARY 4, 1995 No. 1—Part II

Senate

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KEMPTHORNE (for himself, Mr. DOLE, Mr. GLENN, Mr. ROTH, Mr. DOMENICI, Mr. EXON, Mr. COVERDELL, Mr. BROWN, Mr. BURNS, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BOND, Mr. BREAUX, Mr. CAMPBELL, and Mr. COATS):

S. 1. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committees have 30 days to report or be discharged.

UNFUNDED MANDATE REFORM ACT

Mr. KEMPTHORNE. Mr. President, I would like to make a few comments concerning Senate bill 1. I appreciate greatly what the majority leader, Senator DOLE, stated about Senate bill 1 and the fact he has designated that, in fact, Senate bill 1.

All across America, literally thousands of mayors and county commissioners, school board members, and Governors are absolutely delighted with the fact that this reform measure has been selected by the majority leader, Senator DOLE, in a bipartisan fashion to deal with this dilemma of unfunded Federal mandates.

For State and local officials, Senate bill 1 represents the reform that they have wanted for years concerning unfunded Federal mandates. Senate bill 1 also represents, Mr. President, hope, hope that finally Congress is going to craft that sort of Federal partnership that we talk about in acknowledging that local and State governments are Federal partners with this Government.

Senate bill 1 also offers to business men and women relief from mandates and regulations imposed by Congress and the Federal agencies without knowing the costs. The issue of who best governs and decides local issues is at the heart of the unfunded mandate debate, and right now, Congress does not know the costs nor does it pay for these Federal mandates.

Because Congress passes legislation without ever knowing the costs or consequences to State and local governments, the number and costs of these unfunded mandates continue to escalate. As mayors and Governors struggle to find the money to pay for Washington dictates, they have been sending a strong message to Washington, DC. Their message was simple but it was continuous. Their message has been that unfunded Federal mandates are wrong. They have been saying that they keep us from putting policemen on our streets; they reduce classroom instruction in our schools; they prevent us from balancing our budgets.

I found so interesting the comment by the Democrat Governor of Nebraska, Ben Nelson, who is a friend of mine, when he said, ''I was elected Governor, not the administrator of Federal programs for Nebraska.''

I think that sums up what has been happening. We have overstepped our bounds in our regulations to our State and local governments.

Congress is getting the message, and where once you in Washington did not know what a funded mandate was, fighting unfunded mandates is S. 1, front and center. We are going to deal with it.

I am proud to join with Senator DOLE and with Senator GLENN and Senator ROTH and Senator DOMENICI and Senator EXON, and a number of other Senators, in cosponsoring this legislation so that we now have a majority of Senators who are cosponsors of S. 1 the first day of this 104th Congress.

This legislation forces Congress to know mandate policy. It requires Congress to fund mandates imposed on State and local governments. If we do not, they can be ruled out of order and a rollcall vote will decide whether the Senate should consider unfunded mandate legislation. To quote Victor Ashe, mayor of Knoxville, ''S. 1 is a serious and tough mandate in its form and will begin to restore the partnership which the founders of this Nation intended to exist between the Federal Government and State and local governments.''

S. 1 uses the same principles guiding last year's legislation unanimously approved by the Senate Governmental Affairs Committee and cosponsored by 67 Senators. Specifically, this new bill creates a point of order that requires any legislation imposing a mandate greater than $50 million on State and local governments must have a Congressional Budget Office estimate of the total cost of the mandate. It further requires that the legislation must include the funding to pay for the costs of the mandate through direct funding, new taxes, or appropriations. If the mandate is to be paid for by the appropriations bill, then the money to pay all direct costs in compliance with the mandate must be appropriated. Or, if it is not fully funded, then one of two

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper containing 100% post consumer waste

things must happen: Either the mandate does not take effect or the mandate must be scaled back to a level commensurate with the reduced level of the appropriation. If those elements are not in the bill, the imposed mandate-making legislation is out of order.

S. 1 also requires that our partners in local and State government be consulted by the Congressional Budget Office. Additionally, legislation imposing mandates greater than $200 million on the private sector must have a CBO mandate cost estimate or be ruled out of order. These provisions also apply to amendments in conference reports where the price tag of the legislation is often increased.

Mr. President, I wish to emphasize that this legislation is not intended to stop compliance with mandates and regulations already in place. The goal is to stop the imposition of future unfunded Federal mandates, to stop Congress from passing laws and then requiring local and State governments to pay for them. It is not right for Federal programs to be paid for by local property taxes.

Mr. President, to gauge the impact that these new laws are having, one only needs to look at the fallout in the National Voter Registration Act of 1993, which passed the Congress last session. Today, 13 States have refused to obey this motor-voter bill, and one State, California, is suing the Federal Government because of the cost of the tab they have to pay. Governor Pete Wilson says that this motor-voter provision violates the 10th amendment, which Senator DOLE referenced so eloquently in his comments.

I think there is something ironic and symbolic, Mr. President, in the fact that the number of States currently objecting to this Federal mandate is 13, the same number of those original 13 States that, through their vision, combined to create the United States of America, those visionaries who were bound to protect the intrusive behavior of the Federal Government. This legislation is a great step forward in carrying out what the Founding Fathers intended.

We have worked closely, too, with our colleagues in the House. A companion bill has been developed in the House. I am confident that once the Senate passes this legislation, it will pass in the House of Representatives.

Mr. President, on November 8, when we had the election, there were a series of messages that were sent. The people said they did not want business as usual from Congress, and they also said, I think, that they do not want us to get entrenched in partisan politics because we do not get things done that really need to get done. They said they want us to work for what is right for this country, and that is why we must endeavor to find opportunities for bipartisan support.

This legislation has that bipartisan support. I wish to thank Senator GLENN and Senator ROTH for their leadership and partnership in this important piece of legislation.

I wish to note that last session, when we were not in the majority, Senator GLENN was the chairman of the Governmental Affairs Committee. When unfunded Federal mandates was not a top-of-the-mind response, he worked with us and forged some progressive opportunities for us to come forward with what ultimately now is S. 1. He and his staff, Sebastian O'Kelly, Larry Novey, and Len Weiss, have been very helpful in all of this; Senator ROTH, who throughout this recess has been working with us, and his staff, Frank Polk and John Mercer. That is the sort of bipartisan effort I think we want. Additionally, Senator DOMENICI, the chairman of the Budget Committee, and Senator EXON, the ranking member, have been invaluable resources in getting us to this point with S. 1.

I also want to acknowledge Senator Byron DORGAN for his effort in authorizing the private-sector point of order that is included in this bill, and Senators DOMENICI and NICKLES for their efforts to include in this bill provisions directing Federal agencies to analyze and report the effects that imposed regulations will have on the Nation's economy and productivity and international competitiveness.

Mr. President, this legislation already has the strong endorsement of the U.S. Conference of Mayors, National Association of Counties, National League of Cities, the National Governors Association, the Council of State Governments, the National Conference of State Legislatures, the National School Boards Association, and, I am proud to say, the U.S. Chamber of Commerce, the National Federation of Independent Business, and the National Retail Federation—not only bipartisan, but it is public and private sectors working together in true partnership fashion.

Mr. GLENN. Mr. President, I know the time is short. The Senator was giving a litany of those who worked hard on this, including myself, but he left himself out. No one has stuck to this any more than he has.

I know last year, when I was chairman of the Governmental Affairs Committee, if we went more than a week without having something on the schedule over there on this subject, he was on my back about it, and properly so. He has stuck with this. He has traveled the whole country meeting with this group of seven. He has been a real sparkplug on this, and deserves a tremendous amount of credit himself. And while I may make some comments in a little bit, while I was in the Chamber I wanted to make sure he got some recognition on this, too.

I appreciate his earlier comments very much. I thank the Chair.

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

I ask unanimous consent that the letters of endorsement be made a part of the RECORD.

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

S. 1

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 ''Unfunded Mandate Reform Act of 1995''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and States, local governments, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on States, local governments, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting States, local governments, tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting States, local governments, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of States, local governments, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon States, local governments, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—For purposes of this Act—

(1) the terms defined under paragraphs (11) through (21) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (as added by subsection (b) of this section) shall have the meanings as so defined; and

(2) the term ''Director'' means the Director of the Congressional Budget Office.

(b) CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.—Section 3 of the Congressional Budget and Impoundment

Control Act of 1974 is amended by adding at the end thereof the following new paragraphs:

''(11) The term 'Federal intergovernmental mandate' means—

''(A) any provision in legislation, statute, or regulation that—

''(i) would impose an enforceable duty upon States, local governments, or tribal governments, except—

''(I) a condition of Federal assistance or

''(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

''(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

''(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to States, local governments, and tribal governments under entitlement authority, if the provision—

''(i)(I) would increase the stringency of conditions of assistance to States, local governments, or tribal governments under the program; or

''(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to States, local governments, or tribal governments under the program; and

''(ii) the States, local governments, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute or regulation.

''(12) The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

''(A) would impose an enforceable duty upon the private sector except—

''(i) a condition of Federal assistance; or

''(ii) a duty arising from participation in a voluntary Federal program; or

''(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

''(13) The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (11) and (12).

''(14) The terms 'Federal mandate direct costs' and 'direct costs'—

''(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all States, local governments, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

''(ii) in the case of a provision referred to in paragraph (11)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced.

''(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

''(C) shall not include—

''(i) estimated amounts that the States, local governments, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

''(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

''(II) to comply with or carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

''(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the States, local governments, and tribal governments, or by the private sector, as a result of—

''(I) compliance with the Federal mandate; or

''(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

''(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

''(15) The term 'amount' means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

''(16) The term 'private sector' means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.

''(17) The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

''(18) The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (83 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

''(19) The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

''(20) The term 'State' has the same meaning as in section 6501(9) of title 31, United State Code.''

''(21) The term 'agency' has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code.

''(22) The term 'regulation' or 'rule' has the meaning of ''rule'' as defined in section 601(2) of title 5, United States Code.''.

SEC. 4. EXCLUSIONS.

The provisions of this Act and the amendments made by this Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM.

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

''SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM.

''(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

''(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

''(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

''(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

''(A) an identification and description of any Federal mandates in the bill or joint resolution, including the expected direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

''(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

''(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs would affect the competitive balance between State, local, or tribal governments and privately owned businesses.

''(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

''(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates; and

''(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

''(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

''(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

''(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

''(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b)(1), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

''(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

''(b) DUTIES OF THE DIRECTOR.—

''(1) STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

''(A) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

''(i) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

''(ii) The estimate required under clause (i) shall include estimates (and brief explanations of the basis of the estimates) of—

''(I) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

''(II) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

''(B) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committees of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

''(i) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

''(ii) Estimates required under this subparagraph shall include estimates (and a brief explanation of the basis of the estimates) of—

''(I) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

''(II) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

''(iii) If the Director determines that it is not feasible to make a reasonable estimate that would be required under clauses (i) and (ii), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

''(C) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (A) and (B), the Director shall so state and shall briefly explain the basis of the estimate.

''(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider—

''(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

''(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A)(i) to be exceeded, unless—

''(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the estimated direct costs of such mandate;

''(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the estimated direct costs of such mandate; or

''(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the estimated direct costs of such mandate, and—

''(I) identifies a specific dollar amount estimate of the full direct costs of the mandate for each year or other period during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (3) for each fiscal year;

''(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (IV)(aa);

''(III) identifies the minimum amount that must be appropriated in each appropriations bill referred to in subclause (II), in order to provide for full Federal funding of the direct costs referred to in subclause (I); and

''(IV)(aa) designates a responsible Federal agency and establishes criteria and procedures under which such agency shall implement less costly programmatic and financial responsibilities of State, local, and tribal governments in meeting the objectives of the mandate, to the extent that an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III); or

''(bb) designates a responsible Federal agency and establishes criteria and procedures to direct that, if an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III), such agency shall declare such mandate to be ineffective as of October 1 of the fiscal year for which the appropriation is not at least equal to the direct costs of the mandate.

''(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(iii)(IV)(aa) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

''(3) COMMITTEE ON APPROPRIATIONS.—Paragraph (1) shall not apply to matters that are within the jurisdiction of the Committee on Appropriations of the Senate or the House of Representatives.

''(4) DETERMINATION OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, on questions regarding the applicability of this Act to a pending bill, joint resolution, amendment, motion, or conference report, the Committee on Governmental Affairs of the Senate, or the Committee on Government Reform and Oversight of the House of Representatives, as applicable, shall have the authority to make the final determination.

''(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For the purposes of this subsection, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget of the Senate or the House of Representatives, as the case may be.

''(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

''Sec. 408. Legislative mandate accountability and reform.''.

SEC. 102. ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.

(a) MOTIONS TO STRIKE IN THE COMMITTEE OF THE WHOLE.—Clause 5 of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following:

''(c) In the consideration of any measure for amendment in the Committee of the Whole containing any Federal mandate the

direct costs of which exceed the threshold in section 408(c) of the Unfunded Mandate Reform Act of 1995, it shall always be in order, unless specifically waived by terms of a rule governing consideration of that measure, to move to strike such Federal mandate from the portion of the bill then open to amendment.''.

(b) COMMITTEE ON RULES REPORTS ON WAIVED POINTS OF ORDER.—The Committee on Rules shall include in the report required by clause 1(d) of Rule XI (relating to its activities during the Congress) of the Rules of the House of Representatives a separate item identifying all waivers of points of order relating to Federal mandates, listed by bill or joint resolution number and the subject matter of that measure.

SEC. 103. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

''(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

''(A) a significant budgetary impact on State, local, or tribal governments; or

''(B) a significant financial impact on the private sector.'';

(B) by amending subsection (h) to read as follows:

''(h) STUDIES.—

''(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

''(2) FEDERAL MANDATE STUDIES.—

''(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

''(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

''(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

''(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

''(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

''(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

''(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

''(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

''(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

''(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

''(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.''; and

(2) in section 301(d) by adding at the end thereof the following new sentence: ''Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.''.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, 104, and 107 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

(a) IN GENERAL.—Section 403 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out the item relating to section 403.

SEC. 107. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 and shall apply only to legislation introduced on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws.

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. ESTABLISHMENT

There is established a commission which shall be known as the ''Commission on Unfunded Federal Mandates'' (in this title referred to as the ''Commission'').

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY THE COMMISSION.

(a) IN GENERAL.—The Commission shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on local, State, and Federal government objectives and responsibilities; and

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for States, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of States, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by States, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by States, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles.

(3) IDENTIFICATION OF RELEVANT UNFUNDED FEDERAL MANDATES.—Each recommendation under paragraph (2) shall, to the extent practicable, identify the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this subtitle, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 9 members appointed from individuals who possess extensive leadership experience in and knowledge of States, local, and tribal governments and intergovernmental relations, including State and local elected officials, as follows:

(A) 3 members appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives.

(B) 3 members appointed by the majority leader of the Senate, in consultation with the minority leader of the Senate.

(C) 3 members appointed by the President.

(2) LIMITATION.—An individual who is a Member or employee of the Congress may not be appointed or serve as a member of the Commission.

(b) WAIVER OF LIMITATION ON EXECUTIVE SCHEDULE POSITIONS.—Appointments may be made under this section without regard to section 5311(b) of title 5, United States Code.

(c) TERMS.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) BASIC PAY.—

(1) RATES OF PAY.—Members of the Commission shall serve without pay.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(e) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) CHAIRPERSON.—The President shall designate a member of the Commission as Chairperson at the time of the appointment of that member.

(g) MEETINGS.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) FIRST MEETING.—The Commission shall convene its first meeting by not later than 45 days after the date of the completion of appointment of the members of the Commission.

(3) QUORUM.—A majority of members of the Commission shall constitute a quorum but a lesser number may hold hearings.

SEC. 304. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed by the Commission. The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, and without regard to section 5311(b) of title 5, United States Code, the Director may appoint and fix the pay of such staff as is sufficient to enable the Commission to carry out its duties.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate payable under section 5376 of title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 305. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title, except information—

(1) which is specifically exempted from disclosure by law; or

(2) which that department or agency determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personnel or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised.

Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this title.

(f) CONTRACT AUTHORITY.—The Commission may, subject to appropriations, contract with and compensate government and private agencies or persons for property and services used to carry out its duties under this title.

SEC. 306. TERMINATION.

The Commission shall terminate 90 days after submitting its final report pursuant to section 302(d).

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission $1,000,000 to carry out this title.

SEC. 308. DEFINITION.

As used in this title, the term ''unfunded Federal mandate'' means—

(1) any provision in statute or regulation that imposes an enforceable duty upon States, local governments, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program;

(2) relates to a Federal program under which Federal financial assistance is provided to States, local governments, or tribal governments under entitlement authority; or

(3) that imposes any other unfunded obligation on States, local governments, or tribal governments.

SEC. 309. EFFECTIVE DATE.

This title shall take effect 60 days after the date of the enactment of this Act.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

NATIONAL LEAGUE OF CITIES,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: I am writing on behalf of the elected officials of the nation's cities and towns to commend you for sponsoring the Unfunded Mandate Reform Act of 1995. Of all the measures introduced to date, this legislation is undoubtedly the strongest, best crafted, and most comprehensive approach to provide relief for state and local governments from the burden of unfunded federal mandates.

The National League of Cities commits its strongest support for the Unfunded Mandate Reform Act. We will fight any attempts to weaken the bill with the full force of the 150,000 local elected officials we represent. Local governments and the taxpayers we serve have borne the federal government's fiscal burden for too long. We will not have such an important relief measure thwarted in the final hour by special interests.

We commend you for continuing to foster the bipartisan support which your original mandate relief bill so successfully garnered in the last Congress. We will work hard to gain bipartisan support for mandates relief in the 104th Congress, because, as you are well aware, this bill will benefit all states, all counties, all municipalities, and all taxpayers, regardless of their political allegiance.

Again, please accept our sincere gratitude for your efforts.

Sincerely,

CAROLYN LONG BANKS,
President,
Councilwoman-at-Large.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, December 29, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the National Association of Counties. I am writing to express our strong support for S. 1, the Unfunded Mandate Reform Act of 1995. We sincerely appreciate the leadership you have provided in crafting this new, strong bipartisan bill to relieve states and local governments from the growing burdens of unfunded federal mandates. Our NACo staff has reviewed the latest draft and they are convinced it is much stronger than S. 993, the bill approved in committee last summer.

While this legislation retained many of the basic principles from the previous bill, there were many improvements. Most significant among them is the provision that requires any new mandate to be funded by new entitlement spending or new taxes or new appropriations. If not, the mandate will not take effect unless the majority of members in both houses vote to impose the cost on state and local governments. Although the new bill will not prevent Congress from imposing the cost of new mandates on state and local taxpayers, by holding members accountable we believe it will discourage and curtail the number of mandates imposed on them.

Again, thank you for your leadership on this important legislation. County officials across our great nation stand ready to assist you in anyway we can to ensure the swift passage of S. 1. If you have any questions, please contact Larry Naake or Larry Jones of the NACo staff.

Sincerely,

RANDALL FRANKE
Commissioner, NACo President.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: The National School Boards Association (NSBA), on behalf on the more than 95,000 locally elected school board members nationwide, would like to offer its strong support for the ''Unfunded Mandate Reform Act of 1995'' (S. 1). This legislation would establish a general rule that Congress shall not impose federal mandates without adequate funding. This legislation would stop the flow of requirements on school districts which must spend billions of local tax dollars every year to comply with unfunded federal mandates. We commend you for your unending leadership on this critical issue.

Today, school children throughout the country are facing the prospect of reduced classroom instruction because the federal government requires, but does not fund, services or programs that local school boards are directed to implement. School boards are not opposed to the goals of many of these mandates, but we believe that Congress should be responsible for funding the programs it imposes on school districts. Our nation's public school children must not be made to pay the price for unfunded federal mandates.

S. 1 would prohibit a law from being implemented without necessary federal government funding. S. 1 would allow school districts to execute the future programs which are required by the federal government without placing an unfair financial burden on the schools.

Again, we applaud your leadership in negotiating and sponsoring this bill which would allow schools to provide a quality education to their students. We offer any assistance you need as you quickly move this bill to the Senate floor.

If you have questions regarding this issue, please contact Laurie A. Westley, Chief Legislative Counsel at (703) 838–6703.

Yours very truly,

BOYD W. BOEHLJE,
President.
THOMAS A. SHANNON,
Executive Director.

U.S. CONFERENCE OF MAYORS,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the United States Conference of Mayors, I want to thank you for your continued leadership in our fight against unfunded federal mandates and to express strong support for the new bill, S. 1.

S. 1 is serious and tough mandate reform which will do more than simply stop the flood of trickle-down taxes and irresponsible, ill-defined federal mandates which have come from Washington over the past two decades. S. 1 will begin to restore the partnership which the founders of this nation intended to exist between the federal government, and state and local governments.

S. 1, which was developed in bipartisan cooperation with the state and local organizations, including the Conference of Mayors, is even stronger than what was before the Senate last year in that it requires Congress to either fund a mandate at the time of passage or provide that the mandate cannot be enforced by the federal government if not fully funded. However, the bill is still based upon the carefully crafted package which was agreed to in S. 993 and which garnered 67 Senate cosponsors in the 103rd Congress. The bill would not in any way repeal, weaken or affect any existing statute, be it an existing unfunded mandate or not. This legislation only seeks to address new unfunded mandate legislation. In addition, S. 1 would not infringe upon or limit the ability of the Congress or the federal judicial system to enforce any new or existing constitutional protection or civil rights statute.

The mayors are extremely pleased that our legislation, which was blocked from final passage in the 103rd Congress, has been designated as S. 1 by incoming Majority Leader Bob Dole. We also understand and appreciate the significance of the Governmental Affairs and Budget Committees holding a joint hearing on our bill on the second day of the 104th Congress at which our organization will be represented.

I remember the early days in our campaign when many questioned our resolve. How could a freshman Republican Senator from the State of Idaho move the Washington establishment to reform its beloved practice of imposing federal mandates without funding? We responded to these doubters by focusing the national grass-roots resentment of unfunded mandates into a well orchestrated political machine, and by joining with our state and local partners in taking our message to Washington.

The United States Conference of Mayors will continue in its efforts to enact S. 1 until we are successful. We will not let up on the political and public pressure. And we will actively oppose efforts to weaken our bill.

The time to pass our bill is now. Those who would seek to delay action will be held accountable, and those who stand with state and local government will know that they have our support and appreciation.

Thank you again for all of your hard work and commitment, and rest assured that we will continue to stand with you.

Sincerely yours,

VICTOR ASHE,
President.

Mr. DOLE. Mr. President, for years, Members of Congress have tried to hide the full cost of efforts to expand the reach of the Federal Government. They do this by passing Federal laws giving, State and local governments new responsibilities, but little, if any, of the money needed to fulfill their new federally-mandated obligations. State and local officials call these new obligations unfunded mandates.

State and local government costs don't show up in the Federal budget. Congressional advocates of a particular piece of legislation who are concerned that their proposal might not pass if the full costs of implementation are known, shift a large portion of the costs off-budget. The problem is that Federal cost estimates don't tell the whole story. Just because a new piece of legislation doesn't have a Federal cost does not mean that it has no cost or that it does not affect taxpayers.

For the past several years, a steady stream of unfunded mandates has been flowing out of Washington, wreaking havoc on State and local budgets, and forcing Governors, Mayors, State legislators and city council members across the country to make tough choices.

Because most States and localities are required to balance their budgets each year, unfunded mandates force State and local officials to choose between cutting other services and raising taxes to balance their budgets and fulfill their new federally-mandated responsibilities.

The costs are staggering. Ohio Governor George Voinovich reviewed the impact of unfunded Federal mandates on the State of Ohio. His August 1993 study found—and I quote—''Unfunded Federal mandates identified in this survey will impose costs of over $1.74 billion on the State of Ohio from 1992 through 1995.'' Officials at the National Conference of State Legislatures have estimated that unfunded mandates cost States more than $10 billion a year. The actual figure may be even higher. Gov. Pete Wilson has estimated that unfunded Federal mandates cost the State of California $7.7 billion in 1994.

That's a lot of money, even in Washington. Money that could have been used to bolster law enforcement or education budgets, money that could have been used to finance innovative new State or local initiatives.

Mr. President, the time has come for a little legislative truth-in-advertising. Before Members of Congress vote for a piece of legislation, they need to know how it could impact the States and localities they represent. If Members of Congress want to pass a new law, they should be willing to make the tough choices needed to pay for it.

The Unfunded Mandate Reform Act of 1995 enjoys broad bipartisan support. It is a change that we can adopt this month and have an immediate impact on the way that Congress evaluates new legislation.

This legislation recognizes that governments are not the only ones affected by mandates. This bill recognizes that potential private sector costs should be a part of the equation whenever Congress evaluates the potential costs of new legislation. That is why the bill would require that CBO evaluate the potential costs of new mandates on businesses and individuals.

Mr. President, this is not a partisan issue. It's a good government issue whose time has come, thanks, in large part, to the hard work and skilled leadership of the distinguished Senator from Idaho, Senator KEMPTHORNE.

As the former Mayor of Boise, Senator KEMPTHORNE knows firsthand the difficult choices that unfunded mandates force upon those who have to balance their budgets every year. He has worked tirelessly over the past several months with State and local officials from across the country on both sides of the aisle, with Governmental Affairs Committee, Chairman, ROTH, Budget Committee Chairman DOMENICI, key Democrats on both of those key committees, the administration and key Republicans in the House. The result of all this effort is a bill that is tougher than the bill we debated last year.

I am confident that this new, improved version—the Unfunded Mandates Reform Act of 1995—will be the blueprint for a bill that can be approved in both Houses of Congress and signed into law by President Clinton early this year.

Governors, State legislators, mayors, county executives, and other State, local, and tribal executives—Democrats, Republicans and Independents—are urging us to act quickly to provide them with the protection they seek. They want to forge a new partnership between Congress and State and local governments. Adoption of this important legislation will send them a clear signal that the 104th Congress intends to make that new partnership a reality.

Chairman ROTH and Chairman DOMENICI have announced that the Governmental Affairs and Budget Committees will hold a joint hearing on S. 1 tomorrow. The Governmental Affairs, Committee will markup the bill Friday, and the Budget Committee will mark up the bill on Monday of next week. Our hope is that by working on a bipartisan basis we can get this important piece of legislation to the floor and begin the debate next week.

Mr. GLENN. Mr. President, I rise to announce my support for S. 1—the Kempthorne-Glenn bill on Federal mandate reform and relief. This is legislation that had strong bipartisan and administration support last year. In fact we had 67 cosponsors, and my hope is that we will be able to pass the bill quickly through the House and Senate in this Congress. But before I go into a description of the bill, I'd like to provide some background to the whole unfunded Federal mandates debate.

On October 27, 1993, State and local elected officials from all over the Nation came to Washington and declared that day—''National Unfunded Mandates Day.'' These officials conveyed a powerful message to Congress and the Clinton administration on the need for Federal mandate reform and relief. They raised four major objections to unfunded Federal mandates.

First, unfunded Federal mandates impose unreasonable fiscal burdens on their budgets;

Second, they limit State and local government flexibility to address more pressing local problems like crime and education;

Third, Federal mandates too often come in a ''one size fits all'' box that stifles the development of more innovative local efforts—efforts that ultimately may be more effective in solving the problem the Federal mandate is meant to address; and,

Fourth, they allow Congress to get credit for passing some worthy mandate or program, while leaving State and local governments with the difficult tasks of cutting services or raising taxes in order to pay for it.

In our two hearings, we heard testimony from elected State and local officials from both parties, representing all sizes of government. It was clear from the testimony that unfunded mandates hit small counties and townships as hard as they do big cities and larger States.

I think it's worth stepping back and taking a look at the evolution of the Federal-State-local relationship over the last decade and a half so we can put this debate into some historical context. I believe the seeds from which sprang the mandate reform movement can be traced back to the so-called policy of ''New Federalism,'' a policy which resulted in a gradual but steady shift in governing responsibilities from the Federal Government to State and local governments over the last 10 to 15 years. During that time period, Federal aid to State and local governments was severely cut, or even eliminated, in a number of key domestic program areas. At the same time, enactment and subsequent implementation of various Federal statutes passed on new costs to State and local governments. In simple terms, State and local governments ended up receiving less of the Federal carrot and more of the Federal stick.

A. THE COST OF FEDERAL MANDATES

Let's examine the cost issue first. While there has been substantial debate on the actual cost of Federal mandates, suffice it to say that almost all participants in the debate agree that there isn't complete data on the aggregate costs of Federal mandates to State and local governments. In fact, one of the major objectives of S. 993 is to develop better information and data on the cost of mandates. Likewise, there is even less information available on estimates of what potential benefits might be derived from select Federal mandates—a point made by representatives from the disability, environmental, and labor community in the committee's second hearing. Nonetheless, there have been efforts made in the past to measure the cost impacts of Federal mandates on State and local governments. And those efforts do show that costs appear to be rising. Since 1981, the Congressional Budget Office [CBO] has been preparing cost estimates on major legislation reported by committee with an expected annual cost to State and local governments in excess of $200 million. According to CBO, 89 bills with an estimated annual cost in excess of $200 million each were reported out of committee between 1983 and 1988. I would point out one major caveat with CBO's analysis—it does not indicate whether these bills funded the costs or not, nor how many of the bills were eventually enacted. Still, even with a rough calculation, the chart shows that committees reported out bills with an average estimated new cost of at least $17.8 billion per year to State and local governments. In total, 382 bills were reported from committees over the 6-year period with some new costs to State and local governments. So if anything, the $17.8 billion figure is a conservative estimate for reported bills.

Federal environmental mandates head the list of areas that State and local officials claim to be the most burdensome. A closer look at two of the studies done on the cost of State and local governments of compliance with environmental statutes does indicate that these costs appear to be rising. A 1990 EPA study, Environmental Investments: The Cost of a Clean Environment, estimates that total annual costs of environmental mandates—from all levels of government—to State and local governments will rise from $22.2 billion in 1987 to $37.1 billion by the 2000—an increase in real terms of 67 percent. EPA estimates that the cost of environmental mandates to State governments will rise from $3 billion in 1987 to $4.5 billion by 2000—a 48-percent increase. Over the same timeframe, the annual costs of environmental mandates to local governments is estimated to increase from $19.2 billion to $32.6 billion—a 70-percent gain. According to the Vice President's National Performance Review, the total annual cost of environmental mandates to State and local governments, when adjusted for inflation, will reach close to $44 billion by the end of this century.

The city of Columbus in my home State of Ohio also noted a trend in rising costs for city compliance with Federal environmental mandates. In its study, the city concluded that its cost of compliance environmental statutes would rise from $62.1 million in 1991 to $107.4 million in 1995—in 1991 constant dollars—a 73-percent increase. The city estimates that its share of the total city budget going to pay for these mandates will increase from 10.6 percent to 18.3 percent over that timeframe.

In addition to environmental requirements, State and local officials in our committee hearings cited otherFederal requirements as burdensome and costly. They highlighted compliance with the Americans with Disabilities Act and the Motor Voter Registration Act; complying with the administrative requirements that go with implementing many Federal programs; and, meeting Federal criminal justice and educational program requirements. Now I would note that while each of these individual programs or requirements clearly carry with them costs to State and local governments, costs which we have too often ignored in the past, I believe that on a case-by-case basis each of these mandates has substantial benefits to our society and our nation as a whole, otherwise I along with many of my colleagues in the Senate wouldn't have voted to enact them. State and local officials readily concede that individual mandates on a case-by-case basis may indeed be worthy. However, when you look at all mandates spanning across the entire gamut of Federal laws and regulation, you begin to understand that it is the aggregate impact of all Federal mandates that has spurred the calls for mandate reform and relief. The Advisory Commission on Intergovernmental Relations testified in our April hearing that the number of major Federal statutes with explicit mandates on State and local governments went from zero during the period of 1941 to 1964, to 9 during the rest of the 1960s, to 25 in the 70s, and 27 in the 80s.

However, to truly reach a better understanding of the Federal mandates debate, we must also look at the Federal funding picture vis a vis State and local governments.

B. FEDERAL AID TO STATE AND LOCAL GOVERNMENTS

The record shows that Federal discretionary aid to State and local governments to both implement Federal policies and directives as well as comply with them saw a sharp drop in the 1980s.

An examination of Census Bureau data on sources of State and local government revenue shows a decreasing Federal role in the funding of State and local governments. In 1979, the Federal government's contribution to State and local government revenues reached 18.6 percent. By 1989, the Federal contribution of the State and local revenue pie had steadily shrunk to 13.2 percent before edging up to 14.3 percent in 1991—the latest year that data is available.

What contributed to declining trend in the Federal financing of State and local governments? A closer look at patterns in Federal discretionary aid programs to State and local governments during the 1980s provides the answer. According to the Federal Funds Information Service, between 1981 and 1990 Federal discretionary program funding to State and local governments rose slightly from $47.5 billion to $51.6 billion. However, this figure when adjusted for inflation tells a much different story; Federal aid dropped 28 percent in real terms over the decade.

A number of vital Federal aid programs to State and local governments experienced sharp cuts and, in some cases, outright elimination during the decade. In 1986, the administration and Congress agreed to terminate the general revenue sharing program—a program that provided approximately $4.5 billion annually to local governments and allowed them broad discretion on how to spend the funds. Since its inception in 1972, general revenue sharing had provided approximately $83 billion to State and local governments. Unfortunately, the Reagan administration succeeded in terminating the program and the Congress followed its lead. There were other important Federal-State-local programs that were substantially cut back between 1981 and

1990. They include: Economic Development Assistance, Community Development Block Grants, Mass Transit, Refugee Assistance, and Low-Income Home Energy Assistance.

Luckily, under both the Bush and Clinton administration, we've managed to restore some needed funding to many of these programs. Still, in real dollars, funds for discretionary aid programs to State and local governments remain 18 percent below their 1981 levels.

THE COMMITTEE'S LEGISLATIVE EFFORTS

In the last Congress, eight bills were referred to the Governmental Affairs Committee that touched on at least some aspect of the unfunded Federal mandates problem. After two hearings, we marked up a compromise bill that borrowed the best of the various provisions and requirements from the different bills. We worked closely in a deliberative, bipartisan fashion with the de facto leader on this issue, Senator KEMPTHORNE, along with other Members and with the administration. The Kempthorne-Glenn Compromise had the endorsement and strong support of the 7 groups representing State and local governments: the National Governors Association; the National Conference of State Legislators; the Council on State Governments; the National League of Cities; the U.S. Conference of Mayors; the National Association of Counties; and the International City Management Association. It had the backing of the Clinton administration and was endorsed by the editorial boards of the New York Times, Cleveland Plain Dealer, and other newspapers across the country, both large and small. The bill we are introducing today as S. 1 largely embodies what we had last year in S. 993.

Let me explain what the Kempthorne-Glenn bill does:

It requires the Congressional Budget Office to conduct State, local and tribal cost estimates on legislation that imposes new Federal mandates in excess of $50 million annually onto the budgets of State, local, and tribal governments. The current laws requires these estimates at a $200 million threshold. I believe that that high a figure allows a lot of Federal mandates to slip through without being scored. $200 million spread across equally among all States may not be much, but if it falls particularly hard on any one region—which does happen with legislation around here—it is substantial. Let me make clear, however, that what CBO will score here are new Federal mandates, not what State, local, and tribal governments are spending to comply with existing mandates, nor what they are spending to comply with their own laws and mandates.

Second, and I think most importantly, is that the bill holds Congress accountable for imposing additional unfunded Federal mandates. We do this by requiring a majority point of order vote on any legislation that imposes new unfunded Federal mandates in excess of $50 million annual cost to State, local or tribal governments.

To avoid the point of order, the sponsor of the bill would have to authorize funding to cover the cost to State and local governments of the Federal mandate, or otherwise find ways to pay for the mandate. This could come from the expansion of an existing grant or subsidized loan program, or the creation of an new one, or perhaps the raising of new revenues or user fees.

S. 1 also includes provisions for the analysis of legislation that imposes mandates on the private sector. CBO would have to complete a private sector cost estimate on bills reported by Committee with a $200 million or more annual cost threshold.

We do exempt certain Federal laws from this bill. Civil rights and Constitutional rights are excluded. National security, emergency legislation, and ratification of international treaties are also exempt.

I want to also point out that the bill does not prohibit Congress from passing unfunded Federal mandates. There may be times when it is appropriate to ask State and local governments to pick up the tab for Federal mandates. But let that debate take place on the Senate floor and let there be a vote on the specific mandate in the legislation.

The Kempthorne-Glenn Compromise also addresses regulatory mandates. We all know how the Federal bureaucracy can impose burdensome and inflexible regulations on State and local governments as well as on others who end up trapped in the bureaucracy's regulatory net. In the Committee's November hearing, we heard testimony from Susan Ritter, county auditor for Renville County, ND. Ms. Ritter noted that the town of Sherwood, in her State, with a population of 286, will have to spend $2,000—one half of its annual budget—on testing its water supply in order to comply with EPA regulations. Clearly, there is no way that the town is going to be able to meet this requirement.

So, consistent with the President's Executive Orders, we have required that Federal agencies conduct cost-benefit analyses on major regulations that impact State, local and tribal governments. Further, agencies must develop a timely and effective means of allowing State and local input into the regulatory process. Given that State and local governments are responsible for implementing many of our Federal laws, it is not only fair that they be considered partners in the Federal regulatory process, but it is also good public policy as well. Such a process must also be consistent with the Administrative Procedure Act to ensure an open and fair process. The bill also requires Federal agencies to make a special effort in performing outreach to the smallest governments. Then maybe we'll be able to minimize the occurrence of situations like the one that took place in the town of Sherwood.

Finally, we've asked the Advisory Commission on Intergovernmental Relations to work with CBO to develop a better cost estimating process and to monitor implementation of the legislation.

CLOSING REMARKS.

In closing, I'd like to put this issue into some larger perspective. As we all know, the Federal, State, and local relationship is complicated. It is a blurry line between where one level of government's responsibility ends and another's begins. All three levels of government need to work together in a constructive fashion to provide the best possible delivery of services to the American people in the most cost-effective fashion. After all, as Federal, State, and local officials, we all serve the same constituents. Further, we serve the American people at a time when their confidence in all three levels of government is probably at an all-time low. There are numerous explanations for this lack of confidence in government and I won't go into them here. Vice President Gore's National Performance Review attributes ''an increasingly hidebound and paralyzed intergovernmental process'' as at least part of the reason for why many Americansfeel that government is wasteful, inefficient, and ineffective. We need to restore balance to the intergovernmental partnership as well as strengthen it so that government at all levels can operate in a more cost-effective manner.

Both the administration and a number of my colleagues have made proposals to shift a number of Federal programs and responsibilities to State and local governments. Clearly, as this mandates debate has shown us, we ought to at least experiment to see if State and local governments can carry out some these programs in a more effective fashion than we have been doing at a Federal level. I know from my years as chairman of the Governmental Affairs Committee that Americans do want more efficient and less costly government and maybe one way to accomplish that objective is too grant more flexibility to State and local governments and let them run some of these programs. However, I think we should proceed with some degree of caution. Growing up in the Depression, I learned that State and local governments don't have the wherewithal and resources to meet all human needs. That's why President Roosevelt came through with the New Deal. So there has been and will continue to be, the need for a Federal presence in many domestic policy areas. But that shouldn't preclude us from maybe loosening the reigns on State and local governments some, or even dropping them entirely. But we should be careful, and look at it on a case-by-case basis.

I believe that the Kempthorne-Glenn bill would help to restore that partnership and bring needed perspective to future Federal decisionmaking. I am

glad that it will be the first bill introduced in the Senate and look forward to working toward its very early passage.

I want to give special thanks to my colleague from Idaho for his rule in developing this legislation. He has been over diligent and, as a former mayor, very passionate about this issue. But he has also been willing to engage in the give and take that goes on in developing legislation where there are a lot of pressures from all sides to go one way or the other. This has truly been a bipartisan effort and he deserves special credit for that.

Mr. ROTH. Mr. President, I am very pleased to join with my colleague, Senator KEMPTHORNE, in cosponsoring today the first bill introduced in the Senate in the 104th Congress. The ''Unfunded Mandates Reform Act of 1995'' represents an important shift in the basic attitude of the Congress toward our State and local governments. It will help bring a better balance to our system of federalism.

In recognition of the fundamental importance of this legislation, it has been assigned the bill number S. 1. As chairman of the Governmental Affairs Committee, where the legislation has been referred, I intend to act on it immediately. A joint hearing with the Budget Committee on S. 1 has been scheduled for tomorrow morning. The next day the Governmental Affairs Committee is scheduled to consider the bill, and vote on reporting it to the Senate. It is my intention to bring the ''Unfunded Mandates Reform Act'' to the floor sometime next week.

This important legislation is just the first step in a long-overdue effort to reform the Federal regulatory process. I intend to move quickly in addressing the need for regulatory reform in the broader sense, particular as it applies to the regulation of business. I expect to hold the first hearing on this subject in early Fedruary.

Again, I want to express my pleasure in joining with the Senator from Idaho in this important effort, embodied in the legislation he is introducing today. I urge my colleagues to help move it quickly to enactment.

Mr. NICKLES. Mr. President, I would first like to commend Senator KEMPTHORNE and Senator GLENN for once again introducing the Unfunded Mandates Reform Act and I am pleased to be an original cosponsor. Senator KEMPTHORNE has been especially stalwart in pushing unfunded mandate legislation to the forefront and keeping the Senate's focus on this important issue. Particularly, I am pleased the legislation includes my language to require executive branch agencies to do a cost estimate of regulatory actions, which was a key component of my legislation, the Economic and Employment Impact Act.

On October 27, 1993, Governors, State legislators, county officials and mayors from across the Nation came to Washington and declared ''National Unfunded Mandates Day''. They sent a very loud and clear signal to Congress and the Clinton administration that State and local governments and the taxpayers can no longer afford the exploding costs of unfunded Federal mandates. The simple fact is when the Federal Government passes an unfunded mandate on the States and local governments, they must then raise taxes, reduce other spending or borrow. Mandates on the private sector also add great costs to the economy. The ultimate loser in this cycle is the U.S. taxpayer.

According to a U.S. Conference of Mayors' survey of 314 cities, the cost of unfunded Federal mandates to cities alone for 1993 was $6.5 billion. The Federal Clean Water Act—$3.6 billion, Federal Solid Waste Disposal—$1 billion, and the Federal Safe Drinking Water Act—$0.6 billion were the most costly unfunded mandates. On the private sector side, the Chamber of Commerce has recently reported the result of a survey of its membership which identified the issue of unfunded mandates and their costs on the private sector and State and local governments as the No. 1 issue.

Several States and local governments did their own studies of the costs of unfunded Federal mandates. The city of Columbus, OH found that compliance with Federal environmental regulations alone will cost the city up to $1.6 billion over the next 10 years, which equals $850 annually per household.

The Unfunded Mandate Reform Act forces Congress to know how much Federal mandates on States and local governments and the private sector cost. In addition, it will require that the Federal Government pays the costs incurred by complying with mandates on State and local governments. This legislation will ensure that the economic impact of major legislative and regulatory proposals on State and local governments and the private sector are given full consideration in Congress and the executive branch before they become policy.

One of the primary reasons for the explosive growth in Federal mandates is Washington's ignorance of exactly how much they costs States, local governments and private citizens, regardless of how well-intended they may be. This legislation seeks a solution to that problem by requiring the Congressional Budget Office [CBO] to estimate the impact of Federal mandates to State, local, and tribal governments as well as the private sector.

In order to ensure the cooperation of CBO and the committees in providing this valuable economic impact information to the full Senate, the legislation before us requires a majority point of order to lie against any Federal mandate legislation which does not have a CBO cost estimate of the impact of that legislation on State and local governments or the private sector.

Mandates costing greater than $50 million affecting State and local governments will not only have an estimate of the costs but also include the money or taxes to pay for the mandate. If it does not pass both tests a majority point of order will lie against the legislation.

The economic impact analysis requirement for legislation which affects the private sector is vitally important. The private sector provision command CBO to provide an impact statement of the costs and the effect on the economy of legislation with mandates which exceed $200 million in any of the next 5 years. This requirement is similar to legislation, the Economic and Employment Impact Act, Senator REID and myself offered as an amendment to the National Competitiveness Act, and was approved by voice vote by the full Senate.

Another important element of this legislation that is also a key component of the Economic and Employment Impact Act, is the requirement for economic impact analysis of regulatory actions exceeding $100 million by executive branch agencies. The author of this act should be commended for requiring a cost analysis for regulations affecting State and local governments and the private sector.

The cost of Federal mandates has unleashed havoc upon State and local governments and the private sector. Congress and the administration must stop passing the costs of their good ideas without knowing the costs of those ideas and assuming responsibility for the undue economic burdens on the local governments, the private sector and the U.S. taxpayer.

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, Mr. DOLE, Mr. NICKLES, Mr. ROTH, Mr. GLENN, Mr. SMITH, Mr. SPECTER, Mr. BROWN, Mr. INHOFE, Mr. THOMPSON, Ms. SNOWE, Mr. ABRAHAM, Mr. SANTORUM, Mr. CRAIG THOMAS, Mr. COHEN, Mr. CRAIG, Mrs. BOXER, Mr. ROBB, Mr. KOHL, Mr. WARNER, Mr. BAUCUS, Mr. HELMS, Mr. GREGG, Mr. DEWINE, Mr. CAMPBELL, Mr. BENNETT, Mr. MACK, Mr. KERREY, Mrs. KASSEBAUM, and Mr. LOTT):

S. 2. A bill to make certain laws applicable to the legislative branch of the Federal Government; read twice.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. DOLE. Mr. President, for far too long, Congress has imposed new rules and regulations on the private sector, while seeking to exempt itself from those same rules.

Not surprisingly, many of our citizens have begun to view the Senate and the House of Representatives not as the people's body, but as the ''imperial congress,'' as an institution that considers itself above the law and without accountability.

This past election day, the American people finally said ''enough is enough.'' Not only do the American people want

less government, less regulation, and lower taxes, they also want Congress to clean up its own act by living under the very laws we seek to impose on everyone else. After all, what's good for the goose is certainly good for the gander.

S. 2, the Congressional Accountability Act, is a key element of our effort to put the institution of Congress back in the good graces of the American people. Later today, the House will pass its own version of congressional-coverage legislation, and perhaps as early as tomorrow, S. 2 will be passed here in the Senate.

In a nutshell, S. 2 forces Congress to comply with the following laws that regulate private employment and the private-sector workplace: (1) The Fair Labor Standards Act, (2) The Federal Labor Management Relations Act, (3) Title VII of the Civil Rights Act of 1964, (4) The Americans with Disabilities Act, (5) The Rehabilitation Act of 1973, (6) The Age Discrimination in Employment Act, (7) The Family and Medical Leave Act, (8) The Occupational Safety and Health Act, (9) The Employee Polygraph Protection Act, (10) The Worker Adjustment and Retraining Notification Act, and (11) The Veterans Reemployment Act.

All these laws now apply to the private sector, and with the passage of S. 2, they will soon apply to Congress as well.

To enforce the application of the laws to Congress, S. 2 establishes an office of compliance with a 5-member board of directors. The directors on the board will be jointly appointed by the Senate majority leader, the Senate minority leader, the Speaker of the House of Representatives, and the House minority leader. The office will also have a general counsel, an executive director, and two deputy executive directors, one for the Senate and one for the House. Each of the deputy executive directors will be responsible for promulgating the implementing regulations for his or her respective house.

In addition, S. 2 requires that any future legislation that affects the terms and conditions of private employment must be accompanied by a report describing the manner in which the legislation will apply to Congress. If any provision of the proposed law does not apply to Congress, the report must include a statement explaining why this is so. This reporting requirement will help ensure that Congress resists the temptation of exempting itself from future regulations and rules.

Of course, S. 2 may herald a new era of regulatory caution, where Congress thinks twice before imposing a new government-crafted requirement on the private sector. It's one thing for Congress to create a new regulatory burden; it's something quite different when Congress has to bear the burden too.

Finally, Mr. President, I want to congratulate my distinguished colleague, Senator CHUCK GRASSLEY, for spearheading the congressional-coverage effort here in the Senate. Without his hard work and commitment, S. 2 would not be the priority that it is today. I also want to take a moment to recognize my colleague from Oklahoma, Senator DON NICKLES, for his important contribution as well.

Mr. President, I ask unanimous consent that the full text of S. 2 be reprinted in the RECORD immediately after my remarks.

S. 2

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Congressional Accountability Act of 1995''.

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

Sec. 1. Short title and table of contents.

TITLE I—GENERAL

Sec. 101. Definitions.
Sec. 102. Application of laws.

TITLE II—EXTENSION OF RIGHTS AND PROTECTIONS

PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION, WORKER ADJUSTMENT AND RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF VETERANS, AND INTIMIDATION

Sec. 201. Rights and protections under title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and title I of the Americans with Disabilities Act of 1990.
Sec. 202. Rights and protections under the Family and Medical Leave Act of 1993.
Sec. 203. Rights and protections under the Fair Labor Standards Act of 1938.
Sec. 204. Rights and protections under the Employee Polygraph Protection Act of 1988.
Sec. 205. Rights and protections under the Worker Adjustment and Retraining Notification Act.
Sec. 206. Rights and protections relating to veterans' employment and reemployment.
Sec. 207. Prohibition of intimidation or reprisal.

PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990

Sec. 210. Rights and protections under the Americans with Disabilities Act of 1990 relating to public services and accommodations; procedures for remedy of violations.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Sec. 215. Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations.

PART D—LABOR-MANAGEMENT RELATIONS

Sec. 220. Application of chapter 71 of title 5, United States code, relating to Federal service labor-management relations; procedures for remedy of violations.

PART E—GENERAL

Sec. 225. Generally applicable remedies and limitations.

PART F—STUDY

Sec. 230. Study and recommendations regarding General Accounting Office, Government Printing Office, and Library of Congress.

TITLE III—OFFICE OF COMPLIANCE

Sec. 301. Establishment of Office of Compliance.
Sec. 302. Officers, staff, and other personnel.
Sec. 303. Procedural rules.
Sec. 304. Substantive regulations.
Sec. 305. Expenses.

TITLE IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

Sec. 401. Procedure for consideration of alleged violations.
Sec. 402. Counseling.
Sec. 403. Mediation.
Sec. 404. Election of proceeding.
Sec. 405. Complaint and hearing.
Sec. 406. Appeal to the Board.
Sec. 407. Judicial review of Board decisions and enforcement.
Sec. 408. Civil action.
Sec. 409. Judicial review of regulations.
Sec. 410. Other judicial review prohibited.
Sec. 411. Effect of failure to issue regulations.
Sec. 412. Expedited review of certain appeals.
Sec. 413. Privileges and immunities.
Sec. 414. Settlement of complaints.
Sec. 415. Payments.
Sec. 416. Confidentiality.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Exercise of rulemaking powers.
Sec. 502. Political affiliation and place of residence.
Sec. 503. Nondiscrimination rules of the House and Senate.
Sec. 504. Technical and conforming amendments.
Sec. 505. Judicial branch coverage study.
Sec. 506. Savings provisions.
Sec. 507. Severability.

TITLE I—GENERAL

SEC. 101. DEFINITIONS.

Except as otherwise specifically provided in this Act, as used in this Act:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Office of Compliance.

(2) CHAIR.—The term ''Chair'' means the Chair of the Board of Directors of the Office of Compliance.

(3) COVERED EMPLOYEE.—The term ''covered employee'' means any employee of—

(A) the House of Representatives;
(B) the Senate;
(C) the Capitol Guide Service;
(D) the Capitol Police;
(E) the Congressional Budget Office;
(F) the Office of the Architect of the Capitol;
(G) the Office of the Attending Physician;
(H) the Office of Compliance; or
(I) the Office of Technology Assessment.

(4) EMPLOYEE.—The term ''employee'' includes an applicant for employment and a former employee.

(5) EMPLOYEE OF THE OFFICE OF THE ARCHITECT OF THE CAPITOL.—The term ''employee of the Office of the Architect of the Capitol'' includes any employee of the Office of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants.

(6) EMPLOYEE OF THE CAPITOL POLICE.—The term ''employee of the Capitol Police'' includes any member or officer of the Capitol Police.

(7) EMPLOYEE OF THE HOUSE OF REPRESENTATIVES.—The term ''employee of the House of Representatives'' includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated

by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

(8) EMPLOYEE OF THE SENATE.—The term ''employee of the Senate'' includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (C) through (I) of paragraph (3).

(9) EMPLOYING OFFICE.—The term ''employing office'' means—

(A) the personal office of a Member of the House of Representatives or of a Senator;

(B) a committee of the House of Representatives or the Senate or a joint committee;

(C) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(D) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(10) EXECUTIVE DIRECTOR.—The term ''Executive Director'' means the Executive Director of the Office of Compliance.

(11) GENERAL COUNSEL.—The term ''General Counsel'' means the General Counsel of the Office of Compliance.

(12) OFFICE.—The term ''Office'' means the Office of Compliance.

SEC. 102. APPLICATION OF LAWS.

(a) LAWS MADE APPLICABLE.—The following laws shall apply, as prescribed by this Act, to the legislative branch of the Federal Government:

(1) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

(3) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(4) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.).

(5) The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.).

(6) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(7) Chapter 71 (relating to Federal service labor-management relations) of title 5, United States Code.

(8) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.).

(9) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(10) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(11) Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

(b) LAWS WHICH MAY BE MADE APPLICABLE.—

(1) IN GENERAL.—The Board shall review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees, and (B) access to public services and accommodations,

(2) BOARD REPORT.—Beginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree the provisions described in paragraph (1) are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

(3) REPORTS OF CONGRESSIONAL COMMITTEES.—Each report accompanying any bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations reported by a committee of the House of Representatives or the Senate shall—

(A) describe the manner in which the provisions of the bill or joint resolution apply to the legislative branch; or

(B) in the case of a provision not applicable to the legislative branch, include a statement of the reasons the provision does not apply.

On the objection of any Member, it shall not be in order for the Senate or the House of Representatives to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of this paragraph. This paragraph may be waived in either House by majority vote of that House.

TITLE II—EXTENSION OF RIGHTS AND PROTECTIONS

PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION, WORKER ADJUSTMENT AND RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF VETERANS, AND INTIMIDATION

SEC. 201. RIGHTS AND PROTECTIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967, THE REHABILITATION ACT OF 1973, AND TITLE I OF THE AMERICANS WITH DISABILITIES ACT OF 1990.

(a) DISCRIMINATORY PRACTICES PROHIBITED.—All personnel actions affecting covered employees shall be made free from any discrimination based on—

(1) race, color, religion, sex, or national origin, within the meaning of section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2);

(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(3) disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–12114).

(b) REMEDY.—

(1) CIVIL RIGHTS.—The remedy for a violation of subsection (a)(1) shall be—

(A) such remedy as would be appropriate if awarded under section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g)); and

(B) such compensatory damages as would be appropriate if awarded under section 1977 of the Revised Statutes (42 U.S.C. 1981), or as would be appropriate if awarded under sections 1977A(a)(1), 1977A(b)(2), and irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes (42 U.S.C. 1981a(a)(1), 1981a(b)(2), and 1981a(b)(3)(D)).

(2) AGE DISCRIMINATION.—The remedy for a violation of subsection (a)(2) shall be—

(A) such remedy as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and

(B) such liquidated damages as would be appropriate if awarded under section 7(b) of such Act (29 U.S.C. 626(b)). In addition, the waiver provisions of section 7(f) of such Act (29 U.S.C. 626(f)) shall apply to covered employees.

(3) DISABILITIES DISCRIMINATION.—The remedy for a violation of subsection (a)(3) shall be—

(A) such remedy as would be appropriate if awarded under section 505(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)) or section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)); and

(B) such compensatory damages as would be appropriate if awarded under sections 1977A(a)(2), 1977A(a)(3), 1977A(b)(2), and, irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statutes (42 U.S.C. 1981a(a)(2), 1981a(a)(3), 1981a(b)(2), and 1981a(b)(3)(D)).

(c) APPLICATION TO GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.—

(1) SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—Section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by—

(A) striking ''legislative and'';

(B) striking ''branches'' and inserting ''branch''; and

(C) inserting ''Government Printing Office, the General Accounting Office, and the'' after ''and in the''.

(2) SECTION 15 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)) is amended by—

(A) striking ''legislative and'';

(B) striking ''branches'' and inserting ''branch''; and

(C) inserting ''Government Printing Office, the General Accounting Office, and the'' after ''and in the''.

(3) SECTION 509 OF THE AMERICANS WITH DISABILITIES ACT OF 1990.—Section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209) is amended—

(A) by striking subsections (a) and (b) of section 509;

(B) in subsection (c), by striking ''(c) INSTRUMENTALITIES OF CONGRESS.—'' and inserting ''The General Accounting Office, the Government Printing Office, and the Library of Congress shall be covered as follows:'';

(C) by striking the second sentence of paragraph (2);

(D) in paragraph (4), by striking ''the instrumentalities of the Congress include'' and inserting ''the term 'instrumentality of the Congress' means'', by striking ''the Architect of the Capitol, the Congressional Budget Office'', by inserting ''and'' before ''the Library'', and by striking ''the Office of Technology Assessment, and the United States Botanic Garden'';

(E) by redesignating paragraph (5) as paragraph (7) and by inserting after paragraph (4) the following new paragraph:

''(5) ENFORCEMENT OF EMPLOYMENT RIGHTS.—The remedies and procedures set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall be available to any employee of an instrumentality of the Congress who alleges a violation of the rights and protections under sections 102 through 104 of this Act that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of the instrumentality of the Congress.''; and

(F) by amending the title of the section to read ''INSTRUMENTALITIES OF THE CONGRESS''.

(d) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.

SEC. 202. RIGHTS AND PROTECTIONS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993.

(a) FAMILY AND MEDICAL LEAVE RIGHTS AND PROTECTIONS PROVIDED.—

(1) IN GENERAL.—The rights and protections established by sections 101 through 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 through 2615) shall apply to covered employees.

(2) DEFINITION.—For purposes of the application described in paragraph (1)—

(A) the term ''employer'' as used in the Family and Medical Leave Act of 1993 means any employing office, and

(B) the term ''eligible employee'' as used in the Family and Medical Leave Act of 1993 means a covered employee who has been employed in any employing office for 12 months and for at least 1,250 hours of employment during the previous 12 months.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy, including liquidated damages, as would be appropriate if awarded under paragraph (1) of section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a)(1)).

(c) APPLICATION TO GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—

(1) AMENDMENTS TO THE FAMILY AND MEDICAL LEAVE ACT OF 1993.—

(A) COVERAGE.—Section 101(4)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(4)(A)) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ''; and'', and by adding after clause (iii) the following:

''(iv) includes the General Accounting Office and the Library of Congress.''.

(B) ENFORCEMENT.—Section 107 of the Family and Medical Leave Act of 1993 (29 U.S.C 2617) is amended by adding at the end the following:

''(f) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—In the case of the General Accounting Office and the Library of Congress, the authority of the Secretary of Labor under this title shall be exercised respectively by the Comptroller General of the United States and the Librarian of Congress.''.

(2) CONFORMING AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 6381(1)(A) of title 5, United States Code, is amended by striking ''and'' after ''District of Columbia'' and inserting before the semicolon the following: '', and any employee of the General Accounting Office or the Library of Congress''.

(d) REGULATIONS.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—Subsection (c) shall be effective 1 year after transmission to the Congress of the study under section 230.

SEC. 203. RIGHTS AND PROTECTIONS UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

(a) FAIR LABOR STANDARDS.—

(1) IN GENERAL.—The rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)) shall apply to covered employees.

(2) INTERNS.—For the purposes of this section, the term ''covered employee'' does not include an intern as defined in regulations under subsection (c).

(3) COMPENSATORY TIME.—Except as provided in regulations under subsection (c)(3), covered employees may not receive compensatory time in lieu of overtime compensation.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)).

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—Except as provided in paragraph (3), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(3) IRREGULAR WORK SCHEDULES.—The Board shall issue regulations for covered employees whose work schedules directly depend on the schedule of the House of Representatives or the Senate that shall be comparable to the provisions in the Fair Labor Standards Act of 1938 that apply to employees who have irregular work schedules.

(d) APPLICATION TO THE GOVERNMENT PRINTING OFFICE.—Section 3(e)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)(A)) is amended—

(1) in clause (iii), by striking ''legislative or'',

(2) by striking ''or'' at the end of clause (iv),

(3) by striking the semicolon at the end of clause (v) and inserting '', or'' and by adding after clause (v) the following:

''(vi) the Government Printing Office;''.

(e) EFFECTIVE DATE.—Subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

SEC. 204. RIGHTS AND PROTECTIONS UNDER THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.

(a) POLYGRAPH PRACTICES PROHIBITED.—

(1) IN GENERAL.—No employing office, irrespective of whether a covered employee works in that employing office, may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2002(1), (2), or (3)). In addition, the waiver provisions of section 6(d) of such Act (29 U.S.C. 2005(d)) shall apply to covered employees.

(2) DEFINITIONS.—For purposes of this section, the term ''covered employee'' shall include employees of the General Accounting Office and the Library of Congress and the term ''employing office'' shall include the General Accounting Office and the Library of Congress.

(3) CAPITOL POLICE.—Nothing in this section shall preclude the Capitol Police from using lie detector tests in accordance with regulations under subsection (c).

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under section 6(c)(1) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2005(c)(1)).

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 205. RIGHTS AND PROTECTIONS UNDER THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.

(a) WORKER ADJUSTMENT AND RETRAINING NOTIFICATION RIGHTS.—

(1) IN GENERAL.—No employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) until the end of a 60-day period after the employing office serves written notice of such prospective closing or layoff to representatives of covered employees or, if there are no representatives, to covered employees.

(2) DEFINITIONS.—For purposes of this section, the term ''covered employee'' shall include employees of the General Accounting Office and the Library of Congress and the term ''employing office'' shall include the General Accounting Office and the Library of Congress.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under paragraphs (1), (2), and (4) of section 5(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2104(a)(1), (2), and (4)).

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 206. RIGHTS AND PROTECTIONS RELATING TO VETERANS' EMPLOYMENT AND REEMPLOYMENT.

(a) EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.—

(1) IN GENERAL.—It shall be unlawful for an employing office to—

(A) discriminate, within the meaning of subsections (a) and (b) of section 4311 of title 38, United States Code, against an eligible employee;

(B) deny to an eligible employee reemployment rights within the meaning of sections 4312 and 4313 of title 38, United States Code; or

(C) deny to an eligible employee benefits within the meaning of sections 4316, 4317, and 4318 of title 38, United States Code.

(2) DEFINITIONS.—For purposes of this section—

(A) the term ''eligible employee'' means a covered employee performing service in the uniformed services, within the meaning of section 4303(13) of title 38, United States Code, whose service has not been terminated upon occurrence of any of the events enumerated in section 4304 of title 38, United States Code,

(B) the term ''covered employee'' includes employees of the General Accounting Office and the Library of Congress, and

(C) the term ''employing office'' includes the General Accounting Office and the Library of Congress.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy as would be appropriate if awarded under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code.

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective 1 year after the date of the enactment of this Act.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

SEC. 207. PROHIBITION OF INTIMIDATION OR REPRISAL.

(a) IN GENERAL.—It shall be unlawful for an employing office to intimidate, take reprisal against, or otherwise discriminate against, any covered employee because the covered employee has opposed any practice made unlawful by this Act, or because the covered employee has initiated proceedings, made a charge, or testified, assisted, or participated in any manner in a hearing or other proceeding under this Act.

(b) REMEDY.—The remedy available for a violation of subsection (a) shall be such legal or equitable remedy as would be appropriate.

PART B—PUBLIC SERVICES AND ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990

SEC. 210. RIGHTS AND PROTECTIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990 RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) ENTITIES SUBJECT TO THIS SECTION.—The requirements of this section shall apply to—

(1) each office of the Senate, including each office of a Senator and each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Capitol Guide Service;

(5) the Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

(8) the Office of the Attending Physician;

(9) the Office of Compliance; and

(10) the Office of Technology Assessment.

(b) DISCRIMINATION IN PUBLIC SERVICES AND ACCOMMODATIONS.—

(1) RIGHTS AND PROTECTIONS.—The rights and protections against discrimination in the provision of public services and accommodations established by sections 201 through 230, 302, 303, and 309 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131–12150, 12182, 12183, and 12189) shall apply to the entities listed in subsection (a).

(2) DEFINITIONS.—For purposes of the application of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) under this section, the term ''public entity'' means any entity listed in subsection (a) that provides public services, programs, or activities.

(c) REMEDY.—The remedy for a violation of subsection (b) shall be such remedy as would be appropriate if awarded under section 203 or 308(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12133, 12188(a)), except that, with respect to any claim of employment discrimination asserted by any covered employee, the exclusive remedy shall be under section 201 of this title.

(d) AVAILABLE PROCEDURES.—

(1) CHARGE FILED WITH GENERAL COUNSEL.—A qualified individual with a disability, as defined in section 201(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131(2)), who alleges a violation of subsection (b) by an entity listed in subsection (a), may file a charge against any entity responsible for correcting the violation with the General Counsel within 180 days of the occurrence of the alleged violation. The General Counsel shall investigate the charge.

(2) MEDIATION.—If, upon investigation under paragraph (1), the General Counsel believes that a violation of subsection (b) may have occurred and that mediation may be helpful in resolving the dispute, the General Counsel may request, but not participate in, mediation under section 403 between the charging individual and any entity responsible for correcting the alleged violation.

(3) COMPLAINT, HEARING, BOARD REVIEW.—If mediation under paragraph (2) has not succeeded in resolving the dispute, and if the General Counsel believes that a violation of subsection (b) may have occurred, the General Counsel may file with the Office a complaint against any entity responsible for correcting the violation. The complaint shall be submitted to a hearing officer for decision pursuant to section 405 and any person who has filed a charge under paragraph (1) may intervene as of right, with the full rights of a party. The decision of the hearing officer shall be subject to review by the Board pursuant to section 406.

(4) JUDICIAL REVIEW.—A charging individual who has intervened under paragraph (3) or any respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (3), may file a petition for review in the United States Court of Appeals for the Federal Circuit, pursuant to section 407.

(e) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(f) PERIODIC INSPECTIONS; REPORT TO CONGRESS; INITIAL STUDY.—

(1) PERIODIC INSPECTIONS.—On a regular basis, and at least once each Congress, the General Counsel shall inspect the facilities of the entities listed in subsection (a) to ensure compliance with subsection (b).

(2) REPORT.—On the basis of each periodic inspection, the General Counsel shall, at least once every Congress, prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Architect of the Capitol, and to the entity responsible, as determined under regulations issued by the Board under section 304 of this Act, for correcting the violation of this section uncovered by such inspection, and

(B) containing the results of the periodic inspection, describing any steps necessary to correct any violation of this section, assessing any limitations in accessibility to and usability by individuals with disabilities associated with each violation, and the estimated cost and time needed for abatement.

(3) INITIAL PERIOD FOR STUDY AND CORRECTIVE ACTION.—The period from the date of the enactment of this Act until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other entities subject to this section to identify any violations of subsection (b), to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other entities listed in subsection (a) by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under paragraph (1) and shall submit the report under paragraph (2) for the 104th Congress.

(4) DETAILED PERSONNEL.—The Attorney General, the Secretary of Transportation, and the Architectural and Transportation Barriers Compliance Board may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(g) APPLICATION OF AMERICANS WITH DISABILITIES ACT OF 1990 TO THE PROVISION OF PUBLIC SERVICES AND ACCOMMODATIONS BY THE GENERAL ACCOUNTING OFFICE, THE GOVERNMENT PRINTING OFFICE, AND THE LIBRARY OF CONGRESS.—Section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209)), as amended by section 201(c) of this Act, is amended by adding the following new paragraph:

''(6) ENFORCEMENT OF RIGHTS TO PUBLIC SERVICES AND ACCOMMODATIONS.—The remedies and procedures set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall be available to any qualified person with a disability who is a visitor, guest, or patron of an instrumentality of Congress and who alleges a violation of the rights and protections under sections 201 through 230 or section 302 or 303 of this Act that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of the instrumentality of the Congress.''.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (b), (c), and (d) shall be effective on January 1, 1997.

(2) GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.—Subsection (g) shall be effective 1 year after transmission to the Congress of the study under section 230.

PART C—OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

SEC. 215. RIGHTS AND PROTECTIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) OCCUPATIONAL SAFETY AND HEALTH PROTECTIONS.—

(1) IN GENERAL.—Each employing office and each covered employee shall comply with the provisions of section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654).

(2) DEFINITIONS.—For purposes of the application under this section of the Occupational Safety and Health Act of 1970—

(A) the term ''employer'' as used in such Act means an employing office;

(B) the term ''employee'' as used in such Act means a covered employee;

(C) the term ''employing office'' includes the General Accounting Office and the Library of Congress; and

(D) the term ''employee'' includes employees of the General Accounting Office and the Library of Congress.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be an order to correct the violation, including such order as would be appropriate if issued under section 13(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 662(a)).

(c) PROCEDURES.—

(1) REQUESTS FOR INSPECTIONS.—Upon written request of any employing office or covered employee, the General Counsel shall exercise the authorities granted to the Secretary of Labor by subsections (a) and (f) of section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(a) and (f)) to inspect and investigate places of employment under the jurisdiction of employing offices.

(2) CITATIONS, NOTICES, AND NOTIFICATIONS.—For purposes of this section, the General Counsel shall exercise the authorities granted to the Secretary of Labor in sections 9 and 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658 and 659), to issue—

(A) a citation or notice to any employing office responsible for correcting a violation of subsection (a), as determined appropriate by the General Counsel pursuant to regulations issued by the Board pursuant to section 304; or

(B) a notification to any employing office that the General Counsel believes has failed to correct a violation for which a citation has been issued within the period permitted for its correction.

(3) HEARINGS AND REVIEW.—If after issuing a citation or notification, the General Counsel determines that a violation has not been corrected, the General Counsel may file a complaint with the Office against the employing office named in the citation or notification. The complaint shall be submitted to a hearing officer for decision pursuant to section 405, subject to review by the Board pursuant to section 406.

(4) VARIANCE PROCEDURES.—An employing office may request from the Board an order granting a variance from a standard made applicable by this section. For the purposes of this section, the Board shall exercise the authorities granted to the Secretary of Labor in section 6(b)(6) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)(6)) to act on any employing office's request for a variance. The Board shall refer the matter to a hearing officer pursuant to section 405, subject to review by the Board pursuant to section 406.

(5) JUDICIAL REVIEW.—The General Counsel or employing office aggrieved by a final decision of the Board under paragraph (3) or (4), may file a petition for review with the United States Court of Appeals for the Federal Circuit pursuant to section 407.

(6) COMPLIANCE DATE.—If a citation of a violation under this section is received and new appropriated funds are necessary to abate the violation, abatement shall take place as soon as possible, but no later than the fiscal year following the fiscal year in which the citation is issued.

(d) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

(e) PERIODIC INSPECTIONS; REPORT TO CONGRESS.—

(1) PERIODIC INSPECTIONS.—On a regular basis, and at least once each Congress, the General Counsel shall conduct periodic inspections of all facilities of the House of Representatives, the Senate, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment to report on compliance with subsection (a).

(2) REPORT.—On the basis of each periodic inspection, the General Counsel shall prepare and submit a report—

(A) to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Office of the Architect of the Capitol or other employing office responsible, as determined under regulations issued by the Board under section 304 of this Act, for correcting the violation of this section uncovered by such inspection, and

(B) containing the results of the periodic inspection, identifying the employing office responsible for correcting the violation of this section uncovered by such inspection, describing any steps necessary to correct any violation of this section, and assessing any risks to employee health and safety associated with any violation.

(3) ACTION AFTER REPORT.—If a report identifies any violation of this section, the General Counsel shall issue a citation or notice in accordance with subsection (c)(2)(A).

(4) DETAILED PERSONNEL.—The Secretary of Labor may, on request of the Executive Director, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(f) INITIAL PERIOD FOR STUDY AND CORRECTIVE ACTION.—The period from the date of the enactment of this Act until December 31, 1996, shall be available to the Office of the Architect of the Capitol and other employing offices to identify any violations of subsection (a), to determine the costs of compliance, and to take any necessary corrective action to abate any violations. The Office shall assist the Office of the Architect of the Capitol and other employing offices by arranging for inspections and other technical assistance at their request. Prior to July 1, 1996, the General Counsel shall conduct a thorough inspection under subsection (e)(1) and shall submit the report under subsection (e)(2) for the 104th Congress.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a), (b), (c), and (e)(3) shall be effective on January 1, 1997.

(2) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—This section shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after transmission to the Congress of the study under section 230.

PART D—LABOR-MANAGEMENT RELATIONS

SEC. 220. APPLICATION OF CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) LABOR-MANAGEMENT RIGHTS.—

(1) IN GENERAL.—Subject to subsection (d), the rights, protections, and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122, and 7131 of title 5, United States Code, shall apply to employing offices and to covered employees and representatives of those employees.

(2) DEFINITION.—For purposes of the application under this section of the sections referred to in paragraph (1), the term ''agency'' shall be deemed to include an employing office.

(b) REMEDY.—The remedy for a violation of subsection (a) shall be such remedy, including a remedy under section 7118(a)(7) of title 5, United States Code, as would be appropriate if awarded by the Federal Labor Relations Authority to remedy a violation of any provision made applicable by subsection (a).

(c) AUTHORITIES AND PROCEDURES FOR IMPLEMENTATION AND ENFORCEMENT.—

(1) GENERAL AUTHORITIES OF THE BOARD; PETITIONS.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Labor Relations Authority under sections 7105, 7111, 7112, 7113, 7115, 7117, 7118, and 7122 of title 5, United States Code, and of the President under section 7103(b) of title 5, United States Code. For purposes of this section, any petition or other submission that, under chapter 71 of title 5, United States Code, would be submitted to the Federal Labor Relations Authority shall, if brought under this section, be submitted to the Board. The Board shall refer any matter under this paragraph to a hearing officer for decision pursuant to section 405, subject to review by the Board pursuant to section 406. The Board may direct that the General Counsel carry out the Board's investigative authorities under this paragraph.

(2) GENERAL AUTHORITIES OF THE GENERAL COUNSEL; CHARGES OF UNFAIR LABOR PRACTICE.—For purposes of this section and except as otherwise provided in this section, the General Counsel shall exercise the authorities of the General Counsel of the Federal Labor Relations Authority under sections 7104 and 7118 of title 5, United States Code. For purposes of this section, any

charge or other submission that, under chapter 71 of title 5, United States Code, would be submitted to the General Counsel of the Federal Labor Relations Authority shall, if brought under this section, be submitted to the General Counsel. If any person charges an employing office or a labor organization with having engaged in or engaging in an unfair labor practice and makes such charge within 180 days of the occurrence of the alleged unfair labor practice, the General Counsel shall investigate the charge and may file a complaint with the Office. The complaint shall be submitted to a hearing officer for decision pursuant to section 405, subject to review by the Board pursuant to section 406.

(3) JUDICIAL REVIEW.—Except for matters referred to in paragraphs (1) and (2) of section 7123(a) of title 5, United States Code, the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board under paragraphs (1) and (2) of this subsection may file a petition for judicial review in the United States Court of Appeals for the Federal Circuit pursuant to section 407.

(4) EXERCISE OF IMPASSES PANEL AUTHORITY; REQUESTS.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Service Impasses Panel under section 7119 of title 5, United States Code. For purposes of this section, any request that, under chapter 71 of title 5, United States Code, would be presented to the Federal Service Impasses Panel shall, if made under this section, be presented to the Board. At the request of the Board, the Executive Director shall appoint a mediator or mediators to perform the functions of the Federal Service Impasses Panel under section 7119 of title 5, United States Code.

(c) REGULATIONS TO IMPLEMENT SECTION.—

(1) IN GENERAL.—The Board shall, pursuant to section 304, issue regulations to implement this section.

(2) AGENCY REGULATIONS.—Except as provided in subsection (d), the regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority to implement the statutory provisions referred to in subsection (a) except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or

(B) as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest.

(d) SPECIFIC REGULATIONS REGARDING APPLICATION TO CERTAIN OFFICES OF CONGRESS.—

(1) REGULATIONS REQUIRED.—The Board shall issue regulations pursuant to section 304 on the manner and extent to which the requirements and exemptions of chapter 71 of title 5, United States Code, should apply to covered employees who are employed in the offices listed in paragraph (2). The regulations shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 of title 5, United States Code and of this Act, and shall be the same as substantive regulations issued by the Federal Labor Relations Authority under such chapter, except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

(B) that the Board shall exclude from coverage under this section any covered employees who are employed in offices listed in paragraph (2) if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress's constitutional responsibilities.

(2) OFFICES REFERRED TO.—The offices referred to in paragraph (1) include—

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing, select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective on October 1, 1996.

(2) CERTAIN OFFICES.—With respect to the offices listed in subsection (d)(2), to the covered employees of such offices, and to representatives of such employees, subsections (a) and (b) shall be effective on the effective date of regulations under subsection (d).

PART E—GENERAL

SEC. 225. GENERALLY APPLICABLE REMEDIES AND LIMITATIONS.

(a) ATTORNEY'S FEES.—If a covered employee, with respect to any claim under this Act, or a qualified person with a disability, with respect to any claim under section 210, is a prevailing party in any proceeding under section 405, 406, 407, or 408, the hearing officer, Board, or court, as the case may be, may award attorney's fees, expert witness fees, and any other costs as would be appropriate if awarded under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(k)).

(b) INTEREST.—In any proceeding under section 405, 406, 407, or 408, the same interest to compensate for delay in payment shall be made available as would be appropriate if awarded under section 717(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(d)).

(c) CIVIL PENALTIES AND PUNITIVE DAMAGES.—No civil penalty or punitive damages may be awarded with respect to any claim under this Act.

(d) EXCLUSIVE PROCEDURE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no person may commence an administrative or judicial proceeding to seek a remedy for the rights and protections afforded by this Act except as provided in this Act.

(2) VETERANS.—A covered employee under section 206 may also utilize any provisions of chapter 43 of title 38, United States Code, that are applicable to that employee.

(e) SCOPE OF REMEDY.—Only a covered employee who has undertaken and completed the procedures described in sections 402 and 403 may be granted a remedy under part A of this title.

(f) CONSTRUCTION.—

(1) DEFINITIONS AND EXEMPTIONS.—Except where inconsistent with definitions and exemptions provided in this Act, the definitions and exemptions in the laws made applicable by this Act shall apply under this Act.

(2) SIZE LIMITATIONS.—Notwithstanding paragraph (1), provisions in the laws made applicable under this Act (other than the Worker Adjustment and Retraining Notification Act) determining coverage based on size, whether expressed in terms of numbers of employees, amount of business transacted, or other measure, shall not apply in determining coverage under this Act.

(3) EXECUTIVE BRANCH ENFORCEMENT.—This Act shall not be construed to authorize enforcement by the executive branch of this Act.

PART F—STUDY

SEC. 230. STUDY AND RECOMMENDATIONS REGARDING GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.

(a) IN GENERAL.—The Administrative Conference of the United States shall undertake a study of—

(1) the application of the laws listed in subsection (b) to—

(A) the General Accounting Office;

(B) the Government Printing Office; and

(C) the Library of Congress; and

(2) the regulations and procedures used by the entities referred to in paragraph (1) to apply and enforce such laws to themselves and their employees.

(b) APPLICABLE STATUTES.—The study under this section shall consider the application of the following laws:

(1) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), and related provisions of section 2302 of title 5, United States Code.

(2) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and related provisions of section 2302 of title 5, United States Code.

(3) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and related provisions of section 2302 of title 5, United States Code.

(4) The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), and related provisions of sections 6381 through 6387 of title 5, United States Code.

(5) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and related provisions of sections 5541 through 5550a of title 5, United States Code.

(6) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), and related provisions of section 7902 of title 5, United States Code.

(7) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(8) Chapter 71 (relating to Federal service labor-management relations) of title 5, United States Code.

(9) The General Accounting Office Personnel Act of 1980 (31 U.S.C. 731 et seq.).

(10) The Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.).

(11) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(12) Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

(c) CONTENTS OF STUDY AND RECOMMENDATIONS.—The study under this section shall evaluate whether the rights, protections, and procedures, including administrative and judicial relief, applicable to the entities listed in paragraph (1) of subsection (a) and their employees are comprehensive and effective and shall include recommendations for any improvements in regulations or legislation, including proposed regulatory or legislative language.

(d) DEADLINE AND DELIVERY OF STUDY.—Not later than 2 years after the date of the enactment of this Act—

(1) the Administrative Conference of the United States shall prepare and complete the study and recommendations required under this section and shall submit the study and recommendations to the Board; and

(2) the Board shall transmit such study and recommendations (with the Board's comments) to the head of each entity considered in the study, and to the Congress by delivery to the Speaker of the House of Representatives and President pro tempore of the Senate for referral to the appropriate committees of the House of Representatives and of the Senate.

TITLE III—OFFICE OF COMPLIANCE

SEC. 301. ESTABLISHMENT OF OFFICE OF COMPLIANCE.

(a) ESTABLISHMENT.—There is established, as an independent office within the legislative branch of the Federal Government, the Office of Compliance.

(b) BOARD OF DIRECTORS.—The Office shall have a Board of Directors. The Board shall consist of 5 individuals appointed jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate. Appointments of the first 5 members of the Board shall be completed not later than 90 days after the date of the enactment of this Act.

(c) CHAIR.—The Chair shall be appointed from members of the Board jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, and the Minority Leaders of the House of Representatives and the Senate.

(d) BOARD OF DIRECTORS QUALIFICATIONS.—

(1) SPECIFIC QUALIFICATIONS.—Selection and appointment of members of the Board shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. Members of the Board shall have training or experience in the application of the rights, protections, and remedies under one or more of the laws made applicable under section 102.

(2) DISQUALIFICATIONS FOR APPOINTMENTS.—

(A) LOBBYING.—No individual who engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Clerk of the House of Representatives or the Secretary of the Senate shall be eligible for appointment to, or service on, the Board.

(B) INCOMPATIBLE OFFICE.—No member of the Board appointed under subsection (b) may hold or may have held the position of Member of the House of Representatives or Senator, may hold the position of officer or employee of the House of Representatives, Senate, or instrumentality or other entity of the legislative branch, or may have held such a position (other than the position of an officer or employee of the General Accounting Office Personnel Appeals Board, an officer or employee of the Office of Fair Employment Practices of the House of Representatives, or officer or employee of the Office of Fair Employment Practices of the Senate) within 4 years of the date of appointment.

(3) VACANCIES.—A vacancy on the Board shall be filled in the manner in which the original appointment was made.

(e) TERM OF OFFICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), membership on the Board shall be for 5 years. A member of the Board who is appointed to a term of office of more than 3 years shall only be eligible for appointment for a single term of office.

(2) FIRST APPOINTMENTS.—Of the members first appointed to the Board—

(A) 1 shall have a term of office of 3 years,

(B) 2 shall have a term of office of 4 years, and

(C) 2 shall have a term of office of 5 years, 1 of whom shall be the Chair,

as designated at the time of appointment by the persons specified in subsection (b).

(f) REMOVAL.—

(1) AUTHORITY.—Any member of the Board may be removed from office by a majority decision of the appointing authorities described in subsection (b), but only for—

(A) disability that substantially prevents the member from carrying out the duties of the member,

(B) incompetence,

(C) neglect of duty,

(D) malfeasance, including a felony or conduct involving moral turpitude, or

(E) holding an office or employment or engaging in an activity that disqualifies the individual from service as a member of the Board under subsection (d)(2).

(2) STATEMENT OF REASONS FOR REMOVAL.—In removing a member of the Board, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the member of the Board being removed the specific reasons for the removal.

(g) COMPENSATION.—

(1) PER DIEM.—Each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. The rate of pay of a member may be prorated based on the portion of the day during which the member is engaged in the performance of Board duties.

(2) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) DUTIES.—The Office shall—

(1) carry out a program of education for Members of Congress and other employing authorities of the legislative branch of the Federal Government respecting the laws made applicable to them and a program to inform individuals of their rights under laws applicable to the legislative branch of the Federal Government;

(2) in carrying out the program under paragraph (1), distribute the telephone number and address of the Office, procedures for action under title IV, and any other information appropriate for distribution, distribute such information to employing offices in a manner suitable for posting, provide such information to new employees of employing offices, distribute such information to the residences of covered employees, and conduct seminars and other activities designed to educate employing offices and covered employees; and

(3) compile and publish statistics on the use of the Office by covered employees, including the number and type of contacts made with the Office, on the reason for such contacts, on the number of covered employees who initiated proceedings with the Office under this Act and the result of such proceedings, and on the number of covered employees who filed a complaint, the basis for the complaint, and the action taken on the complaint.

(i) CONGRESSIONAL OVERSIGHT.—The Board and the Office shall be subject to oversight (except with respect to the disposition of individual cases) by the Committee on Rules and Administration and the Committee on Governmental Affairs of the Senate and the Committee on House Oversight of the House of Representatives.

(j) OPENING OF OFFICE.—The Office shall be open for business, including receipt of requests for counseling under section 402, not later than 1 year after the date of the enactment of this Act.

(k) FINANCIAL DISCLOSURE REPORTS.—Members of the Board and officers and employees of the Office shall file the financial disclosure reports required under title I of the Ethics in Government Act of 1978 with the Clerk of the House of Representatives.

SEC. 302. OFFICERS, STAFF, AND OTHER PERSONNEL.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT AND REMOVAL.—

(A) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint and may remove an Executive Director. Selection and appointment of the Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The first Executive Director shall be appointed no later than 90 days after the initial appointment of the Board of Directors.

(B) QUALIFICATIONS.— The Executive Director shall be an individual with training or expertise in the application of laws referred to in section 102(a).

(C) DISQUALIFICATIONS.—The disqualifications in section 301(d)(2) shall apply to the appointment of the Executive Director.

(2) COMPENSATION.—The Chair may fix the compensation of the Executive Director. The rate of pay for the Executive Director may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) TERM.—The term of office of the Executive Director shall be a single term of 5 years, except that the first Executive Director shall have a single term of 7 years.

(4) DUTIES.—The Executive Director shall serve as the chief operating officer of the Office. Except as otherwise specified in this Act, the Executive Director shall carry out all of the responsibilities of the Office under this Act.

(b) DEPUTY EXECUTIVE DIRECTORS.—

(1) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint and may remove a Deputy Executive Director for the Senate and a Deputy Executive Director for the House of Representatives. Selection and appointment of a Deputy Executive Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the office. The disqualifications in section 301(d)(2) shall apply to the appointment of a Deputy Executive Director.

(2) TERM.—The term of office of a Deputy Executive Director shall be a single term of 5 years, except that the first Deputy Executive Directors shall have a single term of 6 years.

(3) COMPENSATION.—The Chair may fix the compensation of the Deputy Executive Directors. The rate of pay for a Deputy Executive Director may not exceed 96 percent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DUTIES.—The Deputy Executive Director for the Senate shall recommend to the Board regulations under section 304(a)(2)(B)(i), maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director. The Deputy Executive Director for the House of Representatives shall recommend to the Board the regulations under section 304(a)(2)(B)(ii), maintain the regulations and all records pertaining to the regulations, and shall assume such other responsibilities as may be delegated by the Executive Director.

(c) GENERAL COUNSEL.—

(1) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint a General Counsel. Selection and appointment of the General Counsel shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The disqualifications in section 301(d)(2) shall apply to the appointment of a General Counsel.

(2) COMPENSATION.—The Chair may fix the compensation of the General Counsel. The rate of pay for the General Counsel may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DUTIES.—The General Counsel shall—

(A) exercise the authorities and perform the duties of the General Counsel as specified in this Act; and

(B) otherwise assist the Board and the Executive Director in carrying out their duties and powers, including representing the Office in any judicial proceeding under this Act.

(4) ATTORNEYS IN THE OFFICE OF THE GENERAL COUNSEL.—The General Counsel shall appoint, and fix the compensation of, and may remove, such additional attorneys as may be necessary to enable the General Counsel to perform the General Counsel's duties.

(5) TERM.—The term of office of the General Counsel shall be a single term of 5 years.

(6) REMOVAL.—

(A) AUTHORITY.—The General Counsel may be removed from office by the Chair but only for—

(i) disability that substantially prevents the General Counsel from carrying out the duties of the General Counsel,

(ii) incompetence,

(iii) neglect of duty,

(iv) malfeasance, including a felony or conduct involving moral turpitude, or

(v) holding an office or employment or engaging in an activity that disqualifies the individual from service as the General Counsel under paragraph (1).

(B) STATEMENT OF REASONS FOR REMOVAL.—In removing the General Counsel, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the General Counsel the specific reasons for the removal.

(d) OTHER STAFF.—The Executive Director shall appoint, and fix the compensation of, and may remove, such other additional staff, including hearing officers, but not including attorneys employed in the office of the General Counsel, as may be necessary to enable the Office to perform its duties.

(e) DETAILED PERSONNEL.—The Executive Director may, with the prior consent of the department or agency of the Federal Government concerned, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(f) CONSULTANTS.—In carrying out the functions of the Office, the Executive Director may procure the temporary (not to exceed 1 year) or intermittent services of consultants.

SEC. 303. PROCEDURAL RULES.

(a) IN GENERAL.—The Executive Director shall, subject to the approval of the Board, adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner.

(b) PROCEDURE.—The Executive Director shall adopt rules referred to in subsection (a) in accordance with the principles and procedures set forth in section 553 of title 5, United States Code. The Executive Director shall publish a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Executive Director shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Before issuing rules, the Executive Director shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking. Upon adopting rules, the Executive Director shall transmit notice of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record.

SEC. 304. SUBSTANTIVE REGULATIONS.

(a) REGULATIONS.—

(1) IN GENERAL.—The procedures applicable to the regulations of the Board issued for the implementation of this Act, which shall include regulations the Board is required to issue under title II (including regulations on the appropriate application of exemptions under the laws made applicable in title II) are as prescribed in this section.

(2) RULEMAKING PROCEDURE.—Such regulations of the Board—

(A) shall be adopted, approved, and issued in accordance with subsection (b);

(B) shall consist of 3 separate bodies of regulations, which shall apply, respectively, to—

(i) the Senate and employees of the Senate;

(ii) the House of Representatives and employees of the House of Representatives; and

(iii) all other covered employees and employing offices.

(b) ADOPTION BY THE BOARD.—The Board shall adopt the regulations referred to in subsection (a)(1) in accordance with the principles and procedures set forth in section 553 of title 5, United States Code, and as provided in the following provisions of this subsection:

(1) PROPOSAL.—The Board shall publish a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Board shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Such notice shall set forth the recommendations of the Deputy Director for the Senate in regard to regulations under subsection (a)(2)(B)(i), the recommendations of the Deputy Director for the House of Representatives in regard to regulations under subsection (a)(2)(B)(ii), and the recommendations of the Executive Director for regulations under subsection (a)(2)(B)(iii).

(2) COMMENT.—Before adopting regulations, the Board shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking.

(3) ADOPTION.—After considering comments, the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.

(4) RECOMMENDATION AS TO METHOD OF APPROVAL.—The Board shall include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.

(c) APPROVAL OF REGULATIONS.—

(1) IN GENERAL.—Regulations referred to in paragraph (2)(B)(i) of subsection (a) may be approved by the Senate by resolution or by the Congress by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(ii) of subsection (a) may be approved by the House of Representatives by resolution or by the Congress by concurrent resolution or by joint resolution. Regulations referred to in paragraph (2)(B)(iii) may be approved by Congress by concurrent resolution or by joint resolution.

(2) REFERRAL.—Upon receipt of a notice of adoption of regulations under subsection (b)(3), the presiding officers of the House of Representatives and the Senate shall refer such notice, together with a copy of such regulations, to the appropriate committee or committees of the House of Representatives and of the Senate. The purpose of the referral shall be to consider whether such regulations should be approved, and, if so, whether such approval should be by resolution of the House of Representatives or of the Senate, by concurrent resolution or by joint resolution.

(3) JOINT REFERRAL AND DISCHARGE IN THE SENATE.—The presiding officer of the Senate may refer the notice of issuance of regulations, or any resolution of approval of regulations, to one committee or jointly to more than one committee. If a committee of the Senate acts to report a jointly referred measure, any other committee of the Senate

must act within 30 calendar days of continuous session, or be automatically discharged.

(4) ONE-HOUSE RESOLUTION OR CONCURRENT RESOLUTION.—In the case of a resolution of the House of Representatives or the Senate or a concurrent resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: ''The following regulations issued by the Office of Compliance on ___ are hereby approved:'' (the blank space being appropriately filled in, and the text of the regulations being set forth).

(5) JOINT RESOLUTION.—In the case of a joint resolution referred to in paragraph (1), the matter after the resolving clause shall be the following: ''The following regulations issued by the Office of Compliance on ___ are hereby approved and shall have the force and effect of law:'' (the blank space being appropriately filled in, and the text of the regulations being set forth).

(d) ISSUANCE AND EFFECTIVE DATE.—

(1) PUBLICATION.—After approval of regulations under subsection (c), the Board shall submit the regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.

(2) DATE OF ISSUANCE.—The date of issuance of regulations shall be the date on which they are published in the Congressional Record.

(3) EFFECTIVE DATE.—Regulations shall become effective not less than 60 days after the regulations are issued, except that the Board may provide for an earlier effective date for good cause found (within the meaning of section 553(d)(3) of title 5, United States Code) and published with the regulation.

(e) AMENDMENT OF REGULATIONS.—Regulations may be amended in the same manner as is described in this section for the adoption, approval, and issuance of regulations, except that the Board may, in its discretion, dispense with publication of a general notice of proposed rulemaking of minor, technical, or urgent amendments that satisfy the criteria for dispensing with publication of such notice pursuant to section 553(b)(B) of title 5, United States Code.

(f) RIGHT TO PETITION FOR RULEMAKING.—Any interested party may petition to the Board for the issuance, amendment, or repeal of a regulation.

(g) CONSULTATION.—The Executive Director, the Deputy Directors, and the Board—

(1) shall consult, with regard to the development of regulations, with—

(A) the Chair of the Administrative Conference of the United States;

(B) the Secretary of Labor;

(C) the Federal Labor Relations Authority; and

(D) the Director of the Office of Personnel Management; and

(2) may consult with any other persons with whom consultation, in the opinion of the Board, the Executive Director, or Deputy Directors, may be helpful.

SEC. 305. EXPENSES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Beginning in fiscal year 1995, and for each fiscal year thereafter, there are authorized to be appropriated for the expenses of the Office such sums as may be necessary to carry out the functions of the Office. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following the date of the enactment of this Act—

(1) one-half of the expenses of the Office shall be paid from funds appropriated for allowances and expenses of the House of Representatives, and

(2) one-half of the expenses of the Office shall be paid from funds appropriated for allowances and expenses of the Senate,

upon vouchers approved by the Executive Director.

(b) WITNESS FEES AND ALLOWANCES.—Except for covered employees, witnesses before a hearing officer or the Board in any proceeding under this Act other than rulemaking shall be paid the same fee and mileage allowances as are paid subpoenaed witnesses in the courts of the United States. Covered employees who are summoned, or are assigned by their employer, to testify in their official capacity or to produce official records in any proceeding under this Act shall be entitled to travel expenses under subchapter I and section 5751 of chapter 57 of title 5, United States Code.

TITLE IV—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

SEC. 401. PROCEDURE FOR CONSIDERATION OF ALLEGED VIOLATIONS.

Except as otherwise provided, the procedure for consideration of alleged violations of part A of title II consists of—

(1) counseling as provided in section 402;

(2) mediation as provided in section 403; and

(3) election, as provided in section 404, of either—

(A) a formal complaint and hearing as provided in section 405, subject to Board review as provided in section 406, and judicial review in the United States Court of Appeals for the Federal Circuit as provided in section 407, or

(B) a civil action in a district court of the United States as provided in section 408.

In the case of an employee of the Office of the Architect of the Capitol or of the Capitol Police, the Executive Director, after receiving a request for counseling under section 402, may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time, which shall not count against the time available for counseling or mediation.

SEC. 402. COUNSELING.

(a) IN GENERAL.—To commence a proceeding, a covered employee alleging a violation of a law made applicable under part A of title II shall request counseling by the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the date of the alleged violation.

(b) PERIOD OF COUNSELING.—The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

(c) NOTIFICATION OF END OF COUNSELING PERIOD.—The Office shall notify the employee in writing when the counseling period has ended.

SEC. 403. MEDIATION.

(a) INITIATION.—Not later than 15 days after the end of the counseling period under section 402, but prior to and as a condition of making an election under section 404, the covered employee who alleged a violation of a law shall file a request for mediation with the Office.

(b) PROCESS.—Mediation under this section—

(1) may include the Office, the covered employee, the employing office, and one or more individuals appointed by the Executive Director after considering recommendations by organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters, and

(2) shall involve meetings with the parties separately or jointly for the purpose of resolving the dispute between the covered employee and the employing office.

(c) MEDIATION PERIOD.—The mediation period shall be 30 days beginning on the date the request for mediation is received. The mediation period may be extended for additional periods at the joint request of the covered employee and the employing office. The Office shall notify in writing the covered employee and the employing office when the mediation period has ended.

(d) INDEPENDENCE OF MEDIATION PROCESS.—No individual, who is appointed by the Executive Director to mediate, may conduct or aid in a hearing conducted under section 405 with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

SEC. 404. ELECTION OF PROCEEDING.

Not later than 90 days after a covered employee receives notice of the end of the period of mediation, but no sooner than 30 days after receipt of such notification, such covered employee may either—

(1) file a complaint with the Office in accordance with section 405, or

(2) file a civil action in accordance with section 408 in the United States district court for the district in which the employee is employed or for the District of Columbia.

SEC. 405. COMPLAINT AND HEARING.

(a) IN GENERAL.—A covered employee may, upon the completion of mediation under section 403, file a complaint with the Office. The respondent to the complaint shall be the employing office—

(1) involved in the violation, or

(2) in which the violation is alleged to have occurred,

and about which mediation was conducted.

(b) DISMISSAL.—A hearing officer may dismiss any claim that the hearing officer finds to be frivolous or that fails to state a claim upon which relief may be granted.

(c) HEARING OFFICER.—

(1) APPOINTMENT.—Upon the filing of a complaint, the Executive Director shall appoint an independent hearing officer to consider the complaint and render a decision. No Member of the House of Representatives, Senator, officer of either the House of Representatives or the Senate, head of an employing office, member of the Board, or covered employee may be appointed to be a hearing officer. The Executive Director shall select hearing officers on a rotational or random basis from the lists developed under paragraph (2). Nothing in this section shall prevent the appointment of hearing officers as full-time employees of the Office or the selection of hearing officers on the basis of specialized expertise needed for particular matters.

(2) LISTS.—The Executive Director shall develop master lists, composed of—

(A) members of the bar of a State or the District of Columbia and retired judges of the United States courts who are experienced in adjudicating or arbitrating the kinds of personnel and other matters for which hearings may be held under this Act, and

(B) individuals expert in technical matters relating to accessibility and usability by persons with disabilities or technical matters relating to occupational safety and health.

In developing lists, the Executive Director shall consider candidates recommended by the Federal Mediation and Conciliation Service or the Administrative Conference of the United States.

(d) HEARING.—Unless a complaint is dismissed before a hearing, a hearing shall be—

(1) conducted in closed session on the record by the hearing officer;

(2) commenced no later than 60 days after filing of the complaint under subsection (b), except that the Office may, for good cause, extend up to an additional 30 days the time for commencing a hearing; and

(3) conducted, except as specifically provided in this Act and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code.

(e) DISCOVERY.—Reasonable prehearing discovery may be permitted at the discretion of the hearing officer.

(f) SUBPOENAS.—

(1) IN GENERAL.—At the request of a party, a hearing officer may issue subpoenas for the attendance of witnesses and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of records may be required from any place within the United States. Subpoenas shall be served in the manner provided under rule 45(b) of the Federal Rules of Civil Procedure.

(2) OBJECTIONS.—If a person refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with a proceeding before a hearing officer, the hearing officer shall rule on the objection. At the request of the witness or any party, the hearing officer shall (or on the hearing officer's own initiative, the hearing officer may) refer the ruling to the Board for review.

(3) ENFORCEMENT.—

(A) IN GENERAL.—If a person fails to comply with a subpoena, the Board may authorize the General Counsel to apply, in the name of the Office, to an appropriate United States district court for an order requiring that person to appear before the hearing officer to give testimony or produce records. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey a lawful order of the district court issued pursuant to this section may be held by such court to be a civil contempt thereof.

(B) SERVICE OF PROCESS.—Process in an action or contempt proceeding pursuant to subparagraph (A) may be served in any judicial district in which the person refusing or failing to comply, or threatening to refuse or not to comply, resides, transacts business, or may be found, and subpoenas for witnesses who are required to attend such proceedings may run into any other district.

(g) DECISION.—The hearing officer shall issue a written decision as expeditiously as possible, but in no case more than 90 days after the conclusion of the hearing. The written decision shall be transmitted by the Office to the parties. The decision shall state the issues raised in the complaint, describe the evidence in the record, contain findings of fact and conclusions of law, contain a determination of whether a violation has occurred, and order such remedies as are appropriate pursuant to title II. The decision shall be entered in the records of the Office. If a decision is not appealed under section 406 to the Board, the decision shall be considered the final decision of the Office.

(h) PRECEDENTS.—A hearing officer who conducts a hearing under this section shall be guided by judicial decisions under the laws made applicable by section 102 and by Board decisions under this Act.

SEC. 406. APPEAL TO THE BOARD.

(a) IN GENERAL.—Any party aggrieved by the decision of a hearing officer under section 405(g) may file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office.

(b) PARTIES' OPPORTUNITY TO SUBMIT ARGUMENT.—The parties to the hearing upon which the decision of the hearing officer was made shall have a reasonable opportunity to be heard, through written submission and, in the discretion of the Board, through oral argument.

(c) STANDARD OF REVIEW.—The Board shall set aside a decision of a hearing officer if the Board determines that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(d) RECORD.—In making determinations under subsection (c), the Board shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(e) DECISION.—The Board shall issue a written decision setting forth the reasons for its decision. The decision may affirm, reverse, or remand to the hearing officer for further proceedings. A decision that does not require further proceedings before a hearing officer shall be entered in the records of the Office as a final decision.

SEC. 407. JUDICIAL REVIEW OF BOARD DECISIONS AND ENFORCEMENT.

(a) JURISDICTION.—

(1) JUDICIAL REVIEW.—The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of—

(A) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II,

(B) a charging individual or a respondent before the Board who files a petition under section 210(d)(4),

(C) the General Counsel or a respondent before the Board who files a petition under section 215(c)(5), or

(D) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3).

The court of appeals shall have exclusive jurisdiction to set aside, suspend (in whole or in part), to determine the validity of, or otherwise review the decision of the Board.

(2) ENFORCEMENT.—The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A, B, C, or D of title II.

(b) PROCEDURES.—

(1) RESPONDENTS.—(A) In any proceeding commenced by a petition filed under subsection (a)(1) (A) or (B), or filed by a party other than the General Counsel under subsection (a)(1) (C) or (D), the Office shall be named respondent and any party before the Board may be named respondent by filing a notice of election with the court within 30 days after service of the petition.

(B) In any proceeding commenced by a petition filed by the General Counsel under subsection (a)(1) (C) or (D), the prevailing party in the final decision entered under section 406(e) shall be named respondent, and any other party before the Board may be named respondent by filing a notice of election with the court within 30 days after service of the petition.

(C) In any proceeding commenced by a petition filed under subsection (a)(2), the party under section 405 or 406 that the General Counsel determines has failed to comply with a final decision under section 405(g) or 406(e) shall be named respondent.

(2) INTERVENTION.—Any party that participated in the proceedings before the Board under section 406 and that was not made respondent under paragraph (1) may intervene as of right.

(c) LAW APPLICABLE.—Chapter 158 of title 28, United States Code, shall apply to judicial review under paragraph (1) of subsection (a), except that—

(1) with respect to section 2344 of title 28, United States Code, service of a petition in any proceeding in which the Office is a respondent shall be on the General Counsel rather than on the Attorney General;

(2) the provisions of section 2348 of title 28, United States Code, on the authority of the Attorney General, shall not apply;

(3) the petition for review shall be filed not later than 90 days after the entry in the Office of a final decision under section 406(e); and

(4) the Office shall be an ''agency'' as that term is used in chapter 158 of title 28, United States Code.

(d) STANDARD OF REVIEW.—To the extent necessary for decision in a proceeding commenced under subsection (a)(1) and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision of the Board if it is determined that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(e) RECORD.—In making determinations under subsection (d), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

SEC. 408. CIVIL ACTION.

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action commenced under this section by a covered employee who has completed counseling under section 402 and mediation under section 403. A civil action may be commenced by a covered employee only to seek redress for a violation for which the employee has completed counseling and mediation.

(b) PARTIES.—The defendant shall be the employing office alleged to have committed the violation, or in which the violation is alleged to have occurred.

(c) JURY TRIAL.—Any party may demand a jury trial where a jury trial would be available in an action against a private defendant under the relevant law made applicable by this Act. In any case in which a violation of section 201 is alleged, the court shall not inform the jury of the maximum amount of compensatory damages available under section 201(b)(1) or 201(b)(3).

SEC. 409. JUDICIAL REVIEW OF REGULATIONS.

In any proceeding brought under section 407 or 408 in which the application of a regulation issued under this Act is at issue, the court may review the validity of the regulation in accordance with the provisions of subparagraphs (A) through (D) of section 706(2) of title 5, United States Code, except that with respect to regulations approved by a joint resolution under section 304(c), only the provisions of section 706(2)(B) of title 5, United States Code, shall apply. If the court determines that the regulation is invalid, the court may apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provisions with respect to which the invalid regulation was issued. Except as provided in this section, the validity of regulations issued under this Act is not subject to judicial review.

SEC. 410. OTHER JUDICIAL REVIEW PROHIBITED.

Except as expressly authorized by sections 407, 408, and 409, the compliance or noncompliance with the provisions of this Act and any action taken pursuant to this Act shall not be subject to judicial review.

SEC. 411. EFFECT OF FAILURE TO ISSUE REGULATIONS.

In any proceeding under section 405, 406, 407, or 408, except a proceeding to enforce section 220 with respect to offices listed under section 220(d)(2), if the Board has not issued a regulation on a matter for which this Act requires a regulation to be issued, the hearing officer, Board, or court, as the case may be, may apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding.

SEC. 412. EXPEDITED REVIEW OF CERTAIN APPEALS.

(a) IN GENERAL.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order of a court upon the constitutionality of any provision of this Act.

(b) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal referred to in paragraph (1), advance the appeal on the docket, and expedite the appeal to the greatest extent possible.

SEC. 413. PRIVILEGES AND IMMUNITIES.

The authorization to bring judicial proceedings under sections 407 and 408 shall not constitute a waiver of sovereign immunity for any other purpose, or of the privileges of any Senator or Member of the House of Representatives under article I, section 6, clause 1, of the Constitution, or a waiver of any power of either the Senate or the House of Representatives under the Constitution, including under article I, section 5, clause 3, or under the rules of either House relating to records and information within its jurisdiction.

SEC. 414. SETTLEMENT OF COMPLAINTS.

Any settlement entered into by the parties to a process described in section 210, 215, 220, or 401 shall be in writing and not become effective unless it is approved by the Executive Director. Nothing in this Act shall affect the power of the Senate and the House of Representatives, respectively, to establish rules governing the process by which a settlement may be entered into by such House or by any employing office of such House.

SEC. 415. PAYMENTS.

(a) AWARDS AND SETTLEMENTS.—Except as provided in subsection (c), only funds which are appropriated to an account of the Office in the Treasury of the United States for the payment of awards and settlements may be used for the payment of awards and settlements under this Act. There are authorized to be appropriated for such account such sums as may be necessary to pay such awards and settlements. Funds in the account are not available for awards and settlements involving the General Accounting Office, the Government Printing Office, or the Library of Congress.

(b) COMPLIANCE.—Except as provided in subsection (c), there are authorized to be appropriated such sums as may be necessary for administrative, personnel, and similar expenses of employing offices which are needed to comply with this Act.

(c) OSHA, ACCOMMODATION, AND ACCESS REQUIREMENTS.—Funds to correct violations of section 201(a)(3), 210, or 215 of this Act may be paid only from funds appropriated to the employing office or entity responsible for correcting such violations. There are authorized to be appropriated such sums as may be necessary for such funds.

SEC. 416. CONFIDENTIALITY.

(a) COUNSELING.—All counseling shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations.

(b) MEDIATION.—All mediation shall be strictly confidential.

(c) HEARINGS AND DELIBERATIONS.—Except as provided in subsections (d) and (e), the hearings and deliberations of hearing officers and of the Board and of its officers and employees on complaints, charges, proposed citations, and other pleadings under this Act shall be confidential.

(d) RELEASE OF RECORDS FOR JUDICIAL ACTION.—The records of hearing officers and the Board may be made public if required for the purpose of judicial review under section 407.

(e) ACCESS BY COMMITTEES OF CONGRESS.—At the discretion of the Executive Director, the Executive Director may provide to the Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate access to the records of the hearings and decisions of the hearing officers and the Board, including all written and oral testimony in the possession of the Office. The Executive Director shall not provide such access until the Executive Director has consulted with the individual filing the complaint at issue, and until a final decision has been entered under section 405(g) or 406(e).

(f) FINAL DECISIONS.—A final decision entered under section 405(g) or 406(e) shall be made public if it is in favor of the complaining covered employee, or in favor of the charging party under section 210, or if the decision reverses a decision of a hearing officer which had been in favor of the covered employee or charging party. The Board may make public any other decision at its discretion.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 102(b)(2) and 304(c) are enacted—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 502. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) IN GENERAL.—It shall not be a violation of any provision of section 201 to consider the—

(1) party affiliation;

(2) domicile; or

(3) political compatibility with the employing office;

of an employee referred to in subsection (b) with respect to employment decisions.

(b) DEFINITION.—For purposes of subsection (a), the term ''employee'' means—

(1) an employee on the staff of the leadership of the House of Representatives or the leadership of the Senate;

(2) an employee on the staff of a committee or subcommittee of—

(A) the House of Representatives;

(B) the Senate; or

(C) a joint committee of the Congress;

(3) an employee on the staff of a Member of the House of Representatives or on the staff of a Senator;

(4) an officer of the House of Representatives or the Senate or a congressional employee who is elected by the House of Representatives or Senate or is appointed by a Member of the House of Representatives or by a Senator (in addition an employee described in paragraph (1), (2), or (3)); or

(5) an applicant for a position that is to be occupied by an individual described in any of paragraphs (1) through (4).

SEC. 503. NONDISCRIMINATION RULES OF THE HOUSE AND SENATE.

The Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives retain full power, in accordance with the authority provided to them by the Senate and the House, with respect to the discipline of Members, officers, and employees for violating rules of the Senate and the House on nondiscrimination in employment.

SEC. 504. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CIVIL RIGHTS REMEDIES.—

(1) Sections 301 and 302 of the Government Employee Rights Act of 1991 (2 U.S.C. 1201 and 1202) are amended to read as follows:

''SEC. 301. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.

''(a) SHORT TITLE.—This title may be cited as the 'Government Employee Rights Act of 1991'.

''(b) PURPOSE.—The purpose of this title is to provide procedures to protect the rights of certain government employees, with respect to their public employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

''(c) DEFINITION.—For purposes of this title, the term 'violation' means a practice that violates section 302(a) of this title.

''SEC. 302. DISCRIMINATORY PRACTICES PROHIBITED.

''(a) PRACTICES.—All personnel actions affecting the Presidential appointees described in section 303 or the State employees described in section 304 shall be made free from any discrimination based on—

''(1) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16);

''(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

''(3) disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–14).

''(b) REMEDIES.—The remedies referred to in sections 303(a)(1) and 304(a)—

''(1) may include, in the case of a determination that a violation of subsection (a)(1) or (a)(3) has occurred, such remedies as would be appropriate if awarded under sections 706(g), 706(k), and 717(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g), 2000e–5(k), 2000e–16(d)), and such compensatory damages as would be appropriate if awarded under section 1977 or sections 1977A(a) and 1977A(b)(2) of the Revised Statutes (42 U.S.C. 1981 and 1981a(a) and (b)(2));

''(2) may include, in the case of a determination that a violation of subsection (a)(2) has occurred, such remedies as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)); and

''(3) may not include punitive damages.''.

(2) Sections 303 through 319, and sections 322, 324, and 325 of the Government Employee Rights Act of 1991 (2 U.S.C. 1203–1218, 1221, 1223, and 1224) are repealed, except as provided in section 506 of this Act.

(3) Sections 320 and 321 of the Government Employee Rights Act of 1991 (2 U.S.C. 1219

and 1220) are redesignated as sections 303 and 304, respectively.

(4) Sections 303 and 304 of the Government Employee Rights Act of 1991, as so redesignated, are each amended by striking ''and 307(h) of this title''.

(5) Section 1205 of the Supplemental Appropriations Act of 1993 (2 U.S.C. 1207a) is repealed, except as provided in section 506 of this Act.

(b) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Title V of the Family and Medical Leave Act of 1993 (2 U.S.C. 60m et seq.) is repealed, except as provided in section 506 of this Act.

(c) ARCHITECT OF THE CAPITOL.—

(1) REPEAL.—Section 312(e) of the Architect of the Capitol Human Resources Act (Public Law 103–283; 108 Stat. 1444) is repealed, except as provided in section 506 of this Act.

(2) APPLICATION OF GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1980.—The provisions of sections 751, 753, and 755 of title 31, United States Code, amended by section 312(e) of the Architect of the Capitol Human Resources Act, shall be applied and administered as if such section 312(e) (and the amendments made by such section) had not been enacted.

SEC. 505. JUDICIAL BRANCH COVERAGE STUDY.

The Judicial Conference of the United States shall prepare a report for submission by the Chief Justice of the United States to the Congress on the application to the judicial branch of the Federal Government of—

(1) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(2) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(3) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(4) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(5) the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.);

(6) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(7) chapter 71 (relating to Federal service labor-management relations) of title 5, United States Code;

(8) the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.);

(9) the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.);

(10) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); and

(11) chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

The report shall be submitted to Congress not later than December 31, 1996, and shall include any recommendations the Judicial Conference may have for legislation to provide to employees of the judicial branch the rights, protections, and procedures under the listed laws, including administrative and judicial relief, that are comparable to those available to employees of the legislative branch under titles I through IV of this Act.

SEC. 506. SAVINGS PROVISIONS.

(a) TRANSITION PROVISIONS FOR EMPLOYEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE.—

(1) CLAIMS ARISING BEFORE EFFECTIVE DATE.—If, as of the date on which section 201 takes effect, an employee of the Senate or the House of Representatives has or could have requested counseling under section 305 of the Government Employees Rights Act of 1991 (2 U.S.C. 1205) or Rule LI of the House of Representatives, including counseling for alleged violations of family and medical leave rights under title V of the Family and Medical Leave Act of 1993, the employee may complete, or initiate and complete, all procedures under the Government Employees Rights Act of 1991 and Rule LI, and the provisions of that Act and Rule shall remain in effect with respect to, and provide the exclusive procedures for, those claims until the completion of all such procedures.

(2) CLAIMS ARISING BETWEEN EFFECTIVE DATE AND OPENING OF OFFICE.—If a claim by an employee of the Senate or House of Representatives arises under section 201 or 202 after the effective date of such sections, but before the opening of the Office for receipt of requests for counseling or mediation under sections 402 and 403, the provisions of the Government Employees Rights Act of 1991 (2 U.S.C. 1201 et seq.) and Rule LI of the House of Representatives relating to counseling and mediation shall remain in effect, and the employee may complete under that Act or Rule the requirements for counseling and mediation under sections 402 and 403. If, after counseling and mediation is completed, the Office has not yet opened for the filing of a timely complaint under section 405, the employee may elect—

(A) to file a complaint under section 307 of the Government Employees Rights Act of 1991 (2 U.S.C. 1207) or Rule LI of the House of Representatives, and thereafter proceed exclusively under that Act or Rule, the provisions of which shall remain in effect until the completion of all proceedings in relation to the complaint, or

(B) to commence a civil action under section 408.

(3) SECTION 1205 OF THE SUPPLEMENTAL APPROPRIATIONS ACT OF 1993.—With respect to payments of awards and settlements relating to Senate employees under paragraph (1) of this subsection, section 1205 of the Supplemental Appropriations Act of 1993 (2 U.S.C. 1207a) remains in effect.

(b) TRANSITION PROVISIONS FOR EMPLOYEES OF THE ARCHITECT OF THE CAPITOL.—

(1) CLAIMS ARISING BEFORE EFFECTIVE DATE.—If, as of the date on which section 201 takes effect, an employee of the Architect of the Capitol has or could have filed a charge or complaint regarding an alleged violation of section 312(e)(2) of the Architect of the Capitol Human Resources Act (Public Law 103–283), the employee may complete, or initiate and complete, all procedures under section 312(e) of that Act, the provisions of which shall remain in effect with respect to, and provide the exclusive procedures for, that claim until the completion of all such procedures.

(2) CLAIMS ARISING BETWEEN EFFECTIVE DATE AND OPENING OF OFFICE.—If a claim by an employee of the Architect of the Capitol arises under section 201 or 202 after the effective date of those provisions, but before the opening of the Office for receipt of requests for counseling or mediation under sections 402 and 403, the employee may satisfy the requirements for counseling and mediation by exhausting the requirements prescribed by the Architect of the Capitol in accordance with section 312(e)(3) of the Architect of the Capitol Human Resources Act (Public Law 103–283). If, after exhaustion of those requirements the Office has not yet opened for the filing of a timely complaint under section 405, the employee may elect—

(A) to file a charge with the General Accounting Office Personnel Appeals Board pursuant to section 312(e)(3) of the Architect of the Capitol Human Resources Act (Public Law 103–283), and thereafter proceed exclusively under section 312(e) of that Act, the provisions of which shall remain in effect until the completion of all proceedings in relation to the charge, or

(B) to commence a civil action under section 408.

(c) TRANSITION PROVISION RELATING TO MATTERS OTHER THAN EMPLOYMENT UNDER SECTION 509 OF THE AMERICANS WITH DISABILITIES ACT.—With respect to matters other than employment under section 509 of the Americans with Disabilities Act (42 U.S.C. 12209), the rights, protections, remedies, and procedures of section 509 of such Act shall remain in effect until section 210 of this Act takes effect with respect to each of the entities covered by section 509 of such Act.

SEC. 507. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be invalid, the remainder of this Act and the application of the provisions of the remainder to any person or circumstance shall not be affected thereby.

By Mr. DOLE (for himself, Mr. HATCH, Mr. THURMOND, Mr. SIMPSON, Mr. GRAMM, Mr. SANTORUM, Mr. ABRAHAM, Mr. DEWINE, and Mr. KYL):

S. 3. A bill to control crime, and for other purposes; to the Committee on the Judiciary.

THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT IMPROVEMENT ACT OF 1995

Mr. DOLE. Mr. President, one of the most heated debates last Congress centered around the so-called crime bill. While our colleagues on the other side of the aisle ultimately succeeded in passing the bill, Republicans argued then—and continue to maintain—that the bill spent far too much on social programs of unproven worth, while failing to adopt some of the tough measures proposed to combat violent crime.

To a large degree, S. 3 attempts to correct some of the obvious flaws and excesses of last year's crime bill. It also stakes out some critical new ground, particularly in the area of criminal procedure. More importantly, S. 3 is premised on the principle that criminals are not the victims of society, as some may claim, but rather that society itself is the victim of criminals and the violence they perpetuate. In addition, S. 3 recognizes that the States and localities, not the Federal Government, are on the front lines in the war against crime and are best equipped to devise effective anticrime strategies. When it comes to fighting crime, the role of the Federal Government should be to assist the States and localities in their own crime-fighting efforts, rather than impose unnecessary regulations and ''one-size-fits-all'' requirements that often do more harm than good.

REVISITING LAST YEAR'S CRIME BILL

For starters, S. 3 incorporates the 10 amendments that Senate Republicans unsuccessfully sought to offer during last year's crime-bill debate. These amendments include: (1) Mandatory minimum penalties for those who use a gun in the commission of a crime, sell illegal drugs to minors, or employ minors to sell drugs; (2) repeal of more than $5 billion in wasteful social spending that was included in last year's crime bill, including spending on the Local Partnership Act, the model cities intensive grants, and the so-called drug courts; and (3) a provision requiring restitution for the victims of Federal crimes. S. 3 also increases funding for

new prison construction and operation by nearly $1 billion over the funding levels contained in last year's crime bill.

MORE POLICE AND MORE FLEXIBILITY

One of the most over-hyped proposals in the crime bill was the $8.8 billion community-policing program. Although the Clinton administration claimed that the proposal would result in 100,000 new police hires over the next 6 years, most criminal-justice experts predict that the proposal will fully fund only a portion of that figure, perhaps as few as 20,000 new cops.

Recognizing that the Federal Government does not have all the crime-fighting answers, S. 3 repackages the community-policing proposal into a single block grant program. Under the block grant program, States and localities will have the option of using the funds for a variety of purposes, including the hiring of new police officers, training existing officers, paying overtime, upgrading equipment, or investing in new crime-fighting technologies. Unlike the community-policing program in last year's crime bill, S. 3 imposes no matching requirement or per-officer spending cap. This should give States and localities some much-needed flexibility in determining how best to utilize these important crime-fighting resources.

At the same time, S. 3 beefs up funding for some of our Federal law enforcement agencies, including the FBI and the Drug Enforcement Administration. This will help ensure that these agencies will be able to carry out their important missions.

PROCEDURAL REFORMS

S. 3 also enacts some long overdue reforms to the criminal justice system. First, it reforms habeas corpus procedures in a way that safeguards the legitimate rights of the accused while ensuring that lawfully-imposed capital sentences are not endlessly delayed by frivolous appeals. Most importantly, S. 3 requires Federal courts to give deference to State court decisions on Federal constitutional claims, so long as the claims were ''fully and fairly'' litigated at the State level. Application of this principle will go a long way towards streamlining the criminal appeals process, thereby making punishment swifter and more certain and enhancing the confidence of the American people in our system of criminal justice.

California Attorney General Dan Lungren, as well as the National Association of State Attorneys General, played a prominent role in the drafting of the habeas corpus reform provisions of S. 3. Their input was invaluable.

Second, S. 3 abolishes the exclusionary rule as it pertains to the fourth amendment and establishes a tort remedy for those whose fourth amendment rights have been violated by an unreasonable search and seizure. Under the tort remedy, the United States will be liable for damages resulting from an unlawful search and seizure conducted by a law enforcement officer who was acting within the scope of his employment.

The bottom line is that probative evidence, particularly in a criminal trial, should not be excluded because a police officer made a mistake. We should discipline the police officer and his supervising authority, not punish the crime victim by excluding probative evidence.

And finally, S. 3 creates an obstruction of justice offense for attorneys who knowingly file false statements in criminal proceedings.

CONCLUSION

Mr. President, when it comes to solving the crime epidemic in this country, Republicans don't have all the answers—not by a long shot. But, in our view, S. 3 provides the framework for the type of tough anticrime legislation the American people deserve.

Finally, I want to thank my distinguished colleague from Utah, Senator HATCH, for his leadership in crafting this important legislation. During his tenure in the Senate, Senator HATCH has always been a relentless advocate for a no-nonsense approach to solving the violent crime problem. I look forward to his service as chairman of the Senate Judiciary Committee.

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

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

S. 3

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Violent Crime Control and Law Enforcement Improvement Act of 1995''.

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

Sec. 1. Short title; table of contents.

TITLE I—INCARCERATION OF VIOLENT CRIMINALS

Sec. 101. Prison grants.
Sec. 102. Repeal.
Sec. 103. Civil rights of institutionalized persons.
Sec. 104. Report on prison work progress.
Sec. 105. Drug treatment for prisoners.

TITLE II—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

Sec. 201. Block grant program.

TITLE III—FEDERAL EMERGENCY LAW ENFORCEMENT ASSISTANCE ACT

Sec. 301. Federal judiciary and Federal law enforcement.
Sec. 302. Drug Enforcement Administration.

TITLE IV—CRIMINAL PENALTIES

Sec. 401. Serious juvenile drug offenses as armed career criminal act predicates.
Sec. 402. Prosecution of juveniles as adults.
Sec. 403. Availability of fines and supervised release for juvenile offenders.
Sec. 404. Amendments concerning juvenile records.
Sec. 405. Mandatory minimum prison sentences for persons who use minors in drug trafficking activities or sell drugs to minors.
Sec. 406. Mandatory minimum sentencing reform.
Sec. 407. Increased mandatory minimum sentences for criminals using firearms.
Sec. 408. Penalties for arson.
Sec. 409. Interstate travel or use of mails or a facility in interstate commerce to further kidnapping.

TITLE V—FEDERAL CRIMINAL PROCEDURE REFORM

Sec. 501. Obstruction of justice.
Sec. 502. Conduct of Federal prosecutors.
Sec. 503. Fairness in jury selection.
Sec. 504. Balance in the composition of rules committees.
Sec. 505. Reimbursement of reasonable attorneys' fees.
Sec. 506. Mandatory restitution to victims of violent crimes.
Sec. 507. Admissibility of certain evidence.
Sec. 508. General habeas corpus reform.
Sec. 509. Technical amendment.
Sec. 510. Death penalty litigation procedures.

TITLE VI—PREVENTION OF TERRORISM

Sec. 601. Willful violation of Federal Aviation Administration regulations.
Sec. 602. Assaults, murders, and threats against former Federal officials in performance of official duties.
Sec. 603. Wiretap authority for alien smuggling and related offenses and inclusion of alien smuggling as a RICO predicate.
Sec. 604. Authorization for interceptions of communications in certain terrorism-related offenses.
Sec. 605. Participation of foreign and State government personnel in interceptions of communications.
Sec. 606. Disclosure of intercepted communications to foreign law enforcement agencies.
Sec. 607. Alien terrorist removal.
Sec. 608. Territorial sea.
Sec. 609. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.
Sec. 610. Federal Aviation Administration reporting responsibility.
Sec. 611. Information transfer.
Sec. 612. Extradition.
Sec. 613. Federal Bureau of Investigation report.
Sec. 614. Increased penalties for terrorism crimes.
Sec. 615. Criminal offenses committed outside the United States by persons accompanying the armed forces.

TITLE VII—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—Elimination of Certain Programs

Sec. 701. Elimination of certain programs.

Subtitle B—Amendments Relating to Violent Crime Control

Sec. 711. Violent crime and drug emergency areas repeal.
Sec. 712. Expansion of 18 U.S.C. 1959 to cover commission of all violent crimes in aid of racketeering activity and increased penalties.
Sec. 713. Authority to investigate serial killings.
Sec. 714. Firearms and explosives conspiracy.acquire arms.
Sec. 715. Increased penalties for violence in the course of riot offenses.
Sec. 716. Pretrial detention for possession of firearms or explosives by convicted felons.

Sec. 717. Elimination of unjustified scienter element for carjacking.
Sec. 718. Theft of vessels.
Sec. 719. Clarification of agreement requirement for RICO conspiracy.
Sec. 720. Addition of attempt coverage for interstate domestic violence offense.
Sec. 721. Addition of foreign murder as a money laundering predicate.
Sec. 722. Assaults or other crimes of violence for hire.
Sec. 723. Threatening to use a weapon of mass destruction.
Sec. 724. Technical amendments.
Subtitle C—Amendments Relating to Courts and Sentencing
Sec. 731. Allowing a reduction of sentence for providing useful investigative information although not regarding a particular individual.
Sec. 732. Appeals from certain dismissals.
Sec. 733. Elimination of outmoded certification requirement from the government appeal statute.
Sec. 734. Clarification of meaning of official detention for purposes of credit for prior custody.
Sec. 735. Limitation on reduction of sentence for substantial assistance of defendant.
Sec. 736. Improvement of hate crimes sentencing procedure.
Sec. 737. Clarification of length of supervised release terms in controlled substance cases.
Sec. 738. Authority of court to impose a sentence of probation or supervised release when reducing a sentence of imprisonment in certain cases.
Sec. 739. Extension of parole commission to deal with ''old law'' prisoners.
Sec. 740. Conforming amendments relating to supervised release.
Sec. 741. Repeal of outmoded provisions barring Federal prosecution of certain offenses.
Subtitle D—Miscellaneous Amendments
Sec. 751. Conforming addition to obstruction of civil investigative demand statute.
Sec. 752. Addition of attempted theft and counterfeiting offenses to eliminate gaps and inconsistencies in coverage.
Sec. 753. Clarification of scienter requirement for receiving property stolen from an Indian tribal organization.
Sec. 754. Larceny involving post office boxes and postal stamp vending machines.
Sec. 755. Conforming amendment to law punishing obstruction of justice by notification of existence of a subpoena for records in certain types of investigations.
Sec. 756. Closing loophole in offense of altering or removing motor vehicle identification numbers.
Sec. 757. Application of various offenses to possessions and territories.
Sec. 758. Adjusting and making uniform the dollar amounts used in title 18 to distinguish between grades of offenses.
Sec. 759. Conforming amendment concerning marijuana plants.
Sec. 760. Access to certain records.
Sec. 761. Clarification of inapplicability of 18 U.S.C. 2515 to certain disclosures.
Sec. 762. Clarifying or conforming amendments arising from the enactment of Public Law 103–322.
Sec. 763. Technical amendments
Sec. 764. Severability.

TITLE I—INCARCERATION OF VIOLENT CRIMINALS

SEC. 101. PRISON GRANTS.

Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 and the amendments made thereby are amended to read as follows:

''Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants

''SEC. 20101. GRANTS FOR CORRECTIONAL FACILITIES.

''(a) GRANT AUTHORIZATION.—The Attorney General may make grants to individual States and to States organized as multi-State compacts to construct, develop, expand, modify, operate, or improve conventional correctional facilities, including prisons and jails, for the confinement of violent offenders, to ensure that prison cell space is available for the confinement of violent offenders and to implement truth in sentencing laws for sentencing violent offenders.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this subtitle, a State or States organized as multi-State compacts shall submit an application to the Attorney General that includes—

''(1)(A) except as provided in subparagraph (B), assurances that the State or States, have implemented, or will implement, correctional policies and programs, including truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public;

''(B) in the case of a State that on the date of enactment of the Violent Crime Control and Law Enforcement Improvement Act of 1995 practices indeterminant sentencing, a demonstration that average times served for the offenses of murder, rape, robbery, and assault in the State exceed by at least 10 percent the national average of time served for such offenses in all of the States;

''(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

''(3) assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve conventional correctional facilities;

''(4) assurances that the State or States have involved counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation, or improvement of correctional facilities designed to ensure the incarceration of violent offenders, and that the State or States will share funds received under this section with counties and other units of local government, taking into account the burden placed on the units of local government when they are required to confine sentenced prisoners because of overcrowding in State prison facilities;

''(5) assurances that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds;

''(6) assurances that the State or States have implemented, or will implement not later than 18 months after the date of enactment of the Violent Crime Control and Law Enforcement Improvement Act of 1995, policies to determine the veteran status of inmates and to ensure that incarcerated veterans receive the veterans benefits to which they are entitled; and

''(7) if applicable, documentation of the multi-State compact agreement that specifies the construction, development, expansion, modification, operation, or improvement of correctional facilities.

''SEC. 20102. TRUTH IN SENTENCING INCENTIVE GRANTS.

''(a) TRUTH IN SENTENCING GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be made available for truth in sentencing incentive grants. To be eligible to receive such a grant, a State must meet the requirements of section 20101(b) and shall demonstrate that the State—

''(1) has in effect laws that require that persons convicted of violent crimes serve not less than 85 percent of the sentence imposed;

''(2) since 1993—

''(A) has increased the percentage of convicted violent offenders sentenced to prison;

''(B) has increased the average prison time that will be served in prison by convicted violent offenders sentenced to prison; and

''(C) has in effect at the time of application laws requiring that a person who is convicted of a violent crime shall serve not less than 85 percent of the sentence imposed if—

''(i) the person has been convicted on 1 or more prior occasions in a court of the United States or of a State of a violent crime or a serious drug offense; and

''(ii) each violent crime or serious drug offense was committed after the defendant's conviction of the preceding violent crime or serious drug offense; or

''(3) in the case of a State that on the date of enactment of the Violent Crime Control and Law Enforcement Improvement Act of 1995 practices indeterminant sentencing, a demonstration that average times served for the offenses of murder, rape, robbery, and assault in the State exceed by at least 10 percent the national average of time served for such offenses in all of the States.

''(b) ALLOCATION OF TRUTH IN SENTENCING INCENTIVE FUNDS.—The amount available to carry out this section for any fiscal year shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the previous year bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for the previous year.

''SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.

''(a) VIOLENT OFFENDER INCARCERATION GRANT PROGRAM.—Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be made available for violent offender incarceration grants. To be eligible to receive such a grant, a State or States must meet the requirements of section 20101(b).

''(b) ALLOCATION OF VIOLENT OFFENDER INCARCERATION FUNDS.—Funds made available to carry out this section shall be allocated as follows:

''(1) 0.6 percent shall be allocated to each eligible State, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent.

''(2) The amount remaining after application of paragraph (1) shall be allocated to each eligible State in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the previous year bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for the previous year.

''SEC. 20104. RULES AND REGULATIONS.

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Violent

Crime Control and Law Enforcement Improvement Act of 1995, the Attorney General shall issue rules and regulations regarding the uses of grant funds received under this subtitle.

''(b) BEST AVAILABLE DATA.—If data regarding part 1 violent crimes in any State for the previous year is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this subtitle.

''SEC. 20105. DEFINITIONS.

''In this subtitle—

''(1) the term 'part 1 violent crimes' means murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports;

''(2) the term 'State' or 'States' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

''(3) the term 'indeterminate sentencing' means a system by which the court has discretion in imposing the actual length of the sentence, up to the statutory maximum, and an administrative agency, or the court, controls release between court-ordered minimum and maximum sentence.

''SEC. 20106. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subtitle—

''(1) $1,000,000,000 for fiscal year 1996;

''(2) $1,150,000,000 for fiscal year 1997;

''(3) $2,100,000,000 for fiscal year 1998;

''(4) $2,200,000,000 for fiscal year 1999; and

''(5) $2,270,000,000 for fiscal year 2000.''.

SEC. 102. REPEAL.

Subtitle B of title II of the Violent Crime and Law Enforcement Act of 1994 is repealed.

SEC. 103. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS.

(a) REPEAL.—Section 20416 of the Violent Crime Control and Law Enforcement Act of 1994, and the amendments made by that section, are repealed.

(b) EXHAUSTION REQUIREMENT.—Section 7(a) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in paragraph (1)—

(A) by striking ''in any action brought'' and inserting ''no action shall be brought'';

(B) by striking ''the court shall'' and all that follows through ''require exhaustion of'' and insert ''until''; and

(C) by inserting ''and exhausted'' after ''available''; and

(2) in paragraph (2) by inserting ''or are otherwise fair and effective'' before the period at the end.

(c) FRIVOLOUS ACTIONS.—Section 7(a) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(a)) is amended by adding at the end the following:

''(3) The court shall on its own motion or on motion of a party dismiss any action brought pursuant to section 1979 of the Revised Statutes of the United States by an adult convicted of a crime and confined in any jail, prison, or other correctional facility if the court is satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.''.

(d) MODIFICATION OF REQUIRED MINIMUM STANDARDS.—Section 7(b)(2) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(b)(2)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

(e) REVIEW AND CERTIFICATION PROCEDURE CHANGES.—Section 7(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e(c)) is amended—

(1) in paragraph (1), by inserting ''or are otherwise fair and effective'' before the period at the end; and

(2) in paragraph (2), by inserting ''or is no longer fair and effective'' before the period at the end.

(f) PROCEEDINGS IN FORMA PAUPERIS.—

(1) DISMISSAL.—Section 1915(d) of title 28, United States Code, is amended—

(A) by inserting ''at any time'' after ''counsel and may'';

(B) by striking ''and may'' and inserting ''and shall'';

(C) by inserting ''fails to state a claim upon which relief may be granted or'' after ''that the action''; and

(D) by inserting '', even if partial filing fees have been imposed by the court'' before the period.

(2) PRISONER'S STATEMENT OF ASSETS.—Section 1915 of title 28, United States Code, is amended by adding at the end the following:

''(f) If a prisoner in a correctional institution files an affidavit in accordance with subsection (a), such prisoner shall include in the affidavit a statement of all assets the prisoner possesses. The court shall make inquiry of the correctional institution in which the prisoner is incarcerated for information available to such institution relating to the extent of the prisoner's assets. The court shall require full or partial payment of filing fees according to the prisoner's ability to pay.''.

SEC. 104. REPORT ON PRISON WORK PROGRESS.

(a) FINDINGS.—The Senate finds that—

(1) Federal Prison Industries was created by Congress in 1934 as a wholly owned, nonprofit government corporation directed to train and employ Federal prisoners;

(2) traditionally, one-half of the Federal prison inmates had meaningful prison jobs; now, with the increasing prison population, less than one-quarter are employed in prison industry positions;

(3) expansion of the product lines and services of Federal Prison Industries beyond its traditional lines of business will enable more Federal prison inmates to work, and such expansion must occur so as to minimize any adverse impact on the private sector and labor; and

(4) all able-bodied Federal prison inmates should work.

(b) REPORT.—

(1) IN GENERAL.—In an effort to achieve the goal of full Federal prison inmate employment, the Attorney General, in consultation with the Director of the Bureau of Prisons, the Secretary of Labor, the Secretary of Defense, the Administrator of the General Services Administration, and the private sector and labor, shall submit a report to Congress not later than September 1, 1996, that describes a strategy for employing more Federal prison inmates;

(2) CONTENTS.—The report shall—

(A) contain a review of existing lines of business of Federal Prison Industries;

(B) consider the findings and recommendations of the final report of the Summit on Federal Prison Industries (June 1992–July 1993);

(C) make recommendations for legislation and changes in existing law that may be necessary for the Federal Prison Industries to employ more Federal prison inmates; and

(D) focus on—

(i) the creation of new job opportunities for Federal prison inmates;

(ii) the degree to which any expansion of lines of business of Federal Prison Industries may adversely affect the private sector or displace domestic labor; and

(iii) the degree to which opportunities for partnership between Federal Prison Industries and small business can be fostered.

SEC. 105. DRUG TREATMENT FOR PRISONERS.

Section 3621(e) of title 18, United States Code (as added by section 32001 of the Violent Crime Control and Law Enforcement Act of 1994) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively; and

(3) in paragraph (2), as redesignated by paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) a full examination and evaluation of the effectiveness of the treatment in reducing drug use among prisoners.''.

TITLE II—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

SEC. 201. BLOCK GRANT PROGRAM.

Title I of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

''TITLE I—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

''SEC. 10001. BLOCK GRANTS TO STATES.

''(a) IN GENERAL.—The Attorney General shall make grants under this title to States for use by State and local governments to—

''(1) hire, train, and employ on a continuing basis, new law enforcement officers and necessary support personnel;

''(2) pay overtime to currently employed law enforcement officers and necessary support personnel;

''(3) procure equipment, technology, and other material that is directly related to basic law enforcement functions, such as the detection or investigation of crime, or the prosecution of criminals; and

''(4) establish and operate cooperative programs between community residents and law enforcement agencies for the control, detection, or investigation of crime, or the prosecution of criminals.

''(b) LAW ENFORCEMENT TRUST FUNDS.—Funds received by a State or unit of local government under this title may be reserved in a trust fund established by the State or unit of local government to fund the future needs of programs authorized under subsection (a).

''(c) ALLOCATION AND DISTRIBUTION OF FUNDS.—

''(1) ALLOCATION.—The amount made available pursuant to section 10003 shall be allocated as follows:

''(A) 0.6 percent shall be allocated to each of the participating States.

''(B) After the allocation under subparagraph (A), the remainder shall be allocated on the basis of the population of each State as determined by the 1990 decennial census as adjusted annually, by allocating to each State an amount bearing the same ratio to the total amount to be allocated under this subparagraph as the population of the State bears to the population of all States.

''(2) DISTRIBUTION TO LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—A State receiving a grant under this title shall ensure that not less than 85 percent of the funds received are distributed to units of local government.

''(B) LIMITATION.—Not more than 2.5 percent of funds received by a State in any grant year shall be used for costs associated with the administration and distribution of grant money.

''(d) DISBURSEMENT.—

''(1) IN GENERAL.—The Attorney General shall issue regulations establishing procedures under which a State may receive assistance under this title.

''(2) GENERAL REQUIREMENTS FOR QUALIFICATION.—A State qualifies for a payment under this title for a payment period only if the State establishes that—

''(A) the State will establish a segregated account in which the government will deposit all payments received under this title;

''(B) the State will expend the payments in accordance with the laws and procedures that are applicable to the expenditure of revenues of the State;

''(C) the State will use accounting, audit, and fiscal procedures that conform to guidelines that shall be prescribed by the Attorney General after consultation with the Comptroller General of the United States and, as applicable, amounts received under this title shall be audited in compliance with the Single Audit Act of 1984;

''(D) after reasonable notice to a State, the State will make available to the Attorney General and the Comptroller General of the United States, with the right to inspect, records that the Attorney General or Comptroller General of the United States reasonably requires to review compliance with this title;

''(E) the State will make such reports as the Attorney General reasonably requires, in addition to the annual reports required under this title; and

''(F) the State will expend the funds only for the purposes set forth in subsection (a).

''(3) SANCTIONS FOR NONCOMPLIANCE.—

''(A) IN GENERAL.—If the Attorney General finds that a State has not complied substantially with paragraph (2) or regulations prescribed under such paragraph, the Attorney General shall notify the State. The notice shall provide that if the State does not initiate corrective action within 30 days after the date on which the State receives the notice, the Attorney General will withhold additional payments to the State for the current payment period and later payment periods. Payments shall be withheld until such time as the Attorney General determines that the State—

''(i) has taken the appropriate corrective action; and

''(ii) will comply with paragraph (2) and the regulations prescribed under such paragraph.

''(B) NOTICE.—Before giving notice under subparagraph (A), the Attorney General shall give the chief executive officer of the State reasonable notice and an opportunity for comment.

''(C) PAYMENT CONDITIONS.—The Attorney General shall make a payment to a State under subparagraph (A) only if the Attorney General determines that the State—

''(i) has taken the appropriate corrective action; and

''(ii) will comply with paragraph (2) and regulations prescribed under such paragraph.

''SEC. 10002. APPLICATIONS.

''(a) The Attorney General shall make grants under this title only if a State has submitted an application to the Attorney General in such form, and containing such information, as is the Attorney General may reasonably require.

''SEC. 10003. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title—

''(1) $2,050,000,000 for fiscal year 1996;
''(2) $2,150,000,000 for fiscal year 1997;
''(3) $1,900,000,000 for fiscal year 1998;
''(4) $1,900,000,000 for fiscal year 1999; and
''(5) $468,000,000 for fiscal year 2000.

''SEC. 10004. LIMITATION ON USE OF FUNDS.

''Funds made available to States under this title shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this title, be made available from State or local sources.''.

TITLE III—FEDERAL EMERGENCY LAW ENFORCEMENT ASSISTANCE ACT

SEC. 301. FEDERAL JUDICIARY AND FEDERAL LAW ENFORCEMENT.

Title XIX of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

''SEC. 190001. FEDERAL JUDICIARY AND FEDERAL LAW ENFORCEMENT.

''(a) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE FEDERAL JUDICIARY.—There are authorized to be appropriated for the activities of the Federal Judiciary to help meet the increased demands for judicial activities, including supervised release, and pretrial and probation services, that will result from this Act—

''(1) $30,000,000 for fiscal year 1996;
''(2) $35,000,000 for fiscal year 1997;
''(3) $40,000,000 for fiscal year 1998;
''(4) $40,000,000 for fiscal year 1999; and
''(5) $55,000,000 for fiscal year 2000.

''(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE.—There are authorized to be appropriated for the activities and agencies of the Department of Justice, in addition to sums authorized elsewhere in this section, to help meet the increased demands for Department of Justice activities that will result from this Act—

''(1) $40,000,000 for fiscal year 1996;
''(2) $40,000,000 for fiscal year 1997;
''(3) $40,000,000 for fiscal year 1998;
''(4) $40,000,000 for fiscal year 1999; and
''(5) $39,000,000 for fiscal year 2000.

''(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE FEDERAL BUREAU OF INVESTIGATION.—There are authorized to be appropriated for the activities of the Federal Bureau of Investigation, to help meet the increased demands for Federal Bureau of Investigation activities that will result from this Act—

''(1) $203,150,000 for fiscal year 1996;
''(2) $184,500,000 for fiscal year 1997;
''(3) $284,000,000 for fiscal year 1998;
''(4) $147,500,000 for fiscal year 1999; and
''(5) $125,850,000 for fiscal year 2000.

''(d) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR UNITED STATES ATTORNEYS.—There are authorized to be appropriated for the account Department of Justice, Legal Activities, Salaries and Expenses, United States Attorneys, to help meet the increased demands for litigation and related activities that will result from this Act—

''(1) $15,000,000 for fiscal year 1996;
''(2) $23,000,000 for fiscal year 1997;
''(3) $30,000,000 for fiscal year 1998;
''(4) $37,000,000 for fiscal year 1999; and
''(5) $45,000,000 for fiscal year 2000.

''(e) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF THE TREASURY.—There are authorized to be appropriated for the activities of the Bureau of Alcohol, Tobacco, and Firearms, the United States Custom Service, the Financial Crimes Enforcement Network, the Federal Law Enforcement Training Center, the Criminal Investigation Division of the Internal Revenue Service, and the United States Secret Service to help meet the increased demands for Department of the Treasury activities that will result from this Act—

''(1) $30,000,000 for fiscal year 1995;
''(2) $70,000,000 for fiscal year 1996;
''(3) $90,000,000 for fiscal year 1997;
''(4) $110,000,000 for fiscal year 1998;
''(5) $125,000,000 for fiscal year 1999; and
''(6) $125,000,000 for fiscal year 2000.''.

SEC. 302. DRUG ENFORCEMENT ADMINISTRATION.

Section 180104 of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

''SEC. 180104. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DRUG ENFORCEMENT ADMINISTRATION.

''There are authorized to be appropriated for the activities of the Drug Enforcement Administration, to help meet the increased demands for Drug Enforcement Administration activities that will result from this Act—

''(1) $42,000,000 for fiscal year 1996;
''(2) $55,000,000 for fiscal year 1997;
''(3) $70,000,000 for fiscal year 1998;
''(4) $85,000,000 for fiscal year 1999; and
''(5) $98,000,000 for fiscal year 2000.''.

TITLE IV—CRIMINAL PENALTIES.

SEC. 401. SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of clause (i);

(2) in clause (ii), by striking the semicolon and inserting ''or which, if it had been prosecuted as a violation of the Controlled Substances Act (21 U.S.C. 801 et seq.) at the time of the offense, and because of the type and quantity of the controlled substance involved, would have been punishable by a maximum term of imprisonment of ten years or more; or''; and

(3) by adding at the end the following new clause:

''(iii) any act of juvenile delinquency that if committed by an adult would be a serious drug offense described in this paragraph;''.

SEC. 402. PROSECUTION OF JUVENILES AS ADULTS.

(a) SERIOUS JUVENILE OFFENDERS.—

(1) REPEAL.—Section 150002 of the Violent Crime Control and Law Enforcement Act of 1994, and the amendments made by that section, are repealed.

(2) ADULT PROSECUTION OF SERIOUS JUVENILE OFFENDERS.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph—

(i) by striking ''an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1003, 1005, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b) (1), (2), (3)),'' and inserting ''an offense (or a conspiracy or attempt to commit an offense) described in section 401, or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841, 844, or 846), section 1002(a), 1003, 1005, 1009, 1010(b) (1), (2), or (3), of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b) (1), (2), or (3), or 963),''; and

(ii) by striking ''922(p)'' and inserting ''924(b), (g), or (h)'';

(B) in the fourth undesignated paragraph—

(i) by striking ''an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959)'' and inserting ''an offense (or a conspiracy or attempt to commit an offense) described in section 401, or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841, 844, or 846), section 1002(a), 1005, 1009, 1010(b) (1), (2), or (3), of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955,

959, 960(b) (1), (2), or (3), or 963), or section 924 (b), (g), or (h) of this title,''; and

(ii) by striking ''subsection (b)(1) (A), (B), or (C), (d), or (e) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b) (1), (2), (3))'' and inserting ''or an offense (or conspiracy or attempt to commit an offense) described in section 401(b)(1) (A), (B), or (C), (d), or (e), or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841(b)(1) (A), (B), or (C), (d), or (e), 844, or 846) or section 1002(a), 1003, 1009, 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b) (1), (2), or (3), or 963)''; and

(C) in the fifth undesignated paragraph by adding at the end the following: ''In considering the nature of the offense, as required by this paragraph, the court shall consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms. Such a factor, if found to exist, shall weigh heavily in favor of a transfer to adult status, but the absence of this factor shall not preclude such a transfer.''.

(b) CRIMES OF VIOLENCE.—

(1) REPEAL.—Section 140001 of the Violent Crime Control and Law Enforcement Act of 1994, and the amendments made by that section, are repealed.

(2) PROSECUTION AS ADULTS OF VIOLENT JUVENILE OFFENDERS.—Section 5032 of title 18, United States Code, is amended by adding at the end the following new paragraphs:

''Notwithstanding any other provision of this section or any other law, a juvenile who was 13 years of age or older on the date of the commission of an offense under section 113 (a), (b), or (c), 1111, 1113, 2111, 2113, or 2241 (a) or (c), shall be prosecuted as an adult in Federal court. No juvenile prosecuted as an adult under this paragraph shall be incarcerated in an adult prison.

''If a juvenile prosecuted under this paragraph is convicted, the juvenile shall be entitled to file a petition for resentencing pursuant to applicable sentencing guidelines when the juvenile reaches the age of 16.

''The United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, if necessary, to carry out this section. For resentencing determinations pursuant to the preceding paragraph, the Commission may promulgate guidelines, if necessary to permit sentencing adjustments that may include adjustments that provide for supervised release for defendants who have clearly demonstrated—

''(A) an exceptional degree of responsibility for the offense; and

''(B) a willingness and ability to refrain from further criminal conduct.''.

SEC. 403. AVAILABILITY OF FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

Section 5037 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking ''subsection (d)'' and inserting ''subsection (e)''; and

(B) in the second sentence, by striking ''place him on probation, or commit him to official detention'' and inserting ''place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), or impose any fine that would be authorized if the juvenile had been convicted as an adult'';

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

(3) by adding after subsection (c) the following new subsection:

''(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend—

''(1) in the case of a juvenile who is less than 18 years old, beyond the earlier of—

''(A) five years after the date on which the juvenile becomes 21 years old; or

''(B) the maximum supervised release term that would be authorized by section 3583(b) if the juvenile had been tried and convicted as an adult; or

''(2) in the case of a juvenile who is between 18 and 21 years old—

''(A) who if convicted as an adult would be convicted of a Class A, B, or C felony, beyond 5 years after the juvenile's release from official detention; or

''(B) in any other case beyond the lesser of—

''(i) 3 years; or

''(ii) the maximum term of supervised release that would be authorized if the juvenile had been tried and convicted as an adult.''.

SEC. 404. AMENDMENTS CONCERNING JUVENILE RECORDS.

(a) Section 5038 of title 18, United States Code, is amended—

(1) by striking subsections (d) and (f);

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

(3) by adding at the end the following new subsection (e):

''(e) Whenever a juvenile has been found guilty of committing an act which if committed by an adult would be an offense described in clause (3) of the first paragraph of section 5032, the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation, Identification Division. The court shall also transmit to the Federal Bureau of Investigation, Identification Division, the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication. The fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, or to a juvenile who is prosecuted as an adult, shall be made available in the manner applicable to adult defendants.''.

SEC. 405. MANDATORY MINIMUM PRISON SENTENCES FOR PERSONS WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES OR SELL DRUGS TO MINORS.

(a) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by adding at the end the following: ''Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be not less than 10 years. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.''; and

(2) in subsection (c) by inserting after the second sentence the following: ''Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted of drug trafficking under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.''.

(b) MANDATORY MINIMUM PRISON SENTENCES FOR PERSONS CONVICTED OF DISTRIBUTION OF DRUGS TO MINORS.—

(1) IN GENERAL.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(A) in subsection (a)—

(i) by striking ''twenty-one'' and inserting ''eighteen'';

(ii) by striking ''eighteen'' and inserting ''twenty-one'';

(iii) by striking ''not less than one year'' and inserting ''not less than ten years''; and

(iv) by striking the last sentence;

(B) in subsection (b)—

(i) by striking ''twenty-one'' and inserting ''eighteen'';

(ii) by striking ''eighteen'' and inserting ''twenty-one'';

(iii) by striking ''not less than one year'' and inserting ''a mandatory term of life imprisonment'';

(iv) by striking the last sentence; and

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

''(c) OFFENSES INVOLVING SMALL QUANTITIES OF MARIJUANA.—The mandatory minimum sentencing provisions of this section shall not apply to offenses involving five grams or less of marijuana.''; and

(D) in the section heading by striking ''twenty-one'' and inserting ''eighteen''.

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 13 of title 21, United States Code, is amended in the item relating to section 859, by striking ''twenty-one'' and inserting ''eighteen''.

(c) PENALTIES FOR DRUG OFFENSES IN DRUG-FREE ZONES.—

(1) REPEAL.—Section 90102 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) INCREASED PENALTIES.—Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(A) in subsection (a)—

(i) by striking ''not less than one year'' and inserting ''not less than five years''; and

(ii) by striking the last sentence;

(B) in subsection (b), by striking ''not less than three years'' and inserting ''not less than ten years'';

(C) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(D) by inserting after subsection (b) the following new subsection:

''(c) OFFENSES INVOLVING SMALL QUANTITIES OF MARIJUANA.—The mandatory minimum sentencing provisions of this section shall not apply to offenses involving five grams or less of marijuana.''.

SEC. 406. MANDATORY MINIMUM SENTENCING REFORM.

(a) REPEAL.—Title VIII of the Violent Crime Control and Law Enforcement Act of 1994, and the amendments made by that title, is repealed.

(b) FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.—

(1) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

''(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

''(2) OFFENSES.—An offense is described in this paragraph if—

''(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

''(B) the defendant does not have—

''(i) any criminal history points under the sentencing guidelines; or

''(ii) any prior conviction, foreign or domestic, for a crime of violence against a person or a drug trafficking offense that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a crime of violence against a person or a drug trafficking offense);

''(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

''(i) as a result of the act of any person during the course of the offense; or

''(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

''(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person to carry a firearm and the defendant had no knowledge of any other conspirator involved in the offense possessing a firearm;

''(E) the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense;

''(F) the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense;

''(G) the defendant did not own the drugs, finance any part of the offense or sell the drugs; and

''(H) the Government certifies that the defendant has timely and truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan.''.

(2) HARMONIZATION.—

(A) IN GENERAL.—The United States Sentencing Commission—

(i) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by paragraph (1), and promulgate policy statements to assist the courts in interpreting that provision; and

(ii) shall amend the sentencing guidelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies, a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable, unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(B) EMERGENCY AMENDMENTS.—If the Commission determines that an expedited procedure is necessary for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (101 Stat. 1271), as though the authority under that section had not expired.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to paragraph (2) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of this Act.

SEC. 407. INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: ''Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

''(A) be punished by imprisonment for not less than 10 years;

''(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

''(C) if the death of a person results, be punished by death or by imprisonment for not less than life.

Notwithstanding any other law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed under this subsection.''.

SEC. 408. PENALTIES FOR ARSON.

(a) REPEAL.—Section 320106 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(b) INCREASED PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (f)—

(A) by striking ''not more than ten years, or fined not more than $10,000'' and inserting ''not less than five years and not more than 20 years, fined the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed''; and

(B) by striking ''not more than twenty years, or fined not more than $10,000'' and inserting ''not less than five years and not more than 40 years, fined the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed'';

(2) in subsection (h)—

(A) in the first sentence by striking ''five years'' and inserting ''10 years''; and

(B) in the second sentence by striking ''ten years'' and inserting ''20 years''; and

(3) in subsection (i)—

(A) by striking ''not more than ten years or fined not more than $10,000'' and inserting ''not less than five years and not more than 20 years, fined the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed''; and

(B) by striking ''not more than twenty years or fined not more than $10,000'' and inserting ''not less than five years and not more than 40 years, fined the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed''.

(c) STATUTE OF LIMITATIONS FOR ARSON.—Section 320917(a) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking ''7'' and inserting ''10''.

SEC. 409. INTERSTATE TRAVEL OR USE OF MAILS OR A FACILITY IN INTERSTATE COMMERCE TO FURTHER KIDNAPPING.

Section 1201(a) of title 18, United States Code, is amended—

(1) in paragraph (3) by striking ''or'' at the end of the paragraph;

(2) in paragraph (5) by striking ''duties,'' and inserting ''duties; or''; and

(3) by inserting after paragraph (5) the following new paragraphs:

''(6) an individual travels in interstate or foreign commerce in furtherance of the offense; or

''(7) the mails or a facility in interstate or foreign commerce is used in furtherance of the offense,''.

TITLE V—FEDERAL CRIMINAL PROCEDURE REFORM

SEC. 501. OBSTRUCTION OF JUSTICE.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1518. False pleadings

''In a criminal proceeding, any attorney who files in a court of the United States a brief, motion, answer, pleading, or other signed document that the attorney knows to contain a false statement of material fact or a false statement of law, shall be found guilty of obstruction of justice.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 73 of title 18, United States Code, is amended by adding the following new item:

''1518. False pleadings.''.

SEC. 502. CONDUCT OF FEDERAL PROSECUTORS.

Notwithstanding the ethical rules or the rules of the court of any State, Federal rules of conduct adopted by the Attorney General shall govern the conduct of prosecutions in the courts of the United States.

SEC. 503. FAIRNESS IN JURY SELECTION.

Rule 24(b) of the Federal Rules of Criminal Procedure is amended by striking ''the Government is also entitled to 6 peremptory challenges and the defendant or defendants jointly to 10 peremptory challenges'' and inserting ''the Government is also entitled to 6 peremptory challenges. A defendant tried alone is entitled to 6 peremptory challenges, but defendants tried jointly are entitled to 10 peremptory challenges''.

SEC. 504. BALANCE IN THE COMPOSITION OF RULES COMMITTEES.

Section 2073 of title 28, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following: ''On each such committee that makes recommendations concerning rules that affect criminal cases, including the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, the Federal Rules of Appellate Procedure, the Rules Governing Section 2254 Cases, and the Rules Governing Section 2255 Cases, the number of members who represent or supervise the representation of defendants in the trial, direct review, or collateral review of criminal cases shall not exceed the number of members who represent or supervise the representation of the Government or a State in the trial, direct review, or collateral review of criminal cases.''; and

(2) in subsection (b), by adding at the end the following: ''The number of members of the standing committees who represent or supervise the representation of defendants in the trial, direct review, or collateral review of criminal cases shall not exceed the number of members who represent or supervise the representation of the Government or a State in the trial, direct review, or collateral review of criminal cases.''.

SEC. 505. REIMBURSEMENT OF REASONABLE ATTORNEYS' FEES.

Section 526 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(c)(1)(A) A current or former Department of Justice attorney, agent, or employee who supervises an agent who is the subject of a criminal or disciplinary investigation, instituted on or after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in prosecuting or investigating a criminal matter, who is not provided representation under Department of Justice regulations, shall be entitled to reimbursement of reasonable attorneys' fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

''(B) A current or former attorney, agent, or employee who supervises an agent employed as or by a Federal public defender who is the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in defending or investigating a criminal matter in connection with the public defender program, who is not provided representation by a Federal public defender or the Administrative Office of the United States Courts, is entitled to reimbursement of reasonable attorneys' fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

''(2) For purposes of paragraph (1), an investigation shall be considered not to result in adverse action against an attorney, agent, or employee if—

''(A) in the case of a criminal investigation, the investigation does not result in indictment of, the filing of a criminal complaint against, or the entry of a plea of guilty by the attorney, agent, or supervising employee; and

''(B) in the case of a disciplinary investigation, the investigation does not result in discipline or results in only discipline less serious than a formal letter of reprimand finding actual and specific wrongdoing.

''(3) The Attorney General shall provide notice in writing of the conclusion and result of an investigation described in paragraph (1).

''(4) An attorney, agent, or supervising employee who was the subject of an investigation described in paragraph (1) may waive his or her entitlement to reimbursement of attorneys' fees under paragraph (1) as part of a resolution of a criminal or disciplinary investigation.

''(5) An application for attorney fee reimbursement under this subsection shall be made not later than 180 days after the attorney, agent, or employee is notified in writing of the conclusion and result of the investigation.

''(6) Upon receipt of a proper application under this subsection for reimbursement of attorneys' fees, the Attorney General and the Director of the Administrative Office of the United States Courts shall award reimbursement for the amount of attorneys' fees that are found to have been reasonably incurred by the applicant as a result of an investigation.

''(7) The official making an award under this subsection shall make inquiry into the reasonableness of the amount requested, and shall consider—

''(A) the sufficiency of the documentation accompanying the request;

''(B) the need or justification for the underlying item;

''(C) the reasonableness of the sum requested in light of the nature of the investigation; and

''(D) current rates for equal services in the community in which the investigation took place.

''(8)(A) Reimbursements of attorneys' fees ordered under this subsection by the Attorney General shall be paid from the appropriation made by section 1304 of title 31, United States Code.

''(B) Reimbursements of attorneys' fees ordered under this section by the Director of the Administrative Office of the United States Courts shall be paid from appropriations authorized by section 3006A(i) of title 18, United States Code.

''(9) The Attorney General and the Director of the Administrative Office of the United States Courts may delegate their powers and duties under this subsection to an appropriate subordinate.''.

SEC. 506. MANDATORY RESTITUTION TO VICTIMS OF VIOLENT CRIMES.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''may order'' and inserting ''shall order''; and

(B) by adding at the end the following new paragraph:

''(4) In addition to ordering restitution of the victim of the offense of which a defendant is convicted, a court may order restitution of any person who, as shown by a preponderance of evidence, was harmed physically or pecuniarily by unlawful conduct of the defendant during—

''(A) the criminal episode during which the offense occurred; or

''(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.'';

(2) in subsection (b)(1)(A) by striking ''impractical'' and inserting ''impracticable'';

(3) in subsection (b)(2) by inserting ''emotional or'' after ''resulting in'';

(4) in subsection (c) by striking ''If the Court decides to order restitution under this section, the'' and inserting ''The'';

(5) by striking subsections (d), (e), (f), (g), and (h); and

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

''(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

''(A) the economic circumstances of the offender; or

''(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

''(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

''(A) the financial resources and other assets of the offender;

''(B) projected earnings and other income of the offender; and

''(C) any financial obligations of the offender, including obligations to dependents.

''(3) A restoration order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

''(4) An in-kind payment described in paragraph (3) may be in the form of—

''(A) return of property;

''(B) replacement of property; or

''(C) services rendered to the victim or to a person or organization other than the victim.

''(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

''(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution of each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

''(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

''(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

''(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

''(A) any Federal civil proceeding; and

''(B) any State civil proceeding, to the extent provided by the law of the State.

''(h) A restitution order shall provide that—

''(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

''(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

''(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful;

''(B) notify the court and the interested parties when an offender is 90 days in arrears in meeting those obligations; and

''(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

''(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

''(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the

defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

''(k) An order of restitution may be enforced—

''(1) by the United States—

''(A) in the manner provided for the collection and payment of fines in subchapter (B) of chapter 229 of this title; or

''(B) in the same manner as a judgment in a civil action; and

''(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

''(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.''.

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

''(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs.''; and

(4) by adding at the end thereof the following new subsection:

''(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.''.

SEC. 507. ADMISSIBILITY OF CERTAIN EVIDENCE.

(a) CONFESSIONS.—Section 3501 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after the first sentence the following new sentence: ''The defendant shall have the burden of proving by a preponderance of the evidence that a confession was not voluntary.''; and

(2) in subsection (c) by striking ''and if such confession'' and all that follows through the end of the subsection.

(b) REASONABLE SEARCH OR SEIZURE.—

(1) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by inserting after section 3502 the following new section:

''§ 3502A. Admissibility of evidence obtained by search or seizure

''(a) EVIDENCE OBTAINED BY OBJECTIVELY REASONABLE SEARCH OR SEIZURE.—Evidence obtained as a result of a search or seizure that is otherwise admissible in a Federal criminal proceeding shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution.

''(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR RULE.—Evidence shall not be excluded in a proceeding in a court of the United States on the ground that it was obtained in violation of a statute, an administrative rule, or a rule of court procedure unless exclusion is expressly authorized by statute or by a rule prescribed by the Supreme Court pursuant to chapter 131 of title 28.

''(c) RULE OF CONSTRUCTION.—This section shall not be construed to require or authorize the exclusion of evidence in any proceeding.''.

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 223 of title 18, United States Code, is amended by inserting after the item for section 3502 the following new item:

''3502A. Admissibility of evidence obtained by search or seizure.''.

(c) ILLEGAL SEARCH AND SEIZURE.—

(1) IN GENERAL.—Title 28, United States Code, is amended by inserting after chapter 171, the following new chapter:

''CHAPTER 172—ILLEGAL SEARCH AND SEIZURE

''Sec.
''2691. Definitions.
''2692. Tort claims; illegal search and seizure.
''2693. Sanctions against investigative or law enforcement officers.
''2694. Judgment as bar.
''2695. Attorneys' fees and costs.
''2696. Applicability of other tort claims procedures.

''§ 2691. Definitions

''In this chapter—

''(1) the term 'Federal agency' includes an executive department, military department, independent establishment of the United States, and a corporation acting primarily as an instrumentality or agency of the United States, but does not include a contractor with the United States; and

''(2) the term 'investigative or law enforcement officer' means—

''(A) an officer of the United States who is empowered by law to execute searches, to seize evidence, or to make arrests for any violation of Federal law;

''(B) a person acting under or at the request of such an officer; or

''(C) a State or local law enforcement officer, if the case is prosecuted in a court of the United States.

''§ 2692. Tort claims; illegal search and seizure

''(a) IN GENERAL.—The United States shall be liable for damages resulting from a search or seizure conducted by an investigative or law enforcement officer, acting within the scope of the officer's office or employment, in violation of the fourth amendment to the Constitution.

''(b) ACTUAL AND PUNITIVE DAMAGES.—A person who is aggrieved by a violation described in subsection (a) may recover actual damages and such punitive damages as the court may award under subsection (c).

''(c) AWARD OF PUNITIVE DAMAGES.—Punitive damages may be awarded by the court in an amount not exceeding $10,000, upon consideration of all of the circumstances of the case, including—

''(1) the extent of the investigative or law enforcement officer's deviation from permissible conduct;

''(2) the extent to which the violation was willful, reckless, or grossly negligent;

''(3) the extent to which the aggrieved person's privacy was invaded;

''(4) the extent of the aggrieved person's physical, mental, and emotional injury;

''(5) the extent of any property damage; and

''(6) the effect that making an award of punitive damages would have in preventing future violations of the fourth amendment to the Constitution.

''(d) LIMITATION ON AWARD TO OFFENDER.—An award of nonpunitive damages under this section to a person who is convicted of an offense for which evidence of the offense was seized in violation of the fourth amendment to the Constitution shall be limited to damages for actual physical personal injury and actual property damage sustained as a result of the unconstitutional search and seizure.

''(e) AMOUNT OF AWARD.—

''(1) IN GENERAL.—Except as provided in paragraph (2), in an action brought pursuant to this section, a judgment, award, compromise, or settlement shall be in an amount that is not more than $30,000, including actual and punitive damages.

''(2) EXCEPTION.—The limitation provided in paragraph (1) shall not apply to a judgment, award, compromise, or settlement if the actual damages are in an amount that is greater than $30,000.

''(3) PREJUDGMENT INTEREST.—The United States shall not be liable for interest prior to judgment.

''(f) PERIOD OF LIMITATION.—An action under this section shall be brought within the period of limitation provided in section 2401(b).

''§ 2693. Sanctions against investigative or law enforcement officers

''An investigative or law enforcement officer who conducts a search or seizure in violation of the fourth amendment to the Constitution shall be subject to appropriate discipline in the discretion of the Federal agency employing the officer, if that agency determines, after notice and hearing, that the officer conducted the search or seizure lacking a good faith belief that the search or seizure was constitutional.

''§ 2694. Judgment as bar

''The remedy against the United States provided under this chapter shall be the exclusive civil remedy for a violation of the fourth amendment to the Constitution by any investigative or law enforcement officer acting within the scope of the officer's office or employment.

''§ 2695. Attorneys' fees and costs

''In an action brought under this chapter, the court may award any claimant who prevails in the action, other than the United States, reasonable attorney's fees and other litigation costs reasonably incurred in prosecuting the claim.

''§ 2696. Applicability of other tort claims procedures

''(a) IN GENERAL.—The procedures provided in sections 2672, 2675, 2677, 2678, 2679, and 2680 apply to an action brought under this chapter.

''(b) TREATMENT AS EMPLOYEE OF THE UNITED STATES.—For the purposes of the sections referred to in subsection (a), an investigative or law enforcement officer who conducts a search or seizure in violation of the fourth amendment to the Constitution shall be treated as if the officer were an 'employee of the United States'.

''(c) TREATMENT OF STATE OR LOCAL OFFICERS.—A State or local officer who violates the fourth amendment to the Constitution in a case that is later prosecuted in a court of the United States shall, for purposes of this section, be an employee of the United States.''.

(2) TECHNICAL AMENDMENT.—The part analysis for part VI of title 28, United States Code, is amended by inserting after the item relating to chapter 171 the following new item:

''172. Illegal search and seizure ..... 2691''.

(d) JURISDICTION.—Section 1346 of title 28, United States Code, is amended by inserting after subsection (f) the following new subsection:

''(g) The district courts, together with the United States District for the Territory of

Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, shall have exclusive original jurisdiction of any civil action on a claim against the United States, for money damages, brought under chapter 172.''.

(e) TECHNICAL AMENDMENT.—Section 1402(b) of title 28, United States Code, is amended by inserting ''or subsection (g)'' after ''subsection (b)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply only to claims arising on or after the date of enactment of this Act.

SEC. 508. GENERAL HABEAS CORPUS REFORM.

(a) PERIOD OF LIMITATION.—Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(d) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

''(1) the date on which State remedies are exhausted;

''(2) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action;

''(3) the date on which the Federal constitutional right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is made retroactively applicable; or

''(4) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.''.

(b) APPEAL.—Section 2253 of title 28, United States Code, is amended to read as follows:

''§ 2253. Appeal

''(a) IN GENERAL.—In a habeas corpus proceeding or a proceeding under section 2255 before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is held.

''(b) VALIDITY OF WARRANT OR DETENTION.—There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of the detention of such person pending removal proceedings.

''(c) REQUIREMENT FOR CERTIFICATE OF PROBABLE CAUSE.—

''(1) REQUIREMENT.—Unless a circuit justice or judge issues a certificate of probable cause, an appeal may not be taken to the court of appeals from—

''(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

''(B) the final order in a proceeding under section 2255.

''(2) SUBSTANTIAL SHOWING.—A certificate of probable cause may issue under paragraph (1) only if the petitioner has made a substantial showing of the denial of a Federal constitutional right.

''(3) SPECIFICATION OF ISSUES.—The certificate of probable cause under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).''.

(c) AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.—Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

''*Rule 22. Habeas corpus and section 2255 proceedings*

''(*a*) *Application for an Original Writ of Habeas Corpus*.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The petitioner may, pursuant to section 2253, appeal to the appropriate court of appeals from the order of the district court denying the writ.

''(*b*) *Necessity of Certificate of Probable Cause for Appeal*.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant may not proceed unless the Court of Appeals issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a panel of the Court of Appeals. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the Government or its representative, a certificate of probable cause is not required.''.

(d) SECTION 2254 AMENDMENT.—Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

''(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

''(A) the applicant has exhausted the remedies available in the courts of the State; or

''(B)(i) there is an absence of available State corrective process; or

''(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

''(2) An application may be denied if the court is satisfied that the application is frivolous or malicious, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

''(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.'';

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

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

''(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings.'';

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

''(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made in the case by a State court after any procedure sufficient to develop an adequate record shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence.

''(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the Federal court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

''(A) the claim relies on (i) a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable; or (ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

''(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the petitioner guilty of the underlying offense or eligible for the death penalty under State law.''; and

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

''(h) In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18, United States Code.''.

(e) SECTION 2255 AMENDMENTS.—Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and the fifth paragraphs; and

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

''A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

''(1) the date on which the judgment of conviction becomes final;

''(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action;

''(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Court and is made retroactively applicable; or

''(4) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

''In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18, United States Code.''.

(f) SECOND OR SUCCESSIVE PETITIONS.—

(1) CERTIFICATION.—A second or successive motion must be certified by a panel of the appropriate Federal Court of Appeals to contain—

(A) newly discovered evidence sufficient to undermine the court's confidence in the factfinder's determination of the prisoner's guilt of the offense or offenses for which the sentence was imposed; or

(B) a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable.

(2) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking ''and the petition'' and all that follows through ''by such inquiry.'' and inserting ''except as provided in section 2255.''.

(3) LIMITATIONS ON SECOND OR SUCCESSIVE PETITIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

''(b)(1) A claim presented in a second or successive habeas corpus petition that was

not presented in a prior petition shall be dismissed unless—

''(A) the petitioner shows that—

''(i) the claim relies on a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable; or

''(ii) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

''(B) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to undermine the court's confidence in the factfinder's determination of the applicant's guilt of the offense or offenses for which the sentence was imposed.

''(2)(A) Before a second or successive petition is filed in the district court, the petitioner must move in the appropriate court of appeals for an order authorizing the district court to consider the petition.

''(B) A motion in the court of appeals for an order authorizing the district court to consider a successive petition shall be determined by a three-judge panel of the court of appeals.

''(C) The court of appeals may authorize the filing of a successive petition only if it determines that the petitioner has made a prima facie showing that the petition satisfies the requirements of this section.

''(D) The grant or denial of an authorization by the court of appeals to file a second or successive petition shall not be appealable.

''(3) A district court shall dismiss any claim presented in a second or successive petition that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.''.

SEC. 509. TECHNICAL AMENDMENT.

Section 848(q) of title 21, United States Code, is amended by striking all references to section 2254.

SEC. 510. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

''CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

''Sec.
''2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
''2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
''2258. Filing of habeas corpus petition; time requirements; tolling rules.
''2259. Evidentiary hearings; scope of Federal review; district court adjudication.
''2260. Certificate of probable cause inapplicable.
''2261. Application to state unitary review procedures.
''2262. Limitation periods for determining petitions.
''2263. Rule of construction.

''§ 2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

''(a) APPLICATION OF CHAPTER.—This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

''(b) ESTABLISHMENT OF APPOINTMENT MECHANISM.—This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

''(c) OFFER OF COUNSEL.—Any mechanism for the appointment, compensation and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

''(1) appointing 1 or more counsel to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

''(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

''(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

''(d) PREVIOUS REPRESENTATION.—No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

''(e) NO GROUND FOR RELIEF.—The ineffectiveness or incompetence of counsel during Federal or State collateral postconviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal postconviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

''§ 2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

''(a) STAY.—Upon the entry in the appropriate State court of record of an order under section 2256(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application must recite that the State has invoked the postconviction review procedures of this chapter and that the scheduled execution is subject to stay.

''(b) EXPIRATION OF STAY.—A stay of execution granted pursuant to subsection (a) shall expire if—

''(1) a State prisoner fails to file a habeas corpus petition under section 2254 within the time required in section 2258, or fails to make a timely application for court of appeals review following the denial of such a petition by a district court;

''(2) upon completion of district court and court of appeals review under section 2254 the petition for relief is denied and—

''(A) the time for filing a petition for certiorari has expired and no petition has been filed;

''(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

''(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

''(3) before a court of competent jurisdiction, in the presence of counsel and after having been advised of the consequences of his decision, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254.

''(c) LIMITATION ON FURTHER STAY.—If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

''(1) the basis for the stay and request for relief is a claim not previously presented in the State or Federal courts;

''(2) the failure to raise the claim is—

''(A) the result of State action in violation of the Constitution or laws of the United States;

''(B) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

''(C) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal postconviction review;

''(3) the facts underlying the claim if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the petitioner guilty of the underlying offense or eligible for the death penalty under State law;

''(4) the court of appeals approves the filing of a second or successive petition that—

''(A) is the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

''(B) is based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal postconviction review; and

''(5) the facts underlying the claim if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the petitioner guilty of the underlying offense or eligible for the death penalty under State law.

''§ 2258. Filing of habeas corpus petition; time requirements; tolling rules

''(a) FILING.—A petition for habeas corpus relief under section 2254 must be filed in the appropriate district court within 180 days from the filing in the appropriate State court of record of an order under section 2256(c).

''(b) TOLLING.—The time requirements established by this section shall be tolled—

''(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

''(2) during any period in which a State prisoner under capital sentence has a properly filed request for postconviction review pending before a State court of competent jurisdiction; if all State filing rules are met in a timely manner, this period shall run continuously from the date that the State prisoner initially files for postconviction review until final disposition of the case by the highest court of the State, but the time requirements established by this section are not tolled during the pendency of a petition for certiorari before the Supreme Court except as provided in paragraph (1); and

''(3) during an additional period not to exceed 30 days, if—

''(A) a motion for an extension of time is filed in the Federal district court that would have proper jurisdiction over the case upon the filing of a habeas corpus petition under section 2254; and

''(B) a showing of good cause is made for the failure to file the habeas corpus petition within the time period established by this section.

''§ 2259. Evidentiary hearings; scope of Federal review; district court adjudication

''(a) REVIEW OF RECORD; HEARING.—Whenever a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall, within the time limits required by section 2267—

''(1) determine the sufficiency of the record for habeas corpus review based on the claims actually presented and litigated in the State courts except when the prisoner can show that the failure to raise or develop a claim in the State courts is—

''(A) the result of State action in violation of the Constitution or laws of the United States;

''(B) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

''(C) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State postconviction review; and

''(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

''(b) ADJUDICATION.—Upon the development of a complete evidentiary record, the district court shall rule on the claims that are properly before it, but the court shall not grant relief from a judgment of conviction or sentence on the basis of any claim that was fully and fairly adjudicated in State proceedings.

''§ 2260. Certificate of probable cause inapplicable

''The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to this chapter except when a second or successive petition is filed.

''§ 2261. Application to State unitary review procedure

''(a) IN GENERAL.—

''(1) DEFINITION.—For purposes of this section, the term 'unitary review procedure' means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack.

''(2) APPLICATION OF CHAPTER.—This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings.

''(3) STANDARDS OF COMPETENCY.—A rule of court or statute described in paragraph (2) must provide standards of competency for the appointment of counsel.

''(b) OFFER OF COUNSEL.—

''(1) IN GENERAL.—To qualify under this section, a unitary review procedure, to qualify under this section, must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2256(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose.

''(2) NO PREVIOUS REPRESENTATION.—No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

''(c) APPLICATION OF OTHER SECTIONS.—

''(1) IN GENERAL.—Sections 2257, 2258, 2259, 2260, and 2262 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section.

''(2) REFERENCES.—References to State 'post-conviction review' and 'direct review' in those sections shall be understood as referring to unitary review under the State procedure. The references in sections 2257(a) and 2258 to 'an order under section 2256(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, the start of the 180-day limitation period under section 2258 shall be deferred until a transcript is made available to the prisoner or the prisoner's counsel.

''§ 2262. Limitation periods for determining petitions

''(a) IN GENERAL.—The adjudication of any petition under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

''(b) TIME LIMITATIONS FOR CONSIDERATION BY THE DISTRICT COURTS OF HABEAS CORPUS PETITIONS IN CAPITAL CASES.—

''(1) IN GENERAL.—

''(A) FINAL DETERMINATION WITHIN 180 DAYS.—Except to the extent that a longer period of time is required in order that each of the parties will have been accorded at least as many days as provided in the rules in which to complete all actions, including preparation of briefs and, if necessary, a hearing prior to the submission of the case for decision, a district court shall render a final determination of any petition for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the petition is filed.

''(B) DELAY.—(i) A district court may delay for not more than one additional 180-day period beyond the period specified in subparagraph (A), the rendering of a determination of a petition for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the petitioner in a speedy disposition of the petition.

''(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of a petition is warranted are as follows:

''(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

''(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limit established by subparagraph (A).

''(III) Whether the failure to allow a delay in a case, that taken as a whole, is not so unusual or so complex as described in clause (ii), would deny the petitioner reasonable time to obtain counsel, would unreasonably deny the petitioner or the government continuity of counsel, or would deny counsel for the petitioner or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

''(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

''(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

''(2) APPLICATION.—The time limitations under paragraph (1) shall apply to—

''(A) an initial petition for a writ of habeas corpus;

''(B) any second or successive petition for a writ of habeas corpus; and

''(C) any redetermination of a petition for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

''(3) RULE OF CONSTRUCTION.—The time limitations under this section shall not be construed to entitle a petitioner to a stay of execution, to which the petitioner would otherwise not be entitled, for the purpose of litigating any petition or appeal.

''(4) FAILURE TO RENDER TIMELY DETERMINATION.—

''(A) NO GROUND FOR RELIEF.—The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

''(B) ENFORCEMENT.—The government may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The Court of Appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

''(5) REPORT.—

''(A) IN GENERAL.—The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

''(B) CONTENTS.—The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

''(c) TIME LIMITATIONS FOR CONSIDERATION OF DISTRICT COURT DETERMINATIONS OF HABEAS CORPUS PETITIONS IN CAPITAL CASES.—

''(1) IN GENERAL.—

''(A) FINAL DETERMINATION WITHIN 120 DAYS.—A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, a petition brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

''(B) HEARING EN BANC.—(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

''(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

''(2) APPLICATION.—The time limitations under paragraph (1) shall apply to—

''(A) an initial petition for a writ of habeas corpus;

''(B) any second or successive petition for a writ of habeas corpus; and

''(C) any redetermination of a petition for a writ of habeas corpus or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

''(3) RULE OF CONSTRUCTION.—The time limitations under this section shall not be construed to entitle a petitioner to a stay of execution, to which the petitioner would otherwise not be entitled, for the purpose of litigating any petition or appeal.

''(4) FAILURE TO RENDER TIMELY DETERMINATION.—

''(A) NO GROUND FOR RELIEF.—The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

''(B) ENFORCEMENT.—The government may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

''(5) REPORT.—The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts and courts of appeals with the time limitations under this section.''.

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

''154. Special habeas corpus procedures in capital cases ..... 2261.''.

TITLE VI—PREVENTION OF TERRORISM

SEC. 601. WILLFUL VIOLATION OF FEDERAL AVIATION ADMINISTRATION REGULATIONS.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, as amended by section 60021(a) of the Violent Crime Control and Safe Streets Act of 1968, is amended by adding at the end the following new section:

''§ 38. Violations of Federal aviation security regulations

''A person who willfully violates a security regulation under part 107 or 108 of title 14, Code of Federal Regulations (relating to airport and airline security) issued pursuant to section 44901 or 44903 of title 49, United States Code, or a successor part, shall be fined under this title, imprisoned not more than 1 year, or both.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, as amended by section 719(b), is amended by adding at the end the following new item:

''38. Violations of Federal aviation security regulations.''.

SEC. 602. ASSAULTS, MURDERS, AND THREATS AGAINST FORMER FEDERAL OFFICIALS IN PERFORMANCE OF OFFICIAL DUTIES.

Section 115(a)(2) of title 18, United States Code, is amended by inserting '', or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or'' after ''assaults, kidnaps, or murders, or attempts to kidnap or murder''.

SEC. 603. WIRETAP AUTHORITY FOR ALIEN SMUGGLING AND RELATED OFFENSES AND INCLUSION OF ALIEN SMUGGLING AS A RICO PREDICATE.

(a) IN GENERAL.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c) by inserting after ''section 175 (relating to biological weapons),'' the following: ''or a felony violation under section 1028 (relating to production of false identification documentation), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents),'';

(2) by redesignating paragraphs (m), (n), and (o) as paragraphs (n), (o), and (p), respectively; and

(3) by inserting after paragraph (l) the following new paragraph:

''(m) a violation of (i) section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) (relating to alien smuggling), (ii) section 277 of the Immigration and Nationality Act (8 U.S.C. 1327) (relating to the smuggling of aliens convicted of aggravated felonies or of aliens subject to exclusion on grounds of national security), or (iii) section 278 of the Immigration and Nationality Act (8 U.S.C. 1328) (relating to smuggling of aliens for the purpose of prostitution);''.

(b) DEFINITION OF RACKETEERING.—Section 1961(1) of title 18, United States Code, is amended—

(1) by striking ''or'' before ''(E) any Act''; and

(2) by inserting after ''Currency and Foreign Transactions Reporting Act'' the following: '', or (F) any act (or conspiracy to commit any act) which is indictable under section 274(a) (1) of the Immigration and Nationality Act (8 U.S.C. 1324(a) (1)) (dealing with prohibitions on bringing in and harboring certain aliens)''.

SEC. 604. AUTHORIZATION FOR INTERCEPTIONS OF COMMUNICATIONS IN CERTAIN TERRORISM-RELATED OFFENSES.

Section 2516(1)(c) of title 18, United States Code, as amended by section 703, is further amended—

(1) in subsection (c), by inserting before ''or section 1992 (relating to wrecking trains)'' the following: ''section 2332 (relating to terrorist acts abroad), section 2332a (relating to weapons of mass destruction), section 2339A (relating to providing material support to terrorists), section 37 (relating to violence at airports),''; and

(2) by redesignating subparagraph (p) as subparagraph (q) and adding the following new subparagraph (p):

''(p) any violation of section 956 or section 960 of title 18, United States Code (relating to certain actions against foreign nations);''.

SEC. 605. PARTICIPATION OF FOREIGN AND STATE GOVERNMENT PERSONNEL IN INTERCEPTIONS OF COMMUNICATIONS.

Section 2518(5) of title 18, United States Code, is amended by inserting ''(including personnel of a foreign government or of a State or subdivision of a State)'' after ''Government personnel''.

SEC. 606. DISCLOSURE OF INTERCEPTED COMMUNICATIONS TO FOREIGN LAW ENFORCEMENT AGENCIES.

Section 2510(7) of title 18, United States Code, is amended by inserting before the semicolon the following: ''and, for purposes of section 2517(1)–(2), any person authorized to perform investigative, law enforcement, or prosecutorial functions by a foreign government''.

SEC. 607. ALIEN TERRORIST REMOVAL.

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting the following new section:

''REMOVAL OF ALIEN TERRORISTS

''SEC. 242C. (a) DEFINITIONS.—As used in this section—

''(1) the term 'alien terrorist' means any alien described in section 241(a)(4)(B);

''(2) the term 'classified information' has the same meaning as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App. IV);

''(3) the term 'national security' has the same meaning as defined in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App. IV);

''(4) the term 'special court' means the court described in subsection (c) of this section; and

''(5) the 'special removal hearing' means the hearing described in subsection (e) of this section.

''(b) APPLICATION FOR USE OF PROCEDURES.—The provisions of this section shall apply whenever the Attorney General certifies under seal to the special court that—

''(1) the Attorney General or Deputy Attorney General has approved of the proceeding under this section;

''(2) an alien terrorist is physically present in the United States; and

''(3) removal of such alien terrorist by deportation proceedings described in sections 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information.

''(c) SPECIAL COURT.—(1) The Chief Justice of the United States shall publicly designate up to 7 judges from up to 7 United States judicial districts to hear and decide cases arising under this section, in a manner consistent with the designation of judges described in section 103(a) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1803(a)).

''(2) The Chief Justice may, in the Chief Justice's discretion, designate the same judges under this section as are designated pursuant to section 1803(a) of title 50, United States Code.

''(d) INVOCATION OF SPECIAL COURT PROCEDURE.—(1) When the Attorney General makes the application described in subsection (b), a single judge of the special court shall consider the application in camera and ex parte.

''(2) The judge shall invoke the procedures of subsection (e), if the judge determines that there is probable cause to believe that—

''(A) the alien who is the subject of the application has been correctly identified;

''(B) a deportation proceeding described in section 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information; and

''(C) the threat posed by the alien's physical presence is immediate and involves the risk of death or serious bodily harm.

''(e) SPECIAL REMOVAL HEARING.—(1) Except as provided in paragraph (4), the special removal hearing authorized by a showing of probable cause described in subsection (d)(2) shall be open to the public.

''(2) The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent such alien. Counsel may be appointed as described in section 3006A of title 18, United States Code.

''(3) The alien shall have a right to introduce evidence on his own behalf, and except as provided in paragraph (4), shall have a right to cross-examine any witness or request that the judge issue a subpoena for the presence of a named witness.

''(4) The judge shall authorize the introduction in camera and ex parte of any item of evidence for which the judge determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information.

''(5) With respect to any evidence described in paragraph (4), the judge shall cause to be delivered to the alien either—

''(A)(i) the substitution for such evidence of a statement admitting relevant facts that the specific evidence would tend to prove, or (ii) the substitution for such evidence of a summary of the specific evidence; or

''(B) if disclosure of even the substituted evidence described in subparagraph (A)

would create a substantial risk of death or serious bodily harm to any person, a statement informing the alien that no such summary is possible.

''(6) If the judge determines—

''(A) that the substituted evidence described in paragraph (4)(B) will provide the alien with substantially the same ability to make his defense as would disclosure of the specific evidence, or

''(B) that disclosure of even the substituted evidence described in paragraph (5)(A) would create a substantial risk of death or serious bodily harm to any person,

then the determination of deportation (described in subsection (f)) may be made pursuant to this section.

''(f) DETERMINATION OF DEPORTATION.—(1) If the determination in subsection (e)(6)(A) has been made, the judge shall, considering the evidence on the record as a whole, require that the alien be deported if the Attorney General proves, by clear and convincing evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

''(2) If the determination in subsection (e)(6)(B) has been made, the judge shall, considering the evidence received (in camera and otherwise), require that the alien be deported if the Attorney General proves, by clear, convincing, and unequivocal evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

''(g) APPEALS.—(1) The alien may appeal a determination under subsection (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under such subsection.

''(2) The Attorney General may appeal a determination under subsection (d), (e), or (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under any one of such subsections.

''(3) When requested by the Attorney General, the entire record of the proceeding under this section shall be transmitted to the court of appeals under seal. The court of appeals shall consider such appeal in camera and ex parte.''.

SEC. 608. TERRITORIAL SEA.

(a) TERRITORIAL SEA EXTENDING TO TWELVE MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.—The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

(b) ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.—Section 13 of title 18, United States Code (relating to the adoption of State laws for areas within Federal jurisdiction), is amended—

(1) in subsection (a), by inserting after ''title'' the following: ''or on, above, or below any portion of the territorial sea of the United States not within the territory of any State, Territory, Possession, or District''; and

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

''(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Territory, Possession, or District, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of that State, Territory, Possession, or District it would lie within if the boundaries of such State, Territory, Possession, or District were extended seaward to the outer limit of the territorial sea of the United States.''.

SEC. 609. CLARIFICATION AND EXTENSION OF CRIMINAL JURISDICTION OVER CERTAIN TERRORISM OFFENSES OVERSEAS.

(a) Section 46502(b) of title 49, United States Code is amended—

(1) in paragraph (b)(1), by striking '', and later found in the United States'';

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

''(2) The courts of the United States shall have jurisdiction over the offense in paragraph (1) if—

''(A) a national of the United States was aboard the aircraft at the time of the offense;

''(B) an offender is a national of the United States; or

''(C) an offender is later found in the United States.''; and

(3) by adding at the end the following new paragraph:

''(3) For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''.

(b) Section 32(b) of title 18, United States Code, is amended—

(1) by striking '', if the offender is later found in the United States,''; and

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

''(5) The courts of the United States shall have jurisdiction over an offense in this subsection if—

''(A) a national of the United States was on board, or would have been on board, the aircraft at the time of the offense;

''(B) an offender is a national of the United States; or

''(C) an offender is afterwards found in the United States.

''(6) For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a) (22)).''.

(c) Section 1116 of title 18, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(7) 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''; and

(2) in subsection (c), by striking the first sentence and inserting the following:

''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''.

(d) Section 112 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting '', 'national of the United States,''' before ''and''; and

(2) in subsection (e), by striking the first sentence and inserting the following:

''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''.

(e) Section 878 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting '', 'national of the United States,''' before ''and''; and

(2) in subsection (d), by striking the first sentence and inserting the following:

''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''.

(f) Section 1201(e) of title 18, United States Code, is amended—

(1) by striking the first sentence and inserting the following:

''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''; and

(2) by adding at the end the following:

''For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a) (22) of the Immigration and .'Nationality Act (8 U.S.C. 1101(a) (22)).''.

(g) Section 37(b)(2) of title 18, United States Code, is amended—

(1) by inserting ''(A)'' before ''the offender is later found in the States''; and

(2) by inserting ''or (B) an offender or a victim is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(22))'' after ''the offender is later found in the United States''.

(h) Section 831(c)(2) of title 18, United States Code, is amended by striking ''the defendant is a national of the United States, as defined'' and inserting ''an offender or a victim is a national of the United States, as defined''.

(i) Section 175(a) of title 18, United States Code, is amended by inserting ''(as defined in section 101(a)(22) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(22))'' after ''national of the United States''.

SEC. 610. FEDERAL AVIATION ADMINISTRATION REPORTING RESPONSIBILITY.

(a) IN GENERAL.—Chapter 449 of title 49, United States Code, is amended by inserting after section 44901 the following new section:

''§ 44901A. Discoveries of controlled substances or cash in excess of $10,000

''Not later than 90 days after the date of the enactment of this section, the Administrator shall issue regulations requiring employees and agents referred to in subsection (a) to report to appropriate Federal and State law enforcement officers any incident in which the employee or agent, in the course of conducting screening procedures pursuant to subsection (a), discovers a controlled substance the possession of which may be a violation of Federal or State law, or any sizable sums of cash in excess of $10,000 the possession of which may be a violation of Federal or State law.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 449 of title 49, United States Code, is amended by inserting after the item relating to section 44901 the following new item:

''44901A. Discoveries of controlled substances or cash in excess of $10,000.''.

SEC. 611. INFORMATION TRANSFER.

Section 245A(c)(5)(C) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)(C))

is amended by striking ''except that the Attorney General'' and all that follows through ''section 8 of title 13, United States Code.'' and inserting ''except that the Attorney General—

''(i) may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien (as a result of an investigation of the alien by an investigative officer or law enforcement officer) that is necessary to locate and identify the alien if—

''(I) such disclosure may result in the discovery of information leading the location and identity of the alien; and

''(II) such disclosure (and the information discovered as a result of such disclosure) will be used only for criminal law enforcement purposes as against the alien whose file is being accessed;

''(ii) may furnish information under this section with respect to an alien to an official coroner (upon the written request of the coroner) for the purposes of permitting the coroner to identify a deceased individual; and

''(iii) may provide, in the Attorney General's discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed to the Secretary of Commerce under section 8 of title 13, United States Code.''.

SEC. 612. EXTRADITION.

(a) SCOPE.—Section 3181 of title 18, United States Code, is amended—

(1) by inserting ''(a)'' before ''The provisions of this chapter''; and

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

''(b) The provisions of this chapter shall be construed to permit, in the exercise of comity, the surrender of persons, other than citizens, nationals, or permanent residents of the United States, who have committed crimes of violence against nationals of the United States in foreign countries without regard to the existence of any treaty of extradition with such foreign government if the Attorney General certifies, in writing, that—

''(1) evidence has been presented by the foreign government that indicates that had the offenses been committed in the United States, they would constitute crimes of violence as defined under section 16 of this title; and

''(2) the offenses charged are not of a political nature.

''(c) As used in this section, the term 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''.

(b) FUGITIVES.—Section 3184 of title 18, United States Code, is amended—

(1) in the first sentence by inserting after ''United States and any foreign government,'' the following: ''or in cases arising under section 3181(b),'';

(2) in the first sentence by inserting after ''treaty or convention,'' the following: ''or provided for under section 3181(b),''; and

(3) in the third sentence by inserting after ''treaty or convention,'' the following: ''or under section 3181(b),''.

SEC. 613. FEDERAL BUREAU OF INVESTIGATION REPORT.

Not later than January 31, 1997, the Director of the Director of the Federal Bureau of Investigations shall report to Congress on the effectiveness of section 2339A of title 18, United States Code (as added by section 120005(a) of the Violent Crime Control and Law Enforcement Act of 1994). The report shall include any recommendations of the Director for changes in existing law that are needed to improve the effectiveness of such section.

SEC. 614. INCREASED PENALTIES FOR TERRORISM CRIMES.

(a) Title 18, United States Code, is amended—

(1) in section 114, by striking ''maim or disfigure'' and inserting ''torture, maim, or disfigure''; and

(2) in section 371, by striking ''$10,000 or imprisoned not more than five years'' and inserting ''$10,000 in excess of the monetary gain from the conspiracy, or imprisoned not more than twenty years'';

(3) in section 755—

(A) by striking ''$2,000'' and inserting ''$5,000'';

(B) by striking ''two years'' and inserting ''five years''; and

(C) by striking ''$500'' and inserting ''$1,000'';

(4) in section 756, by striking ''$1,000 or imprisoned not more than one year'' and inserting ''$5,000 or imprisoned not more than five years'';

(5) in section 878(a), by striking ''by killing, kidnapping, or assaulting a foreign official, official guest, or internationally protected person'';

(6) in section 1113, by striking ''three years or fined'' and inserting ''seven years'';

(7) in section 1114, by inserting ''any member of the United States Armed Forces who is engaged in noncombat related official activities,'' after ''such marshal or deputy marshal'';

(8) in section 1116(a), by inserting ''or to death,'' after ''imprisonment for life,''; and

(9) in section 2332(c), by striking ''five'' and inserting ''ten''.

(b) Section 1472(l)(1) of title 49 App., United States Code is amended by striking ''one'' and inserting ''ten''.

SEC. 615. CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES BY PERSONS ACCOMPANYING THE ARMED FORCES.

(a) Title 18, United States Code, is amended by inserting after chapter 211 the following:

''CHAPTER 212—CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

''§ 3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States

''(a) Whoever, while serving with, employed by, or accompanying the Armed Forces outside the United States, engages in conduct which would constitute an offense punishable by imprisonment for more than one year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be guilty of a like offense and subject to a like punishment.

''(b) Nothing contained in this chapter deprives courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect of offenders or offenses that by statute or by the law of war may be tried by courts-martial, military commissions, provost courts, or other military tribunals.

''(c) No prosecution may be commenced under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General of the United States or the Deputy Attorney General of the United States (or a person acting in either such capacity), which function of approval may not be delegated.

''(d)(1) The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest outside the United States any person described in subsection (a) of this section who there is probable cause to believe engaged in conduct which constitutes a criminal offense under such section.

''(2) A person arrested under paragraph (1) of this section shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such paragraph unless—

''(A) such person is delivered to authorities of a foreign country under section 3262 of this title; or

''(B) such person has had charges preferred against him under chapter 47 of title 10 for such conduct.

''§ 3262. Delivery to authorities of foreign countries

''(a) Any person designated and authorized under section 3261(d) of this title may deliver a person described in section 3261(a) of this title to the appropriate authorities of a foreign country in which such person is alleged to have engaged in conduct described in such subsection (a) of this section if—

''(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

''(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

''(b) The Secretary of Defense shall determine what officials of a foreign country constitute appropriate authorities for the purpose of this section.

''§ 3263. Regulations

''The Secretary of Defense shall issue regulations governing the apprehension, detention, and removal of persons under this chapter. Such regulations shall be uniform throughout the Department of Defense.

''§ 3264. Definitions for chapter

''As used in this chapter—

''(1) a person is 'employed by the armed forces outside the United States' if he or she is employed as a civilian employee of a military department, as a Department of Defense contractor, or as an employee of a Department of Defense contractor, is present or residing outside the United States in connection with such employment, and is not a national of the host nation.

''(2) a person is 'accompanying the armed forces outside the United States' if he or she is a dependent of a member of the armed forces and is residing with the member outside the United States.''.

(b) The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

''212. Criminal Offenses Committed Outside the United States ..... 3261''.

TITLE VII—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—Elimination of Certain Programs

SEC. 701. ELIMINATION OF INEFFECTIVE PROGRAMS.

Subtitles A through S and subtitles U and X of title III, title V, and title XXVII of the Violent Crime Control and Law Enforcement Act of 1994, and the amendments made thereby, are repealed.

Subtitle B—Amendments Relating to Violent Crime Control

SEC. 711. VIOLENT CRIME AND DRUG EMERGENCY AREAS REPEAL.

Section 90107 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

SEC. 712. EXPANSION OF 18 U.S.C. 1959 TO COVER COMMISSION OF ALL VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY AND INCREASED PENALTIES.

Section 1959(a) of title 18, United States Code, is amended—

(1) by inserting ''or commits any other crime of violence'' before ''or threatens to commit a crime of violence against'';

(2) in paragraph (4) by inserting ''committing any other crime of violence or for'' before ''threatening to commit a crime of violence'', and by striking ''five'' and inserting ''ten'';

(3) in paragraph (5) by striking ''ten'' and inserting ''twenty'';

(4) in paragraph (6) by striking ''or'' before ''assault resulting in serious bodily injury,'', by inserting ''or any other crime of violence'' after those same words, and by striking ''three'' and inserting ''ten''; and

(5) by inserting ''(as defined in section 1365 of this title)'' after ''serious bodily injury'' the first place it appears.

SEC. 713. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.

(a) Chapter 33 of title 28, United States Code, is amended by adding after section 537 the following new section:

''§ 538. Investigation of serial killings

''The Attorney General and the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, when such investigation is requested by the head of a law enforcement agency with investigative or prosecutive jurisdiction over the offense. For purposes of this section—

''(1) the term 'serial killings' means a series of three or more killings, at least one of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors;

''(2) 'killing' means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed;

''(3) and section 540, 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) The table of contents for chapter 33 of title 28, United States Code, is amended by inserting after the item for section 537 the following:

''538. Investigation of serial killings.''.

SEC. 714. FIREARMS AND EXPLOSIVES CONSPIRACY.

(a) Section 924 of title 18, United States Codes, is amended by adding at the end the following new subsection:

''(o) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which was the object of the conspiracy.''.

(b) Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(n) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which was the object of the conspiracy.''.

SEC. 715. INCREASED PENALTIES FOR VIOLENCE IN THE COURSE OF RIOT OFFENSES.

Section 2101(a) of title 18, United States Code, is amended by striking ''Shall be fined under this title, or imprisoned not more than five years, or both'' and inserting ''Shall be fined under this title or (i) if death results from such act, be imprisoned for any term of years or for life, or both; (ii) if serious bodily injury (as defined in section 1365 of this title) results from such act, be imprisoned for not more than twenty years, or both; or (iii) in any other case, be imprisoned for not more than five years, or both''.

SEC. 716. PRETRIAL DETENTION FOR POSSESSION OF FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.

Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(3) by adding after subparagraph (C) the following new subparagraph:

''(D) an offense that is a violation of section 842(i) or 922(g) of this title (relating to possession of explosives or firearms by convicted felons).''.

SEC. 717. ELIMINATION OF UNJUSTIFIED SCIENTER ELEMENT FOR CARJACKING.

Section 2119 of title 18, United States Code, is amended by striking '', with the intent to cause death or serious bodily harm''.

SEC. 718. THEFT OF VESSELS.

(a) Section 2311 of title 18, United States Code, is amended by adding at the end the following:

'' 'Vessel' means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.'';

(b) Sections 2312 and 2313 of title 18, United States Code, are each amended by striking ''motor vehicle or aircraft'' and inserting ''motor vehicle, vessel, or aircraft''.

SEC. 719. CLARIFICATION OF AGREEMENT REQUIREMENT FOR RICO CONSPIRACY.

Section 1962(d) of title 18, United States Code, is amended by adding at the end ''For purposes of this subsection, it is not necessary to establish that the defendant agreed personally to commit any acts of racketeering activity.''

SEC. 720. ADDITION OF ATTEMPT COVERAGE FOR INTERSTATE DOMESTIC VIOLENCE OFFENSE.

Section 2261(a) of title 18, United States Code, is amended—

(1) in subsection (a)(1) by inserting ''or attempts to do so,'' after ''thereby causes bodily injury to such spouse or intimate partner,''; and

(2) in subsection (a)(2) by inserting ''or attempts to do so,'' after ''thereby causes bodily injury to the person's spouse or intimate partner,''.

SEC. 721. ADDITION OF FOREIGN MURDER AS A MONEY LAUNDERING PREDICATE.

Section 1956(c)(7)(B)(ii) of title 18, United States Code, is amended by inserting ''murder,'' before ''kidnapping''.

SEC. 722. ASSAULTS OR OTHER CRIMES OF VIOLENCE FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by inserting ''or other felony crime of violence against the person'' after ''murder''.

SEC. 723. THREATENING TO USE A WEAPON OF MASS DESTRUCTION.

Section 2332a(a) of title 18, United States Code, is amended by inserting ''or threatens'' before ''or attempts or conspires to use, a weapon of mass destruction''.

SEC. 724. TECHNICAL AMENDMENTS.

Section 60002 of the Violent Crime Control and Law Enforcement Act of 1994 is amended—

(1) by striking the words ''pursuant to this chapter'' in section 3596 of title 18; and

(2) by striking section 3597(a) of title 18 and replacing it with:

''(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death shall use appropriate Federal facilities for the purpose.''.

Subtitle C—Amendments Relating to Courts and Sentencing

SEC. 731. ALLOWING A REDUCTION OF SENTENCE FOR PROVIDING USEFUL INVESTIGATIVE INFORMATION ALTHOUGH NOT REGARDING A PARTICULAR INDIVIDUAL.

Section 3553(e) of title 18, United States Code, section 994(n) of title 28, United States Code, and Rule 35(b) of the Federal Rules of Criminal Procedure are each amended by striking ''substantial assistance in the investigation or prosecution of another person who has committed an offense'' and inserting ''substantial assistance in an investigation of any offense or the prosecution of another person who has committed an offense''.

SEC. 732. APPEALS FROM CERTAIN DISMISSALS.

Section 3731 of title 18, United States Code, is amended by inserting ''or any part thereof'' after ''as to any one or more counts''.

SEC. 733. ELIMINATION OF OUTMODED CERTIFICATION REQUIREMENT FROM THE GOVERNMENT APPEAL STATUTE.

Section 3731 of title 18, United States Code, is amended in the second paragraph by striking '', if the United States attorney certifies to the district court that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of a fact material in the proceeding''.

SEC. 734. CLARIFICATION OF MEANING OF OFFICIAL DETENTION FOR PURPOSES OF CREDIT FOR PRIOR CUSTODY.

Section 3585(b) of title 18, United States Code, is amended by adding at the end: ''For purposes of this subsection, 'official detention' does not include detention at a community-based treatment or correctional facility.''.

SEC. 735. LIMITATION ON REDUCTION OF SENTENCE FOR SUBSTANTIAL ASSISTANCE OF DEFENDANT.

(a) Section 994(n) of title 18, United States Code, is amended by adding the following at the end thereof: ''The power to reduce a sentence under this section authorizes a court to impose a sentence that is below a level established by statute as a minimum sentence only on motion of the government specifically seeking reduction below such level.''.

(b) Rule 35(b) of the Federal Rules of Criminal Procedure is amended by adding ''only if the motion of the government specifically seeks reduction below such level'' after ''minimum sentence''.

SEC. 736. IMPROVEMENT OF HATE CRIMES SENTENCING PROCEDURE.

Section 280003(b) of Public Law 103–322 is amended by striking ''the finder of fact at trial'' and inserting ''the court at sentencing''.

SEC. 737. CLARIFICATION OF LENGTH OF SUPERVISED RELEASE TERMS IN CONTROLLED SUBSTANCE CASES.

Sections 401(b)(1) (A), (B), (C), and (D) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (A), (B), (C), and (D)) are each amended by striking ''Any sentence'' and inserting ''Notwithstanding section 3583 of title 18, any sentence''.

SEC. 738. AUTHORITY OF COURT TO IMPOSE A SENTENCE OF PROBATION OR SUPERVISED RELEASE WHEN REDUCING A SENTENCE OF IMPRISONMENT IN CERTAIN CASES.

Section 3582(c)(1)(A) of title 18, United States Code, is amended by inserting ''(and may impose a sentence of probation or supervised release with or without conditions)'' after ''may reduce the term of imprisonment''.

SEC. 739. EXTENSION OF PAROLE COMMISSION TO DEAL WITH "OLD LAW" PRISONERS.

For the purposes of section 235(b) of Public Law 98–473 as it relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to ''ten years'' or a ''ten-year period'' shall be deemed a reference to ''fifteen years'' or a ''fifteen-year period'', respectively. Notwithstanding the provisions of section 4203 of title 18, United States Code, the United States Parole Commission is authorized to perform its functions with any quorum of Commissioners, or Commissioner, currently holding office, as the Commission may prescribe by regulation.

SEC. 740. CONFORMING AMENDMENTS RELATING TO SUPERVISED RELEASE.

(a) Sections 1512(a)(1)(C), 1512(b)(3), 1512(c)(2), 1513 (a)(1)(B), and 1513 (b)(2) are each amended by striking ''violation of conditions of probation, parole or release pending judicial proceedings'' and inserting ''violation of conditions of probation, supervised release, parole, or release pending judicial proceedings''.

(b) Section 3142 of title 18, United States Code, is amended—

(1) in subsection (d)(1), by inserting '', supervised release,'' after ''probation''; and

(2) in subsection (g)(3), by inserting ''or supervised release'' after ''probation''.

SEC. 741. REPEAL OF OUTMODED PROVISIONS BARRING FEDERAL PROSECUTION OF CERTAIN OFFENSES.

(a) Sections 659 and 2117 of title 18, United States Code, are each amended by striking the first sentence of the last undesignated paragraph;

(b) Sections 660 and 1992 of title 18, United States Code, are each amended by striking the last undesignated paragraph;

(c) Section 2101 of title 18, United States Code, is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively;

(d) Section 80a–36 of title 15, United States Code, is amended by striking the last sentence;

(e) Section 1282 of title 15, United States Code, is repealed.

Subtitle D—Miscellaneous Amendments

SEC. 751. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.

Section 1505 of title 18, United States Code, is amended by inserting ''section 1968 of this title or'' before ''the Antitrust Civil Process Act''.

SEC. 752. ADDITION OF ATTEMPTED THEFT AND COUNTERFEITING OFFENSES TO ELIMINATE GAPS AND INCONSISTENCIES IN COVERAGE.

(a)(1) Section 153 of title 18, United States Code, is amended by inserting '', or attempts so to appropriate, embezzle, spend or transfer,'' before ''any property''.

(2) Section 641 of title 18, United States Code, is amended by striking ''or'' at the end of the first paragraph and by inserting after such paragraph the following: ''Whoever attempts to commit an offense described in the preceding paragraph; or''.

(3) Section 655 of title 18, United States Code, is amended by inserting ''or attempts to steal or so take,'' after ''unlawfully takes,''.

(4) Sections 656 and 657 of title 18, United States Code, are each amended—

(A) by inserting '', or attempts to embezzle, abstract, purloin, or willfully misapply,'' after ''willfully misapplies''; and

(B) by inserting ''or attempted to be embezzled, abstracted, purloined, or misapplied'' after ''misapplied''.

(5) Section 658 of title 18, United States Code, is amended by inserting ''or attempts so to remove, dispose of, or convert,'' before ''any property''.

(6) Section 659 of title 18, United States Code, is amended—

(A) in the first and third paragraphs by inserting ''or attempts to embezzle, steal, or so take or carry away,'' after ''carries away,''; and

(B) in the fourth paragraph by inserting ''or attempts to embezzle, steal, or so take,'' before ''from any railroad car''.

(7) Section 661 of title 18, United States Code, is amended—

(A) by inserting ''or attempts so to take and carry away,'' before ''any personal property''; and

(B) by inserting ''or attempted to be taken'' after ''taken'' each place it appears;

(8) Section 664 of title 18, United States Code, is amended by inserting ''or attempts to embezzle, steal, or so abstract or convert,'' before ''any of the moneys''.

(9) Section 665(a) of title 18, United States Code, is amended—

(A) by inserting '', or attempts to embezzle, so misapply, steal, or obtain by fraud,'' before ''any of the moneys''; and

(B) by inserting ''or attempted to be embezzled, misapplied, stolen, or obtained by fraud'' after ''obtained by fraud''.

(10) Section 666(a)(1)(A) of title 18, United States Code, is amended by inserting ''or attempts to embezzle, steal, obtain by fraud, or so convert or misapply,'' before ''property''.

(11) Section 1025 of title 18, United States Code, is amended—

(A) by inserting ''or attempts to obtain'' after ''obtains''; and

(B) by inserting ''or attempted to be obtained'' after ''obtained''.

(12) Section 1163 of title 18, United States Code, is amended by inserting ''attempts so to embezzle, steal, convert, or misapply,'' after ''willfully misapplies,''.

(13) Sections 1167 (a) and (b) of title 18, United States Code, are each amended by inserting ''or attempts so to abstract, purloin, misapply, or take and carry away,'' before ''any money''.

(14) Sections 1168 (a) and (b) of title 18, United States Code, are each amended by inserting ''or attempts so to embezzle, abstract, purloin, misapply, or take and carry away,'' before ''any moneys,''.

(15) Section 1707 of title 18, United States Code, is amended by inserting '', or attempts to steal, purloin, or embezzle,'' before ''any property'' and by inserting ''or attempts to appropriate'' after ''appropriates''.

(16) Section 1708 of title 18, United States Code, is amended in the second paragraph by inserting ''or attempts to steal, take, or abstract,'' after ''abstracts,'' and by inserting '', or attempts so to obtain,'' after ''obtains''.

(17) Section 1709 of title 18, United States Code is amended—

(A) by inserting ''or attempts to embezzle'' after ''embezzles''; and

(B) by inserting '', or attempts to steal, abstract, or remove,'' after ''removes''.

(18) Section 2113(b) of title 18, United States Code, is amended by inserting ''or attempts so to take and carry away,'' before ''any property'' each place it appears.

(b)(1) Section 477 of title 18, United States Code, is amended by inserting '', or attempts so to sell, give, or deliver,'' before ''any such imprint''.

(2) Section 479 of title 18, United States Code, is amended by inserting ''or attempts to utter or pass,'' after ''passes,''.

(3) Section 490 of title 18, United States Code, is amended by inserting ''attempts to pass, utter, or sell,'' before ''or possesses''.

(4) Section 513(a) of title 18, United States Code, is amended by inserting ''or attempts to utter,'' after ''utters''.

SEC. 753. CLARIFICATION OF SCIENTER REQUIREMENT FOR RECEIVING PROPERTY STOLEN FROM AN INDIAN TRIBAL ORGANIZATION.

Section 1163 of title 18, United States Code, is amended in the second paragraph by striking ''so''.

SEC. 754. LARCENY INVOLVING POST OFFICE BOXES AND POSTAL STAMP VENDING MACHINES.

Section 2115 of title 18, United States Code, is amended—

(1) by striking ''or'' before ''any building'';

(2) by inserting ''or any post office box or postal stamp vending machine within such a building,'' after ''used in whole or in part as a post office,''; and

(3) by inserting ''or in such box or machine,'' after ''so used''.

SEC. 755. CONFORMING AMENDMENT TO LAW PUNISHING OBSTRUCTION OF JUSTICE BY NOTIFICATION OF EXISTENCE OF A SUBPOENA FOR RECORDS IN CERTAIN TYPES OF INVESTIGATIONS.

Section 1510(b)(3)(B) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (i);

(2) by striking the period and inserting ''; or'' at the end of subparagraph (ii); and

(3) by adding the following new subparagraph:

''(iii) the Controlled Substances Act, the Controlled Substances Import and Export Act, or section 60501 of the Internal Revenue Code of 1986.''.

SEC. 756. CLOSING LOOPHOLE IN OFFENSE OF ALTERING OR REMOVING MOTOR VEHICLE IDENTIFICATION NUMBERS.

Section 511(c)(1) of title 18, United States Code, is amended —

(1) by inserting ''(i)'' after ''for purposes of identification''; and

(2) by inserting before the semicolon ''or

''(ii) which can be correlated to a particular motor vehicle or part''.

SEC. 757. APPLICATION OF VARIOUS OFFENSES TO POSSESSIONS AND TERRITORIES.

(a) Sections 241 and 242 of title 18, United States Code, are each amended by striking ''any State, Territory, or District'' and inserting ''any State, Territory, Commonwealth, Possession, or District''.

(b) Sections 793(h)(1) and 794(d)(1) of title 18, United States Code, are each amended by adding at the end the following: ''For the purposes of this subsection, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(c) Section 925(a)(5) of title 18, United States Code, is amended by striking ''For the purpose of paragraphs (3) and (4)'' and inserting ''For the purpose of paragraph (3)''.

(d) Sections 1014 and 2113(g) of title 18, United States Code, are each amended by adding at the end the following: ''The term 'State-chartered credit union' includes a credit union chartered under the laws of a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.''.

(e) Section 1073 of title 18, United States Code, is amended by adding at the end of the first paragraph the following: ''For the purposes of clause (3) of this paragraph, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(f) Section 1715 of title 18, United States Code, is amended by striking ''State, Territory, or District'' each place those words appear and inserting ''State, Territory, Commonwealth, Possession, or District''.

(g) Section 1716 of title 18, United States Code, is amended—

(1) in subsection (g)(2) by striking ''State, Territory, or the District of Columbia'' and inserting ''State'';

(2) in subsection (g)(3) by striking ''the municipal government of the District of Columbia or of the government of any State or territory, or any county, city or other political subdivision of a State'' and inserting ''any State, or any political subdivision of a State''; and

(3) by inserting a new subsection (j), as follows:

''(j) For purposes of this section, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(h) Section 1761 of title 18, United States Code, is amended by adding at the end a new subsection, as follows:

''(d) For the purposes of this section, the term 'State' means a State of the United States and any commonwealth, territory, or possession of the United States.''.

(i) Section 3156(a) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period and inserting ''; and'' at the end of paragraph (4); and

(3) by adding a new paragraph (5), as follows:

''(5) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(j) Section 102(26) of the Controlled Substances Act (21 U.S.C. 802(26)) is amended to read as follows:

''(26) the term 'State' means a State of the United States, the District of Columbia and any commonwealth, territory, or possession of the United States.''.

(k) Section 1121 of title 18, United States Code, is amended by inserting at the end a new subsection (c) as follows:

''(c) For the purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(l) Section 228(d)(2) of title 18, United States Code, is amended by inserting ''commonwealth,'' before ''possession or territory of the United States''.

SEC. 758. ADJUSTING AND MAKING UNIFORM THE DOLLAR AMOUNTS USED IN TITLE 18 TO DISTINGUISH BETWEEN GRADES OF OFFENSES.

(a) Sections 215, 288, 641, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 661, 662, 665, 872, 1003, 1025, 1163, 1361, 1707, 1711, and 2113 of title 18, United States Code, are each amended by striking ''$100'' each place it appears and inserting ''$1,000''.

(b) Section 510 of title 18, United States Code , is amended by striking ''$500'' and inserting ''$1,000''.

(c) Section 1864 of title 18, United States Code, is amended by striking ''$10,000'' and inserting ''$1,000''.

SEC. 759. CONFORMING AMENDMENT CONCERNING MARIJUANA PLANTS.

Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking ''except in the case of 100 or more marihuana plants'' and inserting ''except in the case of 50 or more marihuana plants''.

SEC. 760. ACCESS TO CERTAIN RECORDS.

Section 551 of title 47, United States Code, is amended by adding at the end the following new subsection:

''(i) LIMITED EXCEPTION FOR FEDERAL GRAND JURY PROCEEDING.—Nothing in this section shall apply to any subpoena or court order issued to a cable operator for basic subscriber information in connection with proceedings before a Federal grand jury. A court shall have authority to order a cable operator not to notify the subscriber of the existence of a subpoena or court order to which this subsection is applicable. For purposes of this subsection, the term 'basic subscriber information' means information stating whether or not a person is or was a subscriber and the name and address (past or present) of a subscriber.''

SEC. 761. CLARIFICATION OF INAPPLICABILITY OF 18 U.S.C. 2515 TO CERTAIN DISCLOSURES.

Section 2515 of title 18, United States Code, is amended by adding at the end the following: ''This section shall not apply to the disclosure by the United States, a State, or political subdivision in a criminal trial or hearing or before a grand jury of the contents of a wire or oral communication, or evidence derived therefrom, the interception of which was in violation of section 2511(2)(d) (relating to certain interceptions not under color of law).''.

SEC. 762. CLARIFYING OR CONFORMING AMENDMENTS ARISING FROM THE ENACTMENT OF PUBLIC LAW 103–322.

(a) Section 3286 of title 18, United States Code, is amended by striking ''any offense'' and inserting ''any non-capital offense''.

(b) Section 5032 of title 18, United States Code, is amended by striking ''1111, 1113'' and inserting ''1111, 1112, 1113''.

(c) Section 81 of title 18, United States Code, is amended by striking ''fined under this title or imprisoned not more than five years'' and inserting ''imprisoned not more than twenty years or fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed''.

(d)(1)(A) Chapter 213 of title 18, United States Code, is amended by adding at the end a new section, as follows:

''§ 3294. Arson offenses

''No person shall be prosecuted, tried, or punished for any noncapital offense under sections 81, 844 (f), (h), or (i) of this title unless the indictment is found or the information is instituted within 10 years after the date on which the offense was committed.''

(B) The chapter index for chapter 213 of title 18, United States Code, is amended by inserting at the end the following:

''3294. Arson offenses.''.

(2) Section 844(i) of title 18, United States Code, is amended by striking the last sentence.

(e) Section 704(b)(2) of title 18, United States Code, is amended by striking ''with respect to a Congressional Medal of Honor''.

(f) Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) by striking subsections (g)–(p), (g)(1)–(3), and (r); and

(2) by redesignating subsections (g)(4)–(10) as (f)(1)–(7).

(g) Sections 2261(b)(3) and 2262(b)(3) of title 18, United States Code, are each amended by inserting ''(as defined in section 1365 of this title)'' after ''serious bodily injury''.

(h)(1) Section 2261 of title 18, United States Code, is amended—

(A) in paragraph (a)(1) by striking ''with the intent to injure, harass, or intimidate'' and inserting ''with the intent to kill, injure, harass, or intimidate''; and

(B) in paragraphs (a)(1) and (a)(2) by inserting ''or death'' after ''and thereby causes bodily injury''.

(2) Section 2262 of title 18, United States Code, is amended—

(A) in paragraph (a)(1) by inserting ''or death'' after ''bodily injury''; and

(B) in paragraph (a)(2) by striking ''commits an act that injures'' and inserting ''commits an act that causes bodily injury or death to''.

SEC. 763. TECHNICAL AMENDMENTS.

(a) Section 112 of title 18, United States Code, is amended by striking ''fined not more than $10,000'' and inserting ''fined under this title''.

(b) Sections 152, 153, and 154 of title 18, United States Code, are each amended by striking ''fined not more than $5,000'' and inserting ''fined under this title''.

(c) Section 970 of title 18, United States Code, is amended by striking ''fined not more than $500'' and inserting ''fined under this title''.

(d) Sections 922 (a)(2) and (a)(3) of title 18, United States Code, are each amended by striking ''subsection (B)(3)'' and inserting ''subsection (b)(3)''.

(e) Section 844(h) of title 18, United States Code, is amended—

(1) by striking ''be sentenced to imprisonment for 5 years but not more than 15 years'' and inserting ''be sentenced to imprisonment for a minimum of 5 and a maximum of 15 years''; and

(2) by striking ''be sentenced to imprisonment for 10 years but not more than 25 years'' and inserting ''be sentenced to imprisonment for a minimum of 10 and a maximum of 25 years''.

(f) Section 3582(c)(1)(A)(i) of title 18, United States Code, is amended by inserting ''or'' after the semicolon.

(g) Section 2516(1)(l) of title 18, United States Code, is amended by striking ''or'' after the semicolon.

(h) Section 5032 of title 18, United States Code, is amended by inserting ''or as authorized under section 3401(g) of this title'' after ''shall proceed by information''.

(i) Section 1114 of title 18, United States Code, is amended by striking ''1112.,'' and inserting ''1112,''.

(j) Section 3553(f) of title 18, United States Code, is amended by striking ''section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 961, 963)'' and inserting ''section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 960, 963)''.

(k) Section 1961(1)(D) of title 18, United States Code, is amended by striking ''that title'' and inserting ''this title''.

(l) Section 1510(b)(2)(B) of title 18, United States Code, is amended by striking ''that subpoena'' the first place it appears and inserting ''that subpoena for records''.

(m) Section 3286 of title 18, United States Code, is amended—

(1) by striking ''2331'' and inserting ''2332;

(2) by striking ''2339'' and inserting ''2332a''; and

(3) by striking ''36'' and inserting ''37''.

(n) Section 2339A of title 18, United States Code is amended—

(1) by striking ''2331'' and inserting ''2332;

(2) by striking ''2339'' and inserting ''2332a'';

(3) by striking ''36'' and inserting ''37''; and

(4) by striking ''of an escape'' and inserting ''or an escape''.

(o) Section 2340(1) of title 18, United States Code, is amended by striking ''with custody'' and inserting ''within his or her custody''.

(p) Section 504 of title 18, United States Code, is amended—

(1) in paragraph (2) by striking ''The'' the first place it appears and inserting ''the''; and

(2) in paragraph (3) by striking ''importation, of motion-picture films'' and inserting ''importation of motion-picture films''.

(q) Section 924(a) of title 18, United States Code, is amended by redesignating the second paragraph (5) (relating to violations of section 922(x)) as paragraph (6).

SEC. 764. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SUMMARY OF PROPOSED ANTI-CRIME BILL—JANUARY 4, 1995

This is a summary of the major provisions of S. 3, the proposed Senate crime bill. The bill eliminates the ''pork'' contained in the 1994 Crime Bill, and restores to States the responsibility for local crime prevention measures by ensuring that local law enforcement agencies, not Washington bureaucrats, direct the use of federal law enforcement grants. The bill sets mandatory sentences for certain violent crimes, and authorizes additional funds for building prisons and for hiring and training policy officers. The bill also makes significant revisions in federal criminal procedure, including: a reform of habeas corpus law so that convicted criminals cannot abuse the appeals process, an assurance that relevant evidence will not be withheld from juries, and a criminal penalty for knowingly filing a pleading in federal criminal cases that contains material misstatements of law or fact. A section by section summary of the bill's major provisions is set forth below.

Should you have questions about the bill not answered by this summary, please call Mike O'Neill or Mike Kennedy of the Judiciary Committee Staff.

TITLE I—INCARCERATION OF VIOLET CRIMINALS

This title increases prison construction funding and provides limits for prisoner litigation.

SEC. 101. Prison Construction And Truth In Sentencing Grants.

This section amends the Violent Offender Incarceration and Truth in Sentencing Incentive Grants provisions of the Violent Crime Control and Law Enforcement Act of 1994 (1994 Crime Bill) (Title II, Subtitle A) by increasing the amount authorized for prison grants to states and ensuring that these grants will be used for the construction and operation of brick-and-mortar prisons. The bill removes conditions requiring the states to adopt specified corrections plans in order to qualify for the federal funds. It also increases the amount each qualifying state is guaranteed to receive and ensures that the grants will be distributed on a formula basis.

Authorized funding for prison grants is increased by approximately $1 billion over the levels authorized in the 1994 Crime Bill.

SEC. 102. Repeal.

This section repeals Subtitle B of title II of the 1994 Crime Bill, which authorized $150 million in discretionary grants for alternate sanctions for criminal juveniles.

SEC. 103. Civil Rights Of Institutionalized Persons.

This section improves upon the meager modifications made in the 1994 Crime Bill to the Civil Rights of Institutionalized Persons Act by adopting provisions passed last year by our House colleagues. These provisions remove the limits on a court's ability to stay prisoner litigation while administrative remedies are being exhausted, allow the courts to dismiss frivolous suits sua sponte, remove the requirement in current law that inmates participate in the formulation of the grievance procedures, and require inmates with assets to pay filing fees.

SEC. 104. Report On Prison Work Progress.

This section directs the Department of Justice to make recommendations for changing existing law so that more federal prisoners may be employed without adversely affecting the private sector or labor.

SEC. 105. Drug Treatment For Prisoners

This section repeals the sentence reduction ''incentive'' for federal prisoners who participate in prison drug treatment programs under the Substance Abuse Treatment in Federal Prisons section of the 1994 Crime Bill.

TITLE II—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

This title provides block grants to the states to hire and train police officers and to develop new crime fighting technologies.

SEC. 201. Block Grant Program.

This section modifies the Public Safety Partnership and Community Policing Act of 1994 (Title I of the 1994 Crime Bill) and the policing grants provisions of the 1994 Crime Bill.

The 1994 provision is reformulated as the Law Enforcement Assistance Block Grants Act of 1995, which provides grants to state and local law enforcement agencies.

Grants under the program would be made to the states explicitly for the hiring and training of officers or the establishment and upgrading of technologies used to detect crime. States would be permitted to save the grant money disbursed in any given grant year in a trust fund for these purposes in years after the federal grant program ends.

Grants would be allocated to the states on a formula basis. For each grant year, each state would receive a base allocation of 0.6% of appropriated funds. The remaining appropriations will be allocated on the basis of state population as determined by the 1990 decennial census, as adjusted annually.

The total amount of the grants authorized would be increased approximately $1 billion over the levels authorized in the 1994 Crime Bill.

TITLE III—FEDERAL EMERGENCY LAW ENFORCEMENT ASSISTANCE ACT

SEC. 301. Federal Judiciary And Federal Law Enforcement.

This section amends title XIX of the 1994 Crime Bill by increasing appropriations for the Federal Bureau of Investigation and the United States Attorneys, while at the same time maintaining the funding levels established by the 1994 Crime Bill for the Federal Judiciary, the Department of Justice, and the Treasury Department.

SEC. 302. Drug Enforcement Administration.

This section amends section 180104 of the 1994 Crime Bill by increasing funding for the Drug Enforcement Administration.

TITLE IV—CRIMINAL PENALTIES

This title strengthens the penalties for several federal offenses. Most of these provisions passed the Senate as a part of its 1993 crime bill but were not included in the enacted 1994 Crime Bill.

SEC. 401. Serious Juvenile Crimes as Armed Career Criminal Act Predicates.

This section would make serious juvenile offenses predicate crimes under the Armed Career Criminal Act, permitting the court to subject juvenile repeat offenders to stricter sentences.

SEC. 402. Prosecution of Juveniles as Adults.

This section repeals the 1994 Crime Bill's weak provisions on trying serious juvenile criminals as adults and enacts similar provisions to those passed as a part of the Senate's 1993 Crime Bill. Under these provisions, the list of offenses for which juveniles may be prosecuted as adults is expanded to include drug conspiracies and importation, firearms transportation, firearms trafficking, and related conspiracies. The 1994 Crime Bill included only firearms offenses.

This section also enacts the Moseley-Braun provision from the Senate's 1993 bill, with a slight modification. Under this provision, any minor age 13 or older who is accused of certain serious offenses under federal law (murder, attempted murder, armed robbery, assault with intent to murder, aggravated sexual assault) must be tried as an adult in federal court. The juvenile could petition the court for resentencing upon attaining age 16. Unlike the 1993 provision, there is no requirement that the offender be armed with a firearm during certain offenses in order to qualify for mandatory adult prosecution.

SEC. 403. Availability Of Fines And Supervised Release For Juvenile Offenders.

This section makes a technical correction in the law, permitting courts to impose fines or conditions of supervised release on juveniles.

SEC. 404. Amendments Concerning Juvenile Records.

This section strengthens provisions permitting the FBI to create an identification record for juveniles who are convicted of committing a crime that, if committed by an adult, would be deemed a serious felony.

SEC. 405. Mandatory Minimum Prison Sentences For Persons Who Use Minors In Drug Trafficking Activities Or Sell Drugs To Minors.

This section establishes stiff mandatory minimum penalties of 10 years for a first offense and life imprisonment for a second offense for adults who employ minors in the distribution, sale, or manufacturing of drugs, or who sell drugs to minors.

SEC. 406. Mandatory Minimum Sentence Reform.

This section would prospectively replace the overly-broad ''reform'' of mandatory minimum sentences contained in the 1994 Crime Bill with the narrower approach needed to insure that such sentences are justly imposed. The provision is the same as that proposed by Republicans during the debate on the 1994 Crime Bill conference report.

In particular, defendants would not be excused from mandatory minimum sentencing requirements if they had one or more criminal history points, were involved in an offense that resulted in the death or serious injury of a victim, carried a firearm, owned the drugs, or financed any part of the drug deal.

SEC. 407. Increased Mandatory Minimum Sentences For Criminals Using Firearms.

This section increases the penalties for using or carrying a firearm during the commission of a crime by imprisonment for not less than 10 years, or, if the firearm is discharged, for not less than 20 years, or if the death of a person results, bepunished by death or by incarceration for not less than life.

SEC. 408. Arson Penalties.

This section increases the maximum penalties and fines for arson and increases the statute of limitations from 7 to 10 years.

SEC. 409. Interstate Travel Or Use Of Mails Or A Facility In Interstate Commerce To Further Kidnapping.

This section enables federal prosecution of Kidnapping cases where the perpetrators do

not transport the victim across state lines, but use interstate facilities during the commission of the crime.

TITLE V—FEDERAL CRIMINAL PROCEDURE REFORM

This title reforms certain aspects of criminal procedure. It establishes greater protection for witnesses and jurors; enacts meaningful habeas corpus reform; limits the exclusionary rule while at the same time providing better remedies for innocent citizens whose Fourth Amendment rights are violated; and permits the admission of voluntary confessions even when defense counsel is not present during the confession. This title further clarifies the obligations of attorneys practicing criminal law in federal court.

SEC. 501. Obstruction Of Justice.

This section makes it an obstruction of justice for an attorney to file in federal court any pleading in a criminal case that the filer knows to contain a false statement of material fact or law.

SEC. 502. Conduct of Federal Prosecutors.

This section establishes that the Attorney General has sole authority to promulgate the rules governing the conduct of federal prosecutors in federal court, notwithstanding the ethical rules or rules of the court adopted by any state.

SEC. 503. Fairness in Jury Selection.

This section amends Federal Rule of Criminal Procedure 24(b) by equalizing the number of peremptory challenges afforded the prosecution and defense (6 strikes per side). It preserves the 6 (prosecution) 10 (defense) split in trails involving two or more joined defendants.

SEC. 504. Balance In The Composition Of Rules Committees.

This section gives equal representation to prosecutors and the defense bar on the various rules committees of the Judicial Conference. Currently, prosecutors are underrepresented on these committees.

SEC. 505. Reimbursement of Reasonable Attorney's Fees.

This section permits the reimbursement of reasonable attorney's fees for current or former Department of Justice employees or federal public defenders who are subject to criminal investigation arising out of acts performed in the discharge of their duties.

SEC. 506. Mandatory Restitution To Victims Of Violent Crime.

Amends 18 U.S.C. 3663 by mandating federal judges to enter orders requiring defendants to provide restitution to the victims of their crimes.

SEC. 507. Admissibility of Certain Evidence.

This section clarifies and strengthens 18 U.S.C. 3501 by requiring a criminal defendant to prove, by a preponderance of the evidence, that a confession obtained by police officers was involuntary. If the defendant is unable to meet that burden, a voluntary confession will be admitted in court.

Section 507 also eliminates the exclusionary rule as it pertains to the Fourth Amendment and provides a tort remedy for those whose Fourth Amendment rights have been violated by an unreasonable search or seizure.

SEC. 508–510. General Habeas Corpus Reform.

This section incorporates reforms to curb the abuse of the statutory writ of habeas corpus, and to address the acute problems of unnecessary delay and abuse in capital cases. It sets a one year limitation on an application for a habeas writ and revises the procedures for consideration of a writ in federal court. It provides for the exhaustion of state remedies and bars habeas review of claims that have fully and fairly adjudicated in state court.

The revision in capital habeas practice also sets a time limit within which the district court must act on a writ, and provides the government with the right to seek a writ of mandamus if the district court refuses to act within the allotted time period. Successive petitions must be approved by a panel of the court of appeals and are limited to those petitions that contain newly discovered evidence that would seriously undermine the jury's verdict or that involve new constitutional rights that have been retroactively applied by the Supreme Court.

In capital cases, procedures are established for the appointment of counsel, conduct of evidentiary hearings, and the application of the procedures to state unitary review systems. Courts are directed to give habeas petitions in capital cases priority status and to decide those petitions within specified time periods.

TITLE VI—PREVENTION OF TERRORISM

This title strengthens the penalties for those engaged in terrorist acts.

Sec. 601. Willful Violation of Federal Aviation Administration Regulations

This section imposes criminal penalties for willful violations of FAA security regulations.

Sec. 602. Assaults, Murders, And Threats Against Former Federal Officials In Performance Of Official Duties

This section permits prosecution of assaults, murders, and threats made against former government officials arising from the discharge of their official duties while employed by the government.

Sec. 603. Wiretap Authority For Alien Smuggling And Related Offenses And Inclusion Of Alien Smuggling As A RICO Predicate

This section expands authority for issuing wiretaps to encompass alien smuggling offenses and includes alien smuggling as a RICO predicate crime.

Sec. 604. Authorization For Interceptions Of Communications In Certain Terrorism Related Offenses

This section authorizes the interception of communications in certain, limited, terrorism cases, including the wrecking of trains, providing material support to terrorists, and engaging in terrorist acts at airports.

Sec. 605. Participation Of Foreign And State Government Personnel In Interceptions Of Communications

This section permits the participation of state law enforcement officials and officials of foreign law enforcement agencies in intercepting communications.

Sec. 606. Disclosure Of Intercepted Communications To Foreign Law Enforcement Agencies

This section permits, under certain, limited circumstances, disclosure of intercepted communications to cooperating foreign law enforcement agencies.

Sec. 607. Alien Terrorist Removal

This section would ensure, through the use of a limited *ex parte* procedure, that the United States can expeditiously deport alien terrorists without disclosing national security secrets to them and their criminal partners.

Sec. 608. Territorial Sea

This section codifies the extension of United States territorial sea, as defined by a 1988 Presidential Proclamation. This area would then be included within the special maritime and territorial jurisdiction of the U.S. This section also adopts non-conflicting state law in the territorial sea.

Sec. 609. Clarification And Extension Of Criminal Jurisdiction Over Certain Terrorism Offenses Overseas

This section extends the United States' criminal jurisdiction over certain terrorism crimes committed overseas.

Sec. 610. Federal Aviation Reporting Responsibility

This section requires the Federal Aviation Administration to notify the Justice Department when it discovers large sums of cash and/or drugs during an inspection.

Sec. 611. Information Transfer

This section permits the Immigration and Naturalization Service to release certain confidential information on individual aliens for law enforcement purposes.

Sec. 612. Extradition

This section permits the Attorney General to extradite persons who are not U.S. citizens, nationals, or permanent residents to countries with which the United States does not have an extradition treaty.

Sec. 613. Federal Bureau Of Investigation Report

This section requires the FBI to investigate and report back to Congress on the effectiveness of a federal law prohibitingcontributions to terrorist organizations or their ''front'' groups in the United States.

SEC. 614. Increased Penalties for Terrorism Crimes.

This section increases penalties for a series of federal crimes, including amending the law against maiming and disfiguring to include torture and punishing an attempt to violate this section by up to $10,000 and/or 10 years, and adds protection to armed services personnel.

SEC. 615. Criminal Offenses Committed Outside The United States By Persons Accompanying The Armed Forces.

This section permits the removal for prosecution in the United States of criminal cases involving non-military persons who are accompanying the Armed Forces when they commit crimes overseas which are not prosecuted in the host country's courts.

TITLE VII—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—*Elimination of Certain Programs.*

SEC. 701. Elimination Of Ineffective Programs.

This section repeals the most 1994 Crime Bill's wasteful social spending, including subtitles A through S and subtitles U and X of Title III of the 1994 Crime Bill, and Title V of the 1994 Crime Bill. The provisions of the 1994 Bill relating to Substance Abuse Treatment in Federal Prisons, the Prevention, Diagnosis, and Treatment of Tuberculosis in Correctional Institutions, and the Violence Against Women Act are unaffected by this section.

Subtitle B—*Amendment Relating to Violent Crime Control.*

SEC. 711. Violent Crime and Drug Emergency Areas Repeal.

This section repeals the Violent Crime and Drug Emergency Areas Act in the 1994 Crime Bill (Section 90107). The repealed provision permits the President to designate an area a violent crime or drug emergency area, and to detail federal law enforcement personnel to assist state and local officials.

SEC. 712. Expansion of 18 U.S.C. 1959 To Cover Commission Of All Violent Crimes in Aid of Racketeering Activity And Increased Penalties.

This section closes loopholes in 18 U.S.C. 1959, the law punishing violent crimes in aid of racketeering. The amendment also increases the maximum penalties for certain

violations (e.g., kidnapping, conspiring to commit murder), and clarifies the definition of ''serious bodily injury.''

SEC. 713. Investigation Of Serial Killings.

This section authorizes the Federal Bureau of Investigation, at the request of state authorities, to participate in the identification and apprehension of serial killers.

SEC. 714. Firearms and Explosives Conspiracy.

This section amends the firearms and explosives chapter of Title 18 to provide generally that a conspiracy to commit a firearms or explosives offense in punishable by the same maximum term as that applicable to the substantive offense that was the object of the conspiracy.

SEC. 715. Increased Penalties For Violence In The Course Of Riot Offenses.

This section strengthens the federal anti-riot statute, 18 U.S.C. 2101, by increasing the penalties when death or serious bodily injury results from the defendant's actions in violation of the statute.

SEC. 716. Pretrial Detention For Possession Of Firearms or Explosives by Convicted Felons.

Clarifies law that permits pretrial detention for certain offenses to include those involving firearms or explosives.

SEC. 717. Elimination Of Unjustified Scienter Element For Carjacking.

Eliminates scienter requirement in 18 U.S.C. 2119, the so-called carjacking statute.

SEC. 718. Theft Of Vessels.

Defines ''vessel'' as watercraft for purposes of 18 U.S.C. 2311, 2312, 2323, and criminalizes the theft of such a ''vessel.''

SEC. 719. Clarification of Agreement Requirement For RICO Conspiracy.

Technical amendment that explains that government need not prove that RICO defendant personally agreed to commit any criminal racketeering acts.

SEC. 720. Addition Of Attempt Coverage For Interstate Domestic Violence Coverage.

Creates ''attempts'' crime in interstate domestic abuse cases.

SEC. 721. Addition Of Foreign Murder As A Money Laundering Precedent.

Adds murder as a money laundering predicate act.

SEC. 722. Assaults Or Other Crimes Of Violence For Hire.

Includes serious assaults in the ''murder for hire'' statute, 18 U.S.C. 2332.

SEC. 723. Threatening To Use A Weapon Of Mass Destruction.

Criminalizes a threat to use a weapon of mass destruction.

SEC. 724. Technical Amendments.

Amends section 60002 of the 1994 Crime Bill to eliminate State participation in carrying out a Federal sentence of death and directing that death sentences be carried out at appropriate Federal facilities.

Subtitle C—Amendments Relating To Courts And Sentencing.

SEC. 731. Allowing A Reduction Of Sentence For Providing Useful Information Although Not Regarding A Particular Individual

Permits a reduction in a sentence if the defendant provides substantial assistance in the investigation of ''any offense,'' rather than only allowing reductions when the defendant provides information in the investigation of ''another person.''

SECS. 732–733. These sections permit the Government to appeal from certain dismissals and eliminate the outmoded requirement that the Government obtain a certificate to appeal.

SEC. 734. Clarifies meaning of ''official detention'' for purposes of crediting a defendant for prior custody. Excludes credit given for detention at ''community-based treatment or correctional facilit[ies].''

SEC. 735. Limitation On Reduction Of Sentence For Substantial Assistance Of Defendant.

Requires that a court may order a reduction in the defendant's sentence for substantial assistance only when the Government requests such a reduction.

SEC. 736. Improvement Of Hate Crimes Sentencing Procedure.

Requires the sentencing judge, as opposed to the jury, to determine the facts relating to the ''hate crimes'' enhancement.

SEC. 737. Clarification Of Length Of Supervised Release Terms In Controlled Substance Cases.

Technical amendment that clarifies the length of supervised release terms in controlled substance cases. Resolves conflict among the courts of appeals to make clear that the limits of 18 U.S.C. 3583 do not control the longer supervised release terms provided in 18 U.S.C. 841.

SEC. 738. This section confers authority on courts to impose a sentence of supervised release on a prisoner who is released because of ''extraordinary and compelling reasons'' (e.g., suffering from a terminal illness) pursuant to 18 U.S.C. 3582(c)(1)(A).

SEC. 739. Temporarily extends Parole Commission beyond its presently scheduled expiration date of November 1, 1997, to deal with prisoners sentenced before the Sentencing Guidelines became effective.

SEC. 740. Conforming Amendments Relating To Supervised Release.

Technical amendments that conform certain statutes with the new supervised release scheme.

SEC. 741. Repeals outmoded provisions that bar Federal prosecution of certain offenses.

Subtitle D—Miscellaneous Amendments.

SEC. 751. Technical conforming amendment to obstruction of civil investigative demand statute.

SEC. 752. Addition Of Attempted Theft And Counterfeiting Offenses To Eliminate Gaps And Inconsistencies In Coverage.

Creates attempt crimes for embezzlement, uttering, and counterfeiting offenses.

SEC. 753. Technical amendment that clarifies scienter element for receiving property stolen from Indian tribal organizations.

SEC. 754. Larceny Involving Post Office Boxes And Postal Stamp Vending Machines.

Amends 18 U.S.C. 2115 to cover vandalism committed against postal vending machines and boxes not located on postal service property.

SEC. 755. Technical amendment that conforms law punishing obstruction of justice by notification of a subpoena for records in certain types of investigations.

SEC. 756. This section closes a loophole in the offense of altering or removing a motor vehicle identification number by protecting against the alteration of any number inscribed on a car that can be used to identify a particular vehicle or part.

SEC. 757. Application of Various Offenses To Possessions And Territories.

A number of federal statutes are ambiguous as to their coverage of crimes occurring in the territories, possessions, and commonwealths of the United States because they contain references to ''state'' law without any indication of whether they apply to territories or other non-state entities. This section merely clarifies the application of certain federal criminal statutes to territories, possessions, and commonwealths.

SEC. 758. This section adjusts and makes uniform the dollar amounts used in Title 18 to distinguish between grades of offenses. It also adjusts certain dollar amounts to account for inflation.

SEC. 759. This section corrects an inconsistency in the penalties relating to marijuana plants that exists between 21 U.S.C. 841(b) and 21 U.S.C. 960(b). The amendment follows the recommendation of the United States Sentencing Commission in that in cases involving 50 or more marijuana plants, each plant is treated as the equivalent of one kilogram of processed marijuana.

SEC. 760. Access to Certain Records.

This amendment to the cable television subscriber law brings that statute into conformity with all other federal customer privacy provisions, by recognizing an exception for information sought pursuant to a federal grant jury subpoena or a court order relating to a grand jury proceeding.

SEC. 761. Clarification Of Inapplicability of 18 U.S.C. 2515 To Certain Disclosures.

This section makes a carefully limited exception to 18 U.S.C. 2515, the statutory exclusionary rule for Title III of the Omnibus Crime Control and Safe Streets Act of 1968, so as to exempt situations in which private persons, not acting for any government authority, illegally recorded a communication, but the recording later lawfully comes into the possession of the government. This section permits the government to use such recordings at trial.

SEC. 762–763. These sections include conforming amendments related to the enactment of the 1994 Crime Bill and certain other technical amendments.

SEC. 764. A standard severability provision that applies to the entire act.

Mr. HATCH. Mr. President, I thank my friend from Kansas, the distinguished majority leader, for his kind words. I am pleased to join him in introducing S. 3, the Violent Crime Control and Law Enforcement Improvement Act of 1995. We have worked hard together to craft a bill that will give the American people the tough anti-crime legislation they deserve.

The people of Utah and across our Nation understand that the best crime prevention program is to ensure the swift apprehension of criminals and their certain and lengthy imprisonment. Congress can do better than the legislation it passed last year.

Our Nation's violent crime problem continues to be the top concern of the American people and rightly so. The crime clock is still ticking, and is ticking faster for violent crimes. In 1992, on average, a violent crime was committed every 22 seconds. According to the Uniform Crime Reports recently published by the FBI in 1993 a violent crime was committed every 16 seconds.

The latest data demonstrate that our violent crime crisis continues to worsen. According to the FBI, the murder rate in the United States increased 2.2 percent in 1993. And, for the first time, a murder victim was more likely to be killed by a stranger than by an acquaintance or a family member. (Crime

in the United States 1993, Uniform Crime Reports.)

The FBI also reports that there were 104,806 rapes in the United States reported in 1993. And while that is a slight decrease from the previous year, this number is still a 5 percent increase since 1989. (Crime in the United States 1993, Uniform Crime Reports.)

Additionally, the National Crime Victimization Survey, which is published by the Bureau of Justice Statistics and includes crimes not reported to the police, found that crimes of violence increased 4.5 percent in 1993, including a staggering 10.2 percent rise in aggravated assault and a 12.2 percent jump in attempted assaults with a weapon. (National Crime Victimization Survey, Table of Selected Data, BJS, October 1994.)

Moreover, this is not a crisis that affects only our Nation's urban centers. Indeed, some of the most rapid increases in crime are occurring in the Intermountain West, which includes my State of Utah. Overall, the Intermountain West experienced a 7.5 percent increase in violent crimes, and a 4.7 percent increase in the number of violent crimes per 100,000 persons in 1993 according to the FBI. Figures for Utah are nearly as grim. Our violent crime rate in Utah jumped 6.3 percent in 1993, and the rate per 100,000 persons jumped 3.6 percent. (Crime in the United States 1993, Uniform Crime Reports.) So while our population is rising, violent crime is rising even faster.

Thus, the specter of violent crime haunts the lives of most Americans and dramatically affects the way in which we live. Concern for personal safety and fear of violent crime cuts across racial and socioeconomic lines. In fact, violent crime disproportionately affects minorities and the poor. African-Americans are far more likely to be victims of crime than are many other Americans; in 1992 African-Americans suffered violent crime victimizations at a rate of 110.8 per 1,000 population, compared to 88.7 per 1,000 whites. (Source: BJS Bulletin, Criminal Victimization 1992)

It is a national tragedy that homicide is now the leading cause of death for African-America males aged 15 to 34. And low-income households are victimized by crime at almost twice the rate of more affluent households.

A responsible approach to the crime problem that includes sentencing reforms, increased funds for police and prisons, and changes in Federal criminal procedure, will provide the greatest benefits to the greatest number in our society.

This body has spent countless hours on this issue. Yet the result of those efforts, the 1994 crime bill, fell far short of what the American peole deserve. That bill wasted billions on duplicative social spending programs, devoted insufficient resources to the needed emergency build-up in prison space, created an unwieldy grant program which will fall far short of its stated goal of actually placing 100,000 additional State and local police officers on our streets, and failed to enact tough penalties for Federal violent and drug crimes.

Now the American people expect us begin the task anew, and battle crime with a program that holds criminals responsible for their acts and that begins to help State and local governments repair the rips in our social fabric that have contributed to our crime crisis.

The bill we introduce today has four primary objectives:

Increasing prison and law enforcement grants to the States to assist their efforts to deter and apprehend violent criminals, and to ensure that, when a criminal defendant is convicted, appropriate sentences are imposed and served;

Removing the wasteful social spending included in the 1994 crime bill and redirecting the funds to prison construction and Federal, State and local law enforcement, thus enabling our States and local communities to implement crime control strategies free from the interference of Washington bureaucrats;

Enhancing Federal criminal penalties to appropriate levels for terrorism and other crimes where the Federal Government has a significant legitimate prosecutorial role; and

Reforming habeas corpus procedures, the exclusionary rule, and other Federal criminal procedures to restore fairness and balance to the Federal criminal justice process.

To accomplish these objectives, our bill first increases the amount authorized for prison grants to States and ensures that these grants will be used for the construction and operation of brick-and-mortar prisons. The bill removes conditions requiring the States to adopt specified corrections plans in order to qualify for the Federal funds.

It also improves upon the reforms already made to reduce the flood of frivolous lawsuits by prisoners by adopting provisions passed last year by our House colleagues. These provisions remove the limits on a court's ability to stay prisoner litigation while administrative remedies are being exhausted, allow the courts to dismiss frivolous suits sua sponte, remove the requirement in current law that inmates participate in the formulation of the grievance procedures, and require inmates with assets to pay filing fees.

Second, our legislation reforms the policing grants included in the 1994 bill to make the program more responsive to the needs of our State and local governments.

Most independent estimates of the probable effect of the Community Policing grant program established in the 1994 crime bill conclude that it will fall far short of actually placing on the street the 100,000 new State and local police officers claimed by the provision's supporters. Moreover, it is open to serious question whether those who will be hired under the grants will be additional officers, or whether they will merely make up for natural attrition in our Nation's local police forces.

For these reasons, I believe that the Community Policing grant program is flawed. Under our legislation the program would be improved to give the States more flexibility in spending the funds. States could use those funds for hiring and training police officers or establishing and upgrading crime laboratories or exploring new crime-fighting technologies.

Unlike the grant program presently in place, there would be no matching requirement or per-officer spending cap, providing States and communities with the needed flexibility to hire and train the number of officers required to meet local needs. State and local governments are in the best position to assess their crime fighting needs. The Federal Government should therefore get out of their way and provide them with the flexibility to spend funds effectively to combat crime.

Third, our bill enhances the resources of our Federal law enforcement agencies. While much of the Nation's war on crime is fought at the State and local level, the Federal Government has a significant role to play. It is critical that Federal law enforcement agencies be provided with the resources to fulfill their duty to the American people.

For this reason, our bill includes authorization for critically needed funding for Federal law enforcement above what was authorized in the 1994 crime bill. This will ensure the ability of Federal law enforcement agencies to carry out their mission.

Fourth, this bill eliminates the wasteful social programs passed in the 1994 crime bill. These programs would have wasted billions of dollars on duplicative, top-down spending programs without reducing violent crime. Having Washington bureaucrats impose untested programs on the States would do little to prevent crime.

A portion of the funding authorized by these programs is redirected to prison grants, law enforcement block grants, and Federal law enforcement.

Fifth, our bill also includes several tough Federal criminal penalties either omitted from or weakened in the 1994 crime bill. For instance, it includes the provisions requiring tough mandatory minimum sentences for Federal crimes committed with a firearm and for the sale of drugs to minors or the use of a minor in the commission of a drug crime.

Our bill also replaces the overly broad reform of mandatory minimum sentences with an approach that will ensure the just imposition of those sentences. Thus, while providing less leeway to judges to avoid imposing minimum mandatory sentences than the 1994 crime bill, it allows such discretion where it is merited. The truly

first-time, nonviolent, low-level offender deserving of some measure of leniency will be treated more justly under our legislation, without providing a windfall to career drug dealers. I should note that our provision was overwhelmingly supported by the Senate in the last Congress.

Our legislation would also enact several other Federal criminal penalties which the Senate passed as a part of its 1993 crime bill but which were not included in the enacted 1994 crime bill. Among these provisions are the inclusion of serious juvenile drug offenses as predicate crimes under the Armed Career Criminal Act and the adult prosecution of serious juvenile offenders in appropriate Federal cases.

Sixth, our legislation would enact long-needed reforms to the Federal criminal justice system. Chief among these is a reform of habeas corpus procedures to ensure that lawful sentences of death are not perpetually delayed by endless, meritless appeals, while at the same time safeguarding the legitimate rights of defendants to ensure that the death penalty is not unjustly imposed.

Additionally, our bill would enact reforms to ensure the admissibility of certain evidence. Confessions voluntarily made will be admitted regardless of irrelevant surrounding circumstances. The present exclusionary rule will be eliminated and replaced with a tort remedy to protect the rights of law-abiding persons. Under this proposal, evidence discovered and seized by officers acting in good faith that their actions comported with the requirements of the fourth amendment will be admitted in court.

At the same time, our exclusionary rule reform will also provide new remedies for redress by innocent persons whose fourth amendment rights are violated. Those whose rights are violated by Federal law enforcement officers will have expanded rights to sue the offending agency for damages. Our reform will thus create the necessary disincentive contemplated by the fourth amendment for lawless searches without providing guilty defendants the windfall of the exclusion of relevant evidence. These reforms are critical if we are to prevent our cherished liberties from further devolving into merely a cynical shield for the guilty to avoid just punishment.

The legislation also includes provisions for obstruction of justice penalties for attorneys who knowingly file false statements in court in criminal proceedings, and to equalize, except in cases in which defendants are tried jointly, the number of peremptory challenges available to each side in a criminal case.

We also include in our bill provisions for restitution to victims of Federal crimes to insure that crime victims receive the restitution they are due from those who have preyed on them.

Seventh, our bill addresses the threat of terrorism against our people. Our bill incorporates most of the antiterrorism provisions of the 1993 Senate crime bill that were stricken during conference, including the Terrorist Alien Removal Act, and criminal penalties for the willful violation of regulations for the safety of civil aviation. Additionally, our bill updates and strengthens criminal penalties for engaging in certain violent terrorist acts.

Finally, our bill includes numerous miscellaneous and technical provisions to strengthen and clarify existing Federal law.

With this legislation, we have an opportunity to fulfill our commitment to the American people in a way which respects the competencies and powers of the State and Federal spheres of Government. Additionally, we are committed to ensuring that this legislation does not increase the Federal deficit. We believe that our bill provides the American people the crime control legislation they demand and deserve. I urge the support of my colleagues for this important legislation.

By Mr. DOLE (for himself, Mr. MCCAIN, Mr. COATS, Mr. KYL, Mr. HELMS, Mr. MURKOWSKI, Mr. ASHCROFT, Mr. BOND, Mr. GRAMS, AND MR. GRAMM):

S.4. A bill to grant the power to the President to reduce budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days to report or be charged.

THE LEGISLATIVE LINE-ITEM VETO ACT OF 1995

Mr. DOLE. Mr. President, I rise today to introduce legislation designed to give President Clinton the same tool to control spending that 41 Governors now enjoy. I am talking about the line-item veto.

Republicans have supported giving the President the line-item veto for years. During the 1980's, opponents of the line-item veto used to say that Republicans supported it only because the President happened to be a Republican at that time.

By introducing this bill as Senate bill No. 4, and making adoption of a legislative line-item veto a top priority for the 104th Congress, we hope to dispel that myth once and for all. We believe that any President of the United States, as Chief Executive, should be given more power over Federal spending.

This legislation would give the President the authority to rescind any combination of line items in an appropriations bill. The President's rescission proposal would take effect until a two-thirds majority in both Houses of Congress votes to overturn the President's decision.

Mr. President, several of our colleagues have worked long and hard on this issue. The distinguished Senator from Indiana [Senator COATS] and the distinguished Senator from Arizona [Senator MCCAIN] have worked tirelessly in support of this legislation for years. Each time the Senate has voted on the line-item veto, we have been able to garner a few more votes.

This may well be the year that we finally get the job done. I am pleased to report that the distinguished Chairman of the Budget Committee, Senator DOMENICI, has agreed to schedule a committee hearing and a mark-up on line-item veto legislation later this month. My hope is that working with the members of that committee—Democrat and Republican—Chairman DOMENICI will be able to get legislation adopted in committee and to the Senator floor that can serve as the blueprint for line-item veto legislation that can be approved by the full Senate, adopted in both Houses of Congress, and signed into law by the President this year.

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. 4

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 ''Legislative Line Item Veto Act of 1995.''

SEC. 2. ENHANCEMENT OF SPENDING CONTROL BY THE PRESIDENT.

The Impoundment Control Act of 1974 is amended by adding at the end thereof the following new title:

''TITLE XI—LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY

''PART A—LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY

''GRANT OF AUTHORITY AND CONDITIONS

''SEC. 1101. (a) IN GENERAL.—Notwithstanding the provisions of part B of title X and subject to the provisions of part B of this title, the President may rescind all or part of any budget authority, if the President—

''(1) determines that—

''(A) such rescission would help balance the Federal budget, reduce the Federal budget deficit, or reduce the public debt;

''(B) such rescission will not impair any essential Government functions; and

''(C) such rescission will not harm the national interest; and

''(2)(A) notifies the Congress of such rescission by a special message not later than 20 calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriations Act or a joint resolution making continuing appropriations providing such budget authority; or

''(B) notifies the Congress of such rescission by special message accompanying the submission of the President's budget to Congress and such rescissions have not been proposed previously for that fiscal year.

The President shall submit a separate rescission message for each appropriations bill under paragraph (2)(A).

''(b) RESCISSION EFFECTIVE UNLESS DISAPPROVED.—(1)(A) Any amount of budget authority rescinded under this title as set forth in a special message by the President shall be deemed canceled unless during the period described in subparagraph (B), a rescission disapproved bill making available all of the amount rescinded is enacted into law.

''(B) The period referred to in subparagraph (A) is—

''(i) a Congressional review period of 20 calendar days of session under part B, during which Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;

''(ii) after the period provided in clause (i), an additional 10 days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

''(iii) if the President vetoes the rescission disapproval bill during the period provided in clause (ii), an additional 5 calendar days of session after the date of the veto.

''(2) If a special message is transmitted by the President under this section during any Congress and the last session of such Congress adjourns sine die before the expiration of the period described in paragraph (1)(B), the rescission shall not take effect. The message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in paragraph (1)(B) (with respect to such message) shall run beginning after such first day.

''DEFINITIONS

''SEC. 1102. For purposes of this title the term 'rescission disapproval bill' means a bill or joint resolution which only disapproves a rescission of budget authority, in whole, rescinded in a special message transmitted by the President under section 1101.

''PART B—CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE ITEM VETO RESCISSIONS

''PRESIDENTIAL SPECIAL MESSAGE

''SEC. 1111. Whenever the President rescinds any budget authority as provided in section 1101, the President shall transmit to both Houses of Congress a special message specifying—

''(1) the amount of budget authority rescinded;

''(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

''(3) the reasons and justifications for the determination to rescind budget authority pursuant to section 1101(a)(1);

''(4) to the maximum extend practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

''(5) all facts, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

''TRANSMISSION OF MESSAGES; PUBLICATION

''SEC. 1112. (a) DELIVERY TO HOUSE AND SENATE.—Each special message transmitted under sections 1101 and 1111 shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

''(b) PRINTING IN FEDERAL REGISTER.—Any special message transmitted under sections 1101 and 1111 shall be printed in the first issue of the Federal Register published after such transmittal.

''PROCEDURE IN SENATE

''SEC. 1113. (a) REFERRAL.—(1) Any rescission disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

''(2) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this section.

''(b) Floor Consideration in the Senate.—

''(1) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(2) Debate in the Senate on any debatable motion or appeal in connection with such a bill shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

''(3) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 1, not counting any day on which the Senate is not in session) is not in order.

''(c) POINT OF ORDER.—(1) it shall not be in order in the Senate or the House of Representatives to consider any rescission disapproval bill that relates to any matter other than the rescission of budget authority transmitted by the President under section 1101.

''(2) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission disapproval bill.

''(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.''.

Mr. MCCAIN. Mr. President, I am pleased to join Majority Leader DOLE, Senator COATS, and many others in introducing the Legislative Line-Item Veto of 1995.

Mr. President, this is the same bill that I have sponsored for the last 8 years. However, I would like to describe the bill again at this time. The bill would do:

(1) It gives the President the power to identify, up to 20 days after an appropriations bill is sent to the President for his signature, items of spending within that bill that are wasteful, and to notify Congress that the President is eliminating or reducing the funds for those items.

(2) The President may veto—or in other words freeze—part or all of the funds for programs deemed wasteful.

(3) Such items are called enhanced rescissions or more commonly referred to as line-item vetoes.

(4) The Congress is required to overturn these line-item vetoes with simply majority votes in the House and Senate within 20 days or they automatically become effective.

(5) If the Congress disagrees with the President, it may pass a rescission disapproval bill.

(6) The President then has the opportunity to veto the rescission disapproval bill. In that case, the veto may be overridden by a two-thirds vote of the House and Senate.

(7) This bill would also allow the President a second chance to eliminate wasteful pork-barrel spending by allowing him to submit such enhanced rescissions with the budget submission at the beginning of the year. This second shot at proposing rescission ensures that the President has the opportunity to strike at pork-barrel spending that may not be obvious during the first rescission period.

Mr. President, this bill would not: allow the President to rescind money for entitlement like Social Security, Medicaid, or food stamps.

The bill amends part B of title X of the Impoundment Control Act of 1974. It does not amend part A of title X of the Impoundment Control Act of 1974. The language from part A of title X is retained. It specifies that:

> Nothing contained in this Act, or in any amendment made by this Act, shall be construed as * * * superseding any provision of law which requires the obligation of budget appropriation or the making of outlays thereunder.''

This language from part A of title X ensures that the President cannot rescind funds for entitlement.

THE GROWING PROBLEM OF PORK-BARREL POLITICS AND THE BUDGET

Mr. President, pork-barrel politics is nothing new. However, the Congress' addiction to pork has grown to obscene proportions. Something must be done and something must be done now.

For too long the Congress has addressed this issue by maintaining the status quo. In the meantime, our addiction was growing and growing.

And Mr. President, while we are ''getting our pork fix'' our children are being raised in a Nation that may soon have no choice but to go cold turkey. But Mr. President, it is not pork alone that is cause this problem. Pork is only one small part of the illness.

The disease that plagues us is our budget and spending habits.

If we continue funding carelessly and recklessly ignore budgetary constraints and economic realities—if we continue to ignore this problem—we risk our Nation's future.

Mr. President, let us review the facts regarding our Nation's fiscal health.

The Federal debt is approaching $4 trillion.

The cost of interest on that debt is now almost $200 billion a year. That is more money than the Federal Government will spend on education, science, law enforcement, transportation, food stamps, and welfare combined.

The Federal budget deficit set a record of $290 billion in 1992.

By 2003, the deficit is expected to leap to a staggering $653 billion and will have reached its largest fraction of gross domestic product in more than 50 years.

Mr. President, we must act to restore budgetary restraint in the Congress. An analysis of the past shows that after each of the last major budget deals, the deficit in fact increased, spending increased, and taxes increased. We must avoid this cycle.

If we are to avoid a repeat of the Carter and Bush years, we must work toward real budgetary reform that truly curbs spending. This is a considerable undertaking that will involve asking all, including many powerful coalitions, that they will have no choice but to do more with less. The control of the Nation's purse will become even more fierce if we instituted budgetary reform and limit spending.

One aspect of this is to give the President the line-item veto.

RECOGNIZING THE CONGRESS' DISEASE

Mr. President, if we are to take control of the budget process we must move bravely forward and be prepared to make many difficult choices.

Now is the time to rise above petty politics and turf wars. We must put institutional pride aside. And most importantly, we must put the local-specific needs of each of our constituents aside and look at the Nation as a whole. Now, Mr. President, is the time for statesmen.

We must reinstitute budgetary restraint and take firm action to control spending. This will involve implementing specific strategies and standing behind a commitment to decrease spending—no matter what the political climate. This will involve accepting one set of budgetary goals and not allowing them to float or be adjusted.

Mr. President, one glaring example of this lack of backbone is the now altered Gramm-Rudman-Hollings deficit targets. The Congress had sought when it passed the Gramm-Rudman-Hollings Act to impose mandatory spending caps on the Congress. During recent years, however, these fixed budget targets have become significantly relaxed.

Mr. President, when push came to shove, the Congress allowed these ceilings to be altered. Due to the pressure of Gramm-Rudman-Hollings on the Congress to curtail its spending, the Congress curtailed Gramm-Rudman-Hollings. As a result, the 1990 Budget Act was passed and new higher targets were established.

Now, 4 years into that agreement, deficits and spending are being allowed to spiral out of control without penalty. The outlook for the future looks even worse: massive cuts in defense, huge tax increases, and an increase in domestic spending. The problem of the deficit, although often mentioned in high political rhetoric, is not addressed and allowed to grow.

THE LINE-ITEM VETO AS PART OF THE SOLUTION: PROCESS REFORM

The only solution to our budgetary problems and our profligate spending habits is substantial process reform. One key aspect of that process reform must be the line-item veto. Mr. President for those who say there is no need for the line-item veto, I implore you to open your eyes to the facts. Like all addicts, we are afraid to admit our own problem.

But others have recognized our problems.

Ross Perot on Good Morning America stated:

> * * * There's every reason to believe that if you give the Congress more money, it's like giving a friend who's trying to stop drinking a liquor store. The point is they will spend it. They will not use it to pay down the debt. If you don't get a balanced budget amendment, if you don't get a line-item veto for the president, we might as well take this money out to the edge of town and burn it, because it'll be thrown away.

Governor Clinton on Larry King Live:

> We ought to have a line-item veto.

Candidate Bill Clinton in Putting People First:

> Line-Item Veto. To eliminate pork-barrel projects and cut government waste, I will ask Congress to give me the line-item veto.

President Bill Clinton in his Inaugural Address:

> Americans deserve better * * * so that power and privilege no longer shout down the voice of the people. Let us put aside personal advantage so that we can feel the pain and see the promise of America. Let us give this Capitol back to the people to whom it belongs.

According to the CATO Institute, December 9, 1992, Policy Analysis:

> Ninety-two percent of the governors believe that a line-item veto for the President would help restrain federal spending. Eighty-eight percent of the Democratic respondents believe the line-item veto would be useful.
>
> America's governors and former governors have a unique perspective on budget reform issues. Most of them have had practical experience with the line-item veto and balanced budget requirement in their states. The fact that most governors have found those budget tools useful in restraining deficits and unnecessary government spending suggests that they may be worth instituting on the federal level.

Additionally from the CATO Institute Study:

Keith Miller (R), former Governor, AK:

> The line-item veto is a useful tool that a governor can use on occasion to eliminate blatantly ''pork barrel'' expenditures that can strain a budget. At the same time he must answer to the voters if he or she uses the veto irresponsibly. It is a certain restraint on the legislative branch.

Michael Dukakis (D), former Governor, MA:

> The line item veto is helpful in stopping efforts to add riders and other extraneous amendments to the budget bill.

L. Douglas Wilder (D), Governor, VA:

> To the detriment of the federal process, the President is not held accountable for a balanced budget. Congress takes control over budget development with its budget resolution, after which, the President may only approve or veto 13 appropriations bills. Without the line item veto the President has minimal flexibility to manage the federal budget after it is passed.

S. Ernest Vandiver (D), former Governor, GA:

> Tremendous tool for saving money.

Ronald Reagan (R), former Governor, CA, former President:

> When I was governor in California, the governor had the line-item veto, and so you could veto parts of a bill. The President can't do that. I think, frankly—of course, I'm prejudiced—government would be far better off if the President had the right of line-item veto.

The U.S. Chamber of Commerce:

> supports the McCain bill or similar legislation providing for line item veto/enhanced rescission authority, as a means of curbing excessive and wasteful government spending, to provide for better prioritization of scarce resources, and to encourage deficit reduction without tax increases.

THE GREATER THREAT OF INACTION

Mr. President, many have characterized this legislation as a dangerous ploy, not as a true budgetary reform. This is not accurate and does not take into account the greater picture of the dangers presented by our out of control budget process.

What is dangerous is what is happening to the effective administration of the American Government. Pork-barrel spending is threatening our national security and consuming resources that could better be spent on tax cuts, deficit reduction, or health care.

I do not make the charge that pork-barrel spending is threatening our national security without a great deal of consideration. After last year's defense appropriation bill, it is unfortunately clear how dangerous pork-barrel spending can be to our national security. It should now be clear how urgent the need for the line-item veto is.

At a time when thousands of men and women who volunteered toserve their country have to leave military service because of changing priorities and declining defense budgets, we nonetheless are able to find money for $6.3 billion of pork in the defense appropriation bill. At a time when we need to restructure our forces and manpower to meet our post-cold war military needs, we squandered $6.3 billion of pointless projects with no military value like engines that will never by used, military museums, studies of military stress on families, military physical fitness centers, and even supercomputers. This $6.3 billion of pork is impairing our national security and harming our society.

Mr. President, every Congressman or Senator wants to get projects for his or her district. It is an institutional problem. I am not a saint. There are no saints in the City of Satan, but I am trying. I am trying to change a system that has failed. I am trying to make a difference. I am not here to cast aspersions on other Senators who secured pork-barrel projects for their States. I am not here to start a partisan fight.

I am here trying to reform Congress. It is a Congress that has piled up $3.7 trillion in debt. It is a Congress that is responsible for a $400 billion deficit this year. It is a Congress that has miserably failed the American people. It is an institution that desperately needs reform.

Anyone who feels that the system does not need reform need only examine the trend in level of our public debt. As I have stated in my analysis of the most recent budget plans, the deficit has continued to grow and spending continues to increase. In 1960, the Federal debt held by the public was $236.8 billion. In 1970, it was $283.2 billion. In 1980, it was $709.3 billion. In 1990, it was $3.2 trillion, and it is expected to surpass $4 trillion this year.

My colleagues may ask: Why is the line-item veto so important?

Because a President with a line-item veto could held stop the waste. Because a President with a line-item veto could play an active role in ensuring that valuable taxpayer dollars are spent effectively to meet our national security needs, our infrastructure needs, and other social needs without pointless pork-barrel spending.

According to a recent General Accounting Office [GAO] study, $70 billion could have been saved between 1984 and 1989, if the President had a line-item veto.

It is important because it can help reduce the deficit. It can change the way Washington operates. Mr. President, we cannot turn a blind eye to unnecessary spending when we cannot meet the needs of our service men and women. We cannot tolerate this kind of waste when Americans all over this country are experiencing economic hardship and uncertainty.

We cannot ignore the line-item veto, when it is self-evident how effective it could be in reducing the deficit. We cannot ignore any method of saving the taxpayer's hard-earned money.

The $6.3 billion of pork in the defense appropriation bill is not an insignificant sum. $6.3 billion would pay for the personnel and operating costs of 19,000 enlisted personnel in the Air Force for 1 year. It would pay for the operating costs of up to 16 carrier battle groups for 1 year. It would pay for the operating costs of eight to nine fully armored army divisions. It would pay for the operating costs of 14 to 15 light infantry divisions for 1 year. It would pay for the total operation of the soon to be closed Williams Air Force Base in Arizona for 50 years.

The American public deserves better than business as usual. As their elected representatives we have an obligation to end the practice of pork-barrel spending.

RETURN TO THE VIEWS OF THE FOUNDING FATHER AND THE CONSTITUTION

Mr. President, let me remind my colleagues that a President empowered with a veto is the system designed by the Founding Fathers. It was not considered a threat to our republican form of government by the Framers of the Constitution.

This bill in no way alters or violates any of the principles of the Constitution. It preserves wholly the right of the Congress to control our Nation's purse strings—a trust the Congress has often violated. This legislation, however does further the concept of checks and balances which is the heart of our divided government.

The veto was designed by the Founding Fathers to ensure that the President had some authority to reign over an unruly legislature. As grade schools learn, the veto is an important aspect of the Constitution. At the same time, these school children learn that the Congress has the right to override the President. This bill does nothing more than embrace that Constitutional tenet.

On the subject of the veto, according to Alexander Hamilton in ''Federalist No. 73'' the views of the Founding Fathers on executive veto power are as follows:

> It [the veto] not only serves as a shield to the executive, but it furnishes an additional security against the inaction of improper laws. It establishes a salutary check upon the legislative body, calculated to guard the community against the effects of faction, precipitancy, or any impulse unfriendly to the public good, which may happen to influence a majority of that body.

Given Congress' predilection for unfunded and/or pork barrel spending, omnibus spending bills, and continuing resolutions, it would seem only prudent and constitutional to provide the President with functional veto power.

The President must have more than the option of vetoing a spending bill and shutting down Government or simply submitting to congressional coercion.

Mr. President, let me emphasize that this bill is also known as enhanced rescission power. The Congress is not transferring power. We are proposing an end to business as usual. The taxpayer needs protection.

Furthermore, this strictly defined and limited line-item veto will not fundamentally upset the balance of power between the executive and legislative branches. And, it is consistent with the values expressed in our Federation Constitution.

Mr. President, criticism of the line-item veto has not stopped with the unfounded charge of upsetting the delicate balance of power between the President and Congress. Opponents claim that it would give the President the power to coerce the Congress. That is not true.

This measure in no way tips the checks and balance system so carefully crafted into the Constitution. The President is given very limited power by this bill. It is limited to appropriation bills and only for a limited time after their passage. Congress is guaranteed the opportunity to quickly overturn the President's rescissions. Opponents may hide behind the charge of coercion, but Congress would not submit to presidential extortion. They would expose the President's coercion, and overturn any offensive rescission.

Charges that the President would abuse this power are also misleading and unfounded.

Again, I will rely upon Alexander Hamilton, who posed this question to his contemporaries in ''Federalist No. 73'':

> If a magistrate so powerful and so well fortified as a British monarch would have scruples about the exercise of the power under consideration, how much greater caution may be reasonably expected in a President of the United States, clothed for the short period of four years with the executive authority of government wholly and purely republican?''

To summarize, this legislation will merely require the Congress to recognize the President's rescissions, and help reduce wasteful spending. It is not a means for Presidential abuse, but a means to end congressional abuse. It will give the President limited power in controlling spending and reducing the deficit. It should be self-evident to all Senators that controlling spending is something that the Congress is completely unable to do. I bring to the Senate's attention the $3.7 trillionpublic debt as irrefutable proof of our inability to control spending.

PRESIDENTIAL POWER USED TO IMPLEMENT BUDGETARY REFORM

This inability to control spending was aggravated in 1974 by the Budget Control and Impoundment Act. If opponents of the line-item veto are in search of a dangerous transfer of political power, they can end their search with that power grab by Congress.

Specifically, the Budget Control and Impoundment Act of 1974 weakened executive power by allowing the Congress the legal option of ignoring the spending cuts recommended by the President through simple inaction.

Since 1974, the Congress' attitude toward Presidential rescission has become one of near total neglect.

For example, President Ford proposed 150 rescissions, and Congress ignored 97. President Carter proposed 132 rescission, and Congress ignored 38. President Reagan proposed 601 recissions, and Congress ignored 384. President Bush has proposed 47 rescissions, and Congress ignored 45.

If the Congress had accepted the 564 Presidential rescissions that it has ignored since 1974, $40.4 billion would have been saved. This is not a trivial sum to a taxpayer, even if it is to a hardened Washington veteran.

The practice of ignoring Presidential rescissions is in contrast to the practice prior to the power grab by Congress in 1974.

Presidents Truman, Eisenhower, Kennedy, Johnson, and Nixon all impounded funds that Congress had appropriated for line-item projects. In the most telling example of Presidential impoundment as a means of controlling spending, President Johnson impounded $5.3 billion for many of his Great Society programs during the Vietnam war to quell inflation.

These modern Presidents were not alone in their exercise of rescission power. In 1801, President Jefferson refused to spend $50,000 on gunboats as

appropriated by Congress. He, of course, had good reason. When the gunboats were appropriated, a war with Spain was considered imminent. The war never materialized, and the threat posed by Spain ebbed. Circumstances changed, and Jefferson thought it was within his power to eliminate this unnecessary spending.

The money for gunboats was not spent, and money was not appropriated in 1802 for the gunboats.

Clearly, the Union did not fall because the President refused to waste taxpayers' money.

Until 1974, our Presidents had the power to decide whether appropriated moneys should be spent or not.

Thus, whether through rescission, impoundment, or deferral, the executive branch had a significant role in spending control prior to the Budget Control and Impoundment Act of 1974.

Again, Alexander Hamilton in ''Federalist No. 73'' sheds light on the role of executive veto power in our system of checks and balances:

> When men, engaged in unjustifiable pursuits, are aware that obstructions may come from a quarter which they cannot control, they will often be restrained by the apprehension of opposition from doing what they would with eagerness rush into if no such external impediments were to be feared. ''Those opposed to this amendment should consider that pithy statement, and question whether they may be simply defending ''unjustifiable pursuits'' like bovine flatulence studies, Abraham Lincoln Research and Interpretative Centers, unauthorized spending, or projects that ''demonstrate methods of eliminating traffic congestions.

Let me return to the broader picture of process reform. Many opponents claim that a President with line-item veto authority would not have any real ability to balance the budget or even significantly reduce the deficit. I will make no claims that this bill is the answer to all our budgetary problems.

As I earlier stated, the line-item veto is only one of many needed tools in our efforts to win the war. With roughly 1 trillion of entitlement spending in a budget of $1.5 trillion, it is clear that a line-item veto won't be the tool that solves all of our fiscal difficulties. Only a Congress with a political will not characteristic of recent Congress' will be able to balance the budget.

But, a President dedicated to restraining Federal spending could use line-item veto power as an effective toll to reduce Government spending and move closer to a balanced budget than we are today.

The GAO study makes my point. A President with line-item veto authority could have saved the American taxpayer $70 billion since 1974.

A determined President may not be able to balance the budget—only the voters can ultimately control Congress—but a determined President could make substantial progress toward real spending reduction.

A President with line-item veto authority could have played an active role in deficit reduction, and could have mitigated some of the fiscal dilemma our Nation now faces.

As we continue to face enormous budget deficits and annually search for ways to reduce spending, it seems self-evident that there is a place in our budget process for a President empowered with a line-item veto to provide the needed discipline to eliminate waste. With our public debt expected to approach $3.9 trillion this year and our Gross Domestic Product or roughly $5.7 trillion, it is obvious that our debt may soon surpass our output.

With that in mind, I hope the Senate would consider the following quote by a prescient figure in the Scottish Enlightenment, Alexander Tytler. He stated:

> A democracy cannot exist as a permanent form of government. It can exist only until a majority of voters discover that they can vote themselves largesse out of the public treasury. From that moment on, the majority always votes for the candidate who promises them the most benefit from the public treasury, with the result being that democracy always collapses over a loose fiscal policy.

If our debt surpasses our output, I fear that our democracy may just collapse over loose fiscal policy.

Mr. President, we must recognize our responsibility to change as the times dictate. We have sought to remedy what ails the budget process in the past. As I have sought to do here, it is time we re-examine that history. And Mr. President, I am convinced that a real examination of that history reveals that if we are to get our fiscal house in order we must change the process.

It is not an embarrassment to do so. And to do so should not be interpreted by anyone as a method to affix blame for our current deficit. As the President stated at his State of the Union Address, there is plenty of blame to go around. Now is the time to start anew. Now is the time to throw out games and gimmicks and embrace truth in budgeting. Now is the time to accept the facts as they are, and move forward. Now is the time to play straight with the process and fix it where we can fix it, embrace the positive aspects, and throw out those aspects of the process which are not serving us well.

This bill represents progress and change. The only threat it represents is to the power of the Appropriations Committee. On the other hand, inaction on budget process reform represents a threat to American democracy. I ask my colleagues to carefully weigh these threats before as they consider this their position.

Lastly, let me emphasize again that this legislation is not radical, extreme, or dangerous. For nearly 200 years our Nation's Presidents had some form of impoundment or line-item veto power. For nearly 20 years now this power has been out of balance.

I give credit to those who tried to change the system. I give credit to those who believe passionately on this issue and will was eloquently on the Senate floor on this subject. I believe their efforts were well intended, but all the arguments cannot hide the fatal flaw that the system as it now exists is not functioning properly. History now tells us it is time to change again and give the President the authority that 43 Governors possess. It is time to give the President the line-item veto.

This bill is only a small step, but one in the right direction. I urge my colleagues to support this measure.

By Mr. DOLE (for himself, Mr. HELMS, Mr. THURMOND, Mr. COHEN, Mr. WARNER, Mrs. HUTCHISON, Mr. MCCAIN, Mr. LOTT, Mr. NICKLES, and Mr. MACK):

S. 5. A bill to clarify the war powers of Congress and the President in the post-cold war period; to the Committee on Foreign Relations.

THE PEACE POWERS ACT OF 1995

Mr. DOLE. Mr. President, today I am pleased to stand with Senators HELMS, THURMOND, HATCH, COHEN, WARNER, HUTCHISON, MCCAIN, LOTT, and NICKLES to introduce the Peace Powers Act of 1995.

Twenty-two years ago, I voted for S. 440, the War Powers Act of 1973. The act passed 72–18. Only 2 of those 18 Senators are serving in the 104th Congress: The chairman of the Foreign Relations Committee, Senator HELMS, and the chairman of the Armed Services Committee, Senator THURMOND. The conference report later passed, and President Nixon's veto was overridden. On each of those votes, I was in the majority while Senator HELMS and Senator THURMOND were in the minority. After two decades, I now admit they were right, and I was wrong.

Today, on the first day of the 104th Congress, I am introducing legislation to repeal the War Powers Resolution. War Powers was an admirable effort. It was enacted in the aftermath of a divisive war. It was an attempt to prevent more ''Vietnams.'' But the War Powers Resolution did not end division between the executive and legislative branch—it provided a focus for such division and may have actually increased disputes between the branches. In my view, the focus was unhealthy: automatic termination of American troop deployments if Congress did not act. Congress spent hours debating ''imminent hostilities'' and other definitional matters—rather than the important policy issues relating to war and peace.

I have always believed that Congress has an important and central role in the decisions of war and peace. I believe any President should work to get Congress behind decisions to use force as early as possible. That's what President Bush did in 1991 before the war in the Persian Gulf.

S. 5 repeals the War Powers Act. S. 5 adds back into law the War Powers provisions on consultation and reporting, provisions which have worked reasonable well. When an American President

acts in defense of American interests, the President should have all the flexibility provided in the Constitution—not be subject to an automatic withdrawal ''trigger'' or a 60-day time clock.

S. 5 also addresses another aspect of the U.S. involvement in the post-cold war world: U.N. peacekeeping. S. 5 imposes significant new limits on peacekeeping policies which have jeopardized American interests, squandered resources—and cost lives. S. 5 limits the placing of American troops under foreign command. S. 5 also requires U.N. assessments for peacekeeping be reduced by the mount spent by the Department of Defense in direct or indirect support of peacekeeping activities. This addresses the absurd situation where the United States spends billions on Somalia, for example, and then receives a bill from the United Nations for millions more—as an assessment for our share of peacekeeping.

S. 5 addresses the out of control deficit voting which has occurred in the United Nations. S. 5 requires the administration to tell Congress how it will pay for peacekeeping operations before they vote for such operations and incur any obligation. S. 5 also makes clear that no resources can be committed in New York which have not been appropriated by Congress. The Congress is a little tired of being told we owe arrearages which the administration has made no efforts to finance. S. 5 says if you cannot pay for it, don't vote for it. Finally, S. 5 reaffirms Congress' commitment to the reduction of the U.S. assessment for U.N. peacekeeping to 25 percent—even if the United Nations tries to change U.S. interest or penalties.

S. 5 will be the subject of many hearings—in Foreign Relations, in Armed Services, and perhaps in other committees. Maybe certain provisions can be improved in the course of our review. I ask that a summary of the provisions of S. 5 be printed in the RECORD at the conclusion of my remarks.

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

S. 5

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 ''Peace Powers Act of 1995''.

SEC. 2. REPEAL OF THE WAR POWERS RESOLUTION.

(a) WAR POWERS RESOLUTION.—The War Powers Resolution (Public Law 95–148; 50 U.S.C. 1541 et seq.) is repealed.

(b) CONFORMING REPEAL.—Section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a) is hereby repealed.

SEC. 3. CONSULTATION.

The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

SEC. 4. REPORTING.

(a) INITIAL REPORTS.—In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) into the territory, airspace, or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or

(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(b) ADDITIONAL INFORMATION.—The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(c) PERIODIC REPORTS.—Whenever United States Armed Forces are introduced into hostilities or into any situation described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation, report to the Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congress less often than once every 6 months.

SEC. 5. LIMITATION ON PLACEMENT OF UNITED STATES ARMED FORCES UNDER FOREIGN COMMAND FOR A UNITED NATIONS PEACEKEEPING ACTIVITY.

Section 6 of the United Nations Participation Act (22 U.S.C. 287d) is amended to read as follows:

''SEC. 6. (a) Any special agreement or agreements negotiated by the President with the Security Council providing for the numbers and types of United States Armed Forces, their degree of readiness and general locations, or the nature of facilities and assistance, including rights of passage, to be made available to the Security Council for the purpose of maintaining international peace and security in accordance with Article 43 of the United Nations Charter, shall be subject to the approval of the Congress by Act or joint resolution.

''(b) The President may not subordinate to the command or operational control of any foreign national any element of the United States Armed Forces participating in any United Nations peacekeeping activity unless—

''(1) the President satisfies the requirements of subsection (c); or

''(2) the Congress enacts an Act or joint resolution specifically authorizing such subordination.

''(c)(1) The requirements referred to in subsection (b)(1) are that the President submit to the designated congressional committees (at the time specified in paragraph (2) of this subsection) the following documents:

''(A) A determination by the President that—

''(i) the proposed subordination of United States Armed Forces to foreign command is in the national security interest of the United States;

''(ii) the unit commanders of the United States Armed Forces proposed for subordination to the command of foreign nationals will at all times retain the ability to report independently to higher United States military authorities;

''(iii) the United States will retain authority to withdraw the United States Armed Forces from the United Nations peacekeeping activity at any time and to take action it considers necessary to protect those forces if they are endangered; and

''(iv) the United States Armed Forces subordinated to the command of foreign nationals will at all times remain under United States administrative command for such purposes as discipline and evaluation.

''(B) The justification for the determination made pursuant to subparagraph (A)(i).

''(C) A memorandum of legal points and authorities explaining why the proposed foreign command arrangement does not violate the Constitution.

''(2) The documents described in paragraph (1) shall be submitted to the appropriate congressional committees not less than 15 days before any element of the United States Armed Forces is subordinated to the command and control of a foreign national, except that if the President determines that an emergency exists which prevents compliance with the requirement that notice be provided 15 days in advance, those documents shall be submitted in a timely manner but no later than 48 hours after such subordination.

''(d) For purposes of this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on National Security, the Committee on Appropriations, and the Committee on International Relations of the House of Representatives; and

''(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.''.

SEC. 6. REDUCTION OF UNITED NATIONS ASSESSMENTS TO THE UNITED STATES FOR PEACEKEEPING OPERATIONS.

(a) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the appropriate committees of Congress a report on the total amount of funds appropriated for national defense purposes for any fiscal year after fiscal year 1995 that were expended during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall include a breakdown by United Nations peacekeeping operation of the amount of funds expended to support or participate in each such operation.

(b) LIMITATION.—In each fiscal year beginning with fiscal year 1996, funds may be obligated or expended for payment to the United Nations of the United States assessed share of peacekeeping operations for that fiscal year only to the extent that such assessed share exceeds the total amount identified in the report submitted pursuant to subsection (a) for the preceding fiscal year, reduced by the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping activities for that fiscal year.

(c) DEFINITIONS.—As used in this section:

(1) The term ''United Nations peacekeeping activities'' means any international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the United Nations Charter.

(2) The term ''appropriate committees of Congress'' means—

(A) the Committee on National Security, the Committee on Appropriations, and the Committee on International Relations of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 7. PRIOR CONGRESSIONAL NOTIFICATION OF SECURITY COUNCIL VOTES ON UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

''(e) NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.—(1) Except as provided in paragraph (2), at least 15 days before any vote in the Security Council to authorize any United Nations peacekeeping activity or any other action under the Charter of the United Nations (including any extension, modification, suspension, or termination of any previously authorized United Nations peacekeeping activity or other action) which would involve the use of United States Armed Forces or the expenditure of United States funds, the President shall submit to the designated congressional committees a notification with respect to the proposed action. The notification shall include the following:

''(A) A cost assessment of such action (including the total estimated cost and the United States share of such cost).

''(B) Identification of the source of funding for the United States share of the costs of the action (whether in an annual budget request, reprogramming notification, a rescission of funds, a budget amendment, or a supplemental budget request).

''(2)(A) If the President determines that an emergency exists which prevents submission of the 15-day advance notification specified in paragraph (1) and that the proposed action is in the national security interests of the United States, the notification described in paragraph (1) shall be provided in a timely manner but no later than 48 hours after the vote by the Security Council.

''(B) Determinations made under subparagraph (A) may not be delegated.

''(f) ADVERSE PERSONNEL ACTIONS AND CRIMINAL PENALTIES.—Any officer or employee of the United States Government who knowingly and willfully obligates or expends United States funds to carry out any Security Council action described in subsection (e) without the requirements of that subsection having been met shall be subject to the same adverse personnel actions and criminal penalties as are described in sections 1349 and 1350, respectively, of title 31, United States Code (originally enacted in the Anti-Deficiency Act).''.

SEC. 8. AVAILABILITY OF APPROPRIATIONS.

Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 2876), as amended by section 7, is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) AVAILABILITY OF APPROPRIATIONS.—(1) The authority to obligate United States funds to carry out any action pursuant to a United Nations Security Council resolution under chapter VI or VII of the United Nations Charter may be exercised only to the extent and in the amounts provided in appropriation Acts.

''(2) The President, acting through the United States Permanent Representative to the United Nations, should advise the Security Council of the requirement of this section on each occasion when the United States supports a Security Council resolution that may result in United States assessed contributions to the United Nations exceeding amounts currently available to be obligated for that purpose.''.

SEC. 9. LIMITATION ON ASSESSMENT PERCENTAGE FOR PEACEKEEPING ACTIVITIES.

Section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by adding at the end the following new sentence: ''Any penalties, interest, or other charges imposed on the United States in connection with such contributions shall be credited as a part of the percentage limitation contained in the preceding sentence.''.

S. 5, THE PEACE POWERS ACT OF 1995—JANUARY 4, 1995

Repeals War Powers Resolution of 1973 in its entirety (section 2).

Consultation provisions added back: in advance in ''every possible instance'' and ''regularly'' while deployment underway (section 3, old section 3 of War Powers)

Reporting provisions added back: reports ''within 48 hours'' of deployments (section 4, old section 4 of War Powers).

Withdrawal triggers, ''time clocks'' and expedited procedures are gone (old sections 5–8 of War Powers, and a post-Chadha reference)

Strict limitation on placement of U.S. troops under foreign command for U.N. peacekeeping operations (section 5). Provides for presidential determination to allow placing troops under foreign command (to address constitutional concerns).

Mandatory credit for Defense Department spending (section 6) requires U.N. assessments be reduced by the amount DoD spent in direct or indirect support of U.N. peacekeeping activities.

Mandatory identification of funding before votes to establish, extend or expand peacekeeping operations (section 7) improves on current law which requires only a cost assessment but allows ''deficit voting.'' Section 8 also requires the President to make any determination to waive the advance notice, and adds penalties from the Anti Deficiency Act to votes not in accordance with this section.

Requires notice that U.S. resource commitments are subject to Congressional appropriations (section 8), places the U.N. on notice that the U.S. cannot commit funds which are not yet appropriated (parallel to legislation governing international financial institutions)

Reaffirms congressional mandate to reduce U.S. peacekeeping assessment to 25% (section 9), despite United Nations' plans to add late fees, penalties, etc.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BREAUX, Ms. MIKULSKI, Mr. REID, Mr. ROCKEFELLER, Mr. DODD, Mr. KERRY, Mr. DORGAN, and Ms. MOSELEY-BRAUN):

S. 6. A bill to replace certain Federal job training programs by developing a training account system to provide individuals the opportunity to choose the type of training and employment-related services that most closely meet the needs of such individuals, and for other purposes; to the Committee on Labor and Human Resources.

WORKING AMERICANS OPPORTUNITY ACT

Mr. DASCHLE. 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. 6

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Working Americans Opportunity Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—JOB TRAINING ACCOUNT SYSTEM

Sec. 101. Establishment.
Sec. 102. Individual choice.
Sec. 103. Eligibility.
Sec. 104. Obtaining a voucher.
Sec. 105. Oversight and accountability.
Sec. 106. Eligibility requirements for providers of job training.
Sec. 107. Eligibility requirements for providers of employment-related services.
Sec. 108. Evaluation of training account system and assistance centers.
Sec. 109. Apportionment of funds.

TITLE II—ELIMINATION OF FEDERAL JOB TRAINING PROGRAMS

Sec. 201. Elimination of programs.
Sec. 202. Authorization of appropriations.

TITLE III—INFORMATION FOR BETTER CHOICES

Sec. 301. Assistance centers.
Sec. 302. Access to labor market information.
Sec. 303. Direct loans to working Americans.

TITLE IV—REPORTS AND PLANS

Sec. 401. Consolidation and streamlining.
Sec. 402. Report relating to income support.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) increasing international competition, technological advances, and structural changes in the economy of the United States present new challenges to private firms and public policymakers in creating a skilled workforce with the ability to adapt to change and progress;

(2) a substantial number of Americans lose jobs due to the constantly changing world and national economies rather than cyclical downturns, with more than 2,000,000 full-time workers permanently displaced annually due to plant closures, production cutbacks, and layoffs;

(3) the current response of the Federal Government to dislocation and structural employment is a patchwork of categorical programs, with varying eligibility requirements and different sets of services and benefits;

(4) the lack of coherence among existing Federal programs creates administrative and regulatory obstacles that hamper the efforts of individuals who are seeking new jobs or reemployment;

(5) enacted in 1944, the Servicemen's Readjustment Act of 1944, popularly known as the GI Bill of Rights, helped millions of World War II veterans, and later, Korean and Vietnam War veterans, finance college educations and assisted in building the middle class of the United States;

(6) restructuring the current job training system, with respect to dislocated and disadvantaged workers, in a manner that is

conceptually similar to the GI Bill will help millions of Americans to become more competitive in today's dynamic world economy in which most Americans—

(A) can expect to move to new jobs a number of times, voluntarily or by layoff; and

(B) must upgrade their skills continuously;

(7) success in this ever-changing environment depends, in part, on an individual's effective management of the individual's career based on personal choice and reliable information;

(8) there is insufficient market information and assistance regarding access to job training opportunities that lead to good employment opportunities;

(9) only a small fraction of individuals eligible for current Federal job training are now served, and by removing obstacles and layers of administrative costs, more funds will be made available to individuals to enable such individuals to receive the training of their choice; and

(10) while the Federal Government proceeds to create a new marketplace for job training, the Federal Government must also maintain its commitment to providing intensive services to assist those individuals who are economically disadvantaged.

(b) PURPOSES.—It is the purpose of this Act to—

(1) enhance the choices available to dislocated workers, and the economically disadvantaged, who want to upgrade their work skills and learn new skills to compete in a changing economy;

(2) enable individuals to make choices that are best for the careers of such individuals;

(3) replace a number of Federal job training programs and employment-related services with a simple and direct training account voucher system that relies on individual choice and provides high-quality job market information;

(4) allow an individual to tailor training and education to the personal needs of such individual so that such individual may remain in long-term employment yet have the means to be flexible when necessary; and

(5) create a system that provides timely and reliable information to individuals to use to assist such individuals in making the best choices with respect to the use of vouchers for job training and employment-related services.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) DISLOCATED WORKERS.—

(A) IN GENERAL.—The term ''dislocated workers'' means individuals who—

(i) have been terminated or laid off or who have received a notice of termination or layoff from employment, are eligible for or have exhausted their entitlement to unemployment compensation, and are unlikely to return to their previous industry or occupation;

(ii) have been terminated or have received a notice of termination of employment, as a result of any permanent closure of or any substantial layoff at a plant, facility, or enterprise;

(iii) are long-term unemployed and have limited opportunities for employment or reemployment in the same or a similar occupation in the area in which such individuals reside, including older individuals who may have substantial barriers to employment by reason of age; or

(iv) were self-employed (including farmers and ranchers and fishermen) and are unemployed as a result of general economic conditions in the community in which they reside or because of natural disasters, subject to regulations prescribed by the Secretary.

(B) SPECIAL RULE.—The Secretary of Labor shall establish categories of self-employed individuals and of economic conditions and natural disasters to which subparagraph (A)(iv) applies.

(2) COMMUNITY-BASED ORGANIZATIONS.—The term ''community-based organizations'' means private nonprofit organizations that—

(A) are representative of communities or significant segments of communities; and

(B) provide education, training, and related services.

(3) ECONOMICALLY DISADVANTAGED ADULT.—The term ''economically disadvantaged adult'' means an individual who is age 18 and older and who has, or is a member of a family that has, received a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) that, in relation to family size, was not in excess of the higher of—

(A) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 9902(2)) of title 42; or

(B) 70 percent of the lower living standard income level.

(4) GOVERNOR.—The term ''Governor'' means the chief executive of any State.

(5) PROVIDER.—The term ''provider'' means a public agency, private nonprofit organization, or private for-profit entity that delivers basic employment, educational, job training, employment-related, or supportive services.

(6) STATE.—The term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

TITLE I—JOB TRAINING ACCOUNT SYSTEM

SEC. 101. ESTABLISHMENT.

Not later than January 1, 1996, the Secretary of Labor and the Secretary of Education shall jointly establish pursuant to the requirements of this Act a job training account system that provides vouchers to individuals for the purpose of the provision of job training and employment-related services.

SEC. 102. INDIVIDUAL CHOICE.

(a) IN GENERAL.—Upon notification of approval of an application under section 104, an individual may receive a voucher in the amount of $3,000 for 2-years beginning on the date on which an application is approved under section 104.

(b) USE OF TRAINING ACCOUNT VOUCHERS FOR JOB TRAINING AND EMPLOYMENT-RELATED SERVICES.—

(1) IN GENERAL.—An individual who is a recipient of a voucher under subsection (a) may use such voucher to purchase job training or employment-related services from providers that meet the requirements of section 106 or 107, whichever is applicable.

(2) AUTHORIZED JOB TRAINING AND EMPLOYMENT-RELATED SERVICES.—

(A) IN GENERAL.—The job training and employment-related services described in paragraph (1) may include—

(i) associate degree or nondegree programs at—

(I) two- and four-year colleges;

(II) vocational and technical education schools;

(III) private for-profit and not-for-profit training organizations;

(IV) public agencies and schools; and

(V) community-based organizations;

(ii) employer work-based training programs;

(iii) job search assistance;

(iv) in the case of individuals who are economically disadvantaged, preemployment training programs; or

(v) other appropriate employment-related services.

(B) SPECIAL RULE.—A recipient of a voucher under subsection (a) may not pay by voucher more than $750 for job search assistance services.

SEC. 103. ELIGIBILITY.

An individual shall be eligible to receive a voucher under this title if such individual is—

(1) a dislocated worker; or

(2) an economically disadvantaged adult.

SEC. 104. OBTAINING A VOUCHER.

(a) APPLICATION.—An individual who desires to participate in a training account program established under this title shall submit an application to a voucher application office described in subsection (b)(1) at such time, in such manner, and accompanied by such information as the Governor may reasonably require. The Governor shall, to the extent that appropriations are available, approve an application that meets the application requirements of regulations issued under section 105 and promptly notify such applicant of such approval.

(b) STATE-DESIGNATED VOUCHER APPLICATION OFFICES.—

(1) ESTABLISHMENT.—Each State shall designate or establish easily accessible voucher application offices within such State to assist in administering the training account system under this title. Such offices may be administered by private (for-profit or not-for-profit) or public entities.

(2) DUTIES.—Each voucher application office shall—

(A) provide applications for vouchers under this title to interested individuals, assist such individuals in completing such applications, and collect completed applications for determination of eligibility;

(B) provide performance-based information to applicants relating to service providers eligible to receive payment by voucher in accordance with section 106 or 107, whichever is applicable;

(C) carry out such other duties relating to the training account system as may be specified by the Governor or prescribed in regulations issued jointly by the Secretary of Labor and the Secretary of Education; and

(D) provide information on—

(i) the local economy and availability of employment;

(ii) profiles of local industries; and

(iii) details of local labor market demand.

(3) CONFLICT OF INTEREST STANDARDS.—The Secretary of Labor and the Secretary of Education shall jointly issue regulations establishing procedures to ensure that voucher application offices that are administered by an entity that is concurrently an eligible provider of services under the training account system provide information to voucher applicants relating to the other providers of services in the local area in an objective and equitable manner.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that as States become more experienced with administering vouchers to eligible individuals that the voucher applications offices described in subsection (b) should be converted to one stop assistance centers described in section 301.

SEC. 105. OVERSIGHT AND ACCOUNTABILITY.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor and the Secretary of Education shall jointly issue regulations that—

(1) specify the—

(A) voucher application requirements;

(B) form of vouchers;

(C) use of such vouchers;

(D) method of redemption of such vouchers;

(E) most expeditious and effective process of distribution (consistent with the findings and purposes of this Act) of a voucher from the Federal Government to eligible individuals; and

(F) the arrangements necessary to phase in the training account system in each State in a timely manner;

(2) specify the duties and responsibilities of providers under a training account program established by a State under this title;

(3) include a role for a State in the oversight of such providers of such State;

(4) specify the Federal and State responsibilities in such oversight, including the enforcement responsibilities and the determination of administrative costs with respect to a State that establishes a training account program under this title;

(5) include provisions that encourage States to distribute in a regionally balanced manner, to the extent practicable, vouchers to individuals to purchase job training or employment-related services in such State; and

(6) specify the manner in which economically disadvantaged individuals will receive adequate counseling and support services necessary to take full advantage of the voucher assistance under this title.

(b) PUBLIC COMMENTS.—In promulgating regulations under subsection (a), the Secretary of Labor and the Secretary of Education shall provide the opportunity for comment from the public, including representatives of the business community, workers, and community-based organizations.

SEC. 106. ELIGIBILITY REQUIREMENTS FOR PROVIDERS OF JOB TRAINING.

(a) ELIGIBILITY REQUIREMENTS.—A provider of job training shall be eligible to receive payment by voucher under this title if such provider—

(1) is—

(A) eligible to participate in programs under title IV of the Higher Education Act of 1965; or

(B) determined to be eligible under the procedures described in subsection (b); and

(2) provides the performance-based information required pursuant to subsection (c).

(b) ALTERNATIVE ELIGIBILITY PROCEDURE.—

(1) IN GENERAL.—The Governor shall establish an alternative eligibility procedure for providers of job training desiring to receive payment by voucher under this title, but that are not eligible to participate in programs under title IV of the Higher Education Act of 1965.

(2) PROCEDURE REQUIREMENTS.—The procedure described in paragraph (1) shall establish minimum acceptable levels of performance for providers of job training based on factors and guidelines developed jointly by the Secretary of Labor and the Secretary of Education. Such factors shall be comparable in rigor and scope to those provisions of part H of title IV of the Higher Education Act of 1965 that are used to determine an institution of higher education's eligibility to participate in programs under such part as are appropriate to the type of provider seeking eligibility under this subsection and the nature of the education and training services to be provided.

(3) LIMITATION.—Notwithstanding paragraph (1), if the participation of an institution of higher education in any of the programs under title IV of the Higher Education Act of 1965 is terminated, such institution shall not be eligible to receive funds under this Act for a period of 2 years beginning on the date of such termination.

(c) PERFORMANCE-BASED INFORMATION.—

(1) CONTENTS.—The Secretary of Labor and the Secretary of Education, shall identify performance-based information that is to be submitted by providers of job training desiring to be eligible under this section. Such information may include information relating to—

(A) the percentage of students completing the programs conducted by a provider of job training;

(B) the rates of licensure of graduates of the programs conducted by such provider;

(C) the percentage of graduates of the programs conducted by such provider that meet skill standards and certification requirements endorsed by the National Skill Standards Board established under section 503 of the National Skills Standards Act of 1994;

(D) the rates of placement and retention in employment, and earnings of the graduates of the programs conducted by such provider;

(E) the percentage of graduates of the program conducted by such provider who obtained employment in an occupation related to such program conducted by such provider; and

(F) the warranties or guarantees provided by such provider relating to the skill levels or employment to be attained by graduates of the program conducted by such provider.

(2) ADDITIONS.—The Governor may, pursuant to the approval of the Secretary of Labor and the Secretary of Education, prescribe additional performance-based information that shall be submitted by providers of job training pursuant to this subsection.

(d) ADMINISTRATION.—

(1) STATE AGENCY.—The Governor shall designate a State agency to collect, verify, and disseminate the performance-based information submitted pursuant to paragraph (1) of subsection (c).

(2) APPLICATION.—A provider of job training desiring to be eligible to receive funds under this title shall submit the information required under subsection (c) to the State agency designated under paragraph (1) at such time and in such form as such State agency may require.

(3) LIST OF ELIGIBLE PROVIDERS.—The State agency designated under paragraph (1) shall compile a list of eligible providers, accompanied by the performance-based information submitted, and disseminate such list and information to the voucher application offices described under section 105(b)(1), assistance centers under section 301, and other appropriate entities within the State.

(4) ACCURACY OF INFORMATION.—

(A) IN GENERAL.—If the State agency determines that a provider of training services submitted inaccurate performance-based information under this subsection, then such provider shall be disqualified from receiving funds under this title for a period of 2 years beginning on the date of such determination, unless such provider can demonstrate to the satisfaction of the Governor or a designee of the Governor, that the information was provided in good faith.

(B) APPEAL.—The Governor shall establish a procedure for a provider of job training to appeal a determination by a State agency that results in a disqualification under subparagraph (A). Such procedure shall provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.

(5) ASSISTANCE IN DEVELOPING INFORMATION.—The State agency designated under paragraph (1) may provide technical assistance to a provider of job training in developing the performance-based information required under subsection (c). Such assistance may include facilitating the utilization of State administrative records, such as unemployment compensation wage records, and other appropriate coordination activities.

(6) CONSULTATION.—The Secretary of Labor shall consult with the Secretary of Education regarding the eligibility of institutions of higher education or other providers of job training to participate in programs under this Act or under title IV of the Higher Education Act of 1965.

SEC. 107. ELIGIBILITY REQUIREMENTS FOR PROVIDERS OF EMPLOYMENT-RELATED SERVICES.

(a) IN GENERAL.—A provider of employment-related services shall be eligible to receive payment by voucher under this title if such provider—

(1) is determined to be eligible under procedures described in subsection (b); and

(2) provides the performance-based information required pursuant to subsection (c).

(b) PROCEDURES.—The Governor, after consultation with local elected officials and other appropriate entities in the State, shall establish eligibility procedures for providers of employment-related services in such State desiring to receive payment by voucher under this title. Such procedures shall establish minimum acceptable levels of performance for such providers based on factors and guidelines developed by the Secretary of Labor.

(c) PERFORMANCE-BASED INFORMATION.—The Secretary of Labor and the Secretary of Education shall identify performance-based information that is to be submitted by providers of employment-related services desiring to be eligible under this section.

SEC. 108. EVALUATION OF TRAINING ACCOUNT SYSTEM AND ASSISTANCE CENTERS.

The Secretary of Labor and the Secretary of Education shall annually—

(1) monitor the effectiveness of the training account system and the assistance centers established under section 301;

(2) evaluate the benefit of such system and centers to voucher recipients under this title and the taxpayer; and

(3) submit to the appropriate committees of Congress information obtained from such evaluation.

SEC. 109. APPORTIONMENT OF FUNDS.

(a) IN GENERAL.—The Secretary of Labor and the Secretary of Education shall, without in any way reducing the commitment of, or the level of effort by, the Federal Government to improve the education, employment, and earnings of all workers and job-seekers (particularly in hard-to-serve communities), jointly apportion funds appropriated under section 202 to each State for each fiscal year in accordance with subsection (b).

(b) CONSIDERATION OF FACTORS.—

(1) IN GENERAL.—An apportionment of funds under subsection (a) shall be based on the following factors:

(A) The relative number of unemployed individuals who reside in each State as compared to the total number of unemployed individuals in all the States.

(B) The relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States.

(C) The relative number of individuals who have been unemployed for 15 weeks or more and who reside in each State as compared to the total number of such individuals in all the States.

(D) The relative number of economically disadvantaged adults who reside in each State.

(2) DEFINITION.—For purposes of this subsection, the term ''excess number'' means the number which represents unemployed individuals in excess of 4.5 percent of the civilian labor force in the State.

(c) FUNDS FOR VOUCHERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not less than 75 percent of funds apportioned to a State under subsection (a) shall be made available in the

form of vouchers to individuals in the State who are eligible under section 103.

(2) WAIVER.—The Secretary of Labor may waive the requirement under paragraph (1) for a State if—

(A) such State provides job training and employment-related services other than the job training and employment-related services provided through vouchers; and

(B) such services are considered by the Secretary of Labor to be more beneficial to individuals in such State to meet the self-determined training needs of such individuals.

(d) NONVOUCHER EMPLOYMENT-RELATED SERVICES.—

(1) IN GENERAL.—The remaining balance of the funds apportioned under subsection (a) shall be used for employment-related services that are provided through means other than voucher and that increase the probability that such individuals will benefit from training and reenter the workforce.

(2) AUTHORIZED SERVICES.—The employment-related services described in paragraph (1) may include—

(A) skill assessments;

(B) testing;

(C) counseling;

(D) job development;

(E) work experience evaluation;

(F) job readiness training;

(G) basic skills education;

(H) supportive and supplemental services; and

(I) rapid response.

(3) AVAILABILITY OF SERVICES.—The services described in paragraph (2) and any other related services may be made available through assistance centers established under title III.

(e) SPECIAL RULE.—The Secretary of Labor and the Secretary of Education shall jointly determine the equitable distribution of voucher assistance and nonvoucher assistance under subsections (c) and (d), respectively, between dislocated workers and economically disadvantaged adults.

TITLE II—ELIMINATION OF FEDERAL JOB TRAINING PROGRAMS

SEC. 201. ELIMINATION OF PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the elimination and streamlining of Federal job training programs should be accomplished without in any way reducing the commitment of, or the level of effort by, the Federal Government to improve the education, employment, and earnings of all workers and jobseekers particularly in hard-to-serve communities.

(b) REPEALS OF EMPLOYMENT TRAINING PROGRAMS.—

(1) IN GENERAL.—The following provisions are repealed:

(A) Section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)).

(B) Section 106(b)(7) of the Job Training Partnership Act (29 U.S.C. 1516(b)(7)).

(C) Section 123 of such Act (29 U.S.C. 1533).

(D) Section 204(d) of such Act (29 U.S.C. 1604(d)).

(E) Part A of title II of such Act (29 U.S.C. 1601 et seq.).

(F) Section 302(c) of such Act (29 U.S.C. 1652(c)).

(G) Part A of title III of such Act (29 U.S.C. 1661 et seq.).

(H) Sections 321 through 324 of such Act (29 U.S.C. 1662 through 1662c).

(I) Section 325 of such Act (29 U.S.C. 1662d).

(J) Section 325A of such Act (29 U.S.C. 1662d–1).

(K) Section 326 of such Act (29 U.S.C. 1662e).

(L) Sections 301 through 303 of such Act (29 U.S.C. 1651 et seq.).

(M) Subtitle C of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11441 et seq.).

(N) The Displaced Homemakers Self-Sufficiency Assistance Act (29 U.S.C. 2301 et seq.);

(O) Section 43 of the Airline Deregulation Act of 1978 (49 U.S.C. App. 1552)

(P) Title II of Public Law 95-250 (92 Stat. 172).

(2) EFFECTIVE DATE.—The repeals made by paragraph (1) shall take effect on January 1, 1996.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act for fiscal years 1996, 1997, and 1998 the same level of funds that were appropriated for the programs described in section 201(b) for fiscal year 1995.

TITLE III—INFORMATION FOR BETTER CHOICES

SEC. 301. ASSISTANCE CENTERS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—A State may, with the funds made available under section 109(d), make arrangements with private or public entities to establish assistance centers to provide voucher recipients under title I, jobseekers, employers, and workers information and employment-related services to increase the probability that such individuals will benefit from job training and make better use of other Federal job training assistance. An assistance center may serve as the location where individuals may apply to become eligible for voucher assistance under title I.

(2) LOCATION.—An assistance center may be located within an existing unemployment office.

(3) PUBLIC CONSULTATION.—A State that desires to establish an assistance center is encouraged to consult the public, including the business community, and workers, regarding the choice of services to be made available and the location of such center.

(b) AVAILABLE INFORMATION.—The information made available to individuals described in subsection (a) shall include data on—

(1) the local economy and availability of employment;

(2) profiles of local industries;

(3) details of local labor market demand;

(4) local demographic and socioeconomic characteristics;

(5) the performance of training and education providers; and

(6) private support service providers.

(c) EMPLOYMENT-RELATED SERVICES.—The employment-related services available to individuals described in subsection (a) may include—

(1) counseling;

(2) skills and employability assessment;

(3) job referral; and

(4) child care.

(d) OTHER SERVICES.—The Governor shall make available through the assistance centers information on and provide referrals to other Federal and State job training and employment-related service programs.

SEC. 302. ACCESS TO LABOR MARKET INFORMATION.

(a) FINDINGS.—The Congress finds that accurate, timely, and relevant data regarding employment, training, job skills, and education opportunities are useful for individuals making choices about the careers of such individuals.

(b) AUTHORITY.—

(1) IN GENERAL.—The Secretary of Labor and the Secretary of Education are authorized to make arrangements with public or private entities to develop and provide relevant labor market information to interested individuals, including voucher recipients under title I, jobseekers, employers, and workers.

(2) TYPE OF INFORMATION FOR COLLECTION.—The types of information to be developed and provided under paragraph (1) shall include the following:

(A) Regional labor market demand.

(B) Regional employment opportunities.

(C) Regional industries and employers.

(D) Demographic, socioeconomic, and economic characteristics of particular regions.

SEC. 303. DIRECT LOANS TO WORKING AMERICANS.

(a) FINDINGS.—The Congress finds that the Federal Direct Student Loan Program authorized by part D of title IV of the Higher Education Act of 1965, is a valuable financing tool for working Americans who desire to take advantage of training and education programs, consistent with the goals of such Americans, to learn new skills for careers that may bring higher salaries and improved quality of life.

(b) AWARENESS.—The Department of Education shall endeavor to make known the value and availability of direct loans through the Federal Direct Student Loan Program under part D of title IV of the Higher Education Act of 1965 through cooperative arrangements with training and educational training programs, assistance centers, State agencies, and other Federal agencies.

TITLE IV—REPORTS AND PLANS

SEC. 401. CONSOLIDATION AND STREAMLINING.

(a) REPORT ON CONSOLIDATING NONCOVERED FEDERAL JOB TRAINING PROGRAMS.—Not later than January 1, 1996, and each year thereafter, the Secretary of Labor and the Secretary of Education shall jointly prepare and submit to Congress a report on how additional Federal job training programs not covered by this Act can be consolidated into a more integrated and accountable workforce development system that better meets the needs of jobseekers, workers, and business.

(b) PLAN ON USE OF COMMON DEFINITIONS, MEASURES, STANDARDS, AND CYCLES.—Not later than 180 days after the date of enactment of this Act, the Secretary of Labor and the Secretary of Education shall jointly develop a plan that, wherever practicable, requires all Federal job training programs not covered by this Act to use common definitions, common outcome measures, common eligibility standards, and common funding cycles in order to make such training programs more accessible.

SEC. 402. REPORT RELATING TO INCOME SUPPORT.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) many dislocated workers and economically disadvantaged adults are unable to enroll in long-term job training because such workers and adults lack income support after unemployment compensation is exhausted;

(2) evidence suggests that long-term job training is among the most effective adjustment service in assisting dislocated workers and economically disadvantaged adults to obtain employment and enhance wages; and

(3) there is a need to identify options relating to how income support may be provided to enable dislocated workers and economically disadvantaged adults to participate in long-term job training.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall submit to the Congress a report that—

(1) examines the need for income support to enable dislocated workers and economically disadvantaged adults to participate in long-term job training;

(2) identifies options relating to how income support can be provided to such workers and adults; and

(3) contains such recommendations as the Secretary of Labor determines are appropriate.

Mr. KENNEDY. Mr. President, I join today with the distinguished Minority Leader, Senator DASCHLE, in co-sponsoring legislation critical to the health and economy of this Nation and to working families across this country.

I applaud Senator DASCHLE for the Democratic priorities set forth in the legislation he has introduced on this, the first day of the 104th Congress. As I traveled across Massachusetts over these past few months, it was clear that the priorities of the people are jobs and the economy, health care and education. These are their priorities, they are my priorities and they are the priorities shared by the Democratic leadership in the Senate, House, and White House.

I look forward to working together with the new Republican leadership. The challenges facing our Nation are not Republican or Democrat, and they require a bipartisan response.

The health care crisis continues to be our greatest challenge and must be our highest priority. To carry on the work begun in the last Congress, I join in cosponsoring the Affordable Health Care for All Americans Bill.

The crisis in health care has not gone away. Last year the number of Americans without health insurance coverage increased by another million. The rise in the nation's health spending was close to $100 billion. The escalating cost of Medicare and Medicaid continues to undermine our efforts to control the deficit. Worst of all, millions of families across the country have no confidence that the health insurance that protects them today will be there for them tomorrow if serious illness strikes.

It is not surprising that surveys find that Americans rank health care reform as a top priority for the new Congress. Every Member of the Senate has heard from hundreds, if not thousands, of Americans who have been devastated by uninsured illness. Every Member of the Senate has talked to hundreds of business owners, large and small, who say that uncontrolled health care costs are eating away at profits, decreasing competitiveness, and taking money away from needed wage increases. Every Member of the Senate knows that the tough choices we face to put our fiscal house in order would be immeasurably easier if health care costs were going up only as fast as the other parts of our economy. Every Member of the Senate knows that a major reason wages and living standards have stagnated for more than a decade is the continuing rise in health care costs. And every Member of the Senate knows that, once the political rhetoric and the disagreement over specifics is stripped away, the sickness in our health care system cannot be cured without decisive government action.

At its best, health care in the United States is superb. But the system we have created to pay for that care is a nineteenth century horse and buggy unsuited for America today. The dishonor roll of the gaps in our health care system is a long one.

Insurance companies selling health insurance to small businesses and individuals almost universally apply pre-existing condition exclusions to the coverage they sell. That means you are not covered for treatment of the very health condition most likely to make you sick. More than 80 million Americans have pre-existing conditions that could be subject to this kind of exclusion if they have to change insurance policies.

In our non-system of health insurance financing, there is no guarantee of coverage or renewability. If you have a pre-existing condition, there is no guarantee you can buy coverage at any price. If you have coverage and become sick, there is nothing to keep your insurer from raising your premium out of sight or canceling your coverage. To avoid high risks, insurance companies redline whole neighborhoods, occupations, and businesses, and deny the chance for any protection at all.

Those who seem to have good coverage often find themselves without the protection they need when they read the fine print. They face lifetime limits on coverage, or an exclusion of the very service that is most important. Insurance that provides good coverage when you become sick often does little to encourage the preventive care that can keep you well.

Often, even if good coverage is available, it is not affordable. With good family plans costing $5,000 or $6,000 or more, too many Americans are priced out of the coverage they need. Few families, no matter how hard they work, can afford adequate health insurance if their employer does not contribute to the cost. That is why more than 30 million of the uninsured are members of working families. The breadwinners in these families work hard—40 hours a week, 52 weeks a year—but all their hard work cannot buy the protection they need for themselves and their loved ones, because their employer will not share in the cost. Families that have coverage today are only one pink slip away from losing it, or one management decision away from its cancellation or reduction.

Senior citizens and younger people with disabilities face two huge gaps in the system of retirement security that Medicare and Social Security are supposed to guarantee. They lack affordable coverage for the cost of long-term care and prescription drugs.

The cost of health care in America is out of control. Per person, we pay more than any other industrialized country—40 percent more than the Canadians, twice as much as the Germans and Japanese. The rapid escalation in the cost of health care is robbing American families of the wage gains they need to fulfill the American dream. It is a cancer on our economic future.

Last year we came closer than ever before to finally making the right to health care a reality for all Americans. Theodore Roosevelt first proposed a national health plan more than 80 years ago. President Bill Clinton and First Lady Hillary Clinton put this issue on the national agenda at a level of intensity that has never before been achieved. Four committees of Congress reported out bills guaranteeing coverage to every American. For the first time in our Nation's history, comprehensive health reform was debated on the floor of the Senate. And up to the last days of the session, a bipartisan coalition in the Senate struggled to shape a compromise that could break the gridlock. As I have said many times, if it was easy, it would have been accomplished long ago. It took four separate votes in successive sessions of Congress before Medicare was finally approved.

Our challenge is to pass a program that will meet the test of real reform—guaranteed, affordable, comprehensive coverage for every family and control of health care costs. Senator DASCHLE's bill demonstrates the high priority that our party gives to such reform and provides a basis for constructive action. His bill includes important insurance reforms. It will bring affordable health insurance for children within reach of millions of American families, and provide special help for temporarily unemployed workers who lose their coverage when they lose their job. It also provides 100 percent deductibility for small businesses, and addresses other important problems. I look forward to working with members on both sides of the aisles in passing this kind of down payment legislation this year.

As we look to the future, we must keep our eye on the ultimate objective: to assure that every family in America is guaranteed the basic right to health care. Every member of Congress has that guarantee. Every Canadian has it. Every French citizen has it. Every German has it. Every Japanese has it. In fact, every citizen of every other industrialized country except South Africa has it. It is time for us to give every family in America the peace of mind of knowing that uninsured illness will never turn their American dream into a nightmare.

I am also proud to join the Minority Leader in cosponsoring the Working Americans' Opportunity Act, and I also commend Senator BREAUX for his effective work in shaping this legislation.

Given today's rapidly changing economy, one of the top priorities of this Congress must be to reform and streamline existing job training programs to ensure that they provide realistic opportunities for workers to upgrade skills and increase their earning power over the course of their careers.

As we modernize our job training system, we must not, in any way, retreat

from the commitment that we have made to provide the basic skills and supports which make it possible for jobseekers and workers to actively participate in the labor market.

We need to respond to the new and powerful economic forces which are making labor markets more uncertain for the middle class. As a result of increased international competition, rapid technological change and reductions in defense, many men and women already in the labor force must be retrained to improve their skills and enable them to continue in productive careers. In the evolving modern economy, this kind of retraining may be needed more than once, and often several times over the course of people's careers.

A more flexible job training system is essential to respond to the ever-expanding number of two-income families and families with single heads of households who face the difficult challenge of balancing work and family responsibilities.

Over the past decade many private businesses have taken steps to re-engineer their operations to deal with the profound changes taking place in our economy. It is clearly time for the Federal Government to act as well, to improve the return we are receiving from the funds we invest in job training and to give workers a greater opportunity to succeed.

The Working American's Opportunity Act, S. 6, begins the important process of streamlining the existing complex job training system, in order to create more accessible, more effective, and more understandable assistance for workers.

Vouchers modeled on the G.I. Bill that transformed this Nation after World War II will be available for workers to select training programs most suited to their needs. States will be encouraged to establish ''one-stop-shopping'' centers for career counseling, job search assistance and performance assessments of training programs. To insure that workers have the most up-to-date information on emerging jobs and the skills required, national labor market information will be available. Taken together, these changes are excellent steps toward creating the kind of modern job training system the Nation needs, a system that is genuinely driven by the real requirements of workers, job seekers and businesses.

In the last session of Congress, we laid the groundwork for bipartisan efforts on job training reform by enacting the School-to-Work Opportunities Act. This legislation will be a catalyst for States and local communities to create better career opportunities for non-college bound youth. We need to apply that same bipartisan spirit to making job training programs more effective for adults.

In closing, I again commend Senator DASCHLE for his leadership in introducing these important bills. I look forward to working with him and with Senators on both sides of the aisle in the weeks and months ahead on these and other essential measures to make government more responsive to the people and to meet the many serious challenges we face.

Ms. MIKULSKI. Mr. President, I am proud to join as an original cosponsor in Senate bills 6–10 introduced today by the Democratic leader. They represent a solid effort to help working families, give help to those who first practice self help, get the Federal Government's fiscal house in order, and reform the Congress.

Since the November elections, some have been left with the impression that the Democratic Party has no vision for the future of our country, and that we have abandoned the concerns of the middle class. As a blue collar Senator who returns home each night to the city where I was born, I believe that these five legislative efforts dispel that myth.

These five items represent what we believe as Democrats are a downpayment on the concerns of middle America—job security and our standard of living, affordable health insurance, ending welfare as we know it, balancing the budget by cutting spending, and reforming the way Congress itself does business.

The first of these initiatives, S. 6, the Working Americans Opportunity Act, will enable working Americans to have available a lifetime opportunity of employment retraining. It will revamp job training programs by consolidating those programs that work and eliminating those that don't, providing job training opportunities and access to people who practice self help and need new skills for real work situations. Finally, it will not require new taxes or spending because it replaces, consolidates and eliminates nine existing programs and cuts government bureaucracy. Winning the war for America's future depends on whether Americans can have jobs today and jobs for the 21st century. We simply must have a skilled work force that is equipped and ready to compete for the high tech future. S. 6 will get us headed in that direction.

S. 7, the Family Health Insurance Protection Act, is a significant first step toward ensuring that all Americans have access to affordable, high-quality health insurance coverage. It will ensure that no one can be denied health insurance because of a pre-existing medical condition and protect workers who change jobs from losing their health coverage. It will also prohibit insurers from dropping customers or raising their rates once they become ill. It will reduce red tape and provide tax incentives to small businesses that provide health insurance. This legislation will let us begin to ensure health coverage for every American.

S. 8, the Teenage Pregnancy Prevention and Parental Responsibility Act, will make our welfare system a partner—with parents, teachers, and clergy—in keeping kids in school and off welfare. As the only social worker in the U.S. Senate, I have long fought to make our welfare programs reflect America's family values. This legislation will require unwed teenage mothers to live with an adult family member or in a supervised group home. It will also help communities to develop their own solutions to the problem of teen pregnancy. And finally, by strengthening our child support laws, this legislation will crack down on deadbeats who ignore their responsibility to their children—and leave taxpayers will the bill. It is time for us to stop wringing our hands about teen pregnancy and do something about it. S. 8 will help us reduce teen pregnancy without resorting to orphanages.

S. 9, the Fiscal Responsibility Act, will ensure that we are honest with the American public about balancing the budget. It will require the BudgetCommittees to report a budget resolution that shows exactly how we are to get to a balanced budget by the year 2003—without smoke and mirrors. This act will force Congress to match its budget balancing rhetoric with real action. The American public deserves to know exactly what a balanced budget will mean. It will force Congress to debate the real issues and bring honesty and open debate to one of the most critical issues facing the Congress and the country. I welcome this debate.

S. 10, the Comprehensive congressional Reform Act, is intended to help restore the confidence of the American people in their democratic institutions. It will make Congress live by the laws it imposes on everybody else, require strict disclosure of lobbyist activity, ban gifts from lobbyists and impose tough campaign finance reform. I am proud to have been among the first Members of Congress to win real congressional reform with the passage of my legislation last year to reform and modernize the appalling working conditions under which the more than 2,000 employees of the Architect of the Capitol labored. S. 10 will continue this progress toward real reform.

I commend our new Democratic Leader, the distinguished Senator from South Dakota, for developing this insightful and visionary package of measures. They symbolize his desire to tackle the tough issues which are foremost on the minds of Americans as we begin 1995.

While I do not necessarily support each provision within these measures, I believe that we should begin the debate on each of these subjects on the first day of this new Congress. I believe our party and this Congress needs to promote a shared national vision around jobs and those who practice selfhelp. I look forward to working with my colleagues to see that each of these matters is fully addressed by the 104th Congress.

Mr. ROCKEFELLER. Mr. President, giving American workers the opportunity to get the education and training they need to effectively compete in our modern workplace and highly competitive economy must be a priority. That is why I am joining Senator DASCHLE in introducing S. 6, the Working Americans Opportunity Act, and I commend him and my other colleagues involved in developing this important initiative.

While there are numerous Federal training programs in existence, there also are some valid questions about how effective these efforts are. It is time to deal with these questions and make the changes necessary to ensure that our programs work more efficiently and effectively, both for the participants and the American taxpayers who are footing the bills.

The Working Americans Opportunity Act is an important step in the right direction to improve our Federal training programs. This effort is designed to streamline existing Federal training programs and give participants more say over their job search process and training. The bill also proposes a critically needed investment in a ''national labor market information system'' so people can get their hands on current information that will tell them what fields offer real job opportunities. The bill promotes ''one-stop career centers'' to help Americans sort through training and career information in one place so they can make more organized decisions about their future.

In cosponsoring this bill, I want to emphasize my continued belief that America's—and West Virginia's—battle for the best jobs in world depends partly on our workers having the best skills and education. Competing in the global economy is a permanent fact of life. And both workers and the unemployed in West Virginia want to get the training they need to have good jobs.

But I also want to register a note of caution about the bill's use of ''vouchers'' as the way to link workers with training. I have some questions about this concept, because I do not want to see them turn into ''coupons'' for training that is not up to standard. Neither workers nor the American taxpayers will be well served if the new system does not assure high quality training in fields with real job opportunities. Achieving this goal will require a delicate balance and strong quality assurance within the new system. Throughout the legislative process, I will be working to further strengthen this legislation and promote education and training of the best quality for American workers.

Training and education are especially key issues for West Virginia and other regions still struggling with unemployment rates above the national average and facing major industrial restructuring. I know from experience that West Virginians are eager to work and willing to learn new skills in order to meet the challenges of our increasingly competitive work place. It is essential to ensure that Federal training programs meet such needs and provide real opportunities to workers who have been dislocated from their careers.

Our entire country benefits when an American worker gains new skills and becomes more productive so it is essential to invest in effective Federal training programs. The Working Americans Opportunity Act is a step in the right direction, and sends a strong signal about the need to move forward.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. DODD, Mr. BREAUX, Ms. MOSELEY-BRAUN, Mr. PELL, Mrs. MURRAY, and Mr. INOUYE):

S. 7. A bill to provide for health care reform through health insurance market reform and assistance for small business and families, and for other purposes; to the Committee on Labor and Human Resources.

FAMILY HEALTH INSURANCE PROTECTION ACT

Mr. DASCHLE. 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. 7

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Family Health Insurance Protection Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—HEALTH INSURANCE MARKET REFORM

Subtitle A—Insurance Market Standards

Sec. 1001. Nondiscrimination based on health status.
Sec. 1002. Guaranteed issue and renewal
Sec. 1003. Rating limitations.
Sec. 1004. Delivery system quality standards.
Sec. 1005. Benchmark benefits package.
Sec. 1006. Risk adjustment.
Sec. 1007. Effective dates.

Subtitle B—Establishment and Application of Standards

Sec. 1011. General rules.
Sec. 1012. Encouragement of State reforms.
Sec. 1013. Grants to States for small group health insurance purchasing arrangements.
Sec. 1014. Enforcement of standards.

Subtitle C—Health Care Cost and Access Advisory Commission

Sec. 1021. Health Care Cost and Access Advisory Commission.
Sec. 1022. Duties of Commission.
Sec. 1023. Operation of Commission.

Subtitle D—Definitions

Sec. 1031. Definitions.

TITLE II—IMPROVING ACCESS TO HEALTH CARE COVERAGE

Subtitle A—Coverage Under Qualified Health Plans and Premium Assistance

PART 1—ACCESS TO QUALIFIED HEALTH PLANS

SUBPART A—GENERAL PROVISIONS

Sec. 2001. Establishment of State program.
Sec. 2002. Assistance with health plan premiums.

SUBPART B—PREMIUM ASSISTANCE TO ELIGIBLE INDIVIDUALS

Sec. 2011. Amount of premium assistance.
Sec. 2012. Assistance to children.
Sec. 2013. Assistance to temporarily unemployed individuals.

PART 2—AGGREGATE FEDERAL PAYMENTS

Sec. 2021. Aggregate Federal payments.

PART 3—DEFINITIONS AND DETERMINATIONS OF INCOME.

Sec. 2031. Definitions and determinations of income.
Sec. 2032. References to individual.

Subtitle B—Self-Employed Health Insurance Deduction

Sec. 2101. Deduction for health insurance costs of self-employed individuals.

TITLE III—IMPROVING ACCESS IN RURAL AREAS

Subtitle A—Office of Rural Health Policy

Sec. 3001. Office of Rural Health Policy.

Subtitle B—Development of Telemedicine in Rural Underserved Areas

Sec. 3101. Grants for development of rural telemedicine.
Sec. 3102. Report and evaluation of telemedicine.
Sec. 3103. Regulations on reimbursement of telemedicine.
Sec. 3104. Authorization of appropriations.
Sec. 3105. Definitions.

Subtitle C—Rural Health Plan Demonstration Projects

Sec. 3201. Rural health plan demonstration projects.

Subtitle D—Antitrust Safe Harbors for Rural Health Providers

Sec. 3301. Antitrust safe harbors for rural health providers.

TITLE IV—QUALITY AND CONSUMER PROTECTION

Subtitle A—Administrative Simplification

PART 1—PURPOSE AND DEFINITIONS

Sec. 4001. Purpose.
Sec. 4002. Definitions.

PART 2—STANDARDS FOR DATA ELEMENTS AND INFORMATION TRANSACTIONS

Sec. 4011. General requirements on secretary.
Sec. 4012. Standards for health information transactions and data elements.

PART 3—REQUIREMENTS WITH RESPECT TO CERTAIN TRANSACTIONS AND INFORMATION

Sec. 4021. Requirements on health plans and health care providers.
Sec. 4022. Standards and certification for health information protection organizations.

PART 4—ACCESSING HEALTH INFORMATION

Sec. 4031. Access for authorized purposes.

PART 5—PENALTIES

Sec. 4041. General penalty for failure to comply with requirements and standards.

PART 6—MISCELLANEOUS PROVISIONS

Sec. 4051. Effect on State law.
Sec. 4052. Authorization of appropriations.

Subtitle B—Privacy of Health Information

PART 1—DEFINITIONS

Sec. 4101. Definitions.

PART 2—AUTHORIZED DISCLOSURES

SUBPART A—GENERAL PROVISIONS

Sec. 4106. General rules regarding disclosure.
Sec. 4107. Authorizations for disclosure of protected health information.
Sec. 4108. Health information protection organizations.

SUBPART B—SPECIFIC DISCLOSURES RELATING TO PATIENT
Sec. 4111. Disclosures for treatment and financial and administrative transactions.
Sec. 4112. Emergency circumstances.
SUBPART C—DISCLOSURE FOR OVERSIGHT, PUBLIC HEALTH, AND RESEARCH PURPOSES
Sec. 4116. Oversight.
Sec. 4117. Public health.
Sec. 4118. Health research.
SUBPART D—DISCLOSURE FOR JUDICIAL, ADMINISTRATIVE, AND LAW ENFORCEMENT PURPOSES
Sec. 4121. Judicial and administrative purposes.
Sec. 4122. Law enforcement.
SUBPART E—DISCLOSURE PURSUANT TO GOVERNMENT SUBPOENA OR WARRANT
Sec. 4126. Government subpoenas and warrants.
Sec. 4127. Access procedures for law enforcement subpoenas and warrants.
Sec. 4128. Challenge procedures for law enforcement warrants, subpoenas, and summons.
SUBPART F—DISCLOSURE PURSUANT TO PARTY SUBPOENA
Sec. 4131. Party subpoenas.
Sec. 4132. Access procedures for party subpoenas.
Sec. 4133. Challenge procedures for party subpoenas.
PART 3—PROCEDURES FOR ENSURING SECURITY OF PROTECTED HEALTH INFORMATION
SUBPART A—ESTABLISHMENT OF SAFEGUARDS
Sec. 4136. Establishment of safeguards.
Sec. 4137. Accounting for disclosures.
SUBPART B—REVIEW OF PROTECTED HEALTH INFORMATION BY SUBJECTS OF THE INFORMATION
Sec. 4141. Inspection of protected health information.
Sec. 4142. Amendment of protected health information.
Sec. 4143. Notice of information practices.
PART 4—SANCTIONS
SUBPART A—CIVIL SANCTIONS
Sec. 4151. Civil penalty.
Sec. 4152. Civil action.
SUBPART B—CRIMINAL SANCTIONS
Sec. 4161. Wrongful disclosure of protected health information.
PART 5—ADMINISTRATIVE PROVISIONS
Sec. 4166. Relationship to other laws.
Sec. 4167. Rights of incompetents.
Sec. 4168. Exercise of rights.
Subtitle C—Enhanced Penalties for Health Care Fraud
Sec. 4201. All-payer fraud and abuse control program.
Sec. 4202. Application of Federal health anti-fraud and abuse sanctions to all fraud and abuse against any health plan.
Sec. 4203. Establishment of the health care fraud and abuse data collection program.
Sec. 4204. Health care fraud.
Subtitle D—Health Care Malpractice Reform
Sec. 4301. Federal tort reform.
Sec. 4302. State-based alternative dispute resolution mechanisms.
Sec. 4303. Limitation on amount of attorney's contingency fees.
Sec. 4304. Periodic payment of awards.
Sec. 4305. Allocation of punitive damage awards for provider licensing and disciplinary activities.
TITLE V—BUDGET NEUTRALITY
Sec. 5001. Assurance of budget neutrality.

TITLE I—HEALTH INSURANCE MARKET REFORM

Subtitle A—Insurance Market Standards

SEC. 1001. NONDISCRIMINATION BASED ON HEALTH STATUS.

(a) IN GENERAL.—Except as provided in subsection (b) and section 1003(d), a health plan may not deny, limit, or condition the coverage under (or benefits of) the plan, or vary the premium, for an individual based on the health status, medical condition, claims experience, receipt of health care, medical history, anticipated need for health care services, disability, or lack of evidence of insurability.

(b) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS FOR ALL SERVICES.—

(1) IN GENERAL.—A health plan may impose a limitation or exclusion of benefits relating to treatment of a condition based on the fact that the condition preexisted the effective date of the plan with respect to an individual only if—

(A) the condition was diagnosed or treated during the 3-month period ending on the day before the date of enrollment under the plan;

(B) the limitation or exclusion extends for a period not more than 6 months after the date of enrollment under the plan;

(C) the limitation or exclusion does not apply to an individual who, as of the date of birth, was covered under the plan; or

(D) the limitation or exclusion does not apply to pregnancy.

(2) CREDITING OF PREVIOUS COVERAGE.—A health plan shall provide that if an individual under such plan is in a period of continuous coverage as of the date of enrollment under such plan, any period of exclusion of coverage with respect to a preexisting condition shall be reduced by 1 month for each month in the period of continuous coverage.

(3) DEFINITIONS.—For purposes of this subsection:

(A) PERIOD OF CONTINUOUS COVERAGE.—

(i) IN GENERAL.—The term ''period of continuous coverage'' means the period beginning on the date an individual is enrolled under a health plan or an equivalent health care program and ends on the date the individual is not so enrolled for a continuous period of more than 3 months.

(ii) EQUIVALENT HEALTH CARE PROGRAM.—The term ''equivalent health care program'' means—

(I) part A or part B of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),

(II) the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.),

(III) the health care program for active military personnel under title 10, United States Code,

(IV) the veterans health care program under chapter 17 of title 38, United States Code,

(V) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1073(4) of title 10, United States Code, and

(VI) the Indian health service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(B) PREEXISTING CONDITION.—The term 'preexisting condition' means, with respect to coverage under a health plan, a condition which was diagnosed, or which was treated, within the 3-month period ending on the day before the date of enrollment (without regard to any waiting period).

(c) LIMITATIONS PROHIBITED.—

(1) IN GENERAL.—A health plan may not impose a lifetime limitation on the provision of benefits under the plan.

(2) RULE OF CONSTRUCTION.—The prohibition contained in paragraph (1) shall not be construed as prohibiting limitations on the scope or duration of particular items or services covered by a health plan.

SEC. 1002. GUARANTEED ISSUE AND RENEWAL

(a) SMALL GROUP MARKET.—Each health plan offering coverage in the small group market shall guarantee each individual purchaser and small employer (and each eligible employee of such small employer) applying for coverage in such market the opportunity to enroll in the plan.

(b) LARGE EMPLOYER MARKET.—Each health plan offering coverage in the large employer market shall guarantee any individual eligible for coverage under the plan the opportunity to enroll in such plan.

(c) CAPACITY LIMITS.—Notwithstanding this section, a health plan may apply a capacity limit based on limited financial or provider capacity if the plan enrolls individuals in a manner that provides prospective enrollees with a fair chance of enrollment regardless of the method by which the individual seeks enrollment.

(d) RENEWAL OF POLICY.—

(1) SMALL GROUP MARKET.—A health plan issued to a small employer or an individual purchaser in the small group market shall be renewed at the option of the employer or individual, if such employer or individual purchaser remains eligible for coverage under the plan.

(2) LARGE EMPLOYER MARKET.—A health plan issued to an individual eligible for coverage under a large employer plan shall be renewed at the option of the individual, if such individual remains eligible for coverage under the plan.

(e) GROUNDS FOR REFUSAL TO RENEW.—A health plan may refuse to renew a policy only in the case of—

(1) the nonpayment of premiums;

(2) fraud on the part of the employer or individual relating to such plan; or

(3) the misrepresentation by the employer or individual of material facts relating to an application for coverage of a claim or benefit.

(f) NOTIFICATION OF AVAILABILITY.—Each health plan sponsor shall publicly disclose the availability of each health plan that such sponsor provides or offers in a small group market. Such disclosure shall be accompanied by information describing the method by which eligible employers and individuals may enroll in such plans.

SEC. 1003. RATING LIMITATIONS.

(a) IN GENERAL.—A health plan offering coverage in the small group market shall comply with the standards developed under this section.

(b) ROLE OF NAIC.—The Secretary shall request that the NAIC—

(1) develop specific standards in the form of a model Act and model regulations that provide for the implementation of the rating limitations described in subsection (d); and

(2) report to the Secretary concerning such standards within 6 months after the date of enactment of this Act.

(c) ROLE OF THE SECRETARY.—The Secretary, upon review of the report received under subsection (b)(2), shall not later than January 1, 1997, promulgate final standards implementing this section. Such standards shall be the applicable health plan standards under this section.

(d) RATING STANDARDS.—The standards described in this section shall provide for the following:

(1) A determination of factors that health plans may use to vary the premium rates of such plans. Such factors—

(A) shall be applied in a uniform fashion to all enrollees covered by a plan;

(B) shall include age (as specified in paragraph (3)), family type, and geography; and

(C) except as provided in paragraph (2)(A), shall not include gender, health status, or health expenditures.

(2)(A) Factors prohibited under paragraph (1)(C) shall be phased out over a period not to exceed 3 years after the effective date of this section.

(B) Other rating factors (other than age) may be phased out to the extent necessary to minimize market disruption and maximize coverage rates.

(3) Uniform age categories and age adjustment factors that reflect the relative actuarial costs of benefit packages among enrollees. By the end of the 3-year period beginning on the effective date of this section, for individuals who have attained age 18 but not age 65, the highest age adjustment factor may not exceed 3 times the lowest age adjustment factor.

(e) DISCOUNTS.—Standards developed under this section shall permit health plans to provide premium discounts based on workplace health promoting activities.

SEC. 1004. DELIVERY SYSTEM QUALITY STANDARDS.

(a) IN GENERAL.—Each health plan shall comply with the standards developed under this section.

(b) ROLE OF THE SECRETARY.—Not later than 9 months after the date of enactment of this Act, the Secretary, in consultation with the NAIC and other organizations with expertise in the areas of quality assurance (including the Joint Commission on Accreditation of Health Care Organizations, the National Committee for Quality Assurance, and peer review organizations), shall establish minimum guidelines specified in subsection (c) for the issuance by each State of delivery system quality standards. Such standards shall be the applicable health plan standards under this section.

(c) MINIMUM GUIDELINES.—The minimum guidelines specified in this subsection are as follows:

(1) Establishing and maintaining health plan quality assurance, including—

(A) quality management;

(B) credentialing;

(C) utilization management;

(D) health care provider selection and due process in selection; and

(E) practice guidelines and protocols.

(2) Providing consumer protection for health plan enrollees, including—

(A) comparative standardized consumer information with respect to health plan premiums and quality measures, including health care report cards;

(B) nondiscrimination in plan enrollment, disenrollment, and service provision;

(C) continuation of treatment with respect to health plans that become insolvent; and

(D) grievance procedures.

(3) Ensuring reasonable access to health care services, including access for vulnerable populations in underserved areas.

SEC. 1005. BENCHMARK BENEFITS PACKAGE.

(a) IN GENERAL.—With respect to an individual eligible for enrollment, a sponsor of a health plan—

(1) shall offer the benchmark benefits package described in subsection (b); and

(2) may offer any other health benefits package.

(b) BENCHMARK BENEFITS PACKAGE DESCRIBED.—

(1) IN GENERAL.—

(A) PACKAGE DESCRIBED.—The benchmark benefits package described in this subsection is a benefits package that covers all of the items and services under the categories of health care items and services specified by the Secretary under paragraph (2) when medically necessary or appropriate (as determined in accordance with paragraph (3)) and provides for a cost-sharing schedule specified by the Secretary under paragraph (4).

(B) ACTUARIAL VALUE.—The benchmark benefits package established by the Secretary under this subsection shall have an actuarial value that equals the actuarial value of the benefits package provided under the health benefits plan offered under chapter 89 of title 5, United States Code, with the highest enrollment during 1994, adjusted for a national population under 65 years of age (as determined by the Secretary).

(2) CATEGORIES OF HEALTH CARE ITEMS AND SERVICES.—

(A) IN GENERAL.—The categories of health care items and services specified by the Secretary under this paragraph shall include at least the categories described in section 1302(1) of the Public Health Service Act (42 U.S.C. 300e-1(a)) and section 8904(a) of title 5, United States Code. The Secretary may add or delete categories of health care items and services under this paragraph as medical practice changes.

(B) SPECIFYING ITEMS AND SERVICES.—

(i) IN GENERAL.—The Secretary shall specify the items and services under the categories specified under subparagraph (A).

(ii) PRIORITIES FOR THE SECRETARY.—In specifying items and services under this subparagraph the Secretary shall take into account the following:

(I) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES.—With respect to mental health and substance abuse services, the Secretary shall give priority to parity for such services with other medical services with respect to cost-sharing and duration of treatment.

(II) VULNERABLE POPULATIONS AND UNDERSERVED AREAS.—The Secretary shall give priority to the needs of children and vulnerable populations, including those populations in rural, frontier, and underserved areas.

(III) PREVENTION.—The Secretary shall give priority to improving the health of individuals through prevention.

(3) MEDICAL NECESSITY OR APPROPRIATENESS.—The Secretary shall establish general criteria for determining whether an item or service specified by the Secretary under paragraph (2)(B) is medically necessary or appropriate. Health plans shall make coverage decisions regarding procedures and technologies consistent with such general criteria.

(4) COST-SHARING.—The Secretary shall establish cost-sharing schedules to be provided by a benchmark benefits package. In establishing such cost-sharing schedules, the Secretary shall meet the following requirements:

(A) ANNUAL BASIS.—The Secretary shall review and update cost-sharing schedules as determined appropriate by the Secretary, but on at least an annual basis.

(B) PREVENTIVE SERVICES EXEMPTED.—The Secretary shall exempt from any cost-sharing schedules clinical preventive services and prenatal care services.

(C) DELIVERY SYSTEMS.—In establishing cost-sharing schedules for benchmark benefits packages, the Secretary shall ensure that the schedules permit a variety of delivery systems, including fee-for-service, preferred provider organizations, point of service, and health maintenance organizations.

SEC. 1006. RISK ADJUSTMENT.

Each health plan offering coverage in the small group market in a State shall participate in a risk adjustment program developed by such State under standards established by the Secretary.

SEC. 1007. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on January 1, 1996.

(b) RATING LIMITATIONS, BENCHMARK BENEFITS PACKAGES, AND RISK ADJUSTMENTS.—The standards promulgated under sections 1003, 1005, and 1006 shall apply to plans that are issued or renewed after December 31, 1996.

Subtitle B—Establishment and Application of Standards

SEC. 1011. GENERAL RULES.

(a) CONSTRUCTION.—

(1) IN GENERAL.—A requirement or standard imposed on a health plan under this Act shall be deemed to be a requirement or standard imposed on the insurer or sponsor of such plan.

(2) PREEMPTION OF STATE LAW.—

(A) IN GENERAL.—No requirement of this title shall be construed as preempting any State law unless such State law directly conflicts with such requirement. The provision of additional consumer protections under State law as described in subparagraph (B) shall not be considered to directly conflict with any such requirement.

(B) CONSUMER PROTECTION LAWS.—State laws referred to in subparagraph (A) that are not preempted by this title include—

(i) laws that limit the exclusions or limitations for preexisting medical conditions to periods that are less than those provided for under section 1001;

(ii) laws that limit variations in premium rates beyond the variations permitted under section 1003; and

(iii) laws that would expand the small group market in excess of that provided for under this title.

(b) REGULATIONS.—The Secretary, in consultation with NAIC, and the Secretary of Labor are each authorized to issue regulations as are necessary to implement this Act.

SEC. 1012. ENCOURAGEMENT OF STATE REFORMS.

Nothing in this Act shall be construed as prohibiting States from enacting health care reform measures that exceed the measures established under this Act, including reforms that expand access to health care services, control health care costs, and enhance quality of care.

SEC. 1013. GRANTS TO STATES FOR SMALL GROUP HEALTH INSURANCE PURCHASING ARRANGEMENTS.

(a) IN GENERAL.—The Secretary shall make grants to States that submit applications meeting the requirements of this section for the establishment and operation of small group health insurance purchasing arrangements.

(b) USE OF FUNDS.—Grant funds awarded under this section to a State may be used to finance administrative costs associated with developing and operating a small group health insurance purchasing arrangement, including the costs associated with—

(1) engaging in marketing and outreach efforts to inform individuals and small employers about the small group health insurance purchasing arrangement, which may include the payment of sales commissions;

(2) negotiating with insurers to provide health insurance through the small group health insurance purchasing arrangement; or

(3) providing administrative functions, such as eligibility screening, claims administration, and customer service.

(c) APPLICATION REQUIREMENTS.—An application submitted by a State to the Secretary shall describe—

(1) whether the program will be operated directly by the State or through 1 or more State-sponsored private organizations and the details of such operation;

(2) program goals for reducing the cost of health insurance for, and increasing insurance coverage in, the small group market;

(3) the approaches proposed for enlisting participation by insurers and small employers, including any plans to use State funds to subsidize the cost of insurance for participating individuals and employers; and

(4) the methods proposed for evaluating the effectiveness of the program in reducing the number of uninsured in the State and on lowering the cost of health insurance for the small group market in the State.

(d) GRANT CRITERIA.—In awarding grants, the Secretary shall consider the potential impact of the State's proposal on the cost of health insurance for the small group market and on the number of uninsured, and the need for regional variation in the awarding of grants. To the extent the Secretary deems appropriate, grants shall be awarded to fund programs employing a variety of approaches for establishing small group health insurance purchasing arrangements.

(e) PROHIBITION ON GRANTS.—No grant funds shall be paid to States that do not meet the requirements of this title with respect to small group health plans, or to States with group purchasing programs involving small group health plans that do not meet the requirements of this title.

(f) ANNUAL REPORT BY STATES.—States receiving grants under this section shall report to the Secretary annually on the numbers and rates of participation by eligible insurers and small employers, on the estimated impact of the program on reducing the number of uninsured, and on the cost of insurance available to the small group market in the State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for fiscal years 1996, 1997, and 1998.

(h) SECRETARIAL REPORT.—The Secretary shall report to Congress by not later than January 1, 1997, on the number and amount of grants awarded under this section, and include with such report an evaluation of the impact of the grant program on the number of uninsured and cost of health insurance to small group markets in participating States.

SEC. 1014. ENFORCEMENT OF STANDARDS.

(a) IN GENERAL.—Except as provided in subsection (b), each State shall require that each health plan issued, sold, offered for sale, or operated in such State meets the insurance reform standards established under this title pursuant to an enforcement plan filed by the State with, and approved by, the Secretary. If the State does not file an acceptable plan, the Secretary shall enforce such standards until a plan is filed and approved.

(b) SECRETARY OF LABOR.—With respect to any health plan for which the application of State insurance laws are preempted under section 514 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144), the enforcement of the insurance reform standards established under this title shall be by the Secretary of Labor.

Subtitle C—Health Care Cost and Access Advisory Commission

SEC. 1021. HEALTH CARE COST AND ACCESS ADVISORY COMMISSION.

There is established a commission to be known as the Health Care Cost and Advisory Commission (in this subtitle referred to as the ''Commission'').

SEC. 1022. DUTIES OF COMMISSION.

(a) IN GENERAL.—The general duties of the Commission are to monitor and respond to trends in national health care spending and health insurance coverage. The Commission may be advised by individuals with expertise concerning the economic, demographic, and insurance market factors that affect the cost and availability of health insurance.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—The Commission shall report to Congress and the President annually on January 15 (beginning in 1999) on the status of health care spending and health insurance coverage in the nation.

(2) CONTENTS OF REPORT.—Each annual report shall include—

(A) findings regarding—

(i) the characteristics of the insured and uninsured, including demographic characteristics, working status, health status, and geographic distribution;

(ii) the effectiveness of insurance reforms on increasing access to health insurance and making health insurance more affordable; and

(iii) the effectiveness of cost containment strategies at the Federal and State levels and in the private sector; and

(B) recommendations for improving access to health insurance and reducing health care cost inflation.

SEC. 1023. OPERATION OF COMMISSION.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 11 members appointed by the President and confirmed by the Senate. Members shall be appointed not later than 90 days after the date of enactment of this Act.

(2) CHAIRPERSON.—The President shall designate 1 individual described in paragraph (1) who shall serve as Chairperson of the Commission.

(b) COMPOSITION.—The membership of the Commission shall include individuals with national recognition for their expertise in health care and health care markets. In appointing members of the Commission, the President shall ensure that no more than 6 members of the Commission are affiliated with the same political party.

(c) TERMS.—

(1) IN GENERAL.—The terms of members of the Commission shall be for 6 years, except that of the members first appointed, 4 shall be appointed for an initial term of 4 years and 4 shall be appointed for an initial term of 2 years.

(2) CONTINUATION IN OFFICE.—Upon the expiration of a term of office, a member shall continue to serve until a successor is appointed and qualified.

(d) VACANCIES.—

(1) IN GENERAL.—A vacancy in the Commission shall be filled in the same manner as the original appointment, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(2) NO IMPAIRMENT OF FUNCTION.—A vacancy in the membership of the Commission does not impair the authority of the remaining members to exercise all of the powers of the Commission.

(3) ACTING CHAIRPERSON.—The Commission may designate a member to act as Chairperson during any period in which there is no Chairperson designated by the President.

(e) MEETINGS; QUORUM.—

(1) MEETINGS.—The Chairperson shall preside at meetings of the Commission, and in the absence of the Chairperson, the Commission shall elect a member to act as Chairperson pro tempore.

(2) QUORUM.—Six members of the Commission shall constitute a quorum thereof.

(f) ADMINISTRATIVE PROVISIONS.—

(1) PAY AND TRAVEL EXPENSES.—

(A) PAY.—Each member shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(2) EXECUTIVE DIRECTOR.—

(A) IN GENERAL.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint an Executive Director.

(B) PAY.—The Executive Director shall be paid at a rate equivalent to a rate for the Senior Executive Service.

(3) STAFF.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Executive Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(B) PAY.—The Executive Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of 120 percent of the annual rate of basic pay payable for GS–15 of the General Schedule.

(C) DETAILED PERSONNEL.—Upon request of the Executive Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this Act.

(4) OTHER AUTHORITY.—

(A) CONTRACT SERVICES.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(B) LEASES AND PROPERTY.—The Commission may lease space and acquire personal property to the extent funds are available.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for the operation of the Commission.

Subtitle D—Definitions

SEC. 1031. DEFINITIONS.

(a) HEALTH PLAN.—For purposes of this title, the term ''health plan'' means a plan that provides, or pays the cost of, health benefits. Such term does not include the following, or any combination thereof:

(1) Coverage only for accidental death, dismemberment, dental, or vision.

(2) Coverage providing wages or payments in lieu of wages for any period during which the employee is absent from work on account of sickness or injury.

(3) A medicare supplemental policy (as defined in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1)).

(4) Coverage issued as a supplement to liability insurance.

(5) Worker's compensation or similar insurance.

(6) Automobile medical-payment insurance.

(7) A long-term care insurance policy, including a nursing home fixed indemnity policy (unless the Secretary determines that such a policy provides sufficiently comprehensive coverage of a benefit so that it should be treated as a health plan).

(8) Any plan or arrangement not described in any preceding subparagraph which provides for benefit payments, on a periodic basis, for a specified disease or illness or period of hospitalization without regard to the costs incurred or services rendered during the period to which the payments relate.

(9) Such other plan or arrangement as the Secretary determines is not a health plan.

(b) TERMS AND RULES RELATING TO THE SMALL GROUP AND LARGE EMPLOYER MARKETS.—For purposes of this title:

(1) SMALL GROUP MARKET.—The term ''small group market'' means the market for health plans which is composed of small employers and individual purchasers.

(2) SMALL EMPLOYER.—The term ''small employer'' means, with respect to any calendar year, any employer if, on each of 20 days during the preceding calendar year (each day being in a different week), such employer (or any predecessor) employed less than 51 employees for some portion of the day.

(3) INDIVIDUAL PURCHASER.—The term ''individual purchaser'' means an individual who is not eligible to enroll in a health plan sponsored by a large or small employer.

(4) LARGE EMPLOYER MARKET.—The term ''large employer market'' means the market for health plans which is composed of large employers.

(5) LARGE EMPLOYER.—The term ''large employer''—

(A) means an employer that is not a small employer; and

(B) includes a multiemployer plan as defined in section 3(37) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)) and a plan which is maintained by a rural electric cooperative or a rural telephone cooperative association (within the meaning of section 3(40) of such Act (29 U.S.C. 1002(40)).

(c) ADDITIONAL DEFINITIONS.—For purposes of this title:

(1) NAIC.—The term ''NAIC'' means the National Association of Insurance Commissioners.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

TITLE II—IMPROVING ACCESS TO HEALTH CARE COVERAGE

Subtitle A—Coverage Under Qualified Health Plans and Premium Assistance

PART 1—ACCESS TO QUALIFIED HEALTH PLANS

Subpart A—General Provisions

SEC. 2001. ESTABLISHMENT OF STATE PROGRAM.

In order to qualify for payments under part 2, each State shall establish a program under which the State—

(1) makes available at least 1 qualified health plan to each premium subsidy eligible individual residing in the State; and

(2) furnishes premium assistance to such individual in accordance with this part.

The program shall comply with requirements specified under regulations issued by the Secretary and may be in effect for calendar years beginning after 1996.

SEC. 2002. ASSISTANCE WITH HEALTH PLAN PREMIUMS.

(a) IN GENERAL.—An individual who has been determined by a State under subsection (b) to be a premium subsidy eligible individual (as defined in subpart B) shall be eligible for premium assistance in the amount determined under such subpart.

(b) DETERMINATION OF ELIGIBILITY.—

(1) IN GENERAL.—The Secretary shall issue regulations specifying requirements for each State program under this part with respect to determining eligibility for premium assistance, including measures to prevent individuals from knowingly making material misrepresentations of information or providing false information in applications for assistance under the program.

(2) EMPLOYER MAINTENANCE OF EFFORT.—In order to promote employer-based coverage, the Secretary shall issue regulations that provide that an eligible individual may not be a premium subsidy eligible individual described in subsection (a) if a significant employer contribution toward the premium under a qualified health plan is available to the individual.

(3) STATE MAINTENANCE OF EFFORT.—In order to promote State maintenance of effort, the Secretary shall issue regulations that provide that an eligible individual may not be a premium subsidy eligible individual described in subsection (a) until such individual has been determined to be ineligible for assistance under any other public health insurance program provided by a State or instrumentality thereof.

(c) LIMITATION ON USE OF ASSISTANCE.—A premium subsidy eligible individual who receives premium assistance under this part shall use such assistance only for payments toward the premium under a qualified health plan made available by the State under the program established under section 2001.

Subpart B—Premium Assistance to Eligible Individuals

SEC. 2011. AMOUNT OF PREMIUM ASSISTANCE.

(a) IN GENERAL.—The amount of premium assistance for a month for a premium subsidy eligible individual in a State is an amount equal to the lesser of—

(1) the applicable subsidy percentage multiplied by 1/12th of the annual premium paid for coverage under a qualified health plan in which the individual is enrolled; or

(2) the applicable subsidy percentage multiplied by 1/12th of the maximum subsidy amount (as determined under subsection (b)).

(b) MAXIMUM SUBSIDY AMOUNT.—For purposes of this section, the maximum subsidy amount for a State shall be the Secretary's estimate of the annual premium of the health plan with the highest enrollment offered under chapter 89 of title 5, United States Code, adjusted to reflect—

(1) coverage of the items and services and cost sharing under the benchmark benefits package; and

(2) the difference in expected health care spending of the population enrolled in such plan offered under such chapter 89 and of the population of premium subsidy eligible individuals in such State.

SEC. 2012. ASSISTANCE TO CHILDREN.

(a) ELIGIBILITY.—A child shall be considered a premium eligible individual under this part if such child—

(1) is not eligible for medical assistance under a State plan under title XIX of the Social Security Act;

(2) has not been enrolled in a health plan offered by an employer (under rules established by the Secretary) during the 6-month period ending on the date the individual submits an application to the State for premium assistance under this part, unless such employer coverage was discontinued as a result of a loss of employment by the individual's parent or guardian; and

(3) has a family income determined under section 2031(3) which does not exceed (except as provided under section 2021(b)(3))—

(A) with respect to 1997, 133 percent of the applicable Federal poverty level;

(B) with respect to 1998, 150 percent of the applicable Federal poverty level;

(C) with respect to 1999, 185 percent of the applicable Federal poverty level;

(D) with respect to 2000, 200 percent of the applicable Federal poverty level;

(E) with respect to 2001 and years thereafter, 240 percent of the applicable Federal poverty level.

(b) APPLICABLE SUBSIDY PERCENTAGE.—For the purposes of this part, the term ''applicable subsidy percentage'' for an individual described in subsection (a) means 100 percent reduced (but not below zero) by 1.82 percentage points for every 1 percentage point (or portion thereof) by which the premium subsidy eligible individual's family income exceeds 185 percent of the applicable Federal poverty level.

SEC. 2013. ASSISTANCE TO TEMPORARILY UNEMPLOYED INDIVIDUALS.

(a) ELIGIBILITY.—An eligible individual shall be considered a premium subsidy eligible individual under this part if such individual—

(1) has been employed continuously for a 6-month period ending within a month preceding the date the individual submits an application to the State for premium assistance under this part;

(2) has been covered under a health plan during such period of employment;

(3) is not eligible for medical assistance under a State plan under title XIX of the Social Security Act;

(4) has not received a premium subsidy under a program established under this subtitle for more than a 6-month period beginning with the date described in paragraph (1); and

(5) has a family income determined under section 2031(3) which does not exceed (except as provided under section 2021(b)(3))—

(A) with respect to 1997, 100 percent of the applicable Federal poverty level;

(B) with respect to 1998, 125 percent of the applicable Federal poverty level;

(C) with respect to 1999, 150 percent of the applicable Federal poverty level;

(D) with respect to 2000, 200 percent of the applicable Federal poverty level;

(E) with respect to 2001 and years thereafter, 240 percent of the applicable Federal poverty level.

(b) APPLICABLE SUBSIDY PERCENTAGE.—For the purposes of this part, the term ''applicable subsidy percentage'' for an individual described in subsection (a) means 100 percent reduced (but not below zero) by 1 percentage point for each 1 percentage point (or portion thereof) by which the premium subsidy eligible individual's family income exceeds 100 percent of the applicable Federal poverty level.

PART 2—AGGREGATE FEDERAL PAYMENTS

SEC. 2021. AGGREGATE FEDERAL PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), with respect to any quarter beginning on or after January 1, 1997, a State shall receive payments from the Secretary in an amount equal to the sum of—

(1) the total premium assistance paid on behalf of individuals eligible for such assistance under part 1 for enrollment in qualified health plans; and

(2) 75 percent of the total amount estimated by the Secretary to be expended by the State during such quarter for proper and efficient operation and administration of the program established under this subtitle.

(b) LIMITATIONS.—

(1) BUDGETARY.—

(A) IN GENERAL.—The total amount of payments under subsection (a) to all States with programs established under this subtitle for any calender year shall not exceed the estimate by the Congressional Budget Office on January 1, 1997, of the total amount of payments under subsection (a) for 1997 (assuming participation levels under full implementation of this subtitle), adjusted for such year by population growth and the increase in health care costs reflected in the cost of providing the benefits package under chapter 89 of title 5, United States Code.

(B) ALLOWABLE ADJUSTMENTS.—If the total payment to States under subsection (a) for any calender year is estimated to be limited under subparagraph (A), corresponding adjustments shall be made to the family income limits under sections 2012(a)(3) and 2013(a)(5) for such year.

(2) REDUCTION IN PAYMENTS FOR ADMINISTRATIVE ERRORS.—

(A) IN GENERAL.—In the case of administrative errors described in subparagraph (B), payments available to a State under subsection (a) shall be reduced by an amount determined appropriate by the Secretary.

(B) ADMINISTRATIVE ERRORS DESCRIBED.—The administrative errors described in this subparagraph include the following:

(i) An eligibility error rate for premium assistance to the extent the applicable error rate exceeds the maximum permissible error rate specified by the Secretary.

(ii) Misappropriations or other expenditures that the Secretary finds are attributable to malfeasance or misfeasance.

(c) REPORTS ON UNEMPLOYMENT.—If there are significant changes in the national unemployment level, the Director of the Office of Management and Budget (in consultation with the Secretary) shall issue a report to Congress on the implications for coverage under State programs established under this subtitle.

(d) AUDITS.—The Secretary shall conduct regular audits of the activities conducted under this subtitle.

(e) BUDGETARY TREATMENT.—This section constitutes budget authority in advance of appropriations Acts, and represents the obligation of the Federal Government to provide payments to the States in accordance with this section.

PART 3—DEFINITIONS AND DETERMINATIONS OF INCOME.

SEC. 2031. DEFINITIONS AND DETERMINATIONS OF INCOME.

For purposes of this subtitle:

(1) QUALIFIED HEALTH PLAN.—The term ''qualified health plan'' means a health plan providing the benchmark benefits package as described in section 1005.

(2) CHILD.—The term ''child'' means an individual who is under 19 years of age.

(3) DETERMINATIONS OF INCOME.—

(A) FAMILY INCOME.—The term ''family income'' means, with respect to an individual who—

(i) is not a dependent (as defined in subparagraph (B)) of another individual, the sum of the modified adjusted gross incomes (as defined in subparagraph (D)) for the individual, the individual's spouse, and children who are dependents of the individual; or

(ii) is a dependent of another individual, the sum of the modified adjusted gross incomes for the other individual, the other individual's spouse, and children who are dependents of the other individual.

(B) DEPENDENT.—The term ''dependent'' has the meaning given such term in section 152 of the Internal Revenue Code of 1986.

(C) MODIFIED ADJUSTED GROSS INCOME.—The term ''modified adjusted gross income'' means adjusted gross income (as defined in section 62(a) of the Internal Revenue Code of 1986)—

(i) determined without regard to sections 135, 162(l), 911, 931, and 933 of such Code, and

(ii) increased by—

(I) the amount of interest received or accrued by the individual during the taxable year which is exempt from tax, and

(II) the amount of the social security benefits (as defined in section 86(d) of such Code) received during the taxable year to the extent not included in gross income under section 86 of such Code.

The determination under the preceding sentence shall be made without regard to any carryover or carryback.

(D) RULES RELATING TO DISREGARD OF CERTAIN INCOME.—The Secretary may promulgate rules under which spousal income may be disregarded in instances in which a spouse is not part of a family unit.

(4) ELIGIBLE INDIVIDUAL.—

(A) IN GENERAL.—The term ''eligible individual'' means an individual who is residing in the United States and who is—

(i) a citizen or national of the United States; or

(ii) a lawful alien.

(B) EXCLUSION.—The term ''eligible individual'' shall not include an individual who is an inmate of a public institution (except as a patient of a medical institution).

(C) LAWFUL ALIEN.—The term ''lawful alien'' means an individual who is—

(i) an alien lawfully admitted for permanent residence,

(ii) an asylee,

(iii) a refugee,

(iv) an alien whose deportation has been withheld under section 243(h) of the Immigration and Nationality Act, or

(v) a parolee who has been paroled for a period of 1 year or more.

(5) POVERTY LINE.—The term ''poverty line'' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) that—

(A) in the case of a family of less than 5 individuals, is applicable to a family of the size involved; and

(B) in the case of a family of more than 4 individuals, is applicable to a family of 4 individuals.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 2032. REFERENCES TO INDIVIDUAL.

For purposes of this subtitle, any reference to an individual shall include a reference to the parent or guardian of such individual.

Subtitle B—Self-Employed Health Insurance Deduction

SEC. 2101. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) PHASE-IN DEDUCTION.—Section 162(*l*) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended—

(1) by striking paragraph (6); and

(2) by striking paragraph (1) and inserting the following:

''(1) ALLOWANCE OF DEDUCTION.—

''(A) IN GENERAL.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the applicable percentage of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be determined as follows:

''If the taxable year begins in:	The applicable percentage is:
1994	25 percent
1997	50 percent
1998	75 percent
1999 or thereafter	100 percent.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

TITLE III—IMPROVING ACCESS IN RURAL AREAS

Subtitle A—Office of Rural Health Policy

SEC. 3001. OFFICE OF RURAL HEALTH POLICY.

(a) APPOINTMENT OF ASSISTANT SECRETARY.—

(1) IN GENERAL.—Section 711(a) of the Social Security Act (42 U.S.C. 912(a)) is amended—

(A) by striking ''by a Director, who shall advise the Secretary'' and inserting ''by an Assistant Secretary for Rural Health (in this section referred to as the 'Assistant Secretary'), who shall report directly to the Secretary''; and

(B) by adding at the end the following new sentence: ''The Office shall not be a component of any other office, service, or component of the Department.''.

(2) CONFORMING AMENDMENTS.—(A) Section 711(b) of the Social Security Act (42 U.S.C. 912(b)) is amended by striking ''the Director'' and inserting ''the Assistant Secretary''.

(B) Section 338J(a) of the Public Health Service Act (42 U.S.C. 254r(a)) is amended by striking ''Director of the Office of Rural Health Policy'' and inserting ''Assistant Secretary for Rural Health''.

(C) Section 464T(b) of the Public Health Service Act (42 U.S.C. 285p–2(b)) is amended in the matter preceding paragraph (1) by striking ''Director of the Office of Rural Health Policy'' and inserting ''Assistant Secretary for Rural Health''.

(D) Section 6213 of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1395x note) is amended in subsection (e)(1) by striking ''Director of the Office of Rural Health Policy'' and inserting ''Assistant Secretary for Rural Health''.

(E) Section 403 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C. 300ff–11 note) is amended in the matter preceding paragraph (1) of subsection (a) by striking ''Director of the Office of Rural Health Policy'' and inserting ''Assistant Secretary for Rural Health''.

(3) AMENDMENT TO THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of Health and Human Services (5)'' and inserting ''Assistant Secretaries of Health and Human Services (6)''.

(b) EXPANSION OF DUTIES.—Section 711(a) of the Social Security Act (42 U.S.C. 912(a)) is amended by striking ''and access to (and the quality of) health care in rural areas'' and inserting ''access to, and quality of, health care in rural areas, and reforms to the health care system and the implications of such reforms for rural areas''.

(c) TRANSFER OF DUTIES.—Effective January 1, 1996, the functions, powers, duties, and authority that were carried out in accordance with Federal law by the Office of Rural Health Policy in the Department of Health and Human Services are transferred to the Office of the Assistant Secretary for Rural Health in the Department of Health and Human Services.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1996.

Subtitle B—Development of Telemedicine in Rural Underserved Areas

SEC. 3101. GRANTS FOR DEVELOPMENT OF RURAL TELEMEDICINE.

(a) IN GENERAL.—

(1) GRANTS AWARDED.—The Secretary, acting through the Office of Rural Health Policy, shall award grants to eligible entities that have applications approved under subsection (b) for the purpose of expanding access to health care services for individuals in rural areas through the use of telemedicine. Grants shall be awarded under this section to encourage the initial development of rural telemedicine networks, expand existing networks, link existing networks together, or link such networks to existing fiber optic telecommunications systems.

(2) ELIGIBLE ENTITY.—For purposes of this section, the term ''eligible entity'' includes hospitals and other health care providers in a health care network of community-based providers that includes at least 3 of the following:

(A) Community or migrant health centers.

(B) Local health departments.

(C) Community mental health centers.

(D) Nonprofit hospitals.

(E) Private practice health professionals, including rural health clinics.

(F) Other publicly funded health or social services agencies.

(b) APPLICATION.—To be eligible to receive a grant under this section an entity shall submit to the Secretary an application containing such information as the Secretary may require, including the anticipated need for the grant and the source and amount of non-Federal funds the entity would pledge for the project.

(c) PREFERENCE.—The Secretary shall, in awarding grants under this section, give preference to applicants that—

(1) are health care providers in rural health care networks or providers that propose to form such networks in medically underserved or health professional shortage areas;

(2) propose to use Federal funds to develop plans for, or to establish, telemedicine systems that will link rural hospitals and rural health care providers to other hospitals and health care providers; and

(3) demonstrate financial, institutional, and community support for the long range viability of the network.

(d) USE OF AMOUNTS.—Amounts received under a grant awarded under this section shall be utilized for the development of telemedicine networks. Such amounts may be used to cover the costs associated with the development of telemedicine networks and the acquisition of telemedicine equipment and modifications or improvements of telecommunications facilities as approved by the Secretary.

(e) PROHIBITED USES.—Amounts received under a grant awarded under this section may not be used for any of the following:

(1) Expenditures to purchase or lease equipment to the extent the expenditures would exceed more than 60 percent of the total grant funds.

(2) Expenditures for indirect costs (as determined by the Secretary) to the extent the expenditures would exceed more than 10 percent of the total grant funds.

SEC. 3102. REPORT AND EVALUATION OF TELEMEDICINE.

Not later than October 1, 1995, the White House Information Infrastructure Task Force shall prepare and submit to Congress a report that evaluates the cost effectiveness and utility of telemedicine and includes recommendations for a coordinated Federal strategy to increase access to health care through telemedicine.

SEC. 3103. REGULATIONS ON REIMBURSEMENT OF TELEMEDICINE.

Not later than July 1, 1996, the Secretary, in consultation with the Assistant Secretary for Rural Health and the Administrator of the Health Care Financing Administration, shall issue regulations concerning reimbursement for telemedicine services provided under title XVIII of the Social Security Act.

SEC. 3104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for each of fiscal years 1996, 1997, 1998, 1999, and 2000, to carry out this subtitle.

SEC. 3105. DEFINITIONS.

For purposes of this subtitle:

(1) RURAL HEALTH CARE NETWORK.—The term ''rural health care network'' means a group of rural hospitals or other rural health care providers (including clinics, physicians and non-physicians primary care providers) that have entered into a relationship with each other or with nonrural hospitals and health care providers for the purpose of strengthening the delivery of health care services in rural areas or specifically to improve their patients' access to telemedicine services. At least 75 percent of hospitals and other health care providers participating in the network shall be located in rural areas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

Subtitle C—Rural Health Plan Demonstration Projects

SEC. 3201. RURAL HEALTH PLAN DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall establish and implement not more than 3 demonstration projects for the designation of rural health plan areas. To be designated as a rural health plan area under this section, an area must be a rural area (as defined in section 1866(d)(2)(D) of the Social Security Act (42 U.S.C. 1395cc(d)(2)(D))) or an underserved nonurban area in accordance with other criteria specified by the Secretary of Health and Human Services.

(b) APPLICATION.—To be eligible to conduct a demonstration project under this section, an entity shall prepare and submit to the Secretary of Health and Human Services an application containing such information as the Secretary may require to ensure that project participants meet the goals described in subsection (d). An application submitted under this section shall—

(1) identify the area in which the demonstration project will be conducted; and

(2) provide assurances that the area described in paragraph (1) meets the requirements of subsection (a).

(c) REQUIREMENTS.—An entity offering a health plan (as defined in section 1031(a)) through a demonstration project under this section shall—

(1) have a recognized, long-standing relationship with the rural community in which the project is being conducted; and

(2) ensure that the plan meets the requirements for health plans under title I.

(d) GOALS.—The goals referred to in this subsection are as follows:

(1) To develop a reliable supply of health care providers and rural health service delivery infrastructures with a sound financial footing.

(2) To develop a mechanism to begin to provide the benefits of networking found in urban health systems to rural Americans living in rural health plan areas.

(e) REPORT.—Not later than 360 days after the date on which the first demonstration project is implemented under this section, and annually thereafter for each year in which a project is being conducted, the Secretary of Health and Human Services shall submit to Congress a report that evaluates the effectiveness of such projects. Such reports shall include any legislative recommendations determined appropriate by the Secretary.

Subtitle D—Antitrust Safe Harbors for Rural Health Providers

SEC. 3301. ANTITRUST SAFE HARBORS FOR RURAL HEALTH PROVIDERS.

(a) IN GENERAL.—The Attorney General of the United States, in consultation with the Commissioner of the Federal Trade Commission, shall establish policy guidelines to assist rural health care providers in complying with safe harbor requirements with respect to the conduct of activities relating to the provision of health care services in rural areas.

(b) DISSEMINATION OF INFORMATION.—The Attorney General, in consultation with the Commissioner of the Federal Trade Commission and the Assistant Secretary for Rural Health, shall develop methods for the dissemination of the guidelines established under subsection (a) to rural health care providers.

(c) PUBLICATION OF ADDITIONAL SAFE HARBORS.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall publish in the Federal Register the guidelines established under subsection (a) together with any proposed additional safe harbors for rural providers of health care services.

TITLE IV—QUALITY AND CONSUMER PROTECTION

Subtitle A—Administrative Simplification

PART 1—PURPOSE AND DEFINITIONS

SEC. 4001. PURPOSE.

(a) IN GENERAL.—It is the purpose of this subtitle to promote administrative simplification, enhance the usefulness of health information, and protect privacy through the establishment of a national framework for health information.

(b) GOALS OF FRAMEWORK.—By standardizing data elements, code sets, and electronic transactions, and by assuring a secure environment for the transmission and exchange of health information, it is the goal of the national framework to reduce the burden of administrative complexity, paper work, and cost on the health care system, including the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act. It is the further goal of the national framework to enable the information routinely collected in the health care and claims processes to be used for other health related purposes, including promoting access and quality of care, achieving public health objectives, improving the detection of fraud and abuse, and advancing medical research.

SEC. 4002. DEFINITIONS.

(a) DEFINITIONS FOR TITLE.—For purposes of this title:

(1) HEALTH CARE PROVIDER.—The term ''health care provider'' means any person furnishing health care services or supplies.

(2) HEALTH INFORMATION.—The term ''health information'' means any information, whether oral or recorded in any form or medium that—

(A) is created or received by a health care provider, health plan, health oversight agency (as defined in section 4101), health researcher, public health authority (as defined in section 4101), employer, life insurer, school or university, or certified health information network service; and

(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

(3) HEALTH INFORMATION PROTECTION ORGANIZATION.—The term ''health information protection organization'' means a private entity or an entity operated by a State, certified under section 4022, that accesses standard data elements of health information through the health information network and—

(A) stores such information; and

(B) processes such information into non-identifiable health information and discloses such information in accordance with subtitle B.

(4) HEALTH PLAN.—The term ''health plan'' has the meaning given such term in section 1031(a) except that such term shall include paragraphs (3), (4), (5), (6), (7), (8), and (9) of such section.

(5) NON-IDENTIFIABLE HEALTH INFORMATION.—The term ''non-identifiable health information'' means health information that is not protected health information as defined in section 4101.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) DEFINITIONS FOR SUBTITLE.—For purposes of this subtitle:

(1) CODE SET.—The term ''code set'' means any set of codes used for encoding data elements, such as tables of terms, medical concepts, medical diagnostic codes, or medical procedure codes.

(2) COORDINATION OF BENEFITS.—The term ''coordination of benefits'' means determining and coordinating the financial obligations of health plans when health care benefits are payable under 2 or more health plans.

(3) HEALTH INFORMATION NETWORK.—The term ''health information network'' means the health information system that is formed through the application of the requirements and standards established under this subtitle.

(4) STANDARD.—The term ''standard'', when referring to an information transaction or to data elements of health information, means the transaction or data elements meet any standard adopted by the Secretary under part 2 that applies to such information transaction or data elements.

PART 2—STANDARDS FOR DATA ELEMENTS AND INFORMATION TRANSACTIONS

SEC. 4011. GENERAL REQUIREMENTS ON SECRETARY.

The Secretary shall adopt standards and modifications to standards under this subtitle relying, if possible, on standards in use and generally accepted or developed or modified by the standards setting organizations accredited by the American National Standard Institute (ANSI).

SEC. 4012. STANDARDS FOR HEALTH INFORMATION TRANSACTIONS AND DATA ELEMENTS.

(a) IN GENERAL.—The Secretary shall adopt standards for transactions, data elements, and code sets, to make uniform and able to be exchanged electronically health information that is—

(1) appropriate for the following financial and administrative transactions: claims (including coordination of benefits) or equivalent encounter information in the case of health care providers that do not file claims, claims attachments, enrollment and disenrollment, eligibility, payment and remittance advice, premium payments, first report of injury, claims status, and referral certification and authorization;

(2) related to other transactions determined appropriate by the Secretary consistent with the goals of improving the health care system and reducing administrative costs; and

(3) related to inquiries by a health information protection organization with respect to information standardized under paragraph (1) or (2).

(b) UNIQUE HEALTH IDENTIFIERS.—The Secretary shall adopt standards providing for a standard unique health identifier for each individual, employer, health plan, and health care provider for use in the health care system.

(c) CODE SETS.—

(1) IN GENERAL.—The Secretary shall, if possible, select code sets from among the code sets that have been developed, and shall establish efficient and low-cost procedures for distribution of code sets and modifications made to such code sets under section 4013(b).

(2) ADDITIONS AND MODIFICATIONS TO CODE SETS.—The Secretary shall ensure that procedures exist for the routine maintenance, testing, enhancement, and expansion of code sets to accommodate changes in biomedical science and health care delivery. Modified code sets shall be adopted not more frequently than once every 6 months.

(d) ELECTRONIC SIGNATURE.—The Secretary, in coordination with the Secretary of Commerce, shall promulgate regulations specifying procedures for the electronic transmission and authentication of signatures, compliance with which shall be deemed to satisfy Federal and State statutory requirements for written signatures with respect to information transactions required by this subtitle and written signatures on medical records and prescriptions.

(e) SPECIAL RULES FOR COORDINATION OF BENEFITS.—Any standards adopted under subsection (a) that relate to coordination of benefits shall provide that a claim for reimbursement for medical services furnished is tested by an algorithm specified by the Secretary against all records that are electronically available through the health information network relating to enrollment and eligibility for the individual who received such services to determine any primary and secondary obligers for payment.

PART 3—REQUIREMENTS WITH RESPECT TO CERTAIN TRANSACTIONS AND INFORMATION

SEC. 4021. REQUIREMENTS ON HEALTH PLANS AND HEALTH CARE PROVIDERS.

(a) IN GENERAL.—A health plan or health care provider shall conduct transactions described in section 4012(a) as standard transactions.

(b) COMPLIANCE.—Not later than 12 months after the date on which a standard is adopted under part 2, a health plan or health care provider shall comply with the requirement under subsection (a) with respect to such standard.

(c) RESPONSE TO ELECTRONIC INQUIRY.—If a health plan or health care provider conducts a transaction in compliance with subsection (a), such transaction and the standard data elements of such transaction shall be made available electronically, in accordance with section 4031, in response to an electronic inquiry from a health information protection organization.

SEC. 4022. STANDARDS AND CERTIFICATION FOR HEALTH INFORMATION PROTECTION ORGANIZATIONS.

(a) STANDARDS FOR OPERATION.—The Secretary shall establish standards with respect to the operation and certification of health information protection organizations, including standards ensuring that—

(1) such organizations have capabilities, policies, and procedures in place that are consistent with the privacy requirements under subtitle B; and

(2) such organizations, if part of a larger organization, have policies and procedures in place which isolate their information processing activities in a manner that prevents unauthorized access to such information by such larger organization.

(b) CERTIFICATION BY PRIVATE ENTITIES.—The Secretary may designate private entities to conduct the certification procedures established by the Secretary under this section.

PART 4—ACCESSING HEALTH INFORMATION

SEC. 4031. ACCESS FOR AUTHORIZED PURPOSES.

(a) IN GENERAL.—The Secretary shall adopt technical standards for appropriate persons to locate and access the health information that is available through the health information network. Such technical standards shall ensure that any request to locate or access information shall be authorized under subtitle B.

(b) GOVERNMENT AGENCIES.—

(1) IN GENERAL.—Health information protection organizations shall make available to a Federal or State agency pursuant to a Federal Acquisition Regulation (or an equivalent State system), any non-identifiable health information that is requested by such agency.

(2) CERTAIN INFORMATION AVAILABLE AT LOW COST.—If a health information protection organization described in paragraph (1) needs information from a health plan, health care provider, or other health information protection organization in order to comply with a request of a Federal or State agency under this Act, such plan, provider, or other organization shall make such information available to such organization for a charge that does not exceed the reasonable cost of transmitting the information.

(c) MODIFICATIONS TO STANDARDS.—Rules similar to rules under section 4012(c)(2) shall apply to modifications to standards under this part.

PART 5—PENALTIES

SEC. 4041. GENERAL PENALTY FOR FAILURE TO COMPLY WITH REQUIREMENTS AND STANDARDS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall impose on any person that violates a requirement or standard imposed under this subtitle a penalty of not more than $1,000 for each violation. The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a-7a) (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to the imposition of a civil money penalty under this subsection in the same manner as such provisions apply to the imposition of a penalty under such section 1128A.

(b) LIMITATIONS.—

(1) NONCOMPLIANCE NOT DISCOVERED.—A penalty may not be imposed under subsection (a) if it is established to the satisfaction of the Secretary that the person liable for the penalty did not know, and by exercising reasonable diligence would not have known, that such person failed to comply with the requirement or standard described in subsection (a).

(2) FAILURES DUE TO REASONABLE CAUSE.—A penalty may not be imposed under subsection (a) if the failure to comply was due to reasonable cause and not to willful neglect, and the failure to comply is corrected during the time period established by the Secretary.

(3) REDUCTION.—In the case of a failure to comply which is due to reasonable cause and not to willful neglect, any penalty under subsection (a) that is not entirely waived under paragraph (2) may be waived to the extent that the payment of such penalty would be excessive relative to the compliance failure involved.

PART 6—MISCELLANEOUS PROVISIONS

SEC. 4051. EFFECT ON STATE LAW.

(a) IN GENERAL.—Except as provided in subsection (b), a provision, requirement, or standard under this subtitle shall supersede any contrary provision of State law, including—

(1) any law that requires medical or health plan records (including billing information) to be maintained or transmitted in writing, and

(2) a provision of State law which provides for requirements or standards that are more stringent than the requirements or standards under this subtitle;

except if the Secretary determines that the provision is necessary to prevent fraud and abuse, with respect to controlled substances, or for other purposes.

(b) PUBLIC HEALTH REPORTING.—Nothing in this subtitle shall be construed to invalidate or limit the authority, power, or procedures established under any law providing for the reporting of disease or injury, child abuse, birth, or death, public health surveillance, or public health investigation or intervention.

SEC. 4052. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

Subtitle B—Privacy of Health Information

PART 1—DEFINITIONS

SEC. 4101. DEFINITIONS.

For purposes of this subtitle:

(1) PROTECTED HEALTH INFORMATION.—The term ''protected health information'' means any information, including demographic information collected from an individual, whether oral or recorded in any form or medium, that—

(A) is created or received by a health care provider, health plan, health oversight agency, health researcher, public health authority, employer, life insurer, school or university, or health information protection organization; and

(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual, and—

(i) identifies an individual; or

(ii) with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

(2) DISCLOSE.—The term ''disclose'', when used with respect to protected health information, means to provide access to the information, but only if such access is provided to a person other than the individual who is the subject of the information.

(3) HEALTH INFORMATION TRUSTEE.—The term ''health information trustee'' means—

(A) a health care provider, health plan, health oversight agency, health information protection organization, employer, life insurer, or school or university insofar as it creates, receives, maintains, uses, or transmits protected health information;

(B) any person who obtains protected health information under section 4108, 4111, 4116, 4117, 4118, 4121, 4122, 4126, or 4131; and

(C) any employee or agent of a person covered under subparagraphs (A) or (B).

(4) HEALTH OVERSIGHT AGENCY.—The term ''health oversight agency'' means a person who—

(A) performs or oversees the performance of an assessment, evaluation, determination, or investigation relating to the licensing, accreditation, or certification of health care providers; or

(B)(i) performs or oversees the performance of an assessment, evaluation, determination, investigation, or prosecution relating to the effectiveness of, compliance with, or applicability of legal, fiscal, medical, or scientific standards or aspects of performance related to the delivery of, or payment for health care or relating to health care fraud or fraudulent claims for payment regarding health care; and

(ii) is a public agency, acting on behalf of a public agency, acting pursuant to a requirement of a public agency, or carrying out activities under a Federal or State law governing the assessment, evaluation, determination, investigation, or prosecution described in clause (i).

(5) PUBLIC HEALTH AUTHORITY.—The term ''public health authority'' means an authority or instrumentality of the United States, a State, or a political subdivision of a State that is—

(A) responsible for public health matters; and

(B) engaged in such activities as injury reporting, public health surveillance, and public health investigation or intervention.

(6) INDIVIDUAL REPRESENTATIVE.—The term ''individual representative'' means any individual legally empowered to make decisions concerning the provision of health care to an individual (if the individual lacks the legal capacity under State law to make such decisions) or the administrator or executor of the estate of a deceased individual.

(7) PERSON.—The term ''person'' includes an authority of the United States, a State, or a political subdivision of a State.

PART 2—AUTHORIZED DISCLOSURES

Subpart A—General Provisions

SEC. 4106. GENERAL RULES REGARDING DISCLOSURE.

(a) GENERAL RULE.—A health information trustee may disclose protected health information only for a purpose that is authorized under this subtitle.

(b) DISCLOSURE WITHIN A TRUSTEE.—A health information trustee may disclose protected health information to an officer, employee, or agent of the trustee for a purpose that is compatible with and related to the purpose for which the information was collected or received by that trustee.

(c) SCOPE OF DISCLOSURE.—Every disclosure of protected health information by a health information trustee shall be limited to the minimum amount of information necessary to accomplish the purpose for which the information is disclosed.

(d) NO GENERAL REQUIREMENT TO DISCLOSE.—Nothing in this subtitle that permits a disclosure of health information shall be construed to require such disclosure.

(e) USE AND REDISCLOSURE OF INFORMATION.—Protected health information about an individual that is disclosed under this subtitle may not be used in, or disclosed to any person for use in, any administrative, civil, or criminal action or investigation directed against the individual unless the action or investigation arises out of or is directly related to the law enforcement inquiry for which the information was obtained.

(f) IDENTIFICATION OF DISCLOSED INFORMATION AS PROTECTED INFORMATION.—When engaging in a permitted disclosure, a health information trustee shall clearly identify protected health information as such and as protected by this subtitle, unless the disclosure is made under section 4112 or is a routine disclosure made under a written agreement which satisfies this subsection.

(g) DIRECTORY INFORMATION.—A health care provider and a person receiving protected health information under section 4112 may disclose protected health information to any person if the information consists only of 1 or more of the following items:

(1) The the name of the individual who is the subject of the information.

(2) If the individual who is the subject of the information is receiving health care from a health care provider on a premises controlled by the provider—

(A) the location of the individual on the premises; and

(B) the general health status of the individual, described as critical, poor, fair, stable, or satisfactory, or in terms denoting similar conditions.

(h) NEXT OF KIN.—A health care provider or person who receives protected health information under section 4112 may disclose protected health information to the next of kin, an individual representative of the individual who is the subject of the information, or an individual with whom that individual has a close personal relationship if—

(1) the individual who is the subject of the information—

(A) has been notified of the individual's right to object and has not objected to the disclosure;

(B) is not competent to be notified about the right to object; or

(C) is subject to exigent circumstances such that it would not be practicable to notify the individual of the right to object; and

(2) the information disclosed relates to health care currently being provided to that individual.

(i) INFORMATION IN WHICH PROVIDERS ARE IDENTIFIED.—The Secretary may issue regulations protecting information identifying providers in order to promote the availability of health care services.

SEC. 4107. AUTHORIZATIONS FOR DISCLOSURE OF PROTECTED HEALTH INFORMATION.

(a) WRITTEN AUTHORIZATIONS.—A health information trustee may disclose protected health information pursuant to an authorization executed by the individual who is the subject of the information under regulations issued by the Secretary.

(b) WRITTEN OBJECTIONS TO DISCLOSURE.—Except if required by law, nothing in this subtitle that permits a disclosure shall allow such disclosure if the subject of the protected health information has previously objected to disclosure in writing.

SEC. 4108. HEALTH INFORMATION PROTECTION ORGANIZATIONS.

A health information trustee may disclose protected health information to a health information protection organization for the purpose of creating non-identifiable health information.

Subpart B—Specific Disclosures Relating to Patient

SEC. 4111. DISCLOSURES FOR TREATMENT AND FINANCIAL AND ADMINISTRATIVE TRANSACTIONS.

(a) HEALTH CARE TREATMENT.—A health care provider, health plan, employer, or person who receives protected health information under section 4112, may disclose protected health information to a health care provider for the purpose of providing health care to an individual.

(b) DISCLOSURE FOR FINANCIAL AND ADMINISTRATIVE PURPOSES.—A health care provider or employer may disclose protected health information to a health care provider or health plan for the purpose of providing for the payment for, or reviewing the payment of, health care furnished to an individual.

SEC. 4112. EMERGENCY CIRCUMSTANCES.

A health care provider, health plan, employer, or person who receives protected health information under this section may disclose protected health information in emergency circumstances when necessary to protect the health or safety of an individual from imminent harm.

Subpart C—Disclosure for Oversight, Public Health, and Research Purposes

SEC. 4116. OVERSIGHT.

A health information trustee may disclose protected health information to a health oversight agency for an oversight function authorized by law.

SEC. 4117. PUBLIC HEALTH.

A health care provider, health plan, public health authority, employer, or person who receives protected health information under section 4112 may disclose protected health information to a public health authority or other person authorized by law for use in a legally authorized—

(1) disease or injury reporting;

(2) public health surveillance; or

(3) public health investigation or intervention.

SEC. 4118. HEALTH RESEARCH.

(a) IN GENERAL.—A health information trustee may disclose protected health information to a health researcher if an institutional review board determines that the research project engaged in by the health researcher—

(1) requires use of the protected health information for the effectiveness of the project; and

(2) is of sufficient importance to outweigh the intrusion into the privacy of the individual who is the subject of the information that would result from the disclosure.

(b) RESEARCH REQUIRING DIRECT CONTACT.—A health care provider or health plan may disclose protected health information to a health researcher for a research project that includes direct contact with an individual who is the subject of protected health information if an institutional review board determines that direct contact is necessary and will be made in a manner that minimizes the risk of harm, embarrassment, or other adverse consequences to the individual.

(c) OBLIGATIONS OF RECIPIENT.—A person who receives protected health information under subsection (a) shall use such information solely for the purposes of the approved research project and shall remove or destroy, at the earliest opportunity consistent with the purposes of the project, information that would enable an individual to be identified.

Subpart D—Disclosure For Judicial, Administrative, and Law Enforcement Purposes

SEC. 4121. JUDICIAL AND ADMINISTRATIVE PURPOSES.

A health care provider, health plan, health oversight agency, or employer may disclose protected health information, subject to a court's rules of procedure—

(1) in connection with litigation or proceedings to which the individual who is the subject of the information is a party and in which the individual has placed the individual's physical or mental condition at issue;

(2) if the protected health information is developed in response to a court-ordered physical or mental examination; or

(3) pursuant to a law requiring the reporting of specific medical information to law enforcement authorities.

SEC. 4122. LAW ENFORCEMENT.

(a) IN GENERAL.—A health care provider, health plan, health oversight agency, employer, or person who receives protected health information under section 4112 may disclose protected health information to a law enforcement agency (other than a health oversight agency governed by section 4116) if the information is requested for use—

(1) in an investigation or prosecution of a health information trustee;

(2) in the identification of a victim or witness in a law enforcement inquiry; or

(3) in connection with the investigation of criminal activity committed against the trustee or on premises controlled by the trustee.

(b) WRITTEN CERTIFICATION.—If a law enforcement agency (other than a health oversight agency) requests that a health information trustee disclose protected health information under this section, such agency shall provide the trustee with a written certification that—

(1) specifies the information requested;

(2) states that the information is needed for a lawful purpose under this section; and

(3) is signed by a supervisory official of a rank designated by the head of the agency.

Subpart E—Disclosure Pursuant to Government Subpoena or Warrant

SEC. 4126. GOVERNMENT SUBPOENAS AND WARRANTS.

A health care provider, health plan, health oversight agency, employer, or person who receives protected health information under section 4112 may disclose protected health information under this section if the disclosure is pursuant to—

(1) an administrative subpoena or summons, a judicial subpoena or warrant, or a grand jury subpoena, and the trustee is provided written certification that section 4127 has been complied with by the person seeking the subpoena or summons; or

(2) an administrative subpoena or summons, a judicial subpoena or warrant, or a grand jury subpoena, and the disclosure otherwise meets the conditions of section 4116, 4117, 4118, 4121, or 4122.

SEC. 4127. ACCESS PROCEDURES FOR LAW ENFORCEMENT SUBPOENAS AND WARRANTS.

(a) PROBABLE CAUSE REQUIREMENT.—A government authority may not obtain protected health information about an individual under paragraph (1) or (2) of section 4126 for use in a law enforcement inquiry unless there is probable cause to believe that the information is relevant to a legitimate law enforcement inquiry being conducted by the government authority.

(b) WARRANTS.—A government authority that obtains protected health information about an individual under circumstances described in subsection (a) and pursuant to a warrant shall, not later than 30 days after the date the warrant was executed, serve the individual with, or mail to the last known address of the individual, a notice that protected health information about the individual was so obtained, together with a notice of the individual's right to challenge the warrant.

(c) SUBPOENA OR SUMMONS.—Except as provided in subsection (d), a government authority may not obtain protected health information about an individual under circumstances described in subsection (a) and pursuant to a subpoena or summons unless a copy of the subpoena or summons has been served on the individual on or before the date of return of the subpoena or summons, together with notice of the individual's right to challenge the subpoena or summons. No disclosure may be made until after the 15th day after the individual has been served or after a court order allowing disclosure.

(d) APPLICATION FOR DELAY.—

(1) IN GENERAL.—A government authority may apply ex parte and under seal to an appropriate court to delay (or extend a delay) serving a notice or copy of a warrant, subpoena, or summons required under subsection (b) or (c). The initial period of delay may not exceed 90 days.

(2) EX PARTE ORDER.—The court shall enter an ex parte order delaying or extending the delay of notice, an order prohibiting the disclosure of the request for, or disclosure of, the protected health information, and an order requiring the disclosure of the protected health information if the court finds that—

(A) the inquiry being conducted is within the lawful jurisdiction of the government authority seeking the protected health information;

(B) there is probable cause to believe that the protected health information being sought is relevant to a legitimate law enforcement inquiry;

(C) the government authority's need for the information outweighs the privacy interest of the individual who is the subject of the information; and

(D) there is reasonable ground to believe that receipt of notice by the individual will result in—

(i) endangering the life or physical safety of any individual;

(ii) flight from prosecution;

(iii) destruction of or tampering with evidence or the information being sought;

(iv) intimidation of potential witnesses; or

(v) disclosure of the existence or nature of a confidential law enforcement investigation or grand jury investigation is likely to seriously jeopardize such investigation.

SEC. 4128. CHALLENGE PROCEDURES FOR LAW ENFORCEMENT WARRANTS, SUBPOENAS, AND SUMMONS.

(a) MOTION TO QUASH.—Within 15 days after the date of service of a notice of execution or a copy of a warrant, subpoena, or summons of a government authority seeking protected health information about an individual under paragraph (1) or (2) of section 4126, the individual may file a motion to quash.

(b) STANDARD FOR DECISION.—The court shall grant a motion under subsection (a) unless the government demonstrates that there is probable cause to believe the protected health information is relevant to a legitimate law enforcement inquiry being conducted by the government authority and the government authority's need for the information outweighs the privacy interest of the individual.

Subpart F—Disclosure Pursuant to Party Subpoena

SEC. 4131. PARTY SUBPOENAS.

A health care provider, health plan, employer, or person who receives protected health information under section 4112 may disclose protected health information under this section if the disclosure is pursuant to a subpoena issued on behalf of a party who has complied with the access provisions of section 4132.

SEC. 4132. ACCESS PROCEDURES FOR PARTY SUBPOENAS.

A party may not obtain protected health information about an individual pursuant to a subpoena unless a copy of the subpoena together with a notice of the individual's right to challenge the subpoena in accordance with section 4133 has been served upon the individual on or before the date of return of the subpoena.

SEC. 4133. CHALLENGE PROCEDURES FOR PARTY SUBPOENAS.

(a) MOTION TO QUASH SUBPOENA.—After service of a copy of the subpoena seeking protected health information under section 4131, the individual who is the subject of the protected health information may file in any court of competent jurisdiction a motion to quash the subpoena.

(b) STANDARD FOR DECISION.—The court shall grant a motion under subsection (a) unless the respondent demonstrates that—

(1) there is reasonable ground to believe the information is relevant to a lawsuit or other judicial or administrative proceeding; and

(2) the need of the respondent for the information outweighs the privacy interest of the individual.

PART 3—PROCEDURES FOR ENSURING SECURITY OF PROTECTED HEALTH INFORMATION

Subpart A—Establishment of Safeguards

SEC. 4136. ESTABLISHMENT OF SAFEGUARDS.

A health information trustee shall establish and maintain appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of protected health information created or received by the trustee.

SEC. 4137. ACCOUNTING FOR DISCLOSURES.

A health information trustee shall create and maintain, with respect to any protected health information disclosed in exceptional circumstances, a record of the disclosure in accordance with regulations issued by the Secretary.

Subpart B—Review of Protected Health Information By Subjects of the Information

SEC. 4141. INSPECTION OF PROTECTED HEALTH INFORMATION.

(a) IN GENERAL.—Except as provided in subsection (b), a health care provider or health plan shall permit an individual who is

the subject of protected health information or the individual's designee to inspect any such information that the provider or plan maintains. A health care provider or health plan may require an individual to reimburse the provider or plan for the cost of such inspection.

(b) EXCEPTIONS.—A health care provider or health plan is not required by this section to permit inspection or copying of protected health information if any of the following conditions apply:

(1) MENTAL HEALTH TREATMENT NOTES.—The information consists of psychiatric, psychological, or mental health treatment notes, and the provider or plan determines, based on reasonable medical judgment, that inspection or copying of the notes would cause sufficient harm.

(2) ENDANGERMENT TO LIFE OR SAFETY.—The provider or plan determines that disclosure of the information could reasonably be expected to endanger the life or physical safety of any individual.

(3) CONFIDENTIAL SOURCE.—The information identifies or could reasonably lead to the identification of a person (other than a health care provider) who provided information under a promise of confidentiality to a health care provider concerning the individual who is the subject of the information.

(4) ADMINISTRATIVE PURPOSES.—The information is used by the provider or plan solely for administrative purposes and not in the provision of health care to the individual who is the subject of the information.

SEC. 4142. AMENDMENT OF PROTECTED HEALTH INFORMATION.

A health care provider or health plan shall, within 45 days after receiving a written request to correct or amend protected health information from the individual who is the subject of the information—

(1) correct or amend such information; or

(2) provide the individual with a statement of the reasons for refusing to correct or amend such information and include a copy of such statement in the provider's or plan's records.

SEC. 4143. NOTICE OF INFORMATION PRACTICES.

A health care provider or health plan shall provide written notice of the provider's or plan's information practices, including notice of individual rights with respect to protected health information.

PART 4—SANCTIONS

Subpart A—Civil Sanctions

SEC. 4151. CIVIL PENALTY.

(a) VIOLATION.—Any health information trustee who the Secretary determines has substantially failed to comply with this subtitle shall be subject, in addition to any other penalties that may be prescribed by law, to a civil penalty of not more than $10,000 for each such violation.

(b) PROCEDURES FOR IMPOSITION OF PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a-7a), other than subsections (a) and (b) and the second sentence of subsection (f) of that section, shall apply to the imposition of a civil monetary penalty under this section in the same manner as such provisions apply with respect to the imposition of a penalty under such section 1128A.

SEC. 4152. CIVIL ACTION.

(a) IN GENERAL.—An individual who is aggrieved by negligent conduct in violation of this subtitle may bring a civil action to recover—

(1) the greater of actual damages or liquidated damages of $5,000;

(2) punitive damages;

(3) a reasonable attorney's fee and expenses of litigation;

(4) costs of litigation; and

(5) such preliminary and equitable relief as the court determines to be appropriate.

(b) LIMITATION.—No action may be commenced under this section more than 3 years after the date on which the violation was or should reasonably have been discovered.

Subpart B—Criminal Sanctions

SEC. 4161. WRONGFUL DISCLOSURE OF PROTECTED HEALTH INFORMATION.

(a) OFFENSE.—A person who knowingly—

(1) obtains protected health information relating to an individual in violation of this subtitle; or

(2) discloses protected health information to another person in violation of this subtitle,

shall be punished as provided in subsection (b).

(b) PENALTIES.—A person described in subsection (a) shall—

(1) be fined not more than $50,000, imprisoned not more than 1 year, or both;

(2) if the offense is committed under false pretenses, be fined not more than $100,000, imprisoned not more than 5 years, or both; and

(3) if the offense is committed with intent to sell, transfer, or use protected health information for commercial advantage, personal gain, or malicious harm, fined not more than $250,000, imprisoned not more than 10 years, or both.

PART 5—ADMINISTRATIVE PROVISIONS

SEC. 4166. RELATIONSHIP TO OTHER LAWS.

(a) STATE LAW.—Except as provided in subsections (b), (c), and (d), this subtitle preempts State law.

(b) LAWS RELATING TO PUBLIC OR MENTAL HEALTH.—Nothing in this subtitle shall be construed to preempt or operate to the exclusion of any State law relating to public health or mental health that prevents or regulates disclosure of protected health information otherwise allowed under this subtitle.

(c) PRIVILEGES.—Nothing in this subtitle is intended to preempt or modify State common or statutory law to the extent such law concerns a privilege of a witness or person in a court of the State. This subtitle does not supersede or modify Federal common or statutory law to the extent such law concerns a privilege of a witness or person in a court of the United States. Authorizations pursuant to section 4107 shall not be construed as a waiver of any such privilege.

(d) CERTAIN DUTIES UNDER STATE OR FEDERAL LAW.—This subtitle shall not be construed to preempt, supersede, or modify the operation of—

(1) any law that provides for the reporting of vital statistics such as birth or death information;

(2) any law requiring the reporting of abuse or neglect information about any individual;

(3) subpart II of part E of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-81 et seq.) (relating to notifications of emergency response employees of possible exposure to infectious diseases); or

(4) any Federal law or regulation governing confidentiality of alcohol and drug patient records.

SEC. 4167. RIGHTS OF INCOMPETENTS.

Except as provided in section 4168, if an individual has been declared to be incompetent by a court of competent jurisdiction, the rights of the individual under this subtitle shall be exercised and discharged in the best interests of the individual through the individual's representative.

SEC. 4168. EXERCISE OF RIGHTS.

(a) INDIVIDUALS WHO ARE 18 OR LEGALLY CAPABLE.—In the case of an individual—

(1) who is 18 years of age or older, all rights of the individual shall be exercised by the individual; or

(2) who, acting alone, has the legal right, as determined by State law, to apply for and obtain a type of medical examination, care, or treatment and who has sought such examination, care, or treatment, the individual shall exercise all rights of an individual under this subtitle with respect to protected health information relating to such examination, care, or treatment.

(b) INDIVIDUALS UNDER 18.—Except as provided in subsection (a)(2), in the case of an individual who is—

(1) under 14 years of age, all the individual's rights under this subtitle shall be exercised through the parent or legal guardian of the individual; or

(2) 14, 15, 16, or 17 years of age, the rights of inspection and amendment, and the right to authorize disclosure of protected health information of the individual may be exercised either by the individual or by the parent or legal guardian of the individual.

Subtitle C—Enhanced Penalties for Health Care Fraud

SEC. 4201. ALL-PAYER FRAUD AND ABUSE CONTROL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than January 1, 1996, the Secretary of Health and Human Services (in this subtitle referred to as the ''Secretary''), acting through the Office of the Inspector General of the Department of Health and Human Services, and the Attorney General shall establish a program—

(A) to coordinate Federal, State, and local law enforcement programs to control fraud and abuse with respect to the delivery of and payment for health care in the United States,

(B) to conduct investigations, audits, evaluations, and inspections relating to the delivery of and payment for health care in the United States,

(C) to facilitate the enforcement of the provisions of sections 1128, 1128A, and 1128B of the Social Security Act (42 U.S.C. 1320a-7, 1320a-7a, and 1320a-7b) and other statutes applicable to health care fraud and abuse, and

(D) to provide for the modification and establishment of safe harbors and to issue interpretative rulings and special fraud alerts.

(2) REGULATIONS.—The Secretary and the Attorney General shall by regulation establish standards to carry out the program under paragraph (1).

(b) HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is hereby established an account to be known as the ''Health Care Fraud and Abuse Control Account'' (in this section referred to as the ''Anti-Fraud Account'').

(B) TRANSFER OF AMOUNTS.—The Secretary of the Treasury shall transfer to the Anti-Fraud Account an amount equal to the sum of the following:

(i) Criminal fines imposed in cases involving a Federal health care offense (as defined in subparagraph (C)).

(ii) Administrative penalties and assessments imposed under titles XI, XVIII, and XIX of the Social Security Act (except as otherwise provided by law).

(iii) Amounts resulting from the forfeiture of property by reason of a Federal health care offense.

(iv) Penalties and damages imposed under the False Claims Act (31 U.S.C. 3729 et seq.) (except as otherwise provided by law), in cases involving claims related to the provision of health care items and services (other than funds awarded to a relator or for restitution).

(C) For purposes of this paragraph, the term ''Federal health care offense'' means a violation of, or a criminal conspiracy to violate—

(i) section 1347 of title 18, United States Code;

(ii) section 1128B of the Social Security Act (42 U.S.C. 1320a-7b);

(iii) sections 287, 371, 664, 666, 1001, 1027, 1341, 1343, or 1954 of title 18, United States Code, if the violation or conspiracy relates to health care fraud; and

(iv) section 501 or 511 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 and 1141), if the violation or conspiracy relates to health care fraud.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts in the Anti-Fraud Account shall be available without appropriation and until expended as determined jointly by the Secretary and the Attorney General of the United States in carrying out the health care fraud and abuse control program established under subsection (a) (including the administration of the program), and may be used to cover costs incurred in operating the program, including costs (including equipment, salaries and benefits, and travel and training) of—

(i) prosecuting health care matters (through criminal, civil, and administrative proceedings);

(ii) investigations;

(iii) financial and performance audits of health care programs and operations;

(iv) inspections and other evaluations; and

(v) provider and consumer education regarding compliance with the provisions of this subtitle.

(4) USE OF FUNDS BY INSPECTOR GENERAL.—The Inspector General is authorized to receive and retain for current use reimbursement for the costs of conducting investigations, when such restitution is ordered by a court, voluntarily agreed to by the payer, or otherwise.

SEC. 4202. APPLICATION OF FEDERAL HEALTH ANTI-FRAUD AND ABUSE SANCTIONS TO ALL FRAUD AND ABUSE AGAINST ANY HEALTH PLAN.

(a) APPLICATION OF CIVIL MONETARY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended as follows:

(1) In subsection (a)(1), by inserting ''or of any health plan (as defined in section 1128(i)),'' after ''subsection (i)(1)),''.

(2) In subsection (b)(1)(A), by inserting ''or under a health plan'' after ''title XIX''.

(3) In subsection (i)—

(A) in paragraph (2), by inserting ''or under a health plan'' before the period at the end, and

(B) in paragraph (5), by inserting ''or under a health plan'' after ''or XX''.

(b) PERMITTING SECRETARY TO IMPOSE CIVIL MONETARY PENALTY.—Section 1128A(b) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended by adding the following new paragraph:

''(3) Any person (including any organization, agency, or other entity, but excluding a beneficiary as defined in subsection (i)(5)) who the Secretary determines has violated section 1128B(b) of this title shall be subject to a civil monetary penalty of not more than $10,000 for each such violation. In addition, such person shall be subject to an assessment of not more than twice the total amount of the remuneration offered, paid, solicited, or received in violation of section 1128B(b). The total amount of remuneration subject to an assessment shall be calculated without regard to whether some portion thereof also may have been intended to serve a purpose other than one proscribed by section 1128B(b).''.

(c) HEALTH PLAN DEFINED.—Section 1128 of the Social Security Act (42 U.S.C. 1320a–7) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) HEALTH PLAN DEFINED.—For purposes of sections 1128A and 1128B, the term 'health plan' has the meaning given such term in section 1031(a) of the Family Health Insurance Protection Act.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1996.

SEC. 4203. ESTABLISHMENT OF THE HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) GENERAL PURPOSE.—Not later than January 1, 1996, the Secretary shall establish a national health care fraud and abuse data collection program for the reporting of final adverse actions (not including settlements in which no findings of liability have been made) against health care providers, suppliers, or practitioners as required by regulations issued by the Secretary.

(b) CONFORMING AMENDMENT.—Section 1921(d) of the Social Security Act (42 U.S.C. 1396r-2(d)) is amended by inserting ''and section 4203 of the Family Health Insurance Protection Act'' after ''section 422 of the Health Care Quality Improvement Act of 1986''.

SEC. 4204. HEALTH CARE FRAUD.

(a) FINES AND IMPRISONMENT FOR HEALTH CARE FRAUD VIOLATIONS.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1347. Health care fraud

''(a) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

''(1) to defraud any health plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

''(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health plan, or person in connection with the delivery of or payment for health care benefits, items, or services;

shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365(g)(3) of this title), such person shall be imprisoned for any term of years.

''(b) For purposes of this section, the term 'health plan' has the meaning given such term in section 1128(i) of the Social Security Act (42 U.S.C. 1320a-7(i)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

''1347. Health care fraud.''.

Subtitle D—Health Care Malpractice Reform

SEC. 4301. FEDERAL TORT REFORM.

(a) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in section 4302, this subtitle shall apply with respect to any medical malpractice liability action brought in any State or Federal court, except that this subtitle shall not apply to a claim or action for damages arising from a vaccine-related injury or death to the extent that title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) applies to the claim or action.

(2) EFFECT ON SOVEREIGN IMMUNITY AND CHOICE OF LAW OR VENUE.—Nothing in this subtitle shall be construed to—

(A) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(B) waive or affect any defense of sovereign immunity asserted by the United States;

(C) affect the applicability of any provision of the Foreign Sovereign Immunities Act of 1976;

(D) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(E) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

(3) FEDERAL COURT JURISDICTION NOT ESTABLISHED ON FEDERAL QUESTION GROUNDS.—Nothing in this subtitle shall be construed to establish any jurisdiction in the district courts of the United States over medical malpractice liability actions on the basis of section 1331 or 1337 of title 28, United States Code.

(b) DEFINITIONS.—For purposes of this subtitle:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term ''alternative dispute resolution system'' or ''ADR'' means a system that provides for the resolution of medical malpractice claims in a manner other than through medical malpractice liability actions.

(2) CLAIMANT.—The term ''claimant'' means any person who alleges a medical malpractice claim, and any person on whose behalf such a claim is alleged, including the decedent in the case of an action brought through or on behalf of an estate.

(3) HEALTH CARE PROFESSIONAL.—The term ''health care professional'' means any individual who provides health care services in a State and who is required by the laws or regulations of the State to be licensed or certified by the State to provide such services in the State.

(4) HEALTH CARE PROVIDER.—The term ''health care provider'' means any organization or institution that is engaged in the delivery of health care services in a State and that is required by the laws or regulations of the State to be licensed or certified by the State to engage in the delivery of such services in the State.

(5) HEALTH PLAN.—The term ''health plan'' has the meaning given such term in section 1031(a).

(6) INJURY.—The term ''injury'' means any illness, disease, or other harm that is the subject of a medical malpractice liability action or a medical malpractice claim.

(7) MEDICAL MALPRACTICE LIABILITY ACTION.—The term ''medical malpractice liability action'' means a cause of action brought in a State or Federal court against a health care provider or health care professional by which the plaintiff brings a medical malpractice claim.

(8) MEDICAL MALPRACTICE CLAIM.—The term ''medical malpractice claim'' means a claim brought against a health care provider or health care professional in which a claimant alleges that injury was caused by the provision of (or the failure to provide) health care services, except that such term does not include—

(A) any claim based on an allegation of an intentional tort;

(B) any claim based on an allegation that a product is defective that is brought against any individual or entity that is not a health care professional or health care provider; or

(C) any claim brought pursuant to a health plan benefit determination review procedure.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 4302. STATE-BASED ALTERNATIVE DISPUTE RESOLUTION MECHANISMS.

(a) APPLICATION TO MALPRACTICE CLAIMS UNDER PLANS.—Prior to or immediately following the commencement of any medical malpractice action, the parties shall participate in the alternative dispute resolution system administered by the State under subsection (b). Such participation shall be in

lieu of any other provision of Federal or State law or any contractual agreement made by or on behalf of the parties prior to the commencement of the medical malpractice action.

(b) ADOPTION OF MECHANISM BY STATE.—Each State shall—

(1) maintain or adopt at least 1 of the alternative dispute resolution methods satisfying the requirements specified under subsection (c) and (d) for the resolution of medical malpractice claims; and

(2) clearly disclose to enrollees (and potential enrollees) of health plans the availability and procedures for consumer grievances, including a description of the alternative dispute resolution method or methods adopted under this subsection.

(c) SPECIFICATION OF PERMISSIBLE ALTERNATIVE DISPUTE RESOLUTION METHODS.—

(1) IN GENERAL.—The Secretary shall, by regulation, develop alternative dispute resolution methods for the use by States in resolving medical malpractice claims under subsection (a). Such methods shall include at least the following:

(A) ARBITRATION.—The use of arbitration, a nonjury adversarial dispute resolution process which may, subject to subsection (d), result in a final decision as to facts, law, liability, or damages.

(B) CLAIMANT-REQUESTED BINDING ARBITRATION.—For claims involving a sum of money that falls below a threshold amount set by the Secretary, the use of arbitration not subject to subsection (d). Such binding arbitration shall be at the sole discretion of the claimant.

(C) MEDIATION.—The use of mediation, a settlement process coordinated by a neutral third party without the ultimate rendering of a formal opinion as to factual or legal findings.

(D) EARLY NEUTRAL EVALUATION.—The use of early neutral evaluation, in which the parties make a presentation to a neutral attorney or other neutral evaluator for an assessment of the merits, to encourage settlement. If the parties do not settle as a result of assessment and proceed to trial, the neutral evaluator's opinion shall be kept confidential.

(2) STANDARDS FOR ESTABLISHING METHODS.—In developing alternative dispute resolution methods under paragraph (1), the Secretary shall assure that the methods promote the resolution of medical malpractice claims in a manner that is affordable, timely, consistent and fair, and reasonably convenient.

(3) WAIVER AUTHORITY.—Upon application of a State, the Secretary may grant the State the authority to fulfill the requirement of subsection (b) by adopting a mechanism other than a mechanism established by the Secretary pursuant to this subsection, except that such mechanism must meet the standards set forth in paragraph (2).

(d) FURTHER REDRESS.—Except with respect to the claimant-requested binding arbitration method set forth in subsection (c)(1)(B), and notwithstanding any other provision of a law or contractual agreement, a plan enrollee dissatisfied with the determination reached as a result of an alternative dispute resolution method applied under this section may, after the final resolution of the enrollee's claim under the method, initiate or resume a cause of action to seek damages or other redress with respect to the claim to the extent otherwise permitted under State law. The results of any alternative dispute resolution procedure are inadmissible at any subsequent trial, as are all statements, offers, and other communications made during such procedures, unless otherwise admissible under State law.

SEC. 4303. LIMITATION ON AMOUNT OF ATTORNEY'S CONTINGENCY FEES.

(a) IN GENERAL.—An attorney who represents, on a contingency fee basis, a plaintiff in a medical malpractice liability action may not charge, demand, receive, or collect for services rendered in connection with such action (including the resolution of the claim that is the subject of the action under any alternative dispute resolution system) in excess of—

(1) 33⅓ percent of the first $150,000 of the total amount recovered by judgment or settlement in such action; plus

(2) 25 percent of any amount recovered above the amount described in paragraph (1); unless otherwise determined under State law. Such amount shall be computed after deductions are made for all the expenses associated with the claim other than those attributable to the normal operating expenses of the attorney.

(b) CALCULATION OF PERIODIC PAYMENTS.—In the event that a judgment or settlement includes periodic or future payments of damages, the amount recovered for purposes of computing the limitation on the contingency fee under subsection (a) may, in the discretion of the court, be based on the cost of the annuity or trust established to make the payments. In any case in which an annuity or trust is not established to make such payments, such amount shall be based on the present value of the payments.

(c) CONTINGENCY FEE DEFINED.—For purposes of this section, the term ''contingency fee'' means any fee for professional legal services which is, in whole or in part, contingent upon the recovery of any amount of damages, whether through judgment or settlement.

SEC. 4304. PERIODIC PAYMENT OF AWARDS.

(a) IN GENERAL.—A party to a medical malpractice liability action may petition the court to instruct the trier of fact to award any future damages on an appropriate periodic basis. If the court, in its discretion, so instructs the trier of fact, and damages are awarded on a periodic basis, the court may require the defendant to purchase an annuity or other security instrument (typically based on future damages discounted to present value) adequate to assure payments of future damages.

(b) FAILURE OR INABILITY TO PAY.—With respect to an award of damages described in subsection (a), if a defendant fails to make payments in a timely fashion, or if the defendant becomes or is at risk of becoming insolvent, upon such a showing the claimant may petition the court for an order requiring that remaining balance be discounted to present value and paid to the claimant in a lump-sum.

(c) MODIFICATION OF PAYMENT SCHEDULE.—The court shall retain authority to modify the payment schedule based on changed circumstances.

(d) FUTURE DAMAGES DEFINED.—For purposes of this section, the term ''future damages'' means any economic or noneconomic loss other than that incurred or accrued as of the time of judgment.

SEC. 4305. ALLOCATION OF PUNITIVE DAMAGE AWARDS FOR PROVIDER LICENSING AND DISCIPLINARY ACTIVITIES.

(a) IN GENERAL.—With respect to the total amount of any punitive damages awarded in a medical malpractice liability action, 50 percent of such amount shall be paid to the State in which the action is brought (or, in a case brought in Federal court, in the State in which the health care services that caused the injury that is the subject of the action were provided) for the purposes of carrying out the activities described in subsection (b).

(b) ACTIVITIES DESCRIBED.—A State shall use amounts paid pursuant to subsection (a) to carry out activities to ensure the safety and quality of health care services provided in the State, including—

(1) licensing or certifying health care professionals and health care providers in the State;

(2) implementing health care quality assurance and quality improvement programs;

(3) carrying out programs to reduce malpractice-related costs for providers volunteering to provide services in medically underserved areas; and

(4) providing resources for additional investigation and disciplinary activities by the State licensing board.

(c) MAINTENANCE OF EFFORT.—A State shall use any amounts paid pursuant to subsection (a) to supplement and not to replace amounts spent by the State for the activities described in subsection (b).

TITLE V—BUDGET NEUTRALITY

SEC. 5001. ASSURANCE OF BUDGET NEUTRALITY.

Notwithstanding any other provision of this Act, no provision of, or amendment made by, this Act shall take effect until legislation is enacted which by its terms specifically provides for the Federal budget neutrality of this Act.

Mr. ROCKEFELLER. Mr. President, I am pleased to join the new Senate minority leader, TOM DASCHLE, along with Senator KENNEDY, REID, MIKULSKI, and DODD in sponsoring a health care bill that would begin to give millions of Americans improved health security.

While it should not come as a surprise to any of my colleagues that my preference would be to give all Americans guaranteed health care security, this bill includes important steps that will provide health security to some Americans through insurance reforms and, importantly, prioritizes health coverage for children and temporary assistance for workers in between jobs. S. 7 includes the essential building blocks for building a secure health care system.

Moving ahead on health care reform was identified by Senate Republicans as one of their top seven legislative priorities for the 104th Congress prior to last November's election. Each and every major provision in S. 7 was included in every serious health care reform proposal introduced by both Democrats and Republicans over the past 2 years. I believe this bill reflects the consensus that emerged last year on where and how to get started on reforming our health care system.

This past November voters did not tell Congress to put health care reform on the back burner. An election night survey found that health reform was identified by voters as a top priority issue for this Congress. According to the Kaiser/Harvard survey, ''health care was number one for voters in deciding who to vote for in the Congressional election, ahead of crime, and taxes.'' Fifty-six percent of voters said that Congress should take the lead in developing a health care reform plan. Only 20 percent of Americans said Congress should not try to see that more people have health insurance. Seventy-four percent said that Congress should either guarantee coverage for all

Americans or at least make a start by covering some groups who do not have health insurance. A majority of voters favored beginning with children first.

Mr. President, special interests and election year politics managed to greatly distort last year's debate on health care reform. As a result, many Americans are nervous about extremely ambitious reforms. But voters remain overwhelming in favor of moving ahead on health care. Only 25 percent of voters said Congress should leave our health care system alone.

If my colleagues on both sides of the aisle are truly interested in making a difference in the lives of middle-class Americans, if they are really interested in restoring peace of mind of millions of hard-working Americans, health reform is the way to do that.

Millions of middle-class working families would benefit from the insurance portability provisions in this bill that would allow them to change health insurance plans when they change jobs without having to qualify for a new pre-existing condition exclusion. For people with lapses in their insurance coverage, they would only to be a subject to a one-time 6 month pre-existing condition exclusion period as long as they had continuous health coverage. For workers in between jobs, unable to afford health coverage, temporary health coverage would be available up to a maximum of 6 months. This would give millions of working families some piece of mind that they will not be forced to delay getting necessary medical care or being financially wiped out by even a minor injury or illness as they search for a new job.

This bill would ban insurance companies from canceling policies or hiking premiums when someone gets sick or injured and incurs large medical bills. Under current insurance practices, young and healthy people often get deep premium discounts. Discounts that quickly disappear over time or when they or a family member gets sick. There are also large differences in premium rates based on a person's age, sex, occupation, even based on a person's zip code. This bill would begin to set limits on how much premiums can differ based on these factors.

To minimize large swings in premiums during implementation of insurance rating reforms, this bill carefully and slowly phases-in its reforms. The prohibition on medical underwriting—which means charging people different premiums solely based on their health status—is phased-in over 3 years. At the same time, age bands are phased-in that would significantly narrow what insurance companies could charge people solely based on their age.

All but a few states have already moved ahead on small group insurance reforms but national uniformity is important so that insurance is portable for consumers across state lines and also to ease compliance by insurance companies that do business in more than one State. Forty percent of States have even adopted some version of community rating or modified community rating laws. While there has been some serious concerns raised about some erosion of insurance coverage that occurred when the state of New York implemented community rating, it is very important to note that New York implemented its community rating law without any sort of phase-in period.

Mr. President, I would like to emphasize to my colleagues that while coverage in the small group market in New York was estimated to have declined by 1.2 percent when community rating was implemented, the exact same percentage of people—1.2 percent—lost their health coverage the year prior to implementation of New York's rating reforms. Other states, such as Maine, New Jersey, and Vermont are experiencing net increases in coverage and other positive benefits from private insurance reform, such as a greater choice of products for small businesses to choose from.

Last year, a study commissioned by the Catholic Health Association, estimated that about 1.1 million people could gain coverage through insurance reforms. This mostly includes people who currently are locked out of the insurance market because of their medical history.

The reforms outlined in S. 7 would also provide predictability and stability to health premiums by limiting premium variability based on age, sex, health status, claims experience, occupation, and zip code. Cancer, a heart condition, or diabetes will no longer price working American families out of the insurance market.

Mr. President, I am especially pleased that this legislation emphasizes and prioritizes children. Looking out for America's children is nothing new. This imperative has been recognized time and time again. A bipartisan majority of Pepper Commission members said 5 years ago that the first step to comprehensive reform should be to cover children and pregnant women. I also had the profound privilege of chairing the National Commission on Children that made a similar recommendation. I introduced a bill with Senator HATCH, 4 years ago, to suggest this very idea.

It is incredibly important that children get early and regular health care. There is nothing more heartbreaking and more wrong about our country's health care system than putting parents in the position of trying to figure out whether or not they can afford to take a sick child to see a doctor.

Mr. President, of the 204,000 West Virginians that do not have health insurance one third are children. About 64,000 West Virginia children—about 94 percent of the uninsured children in my home state—would qualify for health insurance under this legislation.

Mr. President, I would also like to take a second to remind my colleagues that job-based coverage for children has diminished significantly over the past decade and a half. Two thirds of children without insurance have at least one parent who works full-time while another 13 percent have a parent who works part-time. Having a job is just not an assurance of reliable health insurance coverage.

The overall percentage of children with job-based insurance has dropped from 64 percent in 1987 to 59 percent in 1992—a decrease of 5 percent in just 6 years. Had coverage stayed at 1987 rates—more than 3 million children would have job-based coverage today. If current trends continue, only about half of our children will be covered by employer-sponsored coverage by 2000. If not for legislation enacted in the 1980's that expanded Medicaid coverage for poor children the number of uninsured children would be much, much higher today.

Mr. President, just 15 years ago, 40 percent of employers paid for dependent coverage in full. Five years ago, only about one-third of employers did. A decline in employer contributions means that many hardworking families just end up doing without because they can't afford the extra dollars themselves. This bill will help those families get health coverage for their children.

Not having health insurance reduces the number of times a child goes to the doctor. And not surprisingly, the frequency of doctor visits is directly correlated with a family's income. It is the low-wage working family making between $10,000 and $20,000 a year, barely able to make ends meet, whose children go to see a doctor least often. These are families who are not poor enough to qualify for Medicaid but can't afford private health insurance. Even routine pediatric care can consume 10 percent of a low wage working family's annual income.

Last year, the Finance Committee, on a bipartisan vote of 12–8, approved an amendment that would have accelerated and expanded coverage for children. Frankly, reforming our welfare system won't work unless we can make sure families won't be forced to quit their jobs in order to qualify for health benefits through the Medicaid program.

I am pleased that my colleague from rural South Dakota also included important rural health provisions in this legislation. Most of the provisions included in the rural health section are identical to measures included in a rural health amendment I authored along with Senator DASCHLE last August. Our rural health amendment was nearly unanimously agreed to when offered to pending health care reform legislation on the Senate floor. Again, reflecting an overwhelming consensus in this area.

I am also extremely pleased that this legislation will provide long awaited tax equity for self-employed individuals. Prior to January 1, 1994, the self-employed were allowed to deduct 25

percent of the costs of insuring themselves and their families. Since expiration of this law last year, the self-employed are prohibited from deducting any of their insurance premiums. This bill would allow the self-employed to deduct 100 percent of their health insurance costs. Currently, incorporated businesses can deduct the entire cost of their health insurance policies. This was also a priority identified 5 years ago by the Pepper Commission and a measure that has always enjoyed broad bipartisan support.

Mr. President, this legislation includes other important measures that have enjoyed popular and broad, bipartisan support, such as administrative simplification, patient confidentiality, malpractice reforms, and demonstration funding for the development of purchasing groups and telemedicine grants. I also share the commitment earlier stated by Minority Leader DASCHLE that this legislation if enacted would not contribute to the Federal deficit. As a member of the Finance Committee, I am committed to working on building a consensus for financing the coverage expansions for children, the temporarily unemployed, and tax equity for the self-employed outlined in this legislation.

I sincerely hope that the 104th Congress will truly be historic and be remembered for enacting serious and long overdue health reforms.

By Mr. DASCHLE (for himself, Mr. BREAUX, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. REID, Mr. KERRY, Mrs. MURRAY, Mr. DORGAN, Ms. MOSELEY-BRAUN, and Mr. ROBB):

S. 8. A bill to amend title IV of the Social Security Act to reduce teenage pregnancy, to encourage parental responsibility, and for other purposes; to the Committee on Finance.

TEEN PREGNANCY PREVENTION AND PARENTAL RESPONSIBILITY ACT

Mr. DASCHLE. 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. 8

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

SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Teen Pregnancy Prevention and Parental Responsibility Act''.

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment 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 that section or other provision of the Social Security Act.

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

Sec. 1. Short title; references in Act; table of contents.

TITLE I—ENDING THE CYCLE OF INTERGENERATIONAL DEPENDENCY

Sec. 101. Supervised living arrangements for minors.
Sec. 102. Reinforcing families.
Sec. 103. Required completion of high school or other training for teenage parents.
Sec. 104. Drug treatment and counseling as part of the JOBS program.

TITLE II—PARENTAL RESPONSIBILITY

Sec. 201. Performance-based incentives.
Sec. 202. State law authorizing suspension of licenses.
Sec. 203. State laws concerning paternity establishment.
Sec. 204. State laws providing expedited procedures.
Sec. 205. Outreach for voluntary paternity establishment.

TITLE III—COMBATING TEENAGE PREGNANCY

Sec. 301. Targeting youth at risk of teenage pregnancy.
Sec. 302. National Clearinghouse on Teenage Pregnancy.

TITLE IV—FINANCING

Sec. 401. Uniform alien eligibility criteria for public assistance programs.
Sec. 402. State retention of amounts recovered.

TITLE I—ENDING THE CYCLE OF INTERGENERATIONAL DEPENDENCY

SEC. 101. SUPERVISED LIVING ARRANGEMENTS FOR MINORS.

(a) STATE PLAN REQUIREMENT.—Section 402(a)(43) (42 U.S.C. 602(a)(43)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''at the option of the State,'';

(2) in the matter preceding clause (i) of subparagraph (A), by striking ''subject to subparagraph (B)'' and inserting ''except as provided in subparagraph (B)(i)''; and

(3) in subparagraph (A)(i), by striking '', or reside in a foster home, maternity home, or other adult-supervised supportive living arrangement''.

(b) APPROPRIATE ADULT-SUPERVISED SUPPORTIVE LIVING ARRANGEMENTS.—Section 402(a)(43)(B) (42 U.S.C. 602(a)(43)(B)) is amended to read as follows:

''(B)(i) in the case of an individual described in clause (ii)—

''(I) the State agency shall assist such individual in locating an appropriate adult-supervised supportive living arrangement taking into consideration the needs and concerns of the individual, unless the State agency determines that the individual's current living arrangement is appropriate, and thereafter shall require that the individual (and child, if any) reside in such living arrangement as a condition of the continued receipt of aid under the plan (or in an alternative appropriate arrangement, should circumstances change and the current arrangement cease to be appropriate), or

''(II) if the State agency is unable, after making diligent efforts, to locate any such appropriate living arrangement, it shall provide for comprehensive case management, monitoring, and other social services consistent with the best interests of the individual (and child) while living independently; and

''(ii) for purposes of clause (i), an individual is described in this clause if—

''(I) such individual has no parent or legal guardian of his or her own who is living and whose whereabouts are known;

''(II) no living parent or legal guardian of such individual allows the individual to live in the home of such parent or guardian;

''(III) the State agency determines that the physical or emotional health of such individual or any dependent child of the individual would be jeopardized if such individual and such dependent child lived in the same residence with such individual's own parent or legal guardian; or

''(IV) the State agency otherwise determines (in accordance with regulations issued by the Secretary) that it is in the best interest of the dependent child to waive the requirement of subparagraph (A) with respect to such individual.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

(2) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

SEC. 102. REINFORCING FAMILIES.

(a) IN GENERAL.—Title XX (42 U.S.C. 1397–1397e) is amended by adding at the end the following new section:

''SEC. 2008. ADULT-SUPERVISED GROUP HOMES.

''(a) ENTITLEMENT.—

''(1) IN GENERAL.—In addition to any payment under sections 2002 and 2007, beginning with fiscal year 1996, each State shall be entitled to funds under this section for each fiscal year for the establishment, operation, and support of adult-supervised group homes for custodial parents under the age of 19 and their children.

''(2) PAYMENT TO STATES.—

''(A) IN GENERAL.—Each State shall be entitled to payment under this section for each fiscal year in an amount equal to its allotment (determined in accordance with subsection (b)) for such fiscal year, to be used by such State for the purposes set forth in paragraph (1).

''(B) TRANSFERS OF FUNDS.—The Secretary shall make payments in accordance with section 6503 of title 31, United States Code, to each State from its allotment for use under this title.

''(C) USE.—Payments to a State from its allotment for any fiscal year must be expended by the State in such fiscal year or in the succeeding fiscal year.

''(D) TECHNICAL ASSISTANCE.—A State may use a portion of the amounts described in subparagraph (A) for the purpose of purchasing technical assistance from public or private entities if the State determines that such assistance is required in developing, implementing, or administering the program funded under this section.

''(3) ADULT-SUPERVISED GROUP HOME.—For purposes of this section, the term 'adult-supervised group home' means an entity that provides custodial parents under the age of 19 and their children with a supportive and supervised living arrangement in which such parents would be required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children. An adult-supervised group home

may also serve as a network center for other supportive services that might be available in the community.

''(b) ALLOTMENT.—

''(1) CERTAIN JURISDICTIONS.—The allotment for any fiscal year to each of the jurisdictions of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands shall be an amount which bears the same ratio to the amount specified under paragraph (3) as the allotment that the jurisdiction receives under section 2003(a) for the fiscal year bears to the total amount specified for such fiscal year under section 2003(c).

''(2) OTHER STATES.—The allotment for any fiscal year for each State other than the jurisdictions of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands shall be an amount which bears the same ratio to—

''(A) the amount specified under paragraph (3), reduced by

''(B) the total amount allotted to those jurisdictions for that fiscal year under paragraph (1),

as the allotment that the State receives under section 2003(b) for the fiscal year bears to the total amount specified for such fiscal year under section 2003(c).

''(3) AMOUNT SPECIFIED.—The amount specified for purposes of paragraphs (1) and (2) shall be $95,000,000 for fiscal year 1996 and each subsequent fiscal year.

''(c) LOCAL INVOLVEMENT.—Each State shall seek local involvement from the community in any area in which an adult-supervised group home receiving funds pursuant to this section is to be established. In determining criteria for targeting funds received under this section, each State shall evaluate the community's commitment to the establishment and planning of the home.

''(d) LIMITATIONS ON THE USE OF FUNDS.—

''(1) CONSTRUCTION.—Except as provided in paragraph (2), funds made available under this section may not be used by the State, or any other person with which the State makes arrangements to carry out the purposes of this section, for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than minor remodeling) of any building or other facility.

''(2) WAIVER.—The Secretary may waive the limitation contained in paragraph (1) upon the State's request for such a waiver if the Secretary finds that the request describes extraordinary circumstances to justify the waiver and that permitting the waiver will contribute to the State's ability to carry out the purposes of this section.

''(e) TREATMENT OF INDIAN TRIBES.—

''(1) IN GENERAL.—An Indian tribe may apply to the Secretary to establish, operate, and support adult-supervised group homes for custodial parents under the age of 19 and their children in accordance with an application procedure to be determined by the Secretary. Except as otherwise provided in this subsection, the provisions of this section shall apply to Indian tribes receiving funds under this subsection in the same manner and to the same extent as the other provisions of this section apply to States.

''(2) ALLOTMENT.—If the Secretary approves an Indian tribe's application, the Secretary shall allot to such tribe for a fiscal year an amount which the Secretary determines is the Indian tribe's fair and equitable share of the amount specified under paragraph (3) for all Indian tribes with applications approved under this subsection (based on allotment factors to be determined by the Secretary). The Secretary shall determine a minimum allotment amount for all Indian tribes with applications approved under this subsection. Each Indian tribe with an application approved under this subsection shall be entitled to such minimum allotment.

''(3) AMOUNT SPECIFIED.—The amount specified under this paragraph for all Indian tribes with applications approved under this subsection is $5,000,000 for fiscal year 1996 and each subsequent fiscal year.

''(4) INDIAN TRIBE DEFINED.—For purposes of this section, the term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.''.

(b) RECEIPT OF PAYMENTS BY ADULT-SUPERVISED GROUP HOMES.—

(1) IN GENERAL.—Section 402(a)(43)(A)(ii) (42 U.S.C. 602(a)(43)(A)(ii)) is amended by striking ''or other adult relative'' and inserting ''other adult relative, or adult-supervised group home receiving funds under section 2008''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to calendar quarters beginning on or after October 1, 1995.

(c) RECOMMENDATIONS ON USAGE OF GOVERNMENT SURPLUS PROPERTY.—Not later than 6 months after the date of the enactment of this Act, after consultation with the Secretary of Defense, the Secretary of Housing and Urban Development, and the Administrator of the General Services Administration, the Secretary of Health and Human Services shall submit recommendations to the Congress on the extent to which surplus properties of the United States Government may be used for the establishment of adult-supervised group homes receiving funds under section 2008 of the Social Security Act.

SEC. 103. REQUIRED COMPLETION OF HIGH SCHOOL OR OTHER TRAINING FOR TEENAGE PARENTS.

(a) IN GENERAL.—Section 402(a)(19)(E) (42 U.S.C. 602(a)(19)(E)) is amended to read as follows:

''(E)(i) in the case of a custodial parent who has not attained 19 years of age, has not successfully completed a high-school education (or its equivalent), and is required to participate in the program (including an individual who would otherwise be exempt from participation in the program solely by reason of clauses (iii), (v), or (vii) of subparagraph (C)), the State agency shall—

''(I) require such parent to participate in—

''(aa) educational activities directed toward the attainment of a high school diploma or its equivalent on a full-time (as defined by the educational provider) basis; or

''(bb) an alternative educational or training program (that has been approved by the Secretary) on a full-time (as defined by the provider) basis; and

''(II) provide child care in accordance with section 402(g) with respect to the family;

''(ii)(I) to the extent that the program is available in the political subdivision involved and State resources otherwise permit, in the case of a custodial parent who is 19 years of age, has not successfully completed a high-school education (or its equivalent), and is required to participate in the program (including an individual who would otherwise be exempt from participation in the program solely by reason of subparagraph (C)(iii)), the State agency (subject to subclause (II)) shall require such parent to participate in an educational activity; and

''(II) the State agency may—

''(aa) require a parent described in subclause (I) (notwithstanding the part-time requirement in subparagraph (C)(iii)(II)) to participate in educational activities directed toward the attainment of a high school diploma or its equivalent on a full-time (as defined by the educational provider) basis; or

''(bb) require a parent described in subclause (I) to participate in training or work activities in lieu of the educational activities under such subclause if such parent fails to make good progress in successfully completing such educational activities or if it is determined (prior to any assignment of the individual to such educational activities) pursuant to an educational assessment that participation in such educational activities is inappropriate for such parent;''.

(b) STATE OPTION TO PROVIDE ADDITIONAL INCENTIVES AND PENALTIES TO ENCOURAGE TEEN PARENTS TO COMPLETE HIGH SCHOOL AND PARTICIPATE IN PARENTING ACTIVITIES.—

(1) STATE PLAN.—Section 402(a)(19)(E) (42 U.S.C. 602(a)(19)(E)), as amended by subsection (a), is further amended—

(A) by striking ''and'' at the end of clause (i);

(B) by inserting ''and'' after the semicolon at the end of clause (ii); and

(C) by adding after clause (ii) the following new clause:

''(iii) at the option of the State, some or all custodial parents and pregnant women who have not attained 19 years of age (or at the State's option, 21 years of age) and who are receiving aid under this part shall be required to participate in a program of monetary incentives and penalties, consistent with subsection (j);''.

(2) ELEMENTS OF PROGRAM.—Section 402 (42 U.S.C. 602) is amended by adding at the end the following new subsection:

''(j)(1) If a State opts to conduct a program of monetary incentives and penalties to encourage custodial parents and pregnant women who have not attained 19 years of age (or at the State's option, 21 years of age) to complete their high school (or equivalent) education and participate in parenting activities, the State shall amend its State plan—

''(A) to specify the one or more political subdivisions (or other clearly defined geographic area or areas) in which the State will conduct the program, and

''(B) to describe its program in detail.

''(2) A program under this subsection—

''(A) may, at the option of the State, require full-time participation by such custodial parents and pregnant women in secondary school or equivalent educational activities, or participation in a course or program leading to a skills certificate found appropriate by the State agency or parenting education activities (or any combination of such activities and secondary education);

''(B) shall require that the needs of such custodial parents and pregnant women shall be reviewed and the program will assure that, either in the initial development or revision of such individual's employability plan, there will be included a description of the services that will be provided to the individual and the way in which the program and service providers will coordinate with the educational or skills training activities in which the individual is participating;

''(C) shall provide monetary incentives for more than minimally acceptable performance of required educational activities; and

''(D) shall provide penalties (which may be those required by subsection (a)(19)(G) or, with the approval of the Secretary, other monetary penalties that the State finds will better achieve the objectives of the program) for less than minimally acceptable performance of required activities.

''(3) When a monetary incentive is payable because of the more than minimally acceptable performance of required educational activities by a custodial parent, the incentive

shall be paid directly to such parent, regardless of whether the State agency makes payment of aid under the State plan directly to such parent.

''(4)(A) For purposes of this part, monetary incentives paid under this subsection shall be considered aid to families with dependent children.

''(B) For purposes of any other Federal or federally-assisted program based on need, no monetary incentive paid under this subsection shall be considered income in determining a family's eligibility for or amount of benefits under such program, and if aid is reduced by reason of a penalty under this subsection, such other program shall treat the family involved as if no such penalty has been applied.

''(5) The State agency shall from time to time provide such information with respect to the State operation of the program as the Secretary may request.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

(2) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

SEC. 104. DRUG TREATMENT AND COUNSELING AS PART OF THE JOBS PROGRAM.

(a) IN GENERAL.—Section 402(a)(19) (42 U.S.C. 602(a)(19)) is amended—

(1) by striking ''and'' at the end of subparagraph (G);

(2) by inserting ''and'' after the semicolon at the end of subparagraph (H);

(3) by adding after subparagraph (H), the following new subparagraph:

''(I) that, in the case of a custodial parent who has not attained 19 years of age (including an individual who would otherwise be exempt from participation in the program solely by reason of clauses (iii), (v), or (vii)) of subparagraph (C)), whose employability plan (described in section 482(b)) reflects the need for treatment for substance abuse, the State agency shall—

''(i) require such individual to participate in substance abuse treatment; and

''(ii) notwithstanding any other provision of law, after providing an individual required to participate in treatment under this subparagraph with proper notice, make the provisions of section 402(a)(19)(G) applicable to any individual who fails or refuses to accept such treatment;''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

(2) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

TITLE II—PARENTAL RESPONSIBILITY

SEC. 201. PERFORMANCE-BASED INCENTIVES.

(a) INCENTIVE ADJUSTMENTS TO FEDERAL MATCHING RATE.—

(1) IN GENERAL.—Title IV (42 U.S.C. 601 et seq.) is amended by inserting after section 458 the following new section:

''INCENTIVE ADJUSTMENTS TO MATCHING RATE FOR STATEWIDE PATERNITY ESTABLISHMENT

''SEC. 458A. (a) INCENTIVE ADJUSTMENT.—

''(1) IN GENERAL.—In order to encourage and reward State paternity establishment efforts, the Federal matching rate for payments to a State under section 455(a)(1)(A), for each fiscal year beginning on or after October 1, 1997, shall be increased by a factor reflecting the incentive adjustment (if any) determined in accordance with paragraph (2) with respect to the Statewide paternity establishment percentage.

''(2) STANDARDS.—The Secretary shall establish in regulations—

''(A) the levels of accomplishment, and rates of improvement as alternatives to such levels, with respect to the Statewide paternity establishment percentages which States must attain to qualify for an incentive adjustment under this section; and

''(B) the amounts of incentive adjustment that shall be awarded to States achieving specified accomplishment or improvement levels with respect to Statewide paternity establishment percentages, which amounts shall be graduated, ranging up to 5 percentage points, in connection with the State's Statewide paternity establishment percentage.

''(3) DETERMINATION OF INCENTIVE ADJUSTMENT.—The Secretary shall, pursuant to regulations, determine the amount (if any) of incentive adjustment due each State on the basis of the levels of accomplishment (and rates of improvement) with respect to performance indicators specified by the Secretary pursuant to this section.

''(4) FISCAL YEAR SUBJECT TO INCENTIVE ADJUSTMENT.—The total percentage point increase determined pursuant to this section with respect to a State program in a fiscal year shall apply as an adjustment to the applicable percent under section 455(a)(2) for payments to such State for the succeeding fiscal year.

''(b) STATEWIDE PATERNITY ESTABLISHMENT PERCENTAGE.—For purposes of this section, the term 'Statewide paternity establishment percentage' means, with respect to a fiscal year, the ratio (expressed as a percentage) of—

''(1) the total number of out-of-wedlock children in the State under one year of age for whom paternity is established or acknowledged during the fiscal year, to

''(2) the total number of children born out-of-wedlock in the State during such fiscal year.''.

(2) TITLE IV–D PAYMENT ADJUSTMENT.—Section 455(a)(2) (42 U.S.C. 655(a)(2)) is amended—

(A) by striking the period at the end of subparagraph (C) and inserting a comma; and

(B) by adding after subparagraph (C) the following:

''increased by the incentive adjustment factor (if any) determined by the Secretary pursuant to section 458A.''.

(3) CONFORMING AMENDMENTS.—Section 454(22) (42 U.S.C. 654(22)) is amended—

(A) by inserting ''or incentive adjustments under section 458A'' after ''section 458''; and

(B) by inserting ''or any increases in Federal payments to the State resulting from such incentive adjustments'' after ''any such incentive payments''.

(b) FEDERAL FINANCIAL PARTICIPATION FOR ALL PATERNITY ESTABLISHMENT SERVICES.—

(1) IN GENERAL.—Section 455(a)(1) (42 U.S.C. 655(a)(1)) is amended by adding at the end the following: ''In determining the total amounts expended by any State during a quarter, for purposes of this subsection, there shall be included any amounts expended for paternity determination services made available to any individual who did not file an application in accordance with section 454(6).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

SEC. 202. STATE LAW AUTHORIZING SUSPENSION OF LICENSES.

(a) IN GENERAL.—Section 466(a) (42 U.S.C. 666(a)) is amended by adding at the end the following new paragraph:

''(12) AUTHORITY TO WITHHOLD OR SUSPEND LICENSES.—Procedures under which the State has (and uses in appropriate cases) authority (subject to appropriate due process safeguards) to withhold or suspend, or to restrict the use of driver's licenses, professional and occupational licenses, and recreational licenses of individuals owing overdue child support or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

(2) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

SEC. 203. STATE LAWS CONCERNING PATERNITY ESTABLISHMENT.

(a) STATE LAWS REQUIRED.—Section 466(a)(5) (42 U.S.C. 666(a)(5)) is amended—

(1) by striking ''(5)'' and inserting ''(5) PROCEDURES CONCERNING PATERNITY ESTABLISHMENT.—'';

(2) in subparagraph (A)—

(A) by striking ''(A)'' and inserting ''(A) ESTABLISHMENT PROCESS AVAILABLE FROM BEFORE BIRTH UNTIL AGE 18.—'';

(B) by moving clause (ii) 2 ems to the right; and

(C) by adding after clause (ii) the following new clause:

''(iii) Procedures which permit the initiation of proceedings to establish paternity before the birth of the child concerned.'';

(3) in subparagraph (B)—

(A) by striking ''(B)'' and inserting ''(B) PROCEDURES CONCERNING GENETIC TESTING.—(i)'';

(B) in clause (i), as redesignated, by inserting '', where such request is supported by a sworn statement by such party setting forth

facts establishing a reasonable possibility of the requisite sexual contact'' before the period at the end;

(C) by inserting after clause (i), as so redesignated, the following new clause:

''(ii) Procedures which require the State agency, in any case in which such agency orders genetic testing—

''(I) to pay costs of such tests, subject to recoupment (where the State so elects) from the putative father if paternity is established; and

''(II) to obtain additional testing in any case where an original test result is disputed, upon request and advance payment by the disputing party.'';

(4) by striking subparagraph (C) and inserting:

''(C) VOLUNTARY ACKNOWLEDGMENT PROCEDURE.—Procedures for a simple civil process for voluntarily acknowledging paternity under which—

''(i) the benefits, rights, and responsibilities of acknowledging paternity are explained to unwed parents;

''(ii) due process safeguards are afforded; and

''(iii) hospitals and other health care facilities providing inpatient or outpatient maternity and pediatric services are required, as a condition of participation in the State program under title XIX—

''(I) to explain to unwed parents the matters specified in clause (i);

''(II) to make available the voluntary acknowledgment procedure required under this subparagraph; and

''(III) in the case of hospitals providing maternity services—

''(aa) to have facilities for obtaining blood or other genetic samples from the mother, putative father, and child for genetic testing;

''(bb) to inform the mother and putative father of the availability of such testing (at their expense); and

''(cc) to obtain such samples upon request of both such individuals;'';

(5) by striking subparagraphs (D) and (E) and inserting:

''(D) LEGAL STATUS OF ACKNOWLEDGMENT.—Procedures under which—

''(i) a voluntary acknowledgment of paternity creates, at State option, either—

''(I) a conclusive presumption of paternity, or

''(II) a rebuttable presumption which becomes a conclusive presumption within one year, unless rebutted or invalidated by an intervening determination which reaches a contrary conclusion;

''(ii) at the option of the State, notwithstanding clause (i), upon the request of a party, a determination of paternity based on an acknowledgment may be vacated on the basis of new evidence, the existence of fraud, or the best interests of the child; and

''(iii) a voluntary acknowledgment of paternity is admissible as evidence of paternity, and as a basis for seeking a support order, without requiring any further proceedings to establish paternity.

''(E) BAR ON ACKNOWLEDGMENT RATIFICATION PROCEEDINGS.—Procedures under which no judicial or administrative proceedings are required or permitted to ratify an unchallenged acknowledgment of paternity.'';

(6) by striking subparagraph (F) and inserting:

''(F) ADMISSIBILITY OF GENETIC TESTING RESULTS.—Procedures—

''(i) requiring that the State admit into evidence, for purposes of establishing paternity, results of any genetic test that is—

''(I) of a type generally acknowledged, by accreditation bodies designated by the Secretary, as reliable evidence of paternity; and

''(II) performed by a laboratory approved by such an accreditation body;

''(ii) providing that any objection to genetic testing results must be made in writing not later than a specified number of days before any hearing at which such results may be introduced into evidence (or, at the option of the State, not later than a specified number of days after receipt of such results); and

''(iii) providing that, if no objection is made, the test results are admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy.''; and

(7) by adding after subparagraph (H) the following new subparagraphs:

''(I) TEMPORARY SUPPORT ORDER BASED ON PROBABLE PATERNITY IN CONTESTED CASES.—Procedures which require that a temporary order be issued, upon motion by a party, requiring the provision of child support pending an administrative or judicial determination of parentage, where there is clear and convincing evidence of paternity (on the basis of genetic tests or other evidence).

''(J) PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS.—Procedures under which bills for pregnancy, childbirth, and genetic testing are admissible as evidence without requiring third-party foundation testimony, and constitute prima facie evidence of amounts incurred for such services and testing on behalf of the child.

''(K) WAIVER OF STATE DEBTS FOR COOPERATION.—Procedures under which the tribunal establishing paternity and support has discretion to waive rights to all or part of amounts owed to the State (but not to the mother) for costs related to pregnancy, childbirth, and genetic testing and for public assistance paid to the family where the father cooperates or acknowledges paternity before or after genetic testing.

''(L) STANDING OF PUTATIVE FATHERS.—Procedures ensuring that the putative father has a reasonable opportunity to initiate a paternity action.''.

(b) TECHNICAL AMENDMENT.—Section 468 (42 U.S.C. 668) is amended by striking ''a simple civil process for voluntarily acknowledging paternity and''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall be effective with respect to calendar quarters beginning on or after October 1, 1996.

(2) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

SEC. 204. STATE LAWS PROVIDING EXPEDITED PROCEDURES.

(a) STATE LAW REQUIREMENTS.—Section 466 (42 U.S.C. 666) is amended—

(1) in subsection (a)(2), by striking the first sentence and inserting: ''Expedited administrative and judicial procedures (including the procedures specified in subsection (f)) for establishing paternity and for establishing, modifying, and enforcing support obligations.''; and

(2) by adding after subsection (e) the following new subsection:

''(f) EXPEDITED PROCEDURES.—(1) ADMINISTRATIVE ACTION BY STATE AGENCY.—Procedures which give the State agency the authority (and recognize and enforce the authority of State agencies of other States), without the necessity of obtaining an order from any other judicial or administrative tribunal (but subject to due process safeguards, including (as appropriate) requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to an independent administrative or judicial tribunal), to take the following actions relating to establishment or enforcement of orders:

''(A) ESTABLISH AND MODIFY SUPPORT AMOUNT.—To establish and modify the amount of support awards in all cases in which services are being provided under this part.

''(B) GENETIC TESTING.—To order genetic testing for the purpose of paternity establishment as provided in section 466(a)(5).

''(C) DEFAULT ORDERS.—To enter a default order, upon a showing of service of process and any additional showing required by State law—

''(i) establishing paternity, in the case of any putative father who refuses to submit to genetic testing; and

''(ii) establishing or modifying a support obligation, in the case of a parent (or other obligor or obligee) who fails to respond to notice to appear at a proceeding for such purpose.

''(D) SUBPOENAS.—To subpoena any financial or other information needed to establish, modify, or enforce an order, and to sanction failure to respond to any such subpoena.

''(E) ACCESS TO PERSONAL AND FINANCIAL INFORMATION.—To obtain access, subject to safeguards on privacy and information security, to the following records (including automated access, in the case of records maintained in automated data bases):

''(i) Records of other State and local government agencies, including—

''(I) vital statistics (including records of marriage, birth, and divorce);

''(II) State and local tax and revenue records (including information on residence address, employer, income and assets);

''(III) records concerning real and titled personal property;

''(IV) records of occupational and professional licenses, and records concerning the ownership and control of corporations, partnerships, and other business entities;

''(V) employment security records;

''(VI) records of agencies administering public assistance programs;

''(VII) records of the motor vehicle department; and

''(VIII) corrections records.

''(ii) Certain records held by private entities, including—

''(I) customer records of public utilities and cable television companies; and

''(II) information (including information on assets and liabilities) on individuals who owe or are owed support (or against or with respect to whom a support obligation is sought) held by financial institutions (subject to limitations on liability of such entities arising from affording such access).

''(F) INCOME WITHHOLDING.—To order income withholding in accordance with section 466(a)(1) and (b).

''(G) CHANGE IN PAYEE.—In cases where support is subject to an assignment under section 402(a)(26), 471(a)(17), or 1912.

''(H) SECURE ASSETS TO SATISFY ARREARAGES.—For the purpose of securing overdue support—

''(i) to intercept and seize any periodic or lump-sum payment to the obligor by or through a State or local government agency, including—

''(I) unemployment compensation, workers' compensation, and other benefits;

''(II) judgments and settlements in cases under the jurisdiction of the State or local government; and

''(III) lottery winnings;

''(ii) to attach and seize assets of the obligor held by financial institutions;

''(iii) to attach public and private retirement funds in appropriate cases, as determined by the Secretary; and

''(iv) to impose liens in accordance with subsection (a)(4) and, in appropriate cases, to force sale of property and distribution of proceeds.

''(I) INCREASE MONTHLY PAYMENTS.—For the purpose of securing overdue support, to increase the amount of monthly support payments to include amounts for arrearages (subject to such conditions or restrictions as the State may provide).

''(J) SUSPENSION OF DRIVERS' LICENSES.—To suspend drivers' licenses of individuals owing past-due support, in accordance with subsection (a)(12).

''(2) SUBSTANTIVE AND PROCEDURAL RULES.—The expedited procedures required under subsection (a)(2) shall include the following rules and authority, applicable with respect to all proceedings to establish paternity or to establish, modify, or enforce support orders:

''(A) LOCATOR INFORMATION; PRESUMPTIONS CONCERNING NOTICE.—Procedures under which—

''(i) the parties to any paternity or child support proceedings are required (subject to privacy safeguards) to file with the tribunal before entry of an order, and to update as appropriate, information on location and identity (including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of employer); and

''(ii) in any subsequent child support enforcement action between the same parties, the tribunal shall be authorized, upon sufficient showing that a diligent effort has been made to ascertain such a party's current location, to deem due process requirements for notice and service of process to be met, with respect to such party, by delivery to the most recent residential or employer address so filed pursuant to clause (i).

''(B) STATEWIDE JURISDICTION.—Procedures under which—

''(i) the State agency and any administrative or judicial tribunal with authority to hear child support and paternity cases exerts statewide jurisdiction over the parties, and orders issued in such cases have statewide effect; and

''(ii) in the case of a State in which orders in such cases are issued by local jurisdictions, a case may be transferred between jurisdictions in the State without need for any additional filing by the petitioner, or service of process upon the respondent, to retain jurisdiction over the parties.''.

(c) EXEMPTIONS FROM STATE LAW REQUIREMENTS.—Section 466(d) (42 U.S.C. 666(d)) is amended—

(1) by striking ''(d) If'' and inserting ''(d) EXEMPTIONS FROM REQUIREMENTS.—(1) IN GENERAL.—Subject to paragraph (2), if''; and

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

''(2) NONEXEMPT REQUIREMENTS.—The Secretary shall not grant an exemption from the requirements of—

''(A) subsection (a)(5) (concerning procedures for paternity establishment);

''(B) subsection (a)(10) (concerning modification of orders);

''(C) subsection (f) (concerning expedited procedures), other than paragraph (1)(A) thereof (concerning establishment or modification of support amount).''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a), (b), and (c) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

(2) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

SEC. 205. OUTREACH FOR VOLUNTARY PATERNITY ESTABLISHMENT.

(a) STATE PLAN REQUIREMENT.—

(1) IN GENERAL.—Section 454(23) (42 U.S.C. 654(23)) is amended—

(A) by inserting ''(A)'' after ''(23)'';

(B) by adding after subparagraph (A), as so redesignated, the following new subparagraph:

''(B) provide that the State will regularly and frequently publicize the availability and encourage the use of procedures for voluntary establishment of paternity and child support through a variety of means, which—

''(i) may include distribution of written materials at health care facilities (including hospitals and clinics), and other locations such as schools;

''(ii) may include prenatal programs to educate expectant couples on individual and joint rights and responsibilities with respect to paternity (and may require all expectant recipients of assistance under part A to participate in such prenatal programs, as an element of cooperation with efforts to establish paternity and child support);

''(iii) may include, with respect to each child discharged from a hospital after birth for whom paternity or child support has not been established, reasonable follow up efforts (including at least one contact of each parent whose whereabouts are known, except where there is reason to believe such follow up efforts would put mother or child at risk), providing—

''(I) in the case of a child for whom paternity has not been established, information on the benefits of and procedures for establishing paternity; and

''(II) in the case of a child for whom paternity has been established but child support has not been established, information on the benefits of and procedures for establishing a child support order, and an application for child support services; and''.

(2) ENHANCED FEDERAL MATCHING.—Section 455(a)(1)(C) (42 U.S.C. 655(a)(1)(C)) is amended—

(A) by inserting ''(i)'' before ''laboratory costs'', and

(B) by inserting before the semicolon '', and (ii) costs of outreach programs designed to encourage voluntary acknowledgment of paternity''.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by paragraph (1) shall become effective October 1, 1996.

(B) ENHANCED MATCH.—The amendments made by paragraph (2) shall be effective with respect to calendar quarters beginning on and after October 1, 1995.

(b) STATE OUTREACH AS PART OF VOLUNTARY CONSENT PROCEDURES.—

(1) IN GENERAL.—Section 466(a)(5)(C) (42 U.S.C. 666(a)(5)(C)), as amended by section 303(a)(4), is further amended—

(A) by striking ''and'' at the end of clause (ii); and

(B) by inserting after clause (iii) the following new clause:

''(iv) in coordination with the Public Health Service, the State shall directly or under contract with hospitals, and other health care facilities providing inpatient or outpatient maternity and pediatric services (including prenatal clinics, well-baby clinics, in-home public health service visitations, family planning clinics, and centers participating in the program described in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786)) provide that the benefits, rights and responsibilities of acknowledging paternity are explained to unwed parents; and''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by paragraph (1) shall be effective with respect to calendar quarters beginning on or after October 1, 1995.

(B) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this paragraph, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

(c) JOINT OUTREACH PROGRAM.—

(1) IN GENERAL.—The Department of Health and Human Services, the Public Health Service, and the Department of Education shall cooperatively develop and implement a substantial outreach program and media campaign to—

(A) reinforce the importance of paternity establishment; and

(B) promote the message that parenting is a joint right and responsibility.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection.

TITLE III—COMBATING TEENAGE PREGNANCY

SEC. 301. TARGETING YOUTH AT RISK OF TEENAGE PREGNANCY.

(a) IN GENERAL.—Section 402 (42 U.S.C. 602), as amended by section 103(b)(2), is further amended by adding at the end the following new subsection:

''(k)(1) Each State agency may, to the extent it determines resources are available, provide for the operation of projects to reduce teenage pregnancy. Such projects shall be operated by eligible entities that have submitted applications described in paragraph (3) that have been approved in accordance with paragraph (4).

''(2) For purposes of this subsection, the term 'eligible entity' includes State agencies, local agencies, publicly supported organizations, private nonprofit organizations, and consortia of such entities.

''(3) An application described in this paragraph shall—

''(A) describe the project;

''(B) include an endorsement of the project by the chief elected official of the jurisdiction in which the project is to be located;

''(C) demonstrate strong local commitment and local involvement in the planning and implementation of the project; and

''(D) be submitted in such manner and containing such information as the Secretary may require.

''(4)(A) Subject to subparagraph (B), the Governor of a State may approve an application under this paragraph based on selection criteria (to be determined by the Governor).

''(B) Preference in approving a project shall be accorded to be projects that target—

''(i) both young men and women;

''(ii) areas with high teenage pregnancy rates; or

''(iii) areas with a high incidence of individuals receiving aid to families with dependent children.

''(5)(A) An Indian tribe may apply to the Secretary to provide for the operation of projects to reduce teenage pregnancy in accordance with an application procedure to be determined by the Secretary. Except as otherwise provided in this subsection, the provisions of this section shall apply to Indian tribes receiving funds under this subsection in the same manner and to the same extent as the other provisions of this section apply to States.

''(B) The Secretary shall limit the number of applications approved under this paragraph to ensure that payments under section 403(o) to Indian tribes with approved applications would not result in payments of less than a minimum payment amount (to be determined by the Secretary).

''(C) For purposes of this subsection, the term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.''.

''(6) A project conducted under this subsection shall be conducted for not less than 3 years.

''(7)(A) The Secretary shall conduct a study in accordance with subparagraph (B) to determine the relative effectiveness of the different approaches for preventing teenage pregnancy utilized in the projects conducted under this subsection.

''(B) The study required under subparagraph (A) shall—

''(i) be based on data gathered from projects conducted in 5 States chosen by the Secretary from among the States in which projects under this subsection are operated;

''(ii) use specific outcome measures (determined by the Secretary) to test the effectiveness of the projects;

''(iii) use experimental and control groups (to the extent possible) that are composed of a random sample of participants in the projects; and

''(iv) be conducted in accordance with an experimental design determined by the Secretary to result in a comparable design among all projects.

''(C) Each eligible entity conducting a project under this subsection shall provide to the Secretary in such form and with such frequency as the Secretary requires interim data from the projects conducted under this subsection. The Secretary shall report to the Congress annually on the progress of such projects and shall, not later than January 1, 2003, submit to the Congress the study required under subparagraph (A).

''(D) There are authorized to be appropriated $500,000 for each of fiscal years 1996 through 2002 for the purpose of conducting the study required under subparagraph (A).''.

(b) PAYMENT.—Section 403 (42 U.S.C. 603) is amended by adding at the end the following new subsection:

''(o)(1) In addition to any payment under subsection (a) or (*l*), each State shall be entitled to payment from the Secretary for each of fiscal years 1996 through 2002 of an amount equal to the lesser of—

''(A) 75 percent of the expenditures by the State in providing for the operation of the projects under section 402(k), and in administering the projects under such section; or

''(B) the limitation determined under paragraph (2) with respect to the State for the fiscal year.

''(2)(A) The limitation determined under this paragraph with respect to a State for any fiscal year is the amount that bears the same ratio to $71,250,000 as the population with an income below the poverty line (as such term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) in the State in the second preceding fiscal year bears to such population residing in the United States in the second preceding fiscal year.

''(B) If the limitation determined under subparagraph (A) with respect to a State for a fiscal year exceeds the amount paid to the State under this subsection for the fiscal year, the limitation determined under this paragraph with respect to the State for the immediately succeeding fiscal year shall be increased by the amount of such excess.

''(3)(A) Notwithstanding any other provision of this title, for purposes of this subsection, an Indian tribe with an application approved under section 402(k)(5) shall be entitled to payment from the Secretary for each of fiscal years 1996 through 2002 of an amount equal to the lesser of—

''(i) 75 percent of the expenditures by the Indian tribe in providing for the operation of the projects under section 402(k)(5), and in administering the projects under such section; or

''(ii) the limitation determined under subparagraph (B) with respect to the Indian tribe for the fiscal year.

''(B)(i) The limitation determined under this subparagraph with respect to an Indian tribe for any fiscal year is the amount that bears the same ratio to $3,750,000 as the population with an income below the poverty line (as such term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) in the Indian tribe in the second preceding fiscal year bears to such population of all Indian tribes with applications approved under section 402(k)(5) in the second preceding fiscal year.

''(ii) If the limitation determined under clause (i) with respect to an Indian tribe for a fiscal year exceeds the amount paid to the Indian tribe under this paragraph for the fiscal year, the limitation determined under this subparagraph with respect to the Indian tribe for the immediately succeeding fiscal year shall be increased by the amount of such excess.''

''(4) Amounts appropriated for a fiscal year to carry out this part shall be made available for payments under this subsection for such fiscal year.''.

SEC. 302. NATIONAL CLEARINGHOUSE ON TEENAGE PREGNANCY.

(a) ESTABLISHMENT.—The Secretary of Education, the Secretary of Health and Human Services, and the Chief Executive Officer of the Corporation for National and Community Service shall establish a national center for the collection and provision of information that relates to adolescent pregnancy prevention programs, to be known as the ''National Clearinghouse on Teenage Pregnancy Prevention Programs''.

(b) FUNCTIONS.—The national center established under subsection (a) shall serve as a national information and data clearinghouse, and as a material development source for adolescent pregnancy prevention programs. Such center shall—

(1) develop and maintain a system for disseminating information on all types of adolescent pregnancy prevention programs and on the state of adolescent pregnancy prevention program development, including information concerning the most effective model programs;

(2) identify model programs representing the various types of adolescent pregnancy prevention programs;

(3) develop networks of adolescent pregnancy prevention programs for the purpose of sharing and disseminating information;

(4) develop technical assistance materials to assist other entities in establishing and improving adolescent pregnancy prevention programs;

(5) participate in activities designed to encourage and enhance public media campaigns on the issue of adolescent pregnancy; and

(6) conduct such other activities as the responsible Federal officials find will assist in developing and carrying out programs or activities to reduce adolescent pregnancy.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

TITLE IV—FINANCING

SEC. 401. UNIFORM ALIEN ELIGIBILITY CRITERIA FOR PUBLIC ASSISTANCE PROGRAMS.

(a) FEDERAL AND FEDERALLY-ASSISTED PROGRAMS.—

(1) PROGRAM ELIGIBILITY CRITERIA.—

(A) AID TO FAMILIES WITH DEPENDENT CHILDREN.—Section 402(a)(33) (42 U.S.C. 602(a)(33)) is amended—

(i) by striking ''either'' and inserting ''either—''; and

(ii) by striking ''(A) a citizen'' and all that follows through the semicolon and inserting the following:

''(A) a citizen or national of the United States, or

''(B) a qualified alien (as defined in section 1101(a)(10)), if such alien is not disqualified from receiving aid under a State plan approved under this part by or pursuant to section 210(f) or 245A(h) of the Immigration and Nationality Act or any other provision of law;''.

(B) SUPPLEMENTAL SECURITY INCOME.—Section 1614(a)(1)(B)(i) (42 U.S.C. 1382c(a)(1)(B)(i)) is amended to read as follows:

''(B)(i) is a resident of the United States, and is either (I) a citizen or national of the United States, or (II) a qualified alien (as defined in section 1101(a)(10)), or''.

(C) MEDICAID—(i) Section 1903(v)(1) (42 U.S.C. 1396b(v)(1)) is amended to read as follows:

''(v)(1) Notwithstanding the preceding provisions of this section—

''(A) no payment may be made to a State under this section for medical assistance furnished to an individual who is disqualified from receiving such assistance by or pursuant to section 210(f) or 245A(h) of the Immigration and Nationality Act or any other provision of law, and

''(B) except as provided in paragraph (2), no such payment may be made for medical assistance furnished to an individual who is not—

''(i) a citizen or national of the United States, or

''(ii) a qualified alien (as defined in section 1101(a)(10)).''.

(ii) Section 1903(v)(2) (42 U.S.C. 1396b(v)(2)) is amended—

(I) by striking ''paragraph (1)'' and inserting ''paragraph (1)(B)''; and

(II) by striking ''alien'' each place it appears and inserting ''individual''.

(iii) Section 1902(a) (42 U.S.C. 1396a(a)) is amended in the last sentence by striking ''alien'' and all that follows through the period and inserting ''individual who is not (A) a citizen or national of the United States, or (B) a qualified alien (as defined in section 1101(a)(10)) only in accordance with section 1903(v).''.

(iv) Section 1902(b)(3) (42 U.S.C. 1396a(b)(3)) is amended by inserting ''or national'' after ''citizen''.

(2) QUALIFIED ALIEN DEFINED.—Section 1101(a) (42 U.S.C. 1301(a)) is amended by adding at the end the following new paragraph:

''(10) The term 'qualified alien' means an alien—

''(A) who is lawfully admitted for permanent residence within the meaning of section 101(a)(20) of the Immigration and Nationality Act;

''(B) who is admitted as a refugee pursuant to section 207 of such Act;

''(C) who is granted asylum pursuant to section 208 of such Act;

''(D) whose deportation is withheld pursuant to section 243(h) of such Act;

''(E) whose deportation is suspended pursuant to section 244 of such Act;

''(F) who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980;

''(G) who is lawfully admitted for temporary residence pursuant to section 210 or 245A of such Act;

''(H) who is within a class of aliens lawfully present within the United States pursuant to any other provision of such Act, if—

''(i) the Attorney General determines that the continued presence of such class of aliens serves a humanitarian or other compelling public interest, and

''(ii) the Secretary of Health and Human Services determines that such interest would be further served by treating each alien within such class as a 'qualified alien' for purposes of this Act; or

''(I) who is the spouse or unmarried child under 21 years of age of a citizen of the United States, or the parent of such a citizen if the citizen is 21 years of age or older, and with respect to whom an application for adjustment to lawful permanent residence is pending;

such status not having changed.''.

(3) CONFORMING AMENDMENT.—Section 244A(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1254(a)(f)(1)) is amended by inserting ''and shall not be considered to be a 'qualified alien' within the meaning of section 1101(a)(10) of the Social Security Act'' before the semicolon at the end.

(b) STATE AND LOCAL PROGRAMS.—A State or political subdivision therein may provide that an alien is not eligible for any program of assistance based on need that is furnished by such State or political subdivision unless such alien is a ''qualified alien'' within the meaning of section 1101(a)(10) of the Social Security Act (as added by subsection (a)(2) of this section).

(c) EFFECTIVE DATE.—(1) The amendments made by subsection (a) are effective with respect to benefits payable on the basis of any application filed after the date of enactment of this Act.

(2) Subsection (b) is effective upon the date of enactment of this Act.

SEC. 402. STATE RETENTION OF AMOUNTS RECOVERED.

Section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended in the proviso of the first sentence by striking ''1995'' each place such term appears and inserting ''2004''.

Mr. ROCKEFELLER. Mr. President, for years, as Governor of West Virginia and as a U.S. Senator, I have advocated changes to our welfare system so that it promotes work and responsibility. I am proud to continue these efforts by joining Senator DASCHLE and other colleagues in sponsoring S. 8, the Teen Pregnancy Prevention and Parent Responsibility Act.

This legislation is an essential step that builds on the Family Support Act of 1988 in reforming our welfare system. It emphasizes parental responsibility and makes real reforms designed to address the issues of teen pregnancy. As noted in the final report of the bipartisan National Commission on Children, unmarried teenage mothers often lack the maturity, economic means, and parenting skills to care for themselves and their children.

For West Virginia, this issue is of major importance. According to the 1993 West Virginia Kids Count, births to unmarried teens has increased by 60 percent between 1980 and 1991 in my State. The percentage of births to unwed teen parents is tragically a predictor of economic hardship for both mother and child. This trend must be reversed for the sake of teens, children, and our future.

This bill boldly confronts this concern by requiring unwed mothers under the age of 18 to live with an adult family member or in a supervised group home in order to receive Federal Aid to Families with Dependent Children [AFDC]. Unwed teen mothers would also be required to stay in school and complete their high school education in order to receive benefits. If substance abuse is a problem, unwed teen mothers would have to seek counseling. These are major changes designed to help both unwed teen mothers and their children. It is an effort to try and ensure that a caring adult is involved with both teen parent and infant. Also, it is one of the toughest initiatives yet to ensure that teenage mothers stay in school and get the education they will need to avoid a lifetime of dependency.

There is broad consensus about the need to change our welfare system from a program that can inadvertently trap families in a lifetime of dependency into a transitional assistance program that fosters work and responsibility. But there are major questions about how to achieve this goal.

As we debate a series of welfare reform proposals, I will judge each proposal by the fundamental question of how each change will affect both the poor parent and the child. Welfare reform should not punish vulnerable children or their parents. Reform should encourage self-sufficiency in firm but fair ways. Senator DASCHLE's legislation passes this test with flying colors. It will help both unwed teen parents and child by ensuring the involvement of an adult, and by keeping teens in school.

Obviously, more work must be done to reform our overall welfare system since the Department of Health and Human estimates that teen parents are less than 10 percent of all families on welfare. But this legislation is a sensible first step focusing on unwed teen parents and it will hopefully help break a cycle of dependency early.

In additional to the eligibility requirements for unwed teen parents to receive AFDC, the bill gives States and communities funding to invest in pregnancy prevention for at risk youth. The legislation is paid for in responsible ways including provision to strengthen child support enforcement, another key way to promote parental responsibility among absent fathers.

Teenage pregnancy is a complicated issue facing our society, and there are no simple solutions or quick answers. But I believe that the Teenage Pregnancy Prevention and Parent Responsibility Act lays out needed change in Federal policy. Current Federal policy enables teen parents on welfare to establish their own independent household by offering them Federal assistance, but this legislation dramatically changes the rules and incentives. It sends a fundamental message to unwed teen parents to stay in school and seek help from caring adults, preferably their families. While this bill is not a silver bullet, it is a serious, substantive effort to ensure that Federal policy reflects American values for families and children.

By Mr. DASCHLE (for himself, Mr. EXON, Ms. MIKULSKI, Mr. BREAUX, Mr. ROBB, Mr. KERRY, Mr. PELL, and Ms. MOSELEY-BRAUN):

S. 9. A bill to direct the Senate and the House of Representatives to enact legislation on the budget for fiscal years 1995 through 2003 that would balance the budget by fiscal year 2003; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with insturctions that if one Committee reports, the other Committee have thirty days to report or be discharged.

BUDGET RESOLUTION FOR FISCAL YEARS 1995 THROUGH 2003

Mr. DASCHLE. 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. 9

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

SECTION 1. BUDGET RESOLUTION FOR FISCAL YEARS 1996 THROUGH 2003.

Not later than the end of the 1st session of the 104th Congress, the Senate and House of Representatives shall—

(1) adopt a concurrent resolution on the budget for fiscal years 1996 through 2003; and

(2) enact all the necessary authorizing and appropriations legislation,

that would balance the Federal budget by the beginning of fiscal year 2003.

By Mr. DASCHLE (for himself, Mr. GLENN, Mr. LEVIN, Ms. MIKULSKI, Mr. BREAUX, Mr.

KERRY, Ms. MOSELEY-BRAUN, and Mr. HARKIN):

S. 10. A bill to make certain laws applicable to the legislative branch of the Federal Government, to reform lobbying registration and disclosure requirements, to amend the gift rules of the Senate and the House of Representatives, and to reform the Federal election laws applicable to the Congress; to the Committee on Governmental Affairs.

COMPREHENSIVE CONGRESSIONAL REFORM ACT

Mr. DASCHLE. 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. 10

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 ''Comprehensive Congressional Reform Act of 1995 ''.

DIVISION A—EXTENSION OF RIGHTS AND PROTECTIONS, AND ASSOCIATED PROCEDURES

SEC. 100. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) All employees of the House of Representatives, of the Senate, and of the congressional instrumentalities are entitled to fundamental rights and protections provided by law to private and other public employees.

(2) The Congress has made notable progress in ensuring that such rights and protections are afforded to these legislative branch employees, by—

(A) extending to employees of the House of Representatives the provisions of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Family and Medical Leave Act of 1993, and the Fair Labor Standards Act of 1938;

(B) extending to employees of the Senate the provisions of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Family and Medical Leave Act of 1993; and

(C) extending to employees of congressional instrumentalities numerous rights and protections under employment laws.

(3) The Congress should expand on this base of rights and protections by eliminating gaps in coverage and extending coverage so as to assure to legislative branch employees the rights and protections of laws on employment discrimination, family and medical leave, fair labor standards, labor-management relations, occupational safety and health, polygraph protection and worker retraining.

(4) The Congress should likewise establish prompt, fair, and independent processes to resolve disputes and to enforce employee rights and protections, building on and strengthening the dispute resolution and enforcement procedures already established by the Government Employees Rights Act of 1991 (2 U.S.C. 1201 et seq.), section 117 of the Civil Rights Act of 1991 (2 U.S.C. 60l), and other relevant statutes and rules of Congress.

(5) The extension of employee rights and protections affecting employees of the Architect of the Capitol and the Capitol Police should be accomplished in a manner that ensures that they are treated in a consistent manner regardless of their place of assignment within the Congress.

(6) The extension of employee rights and protections should be accomplished in a manner that is consistent with the responsibilities and functions of the House of Representatives and the Senate under the Constitution.

(b) PURPOSES.—The purposes of this Act are to eliminate gaps in coverage, extend coverage, and establish prompt, fair, and independent dispute resolution and enforcement procedures, for rights and protections established by—

(1) title VII of the Civil Rights Act of 1964;

(2) the Fair Labor Standards Act of 1938;

(3) the Age Discrimination in Employment Act of 1967;

(4) the Americans with Disabilities Act of 1990;

(5) the Rehabilitation Act of 1973;

(6) the Family and Medical Leave Act of 1993;

(7) the Occupational Safety and Health Act of 1970; and

(8) chapter 71 of title 5, United States Code (commonly known as the ''Federal Service Labor-Management Relations Statute'').

(9) The Employee Polygraph Protection Act of 1988.

(10) The Worker Adjustment and Retraining Notification Act.

(11) Chapter 43 of title 38, United States Code (relating to veterans' employment and reemployment).

SEC. 100A. DEFINITIONS.

Except as otherwise specifically provided in this Act, as used in this Act:

(1) BOARD.—The term ''Board'' means the Board of Directors of the Office of Congressional Fair Employment Practices appointed under section 202.

(2) CALENDAR DAY OF CONTINUOUS SESSION.—The term ''calendar day of continuous session'' means a calendar day other than one on which either House is not in session because of an adjournment of more than three days to a date certain.

(3) CHAIR.—The term ''Chair'' means the Chair of the Board of Directors of the Office of Congressional Fair Employment Practices appointed under section 202(b).

(4) COVERED EMPLOYEE.—The term ''covered employee'' means any employee of—

(A) the House of Representatives;

(B) the Senate;

(C) the Architect of the Capitol;

(D) the Congressional Budget Office;

(E) the Office of Technology Assessment; or

(F) the Office of Congressional Fair Employment Practices.

(5) DIRECTOR.—The term ''Director'' means the Director of the Office of Congressional Fair Employment Practices appointed under section 203(a).

(6) EMPLOYEE OF THE ARCHITECT OF THE CAPITOL.—The term ''employee of the Architect of the Capitol'', means—

(A) any employee of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A) and whose claim of a violation under this Act arises out of the application; and

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation under this Act arises out of the employment.

(7) EMPLOYEE OF CERTAIN CONGRESSIONAL INSTRUMENTALITIES.—The terms ''employee of the Congressional Budget Office'', ''employee of the Office of Technology Assessment'', and ''employee of the Office of Congressional Fair Employment Practices'' mean, respectively—

(A) any employee of the Congressional Budget Office, the Office of Technology Assessment, or the Office of Congressional Fair Employment Practices;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A) and whose claim of a violation under this Act arises out of the application; and

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation under this Act arises out of the employment.

(8) EMPLOYEE OF THE HOUSE OF REPRESENTATIVES.—The term ''employee or the House of Representatives'' means—

(A) an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in a legislative service organization or other entity that is paid through funds derived from the clerk-hire allowance of the House of Representatives, including any such individual employed by the Capitol Police, the Capitol Guide Service, or the Office of the Attending Physician, but not including an individual employed by the Congressional Budget Office or the Architect of the Capitol;

(B) any applicant for a position described in subparagraph (A) whose claim of a violation under this Act arises out of the application; and

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation under this Act arises out of the employment.

(9) EMPLOYEE OF THE SENATE.—The term ''employee of the Senate'' means—

(A) any employee whose pay is disbursed by the Secretary of the Senate, including any such individual employed by the Capitol Police, the Capitol Guide Service, or the Office of the Attending Physician, but not including an individual employed by the Architect of the Capitol;

(B) any applicant for a position that is to be occupied by an individual described in subparagraph (A) and whose claim of a violation under this Act arises out of the application; and

(C) any individual who was formerly an employee described in subparagraph (A) and whose claim of a violation under this Act arises out of the employment.

(10) EMPLOYING OFFICE.—The term ''employing office'' means the personal office of a Member of the House of Representatives or a Senator or any other office under the authority of a head of an employing office.

(11) GENERAL COUNSEL.—The term ''General Counsel'' means the General Counsel of the Office of Congressional Fair Employment Practices appointed under section 203(c).

(12) HEAD OF AN EMPLOYING OFFICE.—The term ''head of an employing office'' means—

(A) the Member of Congress or the officer or employee or board or other entity of the Congress that has final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or an employee of the Senate; and

(B) the Architect of the Capitol, the Director of the Congressional Budget Office, the Director of the Office of Technology Assessment, and the Board of the Office of Congressional Fair Employment Practices.

For purposes of the minority staff of a committee, the ranking minority member shall be the head of the employing office.

(13) OFFICE.—The term ''Office'' means the Office of Congressional Fair Employment Practices established under section 201.

TITLE I—EXTENSION OF RIGHTS AND PROTECTIONS, AND ASSOCIATED PROCEDURES

SEC. 101. RIGHTS AND PROTECTIONS UNDER LAWS AGAINST EMPLOYMENT DISCRIMINATION.

(a) DISCRIMINATORY PRACTICES PROHIBITED.—

(1) IN GENERAL.—All personnel actions affecting covered employees shall, in accordance with the terms of this section, be made free from any discrimination based on—

(A) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16);

(B) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

(C) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–12114).

(2) PROHIBITION OF INTIMIDATION OR REPRISAL.—Any intimidation of, or reprisal against, any covered employee because of the exercise of a right under section 107 or 109 with respect to rights and protections under this Act constitutes an unlawful employment practice, which may be remedied in the same manner as is a violation of paragraph (1).

(b) AVAILABLE RELIEF.—

(1) CIVIL RIGHTS.—The relief for a violation of subsection (a)(1)(A) shall be such relief as would be appropriate if awarded under sections 706(g) and 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g) and 2000e–5(k), and the same interest to compensate for delay in payment shall be available as in cases involving nonpublic parties; and including such compensatory damages (not exceeding, for each complaining party, and irrespective of the size of the employing office, the maximum amount available under section 1977A(b)(3)(D)) of the Revised Statutes (42 U.S.C. 1981a(b)(3)(D)) as would be appropriate if awarded under section 1977 and sections 1977(A)(a) and (b)(2) of the Revised Statutes (42 U.S.C. 1981, 1981a (a), and (b)(2)).

(2) AGE DISCRIMINATION.—The relief for a violation of subsection (a)(1)(B) shall be such relief as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c)).

(3) DISABILITIES DISCRIMINATION.—The relief for a violation of subsection (a)(1)(C) shall be such relief as would be appropriate if awarded under section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)) or section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)).

(4) PUNITIVE DAMAGES.—Punitive damages shall not be available for a violation of subsection (a).

(c) EXCLUSIVE PROCEDURES.—No covered employee may commence an administrative or judicial proceeding to seek a remedy for practices prohibited under this section except as provided in section 107. Only a covered employee who has undertaken and completed the procedures described in section 107 (1) through (3) may be granted relief under this section.

(d) CLARIFICATION OF APPLICATION TO GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.—

(1) SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—Section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by—

(A) striking ''legislative and'';

(B) striking ''branches'' and inserting ''branch''; and

(C) inserting ''Government Printing Office, the General Accounting Office, and the'' after ''and in the''.

(2) SECTION 15 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)) is amended by—

(A) striking ''legislative and'';

(B) striking ''branches'' and inserting ''branch''; and

(C) inserting ''Government Printing Office, the General Accounting Office, and the'' after ''and in the''.

(3) SECTION 509 OF THE AMERICANS WITH DISABILITIES ACT OF 1990.—Section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209) is amended—

(A) by striking subsections (a) and (b) of section 509;

(B) in subsection (c), by striking ''(c) INSTRUMENTALITIES OF CONGRESS.—'' and inserting ''The General Accounting Office, the Government Printing Office, and the Library of Congress shall be covered as follows:'';

(C) by striking the second sentence of paragraph (2);

(D) in paragraph (4), by striking ''instrumentalities of the Congress include'' and inserting ''the term instrumentality of the Congress' means'', by striking ''the Architect of the Capitol, the Congressional Budget Office'', by inserting ''and'' before ''the Library'', and by striking ''the Office of Technology Assessment, and the United States Botanic Garden'';

(E) by redesignating paragraph (5) as paragraph (7) and by inserting after paragraph (4) the following new paragraph:

''(5) ENFORCEMENT OF EMPLOYMENT RIGHTS.—The remedies, procedures, and rights set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall be available to any employee of an instrumentality of the Congress who alleges a violation of the rights and protections under sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–12114) that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of each instrumentality of the Congress.''; and

(F) by amending the title of the section to read ''INSTRUMENTALITIES OF THE CONGRESS''.

(e) EFFECTIVE DATE.—This section shall be effective 9 months after the date of enactment of this Act.

SEC. 102. RIGHTS AND PROTECTIONS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993.

(a) FAMILY AND MEDICAL LEAVE RIGHTS AND PROTECTIONS PROVIDED.—

(1) IN GENERAL.—The rights and protections established under sections 101 through 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611–2615) shall apply, in accordance with this section, with respect to covered employees.

(2) DEFINITIONS.—For purposes of the application described in paragraph (1)—

(A) the term ''eligible employee'' means—

(i) any employee of the House of Representatives who has been employed for at least 12 months on other than a temporary or intermittent basis by any employing office of the House of Representatives; and

(ii) any employee of the Senate who has been employed for at least 12 months on other than a temporary or intermittent basis by any employing office of the Senate; and

(B) the term ''employer'' means any employing office.

(b) AVAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under paragraph (1) or (3) of section 107(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2617(a) (1) or (3)).

(c) EXCLUSIVE PROCEDURES.—No covered employee may commence an administrative or judicial proceeding to seek a remedy for a violation of the rights and protections afforded in this section except as provided in section 107. Only a covered employee who has undertaken and completed the procedures described in section 107 (1) through (3) may be granted relief under this section.

(d) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than January 3, 1996, the Board shall, pursuant to section 204, issue any rules necessary to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except insofar as the Board may determine, for good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(e) APPLICATION TO GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—

(1) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 101(4)(A) of the Family and Medical Leave Act of 1933 (29 U.S.C. 2611(4)(A)) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ''; and'', and by adding after clause (iii) the following:

''(iv) includes the General Accounting Office and the Library of Congress.''.

(2) CIVIL SERVICE EMPLOYEES.—Section 6381(1)(A) of title 5, United States Code, is amended by striking ''and'' after ''District of Columbia'' and inserting before the semicolon the following: '', and any employee of the General Accounting Office and the Library of Congress''.

(3) ENFORCEMENT.—Section 107 of the Family and Medical Leave Act of 1993 (29 U.S.C 2617) is amended by adding at the end the following:

''(f) GENERAL ACCOUNTING OFFICE AND LIBRARY OF CONGRESS.—

''(1) PROCEDURES.—Procedures for the enforcement of section 105 for the General Accounting Office and the Library of Congress shall be limited to the procedures described in subsection (a).

''(2) SECRETARY OF LABOR.—In the case of the General Accounting Office and the Library of Congress, the authority of the Secretary of Labor under this title shall be exercised respectively by the head official of the General Accounting Office and the Library of Congress.''.

(f) EFFECTIVE DATE.—Subsection (a) through (d) shall be effective on the effective date of the rules issued under subsection (d) or 1 year after the date of enactment of this Act, whichever is earlier.

SEC. 103. RIGHTS AND PROTECTIONS UNDER THE FAIR LABOR STANDARDS ACT.

(a) FAIR LABOR STANDARDS.—

(1) IN GENERAL.—Subject to the limitations in section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)), the rights and protections established under subsections (a)(1) and (d) of section 6, section 7, section 12(c), and section 15(a)(3) of such Act (29 U.S.C. 206 (a)(1) and (d), 207, 212(c), 215(a)(3)) shall apply, in accordance with this section, with respect to covered employees.

(2) VOLUNTEER SERVICES EXCEPTED.—For the purposes of this section, the term ''employee'' does not include any individual who volunteers to perform services under the same conditions as would exclude an individual who volunteers to perform services for a State, a political subdivision of a State, or an interstate governmental agency under section 3(e)(4)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(4)(A)).

(b) AVAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)).

(c) EXCLUSIVE PROCEDURES.—No covered employee may commence an administrative or judicial proceeding to seek a remedy for a violation of the rights and protections afforded in this section except as provided in section 107. Only a covered employee who has undertaken and completed the procedures described in section 107 (1) through (3) may be granted relief under this section.

(d) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than January 3, 1996, the Board shall, pursuant to section 204, issue any rules necessary to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except insofar as the Board may determine, for good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(3) IRREGULAR WORK SCHEDULES.—As part of the rules under this subsection, the Board shall study and, pursuant to section 204, issue rules establishing the manner and extent to which the requirements of this section shall apply to covered employees whose work schedule directly depends on the schedule of the House of Representatives or the Senate. Such rules shall include provisions comparable to the provisions in the Fair Labor Standards Act of 1938 that apply to private and public employees who have irregular work schedules.

(e) CLARIFICATION OF APPLICATION TO THE GOVERNMENT PRINTING OFFICE.—Section 3(e)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)(A)) is amended—

(1) in clause (iii), by striking ''legislative or'',

(2) by striking ''or'' at the end of clause (iv),

(3) by striking the semicolon at the end of clause (v) and inserting '', or'', and

(4) by adding after clause (v) the following: ''(vi) the Government Printing Office;''.

(f) EFFECTIVE DATES.—Subsections (a) through (c) shall be effective on the effective date of the rules issued under subsection (d) or on July 1, 1996, whichever is earlier.

SEC. 104. RIGHTS AND PROTECTIONS UNDER EMPLOYEE POLYGRAPH PROTECTION ACT.

(a) POLYGRAPH PROTECTION RIGHTS.—

(1) IN GENERAL.—The rights and protections of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001 et seq.) shall apply, in accordance with this section, with respect to covered employees.

(2) COVERAGE.—For purposes of this section, the term ''covered employee'' shall include employees of the General Accounting Office, the Library of Congress, and the term ''employing office'' shall included the General Accounting Office and the Library of Congress.

(b) AVAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under section 6(c)(1), (3) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 20005(c)(1), (3)).

(c) EXCLUSIVE PROCEDURES.—No covered employee may commence an administrative or judicial proceeding to seek a remedy for any violation of or to enforce any rights and protections provided by this section except as provided in section 107. Only a covered employee who has undertaken and completed the procedures described in sections 107 (1) through (3) may be granted relief under this section.

(d) RULES TO IMPLEMENT SECTION.—Not later than January 3, 1997, the Board shall issue rules pursuant to section 204 on the manner and extent to which the requirements, exemptions, and relief (except for penalties) of the Employee Polygraph Protection Act of 1988 should apply to covered employees and offices of the legislative branch. In issuing such regulations, the Board shall, to the greatest extent practicable, be consistent with the provisions and purposes of such Act and any regulations issued by the Secretary of Labor under such Act, and the purposes of this Act.

(e) EFFECTIVE DATE.—Subsections (a) and (b) shall be effective on the effective date of the rules issued under subsection (c) or on July 1, 1997, whichever is earlier; except that subsections (a) and (b) shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after the completion of the study under section 112.

SEC. 105. RIGHTS AND PROTECTIONS UNDER WORKER ADJUSTMENT AND RETRAINING ACT.

(a) WORKER ADJUSTMENT AND RETRAINING RIGHTS.—

(1) IN GENERAL.—The rights and protections of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) shall apply, in accordance with this section, with respect to covered employees.

(2) COVERAGE.—For purposes of this section, the term ''covered employee'' shall include employees of the General Accounting Office and the Library of Congress, and the term ''employing office'' shall include the General Accounting Office and the Library of Congress.

(b) AVAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under section 5 of the Worker Adjustment and Retraining Notification Act of 1988 (29 U.S.C. 2104(a)).

(c) EXCLUSIVE PROCEDURES.—No person may commence an administrative or judicial proceeding to seek a remedy for any violation of or to enforce any rights and protections provided by this section except as provided in section 107. Only a covered employee who has undertaken and completed the procedures described in section 107 (1) through (3) may be granted relief under this section.

(d) RULES TO IMPLEMENT SECTION.—Not later than January 3, 1997, the Board shall issue rules pursuant to section 204 on the manner and extent to which the requirements, exemptions, and relief of the Worker Adjustment and Retraining Act should apply to covered employees and employing offices. In issuing such regulations, the Board shall, to the greatest extent practicable, be consistent with the provisions and purposes of such Act and any regulations issued by the Secretary of Labor under such Act, and the purposes of this Act.

(e) EFFECTIVE DATE.—Subsections (a) and (b) shall be effective on the effective date of the rules issued under subsection (c) or on July 1, 1997, whichever is earlier; except that subsections (a) and (b) shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after the completion of the study under section 112.

SEC. 106. RIGHTS AND PROTECTIONS UNDER CHAPTER 43 OF TITLE 38, UNITED STATES CODE.

(a) EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.—

(1) IN GENERAL.—It shall be unlawful for an employing office to—

(A) discriminate, within the meaning of sections 4311(a) and 4311(b) of title 38, United States Code, against an eligible employee;

(B) deprive an eligible employee of reemployment rights within the meaning of sections 4312 and 4313 of title 38, United States Code; or

(C) deprive an eligible employee of benefits within the meaning of sections 4316, 4317, and 4318 of title 38, United States Code.

(2) DEFINITION.—For purposes of this section, the term ''eligible employee'' means a covered employee performing service in the uniformed services, within the meaning of section 4303(13) of title 38, United States Code, whose service has not been terminated upon occurrence of any of the events enumerated in section 4304 of title 38, United States Code.

(3) COVERAGE.—For purposes of this section, the term ''covered employee'' shall include employees of the General Accounting Office and the Library of Congress and the term ''employing office'' shall include the General Accounting Office and the Library of Congress.

(b) AVAILABLE RELIEF.—The relief for a violation of subsection (a) shall be such relief as would be appropriate if awarded under section 4323(c)(1) of title 38, United States Code.

(c) EXCLUSIVE PROCEDURES.—No person may commence an administrative or judicial proceeding to seek a remedy for practices prohibited under this section except as provided in section 107 and section 4314(c) of title 38, United States Code. Only a covered employee who has undertaken and completed the procedures described in section 107 (1) through (3) may be granted relief under this section.

(d) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than January 3, 1996, the Board shall, pursuant to section 204, issue any rules necessary to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a different regulation would better serve the purposes of such statutory provisions and of this Act.

(e) EFFECTIVE DATE.—This section shall be effective on the effective date of the regulations issued under subsection (d) or on July 1, 1997, whichever is earlier; except that subsections (a) and (b) shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after the completion of the study under section 112.

SEC. 107. PROCEDURES FOR REMEDY OF EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, AND FAIR LABOR STANDARDS VIOLATIONS.

The exclusive procedures for remedy of violations of sections 101, 102, 103, 104, 105, and 106 shall be as follows:

(1) COUNSELING.—Any covered employee alleging a violation of section 101, 102, 103, 104, 105, or 106 may request counseling by the Office. Such counseling shall be conducted pursuant to the provisions of section 301 and shall be requested within the time specified in section 307.

(2) MEDIATION.—Not later than 15 days after the Office gives notification to an employee pursuant to section 301(d) of the end of the period of counseling under paragraph (1), the employee may file a request for mediation with the Office. On the filing of such a request, the Office shall conduct mediation in accordance with section 302.

(3) CHOICE OF ADJUDICATORY PROCEEDING.—Not later than 90 days after the Office gives notice pursuant to section 302(f) of the end of the period of mediation, but not sooner than

30 days after such notification, an employee may either—

(A) file a formal complaint with the Office in accordance with section 303; or

(B) file a civil action in the United States district court for the district in which the employee is employed or for the District of Columbia, subject to the provisions of section 306.

(4) APPEAL TO THE BOARD.—Any party aggrieved by a final decision of the hearing officer with respect to a formal complaint filed with the Office pursuant to paragraph (3)(A) may appeal to the Board pursuant to section 304 not later than 30 days after the entry of the final decision of a hearing officer under section 303(g).

(5) JUDICIAL REVIEW.—Any party aggrieved by a final decision of the Board under paragraph (4) may file a petition for review in the United States Court of Appeals for the Federal Circuit pursuant to section 305 not later than 90 days after the entry of the final decision of the Board under section 304(e).

SEC. 108. RIGHTS AND PROTECTIONS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990 RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) ENTITIES SUBJECT TO THIS SECTION.—The requirements of this section shall apply to—

(1) each office of the Senate;

(2) each office of the House of Representatives;

(3) each joint committee of the Congress;

(4) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

(5) the Capitol Guide Service;

(6) the Capitol Police;

(7) the Congressional Budget Office;

(8) the Office of Technology Assessment; and

(9) the Office of Congressional Fair Employment Practices.

(b) DISCRIMINATION IN PUBLIC SERVICES.—

(1) RIGHTS AND PROTECTIONS.—The rights and protections against discrimination in the provision of public services established under sections 201 through 230, 302, 303, 309, 503(a), and 503(b) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131–12150, 12182-12183, 12189, 12203(a), 12203(b)) shall apply, pursuant to the terms of this section, to the entities listed in subsection (a).

(2) COVERAGE.—The rights and protections of paragraph (1) shall apply, pursuant to the terms of this section, to any qualified individual with a disability (as defined in section 201(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131(2)), except that, with respect to any claims of employment discrimination asserted by any covered employee, the exclusive remedy shall be under section 101.

(3) DEFINITIONS.—For purposes of the application of the Americans with Disabilities Act of 1990 under this section, the term ''public entity'' means any entity listed in subsection (a). For purposes of this section, an office of the Senate or an office of the House of Representatives means, respectively, a unit of the Senate or the House of Representatives that provides public services, within the meaning of sections of the Americans with Disabilities Act of 1990 as applied by paragraph (1).

(c) AVAILABLE RELIEF.—The relief for a violation of subsection (b) shall be such relief as would be appropriate if awarded under section 203 or 503(c) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12133 or 12203(c)).

(d) AVAILABLE PROCEDURES.—

(1) CHARGE FILED WITH GENERAL COUNSEL.—A qualified individual with a disability who alleges a violation of subsection (b) by an entity listed in subsection (a) may file a charge with the General Counsel. The General Counsel shall investigate the charge.

(2) MEDIATION.—If, upon investigation under paragraph (1), the General Counsel believes that a violation of subsection (b) may have occurred and that mediation may be helpful in resolving the dispute, the General Counsel may request mediation under section 302 between the charging individual and the entity or entities responsible for causing or remedying the alleged violation.

(3) COMPLAINT, HEARING, BOARD REVIEW.—If mediation under paragraph (2) has not succeeded in resolving the dispute, and if the General Counsel believes that a violation of subsection (b) has occurred, the General Counsel may file with the Office a complaint against the entity or entities. The complaint shall be submitted to a hearing officer for decision pursuant to section 303, subject to review by the Board pursuant to section 304.

(4) JUDICIAL REVIEW.—The charging individual or the entity or entities respondent to the complaint, if aggrieved by a final decision of the Board under paragraph (3), may file a petition for review in the United States Court of Appeals for the Federal Circuit, pursuant to section 305.

(5) EXCLUSIVE PROCEDURES.—No person may commence an administrative or judicial proceeding to seek a remedy for violation of the rights and protections afforded in this section except as provided in this subsection. Only a qualified individual with a disability who has filed a charge with the General Counsel under this subsection may be granted relief under this section.

(e) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than January 3, 1996, the Board shall, pursuant to section 204, issue rules necessary to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsections (b) and (c) except to the extent that the Board may determine, for good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(f) EFFECTIVE DATES.—Subsections (b), (c), and (d) shall be effective on the effective date of the rules issued under subsection (e) or on July 1, 1996, whichever is earlier.

(g) INSPECTION; REPORT TO CONGRESS.—

(1) INSPECTION.—On a regular basis, and at least once each Congress, the General Counsel shall inspect the facilities of Congress and of congressional instrumentalities listed in subsection (a) to ensure compliance with subsection (b).

(2) REPORT.—On the basis of these inspections, the General Counsel shall, at least once every Congress, prepare and submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate containing the results of the inspection, describing any steps necessary to correct any violations of this section, assessing any limitations in accessibility to and usability by individuals with disabilities associated with each violation, and the estimated cost and time needed for abatement.

(3) DETAILS.—The Attorney General, the Secretary of Transportation, and the Architectural and Transportation Barriers Compliance Board may, on request of the Office, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(h) APPLICATION OF AMERICANS WITH DISABILITIES ACT OF 1990 TO THE PROVISION OF PUBLIC SERVICES AND ACCOMMODATIONS BY THE GENERAL ACCOUNTING OFFICE, THE GOVERNMENT PRINTING OFFICE, AND THE LIBRARY OF CONGRESS.—Section 509 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209), as amended by section 101(d), is amended by adding the following new paragraph:

''(6) ENFORCEMENT OF RIGHTS TO PUBLIC SERVICES AND ACCOMMODATIONS.—The remedies, procedures, and rights set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall be available to any qualified person with a disability who is a visitor, guest, or patron of an instrumentality of Congress and who alleges a violation of the rights and protections under sections 201 through 230, 302, and 303 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131–12150, 12182–83) that are made applicable by this section, except that the authorities of the Equal Employment Opportunity Commission shall be exercised by the chief official of the instrumentality of the Congress.''.

SEC. 109. RIGHTS AND PROTECTIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970; PROCEDURES FOR REMEDY OF VIOLATIONS.

(a) OCCUPATIONAL SAFETY AND HEALTH PROTECTIONS.—

(1) IN GENERAL.—Each employing office and each covered employee (and representatives of such employee) shall comply with provisions of section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654). The duties, rights, and protections of sections 8, 9, and 11(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 658 and 660(c)) shall apply with respect to each employing office and each covered employee (and representatives of such employee). For purposes of the application under this section of the Occupational Safety and Health Act of 1970, the term ''employer'' as used in such Act or in this section means any employing office and the term ''employee'' means any covered employee.

(2) COVERAGE.—For purposes of the application under this section of the Occupational Safety and Health Act of 1970, the term ''employer'' as used in such Act means an employing office and the term ''employee'' means a covered employee. For purposes of this section, the term ''employing office'' includes the General Accounting Office and the Library of Congress, and the term ''employee'' includes employees of the General Accounting Office and the Library of Congress.

(b) AVAILABLE REMEDIES.—The remedies for a violation of subsection (a) shall be such remedies, except penalties, as would be appropriate if awarded under sections 9(a), 10(c), and 11(c)(2) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658(a), 659(c), and 660(c)(2)).

(c) AVAILABLE PROCEDURES.—

(1) INSPECTIONS, INVESTIGATIONS; AUTHORITIES OF THE GENERAL COUNSEL.—For purposes of this section and in the manner provided in this section, the General Counsel shall exercise the authorities granted to the Secretary of Labor by subsections (a) and (f) of section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657 (a) and (f)) to inspect and investigate places of employment under the jurisdiction of employers. Any employer, employee, or representative of employees may submit written requests to the General Counsel to conduct an inspection.

(2) CITATIONS, NOTICES, NOTIFICATIONS; AUTHORITIES OF THE GENERAL COUNSEL.—

(A) IN GENERAL.—For purposes of this section and in the manner provided in this section, the General Counsel shall exercise the authorities granted to the Secretary of Labor in sections 9 and 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 658 and 659), to issue, subject to the procedures in subparagraph (B)—

(i) a citation or notice to any employer that the General Counsel believes is in violation of subsection (a); or

(ii) a notification to any employer that the General Counsel believes has failed to correct a violation for which a citation has been issued within the period permitted for its correction.

(B) APPROPRIATE EMPLOYER.—A citation or notification may not be issued to an employer that is neither responsible for having caused nor responsible for correcting a violation. Appropriation of insufficient funds shall not indicate a lack of responsibility for having caused or for correcting a violation. If correction of a violation requires action by the Architect of the Capitol, the General Counsel may name the Architect of the Capitol in the citation or notification as an additional respondent.

(3) HEARINGS, REVIEW; AUTHORITIES OF THE BOARD.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities granted to the Occupational Safety and Health Review Commission in section 10(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 659(c)) and to the Secretary of Labor (with respect to affirming or modifying abatement requirements), to hear objections and requests with respect to citations and notifications. The Board may refer disputed matters under this paragraph to a hearing officer pursuant to section 303, subject to review by the Board pursuant to section 304.

(4) VARIANCE PROCEDURES.—For the purposes of this section and except as otherwise provided by this section, the Board shall exercise the authorities granted to the Secretary of Labor in section 6(b)(6) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)(6)) to act on any request by an employer applying for a temporary order granting a variance from a standard. The Board may refer the matter to a hearing officer pursuant to section 303, subject to review by the Board pursuant to section 304.

(5) JUDICIAL REVIEW.—The General Counsel, or an employing office that is a respondent to a complaint and is aggrieved by a final decision of the Board under paragraph (3) or (4), may file a petition for review with the United States Court of Appeals for the Federal Circuit pursuant to section 305.

(6) PROCEDURES REGARDING CLAIMS OF INTIMIDATION OR REPRISAL; AUTHORITIES OF GENERAL COUNSEL.—

(A) CHARGE FILED WITH GENERAL COUNSEL.—Any employee who believes that he or she has been discharged or otherwise discriminated against in violation of section 11(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(c)) as made applicable by this section, may, within 30 days after such violation occurs, file a charge with the Office alleging such discrimination. The General Counsel shall investigate the charge.

(B) MEDIATION.—If, upon investigation under subparagraph (A), the General Counsel believes that a violation of section 11(c) of the Occupational Safety and Health Act may have occurred, the General Counsel may request mediation under section 302 between the charging employee and the employer that is alleged to have committed the violation.

(C) COMPLAINT, HEARING, BOARD REVIEW.—If mediation under subparagraph (B) has not succeeded in resolving the dispute, and if the General Counsel believes that a violation of section 11(c) of the Occupational Safety and Health Act of 1970 has occurred, the General Counsel may file with the Office a complaint against the employer. The complaint shall be submitted to a hearing officer for decision pursuant to section 303, subject to review by the Board pursuant to section 304.

(D) PETITION FOR REVIEW.—The charging employee or any employing office respondent to the complaint, if aggrieved by a final decision of the Board under this paragraph, may file a petition for review with the United States Court of Appeals for the Federal Circuit, pursuant to section 305.

(E) RELIEF.—Only a covered employee who has filed a charge with the General Counsel under this paragraph may be granted relief under this section.

(7) EXCLUSIVE PROCEDURES.—No covered employee or representative of such employees may commence any administrative or judicial proceeding to seek a remedy for a violation of the rights and protections afforded in this section except as provided in this subsection.

(d) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than July 1, 1996, the Board shall, pursuant to section 204, issue rules necessary to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as standards and other substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) except to the extent that the Board may determine, for good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(e) EFFECTIVE DATES.—Subsections (a) through (c) shall be effective on the effective date of the rules issued under subsection (d) or on January 3, 1997, whichever is earlier; except that subsections (a) and (b) shall be effective with respect to the General Accounting Office and the Library of Congress 1 year after the completion of the study under section 112.

(f) INSPECTION; REPORT TO CONGRESS; INITIAL STUDY.—

(1) INSPECTIONS.—On a regular basis, and at least once each Congress, the General Counsel shall inspect the facilities of the House of Representatives, the Senate, the Architect of the Capitol, the Congressional Budget Office, the Office of Technology Assessment, and the Office of Congressional Fair Employment Practices to ensure compliance with subsection (a).

(2) REPORT.—On the basis of these inspections, the General Counsel shall, at least once every Congress, prepare and submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate containing the results of the inspection, describing any steps necessary to correct any violations of this section, assessing any risks to employee health and safety associated with each violation, and the estimated cost and time needed for abatement.

(3) DETAILS.—The Secretary of Labor may, on request of the Office, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(4) INITIAL PERIOD FOR STUDY AND CORRECTIVE ACTION.—The period from the date of enactment of this Act until January 3, 1997, shall be available to employing offices to identify any violations of subsection (a), to determine the costs of coming into compliance, and to take any necessary corrective action to cure any violations. The Office shall assist employing offices by arranging for inspections and other technical assistance at their request. By July 1, 1996, the General Counsel shall conduct a thorough inspection under paragraph (1) and shall submit a report under paragraph (2).

SEC. 110. APPLICATION OF FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS STATUTE; PROCEDURES FOR IMPLEMENTATION AND ENFORCEMENT.

(a) LABOR-MANAGEMENT RIGHTS.—Subject to subsection (d), the rights, protections, and responsibilities established under sections 7102, 7103, 7106, 7111 through 7117, and 7119 through 7122 of title 5, United States Code, shall apply, pursuant to this section, to employing offices and to covered employees and representatives of those employees. For purposes of the application under this section of the sections referred to in the preceding sentence, the term ''agency'' shall be deemed to include an employing office.

(b) AUTHORITIES AND PROCEDURES FOR IMPLEMENTATION AND ENFORCEMENT.—

(1) GENERAL AUTHORITIES OF THE BOARD; PETITIONS.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Labor Relations Authority under sections 7105, 7111 through 7113, 7115, 7117, 7118, and 7122 of title 5, United States Code, and of the President under section 7103(b) of title 5, United States Code. For purposes of this section, any petition or other submission that, under chapter 71 of title 5, United States Code, would be submitted to the Federal Labor Relations Authority shall, if brought under this section, be submitted to the Board. The Board may refer any matter under this paragraph to a hearing officer for decision pursuant to section 303, subject to review by the Board pursuant to section 304. The Board may direct that the General Counsel carry out the Board's investigative authorities under this paragraph.

(2) GENERAL AUTHORITIES OF THE GENERAL COUNSEL; CHARGES OF UNFAIR LABOR PRACTICE.—For purposes of this section and except as otherwise provided in this section, the General Counsel shall exercise the authorities of the General Counsel of the Federal Labor Relations Authority under sections 7104 and 7118 of title 5, United States Code. For purposes of this section, any charge or other submission that, under chapter 71 of title 5, United States Code, would be submitted to the General Counsel of the Federal Labor Relations Authority shall, if brought under this section, be submitted to the General Counsel. If any person charges an employing office or a labor organization with having engaged in or engaging in an unfair labor practice, the General Counsel shall investigate the charge and may issue a complaint. The complaint shall be submitted to a hearing officer for decision pursuant to section 303, subject to review by the Board pursuant to section 304.

(3) EXERCISE OF IMPASSES PANEL AUTHORITY; REQUESTS.—For purposes of this section and except as otherwise provided in this section, the Board shall exercise the authorities of the Federal Service Impasses Panel under section 7119 of title 5, United States Code. For purposes of this section, any request that, under chapter 71 of title 5, United States Code, would be presented to the Federal Service Impasses Panel shall, if made under this section, be presented to the Board. At the request of the Board, the Director shall appoint a mediator or mediators to perform the functions of the Federal Service Impasses Panel under section 7119 of title 5, United States Code.

(4) JUDICIAL REVIEW.—Except for matters referred to in paragraphs (1) and (2) of section 7123(a) of title 5, United States Code, the charging individual or the entity or entities respondent to the complaint, if aggrieved by a final decision of the Board pursuant to this section may file a petition for judicial review in the United States Court of Appeals for the Federal Circuit pursuant to section 305.

(5) EXCLUSIVE PROCEDURES.—No covered employee or representative of such employees may commence an administrative or judicial proceeding to seek a remedy for any violation of or to enforce any rights and protections provided by this section except as provided in this subsection.

(c) RULES TO IMPLEMENT SECTION.—

(1) IN GENERAL.—Not later than January 3, 1996, except with respect to the offices listed in subsection (d)(2), the Board shall pursuant to section 204, issue rules necessary to implement the rights and protections under this section.

(2) AGENCY REGULATIONS.—The rules promulgated under paragraph (1) shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority to implement the statutory provisions referred to in subsection (a) except to the extent that as the Board may determine, for good cause shown and stated together with the rule, that a different rule would better serve the purposes of such statutory provisions and of this Act.

(d) RULEMAKING REGARDING APPLICATION TO CERTAIN OFFICES AND INSTRUMENTALITIES OF CONGRESS.—

(1) RULES REQUIRED.—Not later than July 1, 1996, the Board shall issue rules pursuant to section 204 on the manner and extent to which the requirements and exemptions of chapter 71 of title 5, United States Code, should apply to covered employees who are employed in the offices listed in paragraph (2). In issuing such regulations, the Board shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 of title 5, United States Code, and regulations issued by the Federal Labor Relations Authority under such chapter, and the purposes of this Act, and shall also consider—

(A) the possibility of any conflict of interest or appearance of a conflict of interest;

(B) national security; and

(C) Congress's constitutional responsibilities.

(2) OFFICES REFERRED TO.—The offices referred to in paragraph (1) are—

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing, select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Office of the Minority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference of the Majority of the Senate, the Office of the Secretary of the Conference of the Minority of the Senate, the Office of the Secretary for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, and Official Reporter of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment.

(D) the office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives;

(F) the offices of any caucus or party organization; and

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Congressional Fair Employment Practices.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall be effective on the effective date of the rules issued under subsection (c), or on July 1, 1996, whichever is earlier.

(2) CERTAIN OFFICES.—With respect to the offices listed in subsection (d)(2), to the covered employees of such offices, and to representatives of such employees, subsections (a) and (b) shall be effective on the effective date of rules issued under subsection (d) and approved under section 204(d)(2).

SEC. 111. APPLICATION OF OTHER LAWS TO CONGRESS.

(A) STUDY AND RECOMMENDATIONS OF BOARD.—On December 31, 1996, and updated every 2 years thereafter, the Board shall issue a report—

(1) reviewing whether, and to what degree, provisions of Federal law and regulations relating to—

(A) the terms and conditions of employment (including hiring, promotion and demotion, salary, wages, overtime compensation, benefits, work assignments or reassignments, termination, protection from discrimination in personnel actions, health and safety of employees and family and medical leave) of employees, and

(B) discrimination in the provision of (including access to) public services and accommodations,

are applicable or inapplicable to officers and employees within the legislative branch and to users of public services and accommodations provided the legislative branch, and,

(2) stating recommendations of the Board as to whether such provisions should be made applicable to the legislative branch or should be otherwise modified.

Such recommendations shall be printed in the Congressional Record, and such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

(b) REPORTS OF CONGRESSIONAL COMMITTEES.—Each report accompanying a bill or joint resolution of a public character reported by a committee of the House of Representatives or the Senate (except the Committee on Appropriations and the Committee on the Budget of either House) shall—

(1) describe the manner in which the provisions of the bill or joint resolution that apply to the Congress and to congressional instrumentalities; or

(2) in the case of a provision not applicable to the Congress and to congressional instrumentalities, include a statement of the reasons the provision does not apply.

SEC. 112. STUDY AND RECOMMENDATIONS REGARDING GENERAL ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE, AND LIBRARY OF CONGRESS.

(a) IN GENERAL.—The Board shall undertake a study of—

(1) the application of the laws listed in subsection (b) to—

(A) the General Accounting Office;

(B) the Government Printing Office;

(C) the Library of Congress; and

(D) any other entity in the legislative branch of the Government not covered by all of the sections of this title; and

(2) the regulations and procedures used by the instrumentalities and other entities referred to in paragraph (1) to apply and enforce such laws to themselves and their employees.

(b) APPLICABLE STATUTES.—The study under this section shall consider the application of the following laws:

(1) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), and related provisions of section 2302 of title 5, United States Code.

(2) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and related provisions of section 2302 of title 5, United States Code.

(3) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and related provisions of section 2302 of title 5, United States Code.

(4) The Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.), and related provisions of sections 6381 through 6387 of title 5, United States Code.

(5) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and related provisions of sections 5541 through 5550a of title 5, United States Code.

(6) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), and related provisions of section 7902 of title 5, United States Code.

(7) The Rehabilitation Act of 1973 (29 U.S.C. 501 et seq.).

(8) Chapter 71 of title 5, United States Code.

(9) The General Accounting Office Personnel Act of 1980 (31 U.S.C. subchapter III of chapter 7).

(10) The Employee Polygraph Protection Act of 1988 (29 U.S.C. et seq.).

(11) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(12) Chapter 43 of title 38, United States Code (relating to veterans' employment and reemployment).

(c) CONTENTS OF STUDY AND RECOMMENDATIONS.—The study under this section shall evaluate whether the rights, protections, and procedures applicable to the congressional instrumentalities and other entities referred to in subsection (a) and their employees are at least as comprehensive and effective as those required by this title and title III, and shall include recommendations for any improvements in such regulations and procedures and for any legislation.

(d) INSPECTION OF FACILITIES.—In preparation of the study under this section, the General Counsel shall inspect the facilities of the congressional instrumentalities and other entities referred to in subsection (a) to determine the extent of compliance with the requirements referred to in paragraphs (3), (6), and (7) of subsection (b). The study shall describe the results of the inspection, including any steps necessary to correct any violations of these requirements, and assessing any risks to employee health and safety or any limitations in accessibility to and usability by individuals with disabilities associated with each violation, and the estimated cost and time needed for abatement.

The Secretary of Labor, the Attorney General, the Secretary of Transportation, and the Architectural and Transportation Barriers Compliance Board may, on request of the Office, detail to the Office such personnel as may be necessary to advise and assist the Office in carrying out its duties under this section.

(e) DEADLINE AND DELIVERY OF STUDY.—Not later than July 1, 1996, the Board shall prepare and complete the study and recommendations required under this section and shall submit the study and recommendations to the head of each instrumentality or other entity considered by the study, and to the Speaker of the House of Representatives and President pro tempore of the Senate for referral to the appropriate committees of the House of Representatives and of the Senate.

TITLE II—OFFICE OF CONGRESSIONAL FAIR EMPLOYMENT PRACTICES—ESTABLISHMENT AND OPERATIONS

SEC. 201. ESTABLISHMENT OF OFFICE OF CONGRESSIONAL FAIR EMPLOYMENT PRACTICES.

There is hereby established, as an independent office within the legislative branch of the Government, the Office of Congressional Fair Employment Practices.

SEC. 202. BOARD OF DIRECTORS.

(a) IN GENERAL.—There shall be a Board of Directors of the Office (the ''Board''), to be composed of 5 members.

(b) APPOINTMENT.—

(1) TWO MEMBERS BY LEADERS OF HOUSE OF REPRESENTATIVES.—The Speaker of the House of Representatives shall appoint two members, of whom—

(A) one shall be appointed in accordance with the recommendation of the Majority Leader in consultation with the Minority Leader; and

(B) one shall be appointed in accordance with the recommendation of the Minority Leader in consultation with the Majority Leader.

(2) TWO MEMBERS BY LEADERS OF SENATE.—The President pro tempore of the Senate shall appoint two members, of whom—

(A) one shall be appointed in accordance with the recommendation of the Majority Leader in consultation with the Minority Leader; and

(B) one shall be appointed in accordance with the recommendation of the Minority Leader in consultation with the Majority Leader.

(3) CHAIR.—The Chair shall be appointed jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate from among candidates jointly recommended by the Majority Leaders and the Minority Leaders of the House of Representatives and the Senate.

(c) QUALIFICATIONS.—

(1) IN GENERAL.—Selection and appointment of members shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the office.

(2) SPECIFIC QUALIFICATIONS.—Members shall have training or experience in the application of the rights, protections, and remedies under one or more of the statutes made applicable by sections 101 through 107.

(3) DISQUALIFICATIONS.—No individual shall be eligible to serve on the Board who—

(A) is a current or former Member of the House of Representatives or a Senator;

(B) is, or has been within the 2 years prior to appointment—

(i) an elected or appointed officer of the House of Representatives or the Senate;

(ii) head of a congressional instrumentality referred to in subparagraphs (C) through (F) of section 3(1) or paragraph (1), (2), or (3) of section 110(a); or

(iii) a covered employee or otherwise an employee of an instrumentality or other entity of the legislative branch; or

(C) during the period of service engages in, or is otherwise employed in, lobbying of the Congress and who is required under the Federal Regulation of Lobbying Act to register with the Clerk of the House of Representatives or the Secretary of the Senate.

(d) TIME FOR ORIGINAL BOARD APPOINTMENTS.—All members shall be appointed to the Board pursuant to subsection (b) not later than 120 days after the date of enactment of this Act.

(e) APPOINTMENTS TO FILL VACANCIES ON THE BOARD.—Any vacancy in the membership of the Board shall be filled in the same manner as the original appointment for the vacant position.

(f) TERMS OF OFFICE FOR BOARD MEMBERS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the term of appointment of each member of the Board shall be 6 years. No member shall be appointed to more than 2 consecutive 6-year terms of office.

(2) TERMS OF OFFICE FOR ORIGINAL BOARD APPOINTMENTS.—

(A) TWO MEMBERS THROUGH JANUARY 3, 1998.—The terms of the members originally appointed pursuant to subsection (b)(1) shall terminate at noon on January 3, 1998.

(B) TWO MEMBERS THROUGH JANUARY 3, 2000.—The terms of the members originally appointed pursuant to subsection (b)(2) shall terminate at noon on January 3, 2000.

(C) ONE MEMBER THROUGH JANUARY 3, 2002.—The term of the Chair originally appointed shall terminate at noon on January 3, 2002.

(3) TERMS OF OFFICE FOR MID-TERM APPOINTMENTS TO THE BOARD.—An individual appointed to fill a vacancy occurring before the expiration of a term of office shall be appointed for the remainder of the term. However, if the unexpired part of a term is less than one year, the individual may be appointed for a 6-year term plus the unexpired part of the term.

(4) SERVICE AFTER EXPIRATION OF TERM.—A member may continue to serve after the expiration of his or her term until his successor has taken office, except that he or she may not continue to serve for more than 1 year after the date on which his or her term expired.

(g) REMOVAL OF BOARD MEMBERS.—

(1) IN GENERAL.—The Speaker of the House of Representatives and the President pro tempore of the Senate, acting in accordance with the recommendation of any 3 of the 4 Majority Leaders and Minority Leaders of the two Houses of Congress, may remove any member from the Board but only for—

(A) disability that substantially prevents the member from carrying out the duties of such a member;

(B) incompetence;

(C) neglect of duty;

(D) malfeasance in office;

(E) a felony or conduct involving moral turpitude; or

(F) holding an office or employment or engaging in an activity that disqualifies the individual from service as a member of the Board under subsection (c)(3).

(2) STATEMENT OF REASONS FOR REMOVAL.—In removing any member from the Board, the Speaker of the House of Representatives and the President pro tempore of the Senate shall state in writing to the member being removed the specific reasons for the removal.

(h) RESPONSIBILITIES OF CHAIR; ACTING CHAIR.—The Chair shall preside at all sessions of the Board and shall fulfill the responsibilities of the Chair as specifically provided in this Act. The Chair may designate any other member as Acting Chair. During any period when the position of the Chair is vacant, the other members shall, by majority vote, designate any member as Acting Chair. The Acting Chair may act in the place and stead of the Chair during his or her absence or when the position of the Chair is vacant.

(i) MEETINGS.—The Board shall meet at least once annually.

(j) QUORUM; ACTION BY MAJORITY VOTE.—A quorum for the transaction of business shall consist of at least 3 members present. Each member, including the Chair, shall have one vote. Actions of the Board shall be determined by a majority vote of the members present. Any vacancy shall not affect the power of the remaining members to fulfill the duties of the Board, provided that a quorum is present. Nothing in this subsection shall prohibit the Board from delegating the authority of the Board to make an interlocutory decision to one or more of the members of the Board.

(k) COMPENSATION OF MEMBERS.—Each member of the Board other than the Chair shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. The rate of pay may be prorated based on the portion of the day during which the member is engaged in the performance of Board duties. The Chair shall be compensated in the same manner at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(l) TRAVEL EXPENSES.—Each member of the Board of Directors shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(m) CONGRESSIONAL OVERSIGHT.—The Board and the Office shall be subject to oversight by the Committee on Rules and Administration and Committee on Governmental Affairs of the Senate and the Committee on House Administration of the House of Representatives. The Speaker of the House of Representatives and the President pro tempore of the Senate shall promptly refer to such committees copies of all general notices of proposed rulemaking and final rules submitted under section 204(d)(1) and any resolutions introduced with respect to approval of such rules.

SEC. 203. OFFICERS, STAFF, AND OTHER PERSONNEL.

(a) DIRECTOR.—

(1) IN GENERAL.—

(A) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint and may remove a Director. Selection and appointment of the Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the office.

(B) DISQUALIFICATION.—No person described in section 202(c)(3), other than a member, officer, or employee of an office of fair employment practices or a personnel appeals board, may be appointed Director.

(2) COMPENSATION.—The Chair may fix the compensation of the Director. The rate of pay for the Director may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DUTIES.—The Director shall serve as the chief operating officer of the Office. Except

as otherwise specified in this Act, the Director shall carry out all of the responsibilities of the Office under this Act.

(b) DEPUTY DIRECTORS.—

(1) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint and may remove a Deputy Director for the Senate and a Deputy Director for the House of Representatives. Selection and appointment of a Deputy Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the office. The disqualifications in subsection (a)(1)(B) shall apply to the appointment of a Deputy Director.

(2) COMPENSATION.—The Chair may fix the compensation of a Deputy Director. The rate of pay for a Deputy Director may not exceed 96 percent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DUTIES.—The Deputy Director for the Senate shall be responsible for the development of rules under section 204(b)(2)(B)(i), and shall assume such other responsibilities as may be delegated by the Director. The Deputy Director for the House of Representatives shall be responsible for the development of rules under section 204(b)(2)(B)(ii), and shall assume such other responsibilities as may be delegated by the Director.

(c) GENERAL COUNSEL.—

(1) IN GENERAL.—The Chair, subject to the approval of the Board, shall appoint and may remove a General Counsel. Selection and appointment of the General Counsel shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office. The disqualifications in subsection (a)(1)(B) shall apply to the appointment of a General Counsel.

(2) COMPENSATION.—The Chair may fix the compensation of the General Counsel. The rate of pay for the General Counsel may not exceed the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DUTIES.—The General Counsel shall—

(A) exercise the authorities and perform the duties of the General Counsel as specified in this Act; and

(B) otherwise assist the Board and the Director in carrying out their duties and powers.

(4) ATTORNEYS IN THE OFFICE OF THE GENERAL COUNSEL.—The General Counsel shall appoint, and fix the compensation of, and may remove, such additional attorneys as may be necessary to enable the General Counsel to perform his or her duties.

(d) OTHER STAFF.—The Director shall appoint, and fix the compensation of, and may remove, such other additional staff, including hearing officers, but not including attorneys employed in the office of the General Counsel, as may be necessary to enable the Office to perform its duties.

(e) DETAILED PERSONNEL.—The Director may, with the prior consent of the Government department or agency concerned, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency, including the services of members or personnel of the General Accounting Office Personnel Appeals Board.

(f) CONSULTANTS.—In carrying out the functions of the Office, the Director may procure the temporary (not to exceed 1 year) or intermittent services of consultants.

SEC. 204. RULEMAKING BY THE OFFICE.

(a) RULES OF THE OFFICE.—

(1) IN GENERAL.—Not later than 180 days after the appointment of a quorum of the Board, the Board shall issue final rules of organization, procedures, and practice (within the meaning of section 553(b)(A) of title 5, United States Code), including rules on the procedures of the Board and rules of procedure and practice for proceedings before hearing officers and before the Board. Such rules may also specify authorities and duties of the Director, the General Counsel, and other personnel of the Office, consistent with the authorities and duties granted and imposed under this Act.

(2) RULEMAKING PROCEDURE.—Rules under this subsection—

(A) shall be issued in accordance with subsection (c); and

(B) shall become effective immediately upon approval under paragraph (3), except for rules of procedure and practice for proceedings before hearing officers and before the Board, which shall become effective 60 days after such approval.

(3) APPROVAL.—Rules under this subsection shall be subject to approval by Congress by concurrent resolution, pursuant to subsection (d).

(b) RULES OTHER THAN RULES OF THE OFFICE.—

(1) IN GENERAL.—The Board shall adopt such rules other than rules of the Office issued under subsection (a) as the Board may determine are necessary.

(2) RULEMAKING PROCEDURE.—Rules under this subsection—

(A) shall be issued in accordance with subsection (c);

(B) shall consist of three separate bodies of rules, which shall apply, respectively, to—

(i) the Senate and employees of the Senate other than employees referred to in clause (iii);

(ii) the House of Representatives and employees of the House of Representatives other than employees referred to in clause (iii); and

(iii) the Architect of the Capitol, the Congressional Budget Office, the Office of Technology Assessment, the Office, and employees of these congressional instrumentalities; the Capitol Police and members of the Capitol Police; and other work units and members of other work units (other than joint committees of the Congress) that include employees of the Senate and of the House of Representatives under the same management; and

(C) shall become effective not less than 60 days after the rules are approved under paragraph (3), except as may be otherwise provided by the Board for good cause found (within the meaning of section 553(d)(3) of title 5, United States Code) and published with the rule.

(3) APPROVAL.—Rules referred to in paragraph (2)(B)(i) may be approved by the Senate by resolution or by the Congress by joint resolution or statute. Rules referred to in paragraph (2)(B)(ii) may be approved by the House of Representatives by resolution or by the Congress by joint resolution or statute. Rules referred to in paragraph (2)(B)(iii) may be approved by Congress by concurrent resolution or by joint resolution or statute. Rules approved by joint resolutions or statute shall have the force and effect of law. Approval referred to in this paragraph shall be pursuant to subsection (d).

(c) PUBLICATION AND ISSUANCE.—

(1) RULEMAKING PROCEDURE.—The Board shall issue rules described in subsections (a) and (b) in accordance with the principles and procedures set forth in section 553 of title 5, United States Code. The Board shall publish a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Board shall transmit such notice to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Prior to issuing rules, the Board shall provide a comment period of at least 30 days after publication of a general notice of proposed rulemaking. Upon issuing final rules, the Board shall transmit notice of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal. Rules shall be considered issued by the Board as of the date on which they are published in the Congressional Record.

(2) RECOMMENDATION AS TO METHOD OF APPROVAL.—The Board shall include a recommendation in the general notice of proposed rulemaking and in the final rules as to whether the rules should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, by joint resolution, or by statute.

(d) APPROVAL OF RULES.—

(1) ONE-HOUSE RESOLUTION OR CONCURRENT RESOLUTION.—In the case of a concurrent resolution referred to in subsection (a)(3), or a resolution of the House of Representatives, a resolution of the Senate, or a concurrent resolution referred to in subsection (b)(3), the matter after the resolving clause shall be the following: ''The following rules issued by the Office of Congressional Fair Employment Practices on ___ are hereby approved:'' (the blank spaces being appropriately filled in, and the text of the rules being set forth).

(2) JOINT RESOLUTION OR STATUTE.—In the case of a joint resolution referred to in subsection (b)(3), the matter after the resolving clause shall be the following, and, in the case of a statute referred to in subsection (b)(3), the matter after the enacting clause shall include the following: ''The following rules issued by the Office of Congressional Fair Employment Practices on ___ are hereby approved and shall have the force and effect of law:'' (the blank spaces being appropriately filled in, and the text of the rules being set forth).

(e) REFERRAL.—Upon receipt of a notice of issuance of final rules under subsection (c), the Speaker of the House of Representatives and the President pro tempore of the Senate shall refer such notice, together with a copy of such rules, to the appropriate committee or committees of the House of Representatives and of the Senate. The purpose of the referral shall be to consider whether such rules should be approved, and, if so, whether such approval should be by resolution of the House of Representatives or of the Senate, by concurrent resolution, by joint resolution, or by statute.

(f) JOINT REFERRAL AND DISCHARGE IN THE SENATE.—The President pro tempore of the Senate may refer the notice of issuance of final rules, or any resolution of approval of final rules, to one committee or jointly to more than one committee. If a committee of the Senate acts to report a jointly referred measure, any other committee of the Senate must act within 30 calendar days of continuous session, or be automatically discharged.

(g) AMENDMENT OF RULES.—Rules may be amended in the same manner as is described in this section for the adoption of rules, except that the Board may, in its discretion, dispense with publication of a general notice of proposed rulemaking of minor, technical, or urgent amendments that satisfy the criteria for dispensing with publication of such notice pursuant to section 553(b)(3)(B) of title 5, United States Code.

(h) RIGHT TO PETITION FOR RULEMAKING.—Any interested party may petition to the

Board for the issuance, amendment, or repeal of a rule.

(i) APPLICATION OF EXECUTIVE AGENCY REGULATIONS BY REFERENCE.—The Board may, by specific reference in rules issued under this section, apply regulations issued by any Executive agency (within the meaning of section 105 of title 5, United States Code).

(j) CONSULTATION.—The Director and the Board—

(1) shall consult, with regard to the development and issuance of rules, with—

(A) the Chairman of the Administrative Conference of the United States;

(B) the Secretary of Labor;

(C) the Federal Labor Relations Authority; and

(D) the Director of the Office of Personnel Management; and

(2) may consult with any other persons with whom consultation, in the opinion of the Board or the Director, may be helpful.

SEC. 205. INFORMATION PROGRAM.

The Board shall conduct an information program to inform Members of the House of Representatives, Senators, elected officers of either House, heads of employing offices, and covered employees about the provisions made applicable to them under this Act.

SEC. 206. DATA COLLECTION AND REPORT.

The Director shall compile and annually publish statistics with respect to contacts and complaints filed with the Office under this Act. Such statistics shall include the total numbers of contacts and complaints, and a breakdown regarding—

(1) the kinds of allegations made in contacts with the Office and complaints filed with the Office;

(2) the time required by the Office to conduct proceedings and resolve various types of matters;

(3) the number of complaints resolved by settlement, by decision under section 303, or by withdrawal of the complaint; and

(4) for each category of allegation, the amounts of monetary compensation granted in settlements and awards.

SEC. 207. EXPENSES OF THE OFFICE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Beginning in fiscal year 1995, and for each fiscal year thereafter, there are authorized to be appropriated for the expenses of the Office such sums as may be necessary to carry out the functions of the Office. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following the date of enactment of this Act, the expenses of the Office shall be paid from the contingent fund of the Senate, of which 50 percent shall be reimbursed from the contingent fund of the House, upon vouchers approved by the Director.

(b) WITNESS FEES AND ALLOWANCES.—Except for covered employees, witnesses before a hearing officer or the Board in any proceeding under title I other than rulemaking shall be paid the same fee and mileage allowances as are paid subpoenaed witnesses in the courts of the United States. Covered employees who are summoned, or are assigned by their employer, to testify in their official capacity or to produce official records before a mediator, hearing officer, or the Board in any proceeding under this Act shall be entitled to travel expenses under subchapter I and section 5751 of chapter 57 of title 5, United States Code.

TITLE III—ADMINISTRATIVE AND JUDICIAL DISPUTE-RESOLUTION PROCEDURES

SEC. 301. COUNSELING.

(a) INITIATION.—Any employee referred to in section 107(1) may, within the time specified in section 307, request counseling.

(b) PURPOSE.—The Office shall provide the employee with all relevant information with respect to the rights and remedies as provided under this Act and shall provide an opportunity for discussion, evaluation, and guidance to assist the employee in evaluating and resolving the matter.

(c) PERIOD OF COUNSELING.—The period for counseling shall begin on the date on which the request for counseling is received and shall be 30 days unless the employee and the Office agree to reduce the period.

(d) NOTIFICATION OF END OF COUNSELING PERIOD.—The Office shall notify the employee in writing when the counseling period has ended.

(e) EMPLOYEES OF THE ARCHITECT OF THE CAPITOL AND CAPITOL POLICE.—In the case of an employee of the Architect of the Capitol or an employee who is a member of the Capitol Police, the Director may refer the employee to the Architect of the Capitol or the Capitol Police Board for resolution of the employee's grievance through internal grievance procedures of the Architect of the Capitol or the Capitol Police Board for a specific period of time, which shall not count against the time available for counseling or mediation under this Act.

SEC. 302. MEDIATION.

(a) APPLICABILITY.—Except as otherwise expressly provided in this Act, the provisions of this section shall govern all mediation conducted by the Office pursuant to this Act.

(b) INITIATION.—Not later than 15 days after the Office notifies an employee of the end of the counseling period under section 301(d), the employee may file a request for mediation with the Office. Mediation may also be initiated pursuant to sections 108(d)(2) and 109(c)(5).

(c) MEDIATION PROCESS.—The Director shall specify one or more individuals to mediate any dispute. In identifying individuals to mediate, the Director shall consider individuals who are recommended to the Director by the Federal Mediation and Conciliation Service, the Administrative Conference of the United States, or other appropriate organizations.

(d) MEDIATION PERIOD.—

(1) IN GENERAL.—The mediation period shall be 30 days, beginning on the date the request for mediation is received by the Office.

(2) EXTENSION.—The mediation period may be extended for additional periods at the joint request of the employee and the employing office.

(e) NOTIFICATION OF END OF MEDIATION PERIOD.—The Office shall notify the employee and the head of the employing office in writing when the mediation period has ended.

(f) INDEPENDENCE OF MEDIATION PROCESS.—No individual appointed by the Director to mediate or to be a factfinder in aid of the mediator may conduct or aid in the hearing conducted under section 303 with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

SEC. 303. COMPLAINT AND HEARING.

(a) APPLICABILITY.—Except as otherwise expressly provided in this Act, the provisions of this section shall govern all hearings conducted by a hearing officer pursuant to this Act.

(b) COMPLAINT.—Any complaint shall be filed with the Office against the employing office. Any complaint required by this Act to be preceded by counseling and mediation may not be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 301 and 302.

(c) HEARING OFFICER.—Upon the filing of a complaint, the Director shall appoint an independent hearing officer to consider the complaint and render a decision. No Member of the House of Representatives, Senator, officer of either the House of Representatives or the Senate, head of an employing office, member of the Board, or covered employee may be appointed to be a hearing officer under this Act. The Director shall develop master lists, composed of members of the bar of a State or the District of Columbia and retired judges of the United States courts, experienced in adjudicating and arbitrating the kinds of personnel and other matters for which hearings may be held under this Act, and individuals expert in technical matters relating to accessibility and usability by persons with disabilities or technical matters relating to occupational safety and health, after considering candidates recommended to the Director by the Federal Mediation and Conciliation Service, the Administrative Conference of the United States, or organizations composed primarily of individuals experienced in adjudicating or arbitrating such matters. The Director shall select hearing officers on a rotational or random basis from these lists. Nothing in this section shall prevent the appointment of hearing officers as full-time employees of the Office, or the selection of hearing officers on the basis of specialized expertise needed for particular matters.

(d) HEARING.—Unless a complaint is dismissed prior to hearing, a hearing shall be conducted—

(1) on the record by the hearing officer;

(2) as expeditiously as practical, commencing not later than 90 days after the filing of the complaint; and

(3) except as specifically provided in this Act and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5, United States Code.

(e) DISCOVERY.—Reasonable prehearing discovery may be permitted at the discretion of the hearing officer.

(f) SUBPOENAS.—

(1) IN GENERAL.—At the request of a party, a hearing officer may issue subpoenas for the attendance of witnesses and for the production of correspondence, books, papers, documents, and other records. The attendance of witnesses and the production of records may be required from any place within the United States. Subpoenas shall be served in the manner provided under rule 45(b) of the Federal Rules of Civil Procedure.

(2) OBJECTIONS.—If a person refuses, on the basis of relevance, privilege, or other objection, to testify in response to a question or to produce records in connection with a proceeding before a hearing officer, the hearing officer shall rule on the objection. At the request of the witness or any party, the hearing officer shall (or on the hearing officer's own initiative, the hearing officer may) refer the ruling to the Board for review.

(3) ENFORCEMENT.—

(A) IN GENERAL.—If a person fails to comply with a subpoena, the Board may authorize the General Counsel to apply to an appropriate United States district court for an order requiring that person to appear before the hearing officer to give testimony or produce records. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey a lawful order of the district court issued pursuant to this section may be held by such court to be a civil contempt thereof.

(B) SERVICE OF PROCESS.—Process in an action or contempt proceeding pursuant to subparagraph (A) may be served in any judicial district in which the person refusing or failing to comply, or threatening to refuse or

not to comply, resides, transacts business, or may be found, and subpoenas for witnesses who are required to attend such proceedings may run into any other district.

(g) DECISION.—The hearing officer shall issue a written decision as expeditiously as possible, but in no case more than 60 days after the conclusion of the hearing. The written decision shall be transmitted by the Office to the parties. The decision shall state the issues raised in the complaint, describe the evidence in the record, contain findings of fact and conclusions of law, contain a determination of whether a violation has occurred, and order such remedies as are appropriate pursuant to title I. The decision shall be entered in the records of the Office as a final decision of the hearing officer.

(h) PRECEDENTS.—A hearing officer who conducts a hearing under this section shall be guided by judicial decisions under the statutes made applicable by title I and by Board decisions under this Act.

SEC. 304. APPEAL TO THE BOARD.

(a) IN GENERAL.—In any case in which a final decision by a hearing officer is subject to review by the Board, the party seeking such review shall file a petition for review not later than 30 days after notice of the entry of the decision in the records of the Office under section 303(g).

(b) PARTIES' OPPORTUNITY TO SUBMIT ARGUMENT.—The parties shall have a reasonable opportunity to be heard, through written submission and, in the discretion of the Board, through oral argument.

(c) STANDARD OF REVIEW.—The Board shall set aside a decision of a hearing officer if the Board determines that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(d) RECORD.—In making determinations under subsection (c), the Board shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before the hearing officer and the decision of the hearing officer.

(e) DECISION.—The Board shall issue a written decision setting forth the reasons for its decision. The decision may affirm, reverse, or remand to the hearing officer for further proceedings. A decision that does not require further proceedings before a hearing officer shall be entered in the records of the Office as a final decision.

SEC. 305. JUDICIAL REVIEW OF A FINAL DECISION AND ENFORCEMENT.

(a) JURISDICTION.—

(1) JUDICIAL REVIEW.—This section applies to petitions under section 107(5), 108(d)(4), 109(c)(5), 109(c)(6), or 110(b)(4) for judicial review of a final decision of the Board in the United States Court of Appeals for the Federal Circuit, which shall have exclusive jurisdiction to set aside, suspend (in whole or in part), to determine the validity of, or otherwise review the decision of the Board.

(2) ENFORCEMENT.—The Court of Appeals for The Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 303 or 304 with respect to a violation of sections 101 through 111.

(b) PROCEDURES.—

(1) PETITION.—The petition for review shall be filed, pursuant to Rule 15 of the Federal Rules of Appellate Procedure, not later than 90 days after the entry in the Office of a final decision under section 304(e). Such petition shall be subject to Rules 15 through 20 of the Federal Rules of Appellate Procedure, relating to review of administrative orders and the Office shall be the ''agency'' as that term is used in such rules. The petitioner shall attach to the petition as an exhibit a copy of the final decision of the Office entered under section 304(e).

(2) RESPONDENTS.—In any appeal under this section, any party before the Board may be named respondent by filing a notice of election with the Court within 30 days after the petition was served, and the Office shall also be named respondent.

(3) INTERVENTION.—In any action under this section with respect to an employing office or other office of the Senate or a joint committee of the Congress, the Senate shall be entitled to intervene as of right; and, in any action under this section with respect to an employing office or other office of the House of Representatives or a joint committee of the Congress, the House of Representatives shall be entitled to intervene as of right. Any party that participated in the proceedings before the Board and that was not made respondent may intervene as of right.

(c) STANDARD OF REVIEW.—To the extent necessary to decision and when presented, the court shall decide all relevant questions of law and interpret constitutional and statutory provisions. The court shall set aside a final decision of the Board under section 304 if it determines that the decision was—

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(d) RECORD.—In making determinations under subsection (d), the court shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. The record on review shall include the record before the Board and the decision of the Board.

SEC. 306. CIVIL ACTIONS.

(a) IN GENERAL.—This section governs all civil actions commenced pursuant to section 107(3)(B).

(b) PARTIES.—In any such action the defendant shall be the employing office alleged to have committed the violation.

(c) JURY TRIAL.—Any party may demand a jury trial where a jury trial would be available in an action against a private defendant under the relevant statute made applicable by this Act. In any case in which a violation of section 101 is alleged, the court shall not inform the jury of the maximum amount of compensatory damages available under section 101(b)(1).

(d) INTERVENTION OF RIGHT.—In any action under this section with respect to an employing office or other office of the Senate, the Senate shall be entitled to intervene as of right; and, in any action under this section with respect to an employing office or other office of the House of Representatives, the House of Representatives shall be entitled as of right.

SEC. 307. TIME LIMITATIONS.

(a) COUNSELING REQUESTS.—A request for counseling shall be made not later than—

(1) 180 days after the date of the alleged violation under provisions of sections 101, 103, 104, 105, or 106 for which the counseling is requested; or

(2) 2 years after the date of the alleged violation under section 102 for which the counseling is requested, or 3 years after an alleged willful violation under section 102.

(b) CHARGES FILED WITH THE GENERAL COUNSEL.—Any charge of a violation of section 108(d) or 109(c)(6) must be filed with the General Counsel in writing by no later than 180 days after the alleged violation.

SEC. 308. SETTLEMENT OF COMPLAINTS.

Any settlement entered into by the parties after a complaint is filed under section 303 or 305 shall be in writing and, in the case of a complaint filed under section 303, not become effective unless it is approved by the Director. Nothing in this Act shall affect the power of the Senate and the House of Representatives, respectively, to establish rules governing the process by which a settlement may be entered into by such House or by any employing office of such House.

SEC. 309. CONFIDENTIALITY.

(a) COUNSELING.—All counseling conducted under this Act shall be strictly confidential, except that the Office and the employee may agree to notify the head of the employing office of the allegations.

(b) MEDIATION.—All mediation conducted under this Act shall be strictly confidential.

(c) HEARINGS.—Subject to the provisions of subsections (d), (e), and (f) the hearings, deliberations, and decisions of hearing officers and of the Board and of its officers and employees on complaints, charges, proposed citations, and other pleadings under this Act shall be strictly confidential.

(d) RELEASE OF RECORDS FOR JUDICIAL REVIEW AND ENFORCEMENT OF SUBPOENAS.—The complete record of the proceedings before the hearing officer and the Board, including their decisions, may be made public for the purpose of judicial review under section 305. As much of the record of the proceedings before the hearing officer and the Board as may be necessary for the purpose of enforcement of a subpoena under section 303(f) may be made public for such purpose.

(e) RELEASE OF RECORDS FOR FAIRNESS TO PARTIES.—Upon the application of any party, the Board may disclose the final decision of a hearing officer or of the Board upon a showing of good cause and fairness to all parties to the proceeding.

SEC. 310. DISCLOSURE TO COMMITTEES OF CONGRESS.

(a) The Board—

(1) may, at its discretion, provide to the Committee on Standards of Official Conduct of the House of Representatives or the Select Committee on Ethics of the Senate; and

(2) shall, at the request of either of such committees;

provide to such committee the record of a hearing and the decision of the hearing officer, and the record of consideration and the decision of the Board on appeal, after completion of procedures described in sections 303 and 304.

(b) All members and staff of the Committee on Standards of Official Conduct of the House of Representatives and of the Select Committee on Ethics of the Senate shall keep all records and decisions provided under subsection (a) strictly confidentially unless and until such records and decisions are final made public by the Board. Any violation of this subsection shall be a violation of the rules of the House of Representatives or of the Senate.

SEC. 311. REPRESENTATION.

(a) COMPLAINANT.—A covered employee or other complainant is entitled to be assisted by counsel or other representative at any stage of any proceeding administered by the Office, including the proceedings under sections 301, 302, 303, and 304.

(b) EMPLOYING OFFICES OF THE SENATE.—The Senate Chief Counsel for Employment may represent any employing office of the Senate, with the consent of the employing office, in any administrative and judicial proceeding under this Act.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 204 (e) and (f), 311(b), 401, and 408 are enacted—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 402. SETTLEMENT AND AWARDS RESERVES; AUTHORIZATION OF APPROPRIATIONS.

(a) FOR THE HOUSE OF REPRESENTATIVES.—

(1) ESTABLISHMENT OF ACCOUNT.—There is established in the Contingent Fund of the House of Representatives a ''Settlements and Awards Reserve'' appropriation account—

(A) into which shall be deposited appropriated funds and amounts transferred by the Clerk of the House of Representatives from funds available to the Clerk for disbursement by the Clerk; and

(B) that shall be available as provided in paragraph (2).

(2) PAYMENTS.—The appropriation account established by paragraph (1) shall be available for the payment of awards under sections 303 through 306 and agreements under section 308.

(b) FOR THE SENATE.—

(1) ESTABLISHMENT OF ACCOUNT.—There is established in the Contingent Fund of the Senate a ''Settlements and Awards Reserve'' appropriation account—

(A) into which shall be deposited appropriated funds and amounts transferred by the Secretary of the Senate from funds available to the Secretary for disbursement by the Secretary; and

(B) that shall be available as provided in paragraph (2).

(2) PAYMENTS.—The appropriation account established by paragraph (1) shall be available for the payment of awards under sections 303 through 306 and agreements under section 308.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for the purposes of subsections (a)(2) and (b)(2), and otherwise for the purposes of payment of awards under sections 303 through 306 and agreements under section 308. No amounts shall be paid for awards or agreements under this Act out of the Claims and Judgment Fund of the Treasury.

SEC. 403. OTHER JUDICIAL REVIEW PROHIBITED.

Except in proceedings expressly authorized by sections 305 and 306, the compliance or noncompliance with the provisions of this Act and any action taken pursuant to this Act shall not be subject to judicial review.

SEC. 404. PRIVILEGES AND IMMUNITIES.

(a) IN GENERAL.—The authorization to bring judicial actions under sections 305 and 306 shall not constitute a waiver of sovereign immunity for any other purpose, or of the privileges of any Senator or Member of the House of Representatives under article I, section 6, clause 1, of the Constitution, or a waiver of any power of either the Senate or the House of Representatives under the Constitution or under the rules of such House relating to records and information within the jurisdiction of such House.

SEC. 405. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be invalid, the remainder of this Act and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 406. POLITICAL AFFILIATION AND PLACE OF RESIDENCE.

(a) IN GENERAL.—It shall not be a violation of any provision of section 101 to consider the—

(1) party affiliation;

(2) domicile; or

(3) political compatibility with the employing office;

of an employee referred to in subsection (b) with respect to employment decisions.

(b) DEFINITION.—For purposes of subsection (a), the term ''employee'' means—

(1) an employee on the staff of the leadership of the House of Representatives or the leadership of the Senate;

(2) an employee on the staff of a committee or subcommittee of—

(A) the House of Representatives;

(B) the Senate; or

(C) a joint committee of the Congress;

(3) an employee on the staff of a Member of the House of Representatives or on the staff of a Senator;

(4) an officer of the House of Representatives or the Senate or a congressional employee who is elected by the House of Representatives or Senate or is appointed by a Member of the House of Representatives or by a Senator (in addition an employee described in paragraph (1), (2), or (3)); or

(5) an applicant for a position that is to be occupied by an individual described in any of paragraphs (1) through (4).

SEC. 407. NONDISCRIMINATION RULES OF THE HOUSE AND SENATE.

The Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives retain full power, in accordance with the authority provided to them by the Senate and the House, with respect to the discipline of Members, officers, and employees for violating rules of the Senate and the House on nondiscrimination in employment.

SEC. 408. EXPEDITED REVIEW OF CERTAIN APPEALS.

(a) IN GENERAL.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order of a court upon the constitutionality of any provision of this Act.

(b) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal referred to in paragraph (1), advance the appeal on the docket and expedite the appeal to the greatest extent possible.

SEC. 409. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CIVIL RIGHTS REMEDIES.—

(1) Sections 301 and 302 of the Government Employee Rights Act of 1991 (2 U.S.C. 1201 and 1202) are amended to read as follows:

''SEC. 301. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.

''(a) SHORT TITLE.—This title may be cited as the 'Government Employee Rights Act of 1991'.

''(b) PURPOSE.—The purpose of this title is to provide procedures to protect the rights of certain government employees, with respect to their public employment, to be free of discrimination on the basis of race, color, religion, sex, national origin, age, or disability.

''(c) DEFINITION.—For purposes of this title, the term 'violation' means a practice that violates section 302(a) of this title.

''SEC. 302. DISCRIMINATORY PRACTICES PROHIBITED.

''(a) PRACTICES.—All personnel actions affecting the appointees described in section 303(a)(1) or the individuals described in section 304(a) shall be made free from any discrimination based on—

''(1) race, color, religion, sex, or national origin, within the meaning of section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16);

''(2) age, within the meaning of section 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a); or

''(3) handicap or disability, within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and sections 102 through 104 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112–14).

''(b) REMEDIES.—The remedies referred to in sections 303(a)(1) and 304(a)—

''(1) may include, in the case of a determination that a violation of subsection (a)(1) has occurred, such remedies as would be appropriate if awarded under sections 706(g), 706(k), and 717(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(g), 2000e–5(k), 2000e–16(d)), and such compensatory damages (not exceeding, for each complaining party, and irrespective of the size of the employing office or agency involved, the maximum amount available under section 1977A(b)(3)(D) of the Revised Statutes (42 U.S.C. 1981a(b)(3)(D)) as would be appropriate if awarded under section 1977 and sections 1977(A) (a) and (b)(2) of the Revised Statutes (42 U.S.C. 1981 and 1981a (a) and (b)(2));

''(2) may include, in the case of a determination that a violation of subsection (a)(2) has occurred, such remedies as would be appropriate if awarded under section 15(c) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(c));

''(3) may include, in the case of a determination that a violation of subsection (a)(3) has occurred, such remedies as would be appropriate if awarded under section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)(1)) or section 107 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)); and

''(4) may not include punitive damages.''.

(2) Sections 303 through 319, and sections 322, 324, and 325 of the Civil Rights Act of 1991 (2 U.S.C. 1203—1218, 1221, 1223, and 1224) are repealed effective October 1, 1995, except as provided in section 411.

(3) Sections 320 and 321 of the Civil Rights Act of 1991 (2 U.S.C. 1219 and 1220) are redesignated as sections 303 and 304, respectively.

(4) Sections 303 and 304 of the Civil Rights Act of 1991, as so redesignated, are each amended by striking ''and 307(h) of this title''.

(5) Section 1205 of the Supplemental Appropriations Act of 1993 (2 U.S.C. 1207a) is repealed effective October 1, 1995, except as provided in section 411.

(b) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 501 of the Family and Medical Leave Act of 1993 (2 U.S.C. 60m) is repealed effective October 1, 1995, except as provided in section 411.

(c) ARCHITECT OF THE CAPITOL.—

(1) REPEAL.—Section 312(e) of the Architect of the Capitol Human Resources Act (Public Law 103–283; 108 Stat. 1444) is repealed effective October 1, 1995, except as provided in section 411.

(2) APPLICATION OF GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1980.—The provisions of sections 751, 753, and 755 of title 31, United States Code, amended by section 312(e) of the Architect of the Capitol Human Resources Act, shall be applied and administered as if such section 312(e) (and the amendments made by such section) had not been enacted.

SEC. 410. SAVINGS PROVISION.

(a) TRANSITION PROVISIONS FOR EMPLOYEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE.—

(1) CLAIMS NOT FILED PRIOR TO EFFECTIVE DATE.—If, as of the date on which sections 101 and 102 take effect, an employee could have initiated a request for counseling under

section 305 of the Government Employees Rights Act (2 U.S.C. 1205) or rule LI of the House of Representatives, the employee may, on or after the date on which sections 101 and 102 take effect, request counseling pursuant to section 107(1), and seek relief pursuant to section 107. Such a request for counseling must be initiated on or before the last day on which a request for counseling could have been made, in the case of an employee of the Senate, under section 305 of the Government Employees Rights Act or section 501(d) of the Family and Medical Leave Act of 1993, or, in the case of an employee of the House of Representatives, under rule LI of the House of Representatives, had those provisions remained in effect. If the Office is not yet established to receive such a request for counseling, the time for initiating such a request shall be extended until 30 days after the Office begins accepting such requests. All procedures and remedies under this Act with respect to alleged violations under section 101, except for civil actions under section 107(3)(B), shall be available to the same extent as if such alleged violations had occurred on or after the date on which sections 101 and 102 take effect.

(2) CLAIMS FILED PRIOR TO EFFECTIVE DATE.—If, as of the date on which sections 101 and 102 take effect, an employee to whom those sections apply—

(A) has requested counseling pursuant to the Government Employees Rights Act of 1991 or rule LI of the House of Representatives—

(i) if the counseling period has not ended—

(I) the authority of such Act or rule shall continue with respect to that request for counseling, until the end of the counseling period; and

(II) if the employee completes the counseling, the employee shall be deemed to have complied with the requirements of section 301, and any further proceedings shall be under this Act, except that the right to bring a civil action under section 107(3)(B) shall not be available; and

(ii) if the counseling period has ended and the employee would otherwise have been eligible to request mediation pursuant to the Government Employee Rights Act of 1991 or rule LI of the House of Representatives, the employee shall be deemed to have complied with the requirements of section 301, and any further proceedings shall be under this Act;

(B) has requested mediation pursuant to the Government Employee Rights Act of 1991 or rule LI of the House of Representatives—

(i) if the mediation period has not ended—

(I) the authority of such Act shall continue with respect to the request for mediation, until the end of the mediation period; and

(II) if the employee completes the mediation, the employee shall be deemed to have complied with the requirements of section 302, and any further proceedings shall be under this Act, except that the right to bring a civil action under section 107(3)(B) shall not be available; and

(ii) if the mediation period has ended and the employee would otherwise have been eligible to file a complaint pursuant to the Government Employee Rights Act of 1991 or rule LI of the House of Representatives, the employee shall be deemed to have complied with the requirements of section 302, and any further proceedings shall be under this Act; or

(C) has filed a complaint pursuant to the Government Employee Rights Act of 1991 or rule LI of the House of Representatives, the authority of such Act or rule shall continue with respect to that complaint until the conclusion of all proceedings authorized under such Act or rule.

(c) ARCHITECT OF THE CAPITOL TRANSITION PROVISIONS.—

(1) CLAIMS NOT FILED PRIOR TO EFFECTIVE DATE.—If, as of the date on which section 101 takes effect, an employee of the Architect of the Capitol could have filed a complaint regarding an alleged violation of section 312(e)(2) of the Architect of the Capitol Human Resources Act (P.L. 103-323) with the Architect of the Capitol in accordance with requirements prescribed by the Architect of the Capitol, the employee may request counseling pursuant to section 107(1), and seek relief pursuant to section 107. Such a request for counseling must be initiated on or before the latest of—

(A) 60 days following the date on which section 101 takes effect;

(B) 30 days after the Office begins accepting such requests; or

(C) 180 days after the date of the alleged violation forming the basis of the request for counseling.

All procedures and remedies under this Act with respect to alleged violations under section 101, except for civil actions under section 107(3)(B), shall be available to the same extent as if such alleged violations had occurred on or after the date on which section 101 takes effect.

(2) COMPLAINTS FILED WITH THE ARCHITECT PRIOR TO EFFECTIVE DATE.—If, on the date on which section 101 takes effect, an employee of the Architect of the Capitol has filed a complaint with the Architect of the Capitol alleging a violation of section 312(e)(2) of the Architect of the Capitol Human Resources Act, but the employee has not yet filed a charge with the General Accounting Office Personnel Appeals Board and the time for filing such a charge has not expired, the employee may, within the later of 30 days after the date on which section 101 takes effect or 30 days after the date on which the Office first begins accepting such requests, file a request for counseling request counseling pursuant to section 107(1), and seek relief pursuant to section 107. All procedures and remedies under this Act with respect to alleged violations under section 101, except for civil actions under section 107(3)(B), shall be available to the same extent as if such alleged violations had occurred on or after the date on which section 101 takes effect.

(3) COMPLAINTS FILED WITH THE GAO PERSONNEL APPEALS BOARD PRIOR TO EFFECTIVE DATE.—If, as of the date on which section 101 takes effect, an employee of the Architect of the Capitol has filed a charge with the General Accounting Office Personnel Appeals Board pursuant to section 312(e)(3)(A) of the Architect of the Capitol Human Resources Act (P.L. 103-283), then, notwithstanding any other provision of this Act, the authority of the Architect of the Capitol Human Resources Act, and of the General Accounting Office Personnel Act of 1980 as amended by the Architect of the Capitol Human Resources Act of 1994 shall continue with respect to that charge until the conclusion of all proceedings authorized under such Acts, including judicial review.

DIVISION B—LOBBYING AND GIFT REFORM

TITLE I—LOBBYING REFORM

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Lobbying Disclosure Act of 1995''.

SEC. 1102. FINDINGS.

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

SEC. 1103. DEFINITIONS.

As used in this title:

(1) AGENCY.—The term ''agency'' has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term ''client'' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term ''covered executive branch official'' means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any officer or employee serving in a Senior Executive Service position, as defined in section 3132(a)(2) of title 5, United States Code;

(F) any member of the uniformed services whose pay grade is at or above O–7 under section 201 of title 37, United States Code; and

(G) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term ''covered legislative branch official'' means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) DIRECTOR.—The term ''Director'' means the Director of the Office of Lobbying Registration and Public Disclosure.

(6) EMPLOYEE.—The term ''employee'' means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(7) FOREIGN ENTITY.—The term ''foreign entity'' means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(8) LOBBYING ACTIVITIES.—The term ''lobbying activities'' means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others. Lobbying activities also include efforts to stimulate grassroots lobbying, as described in section 4911(d)(1)(A) of the Internal Revenue Code of 1986, to the extent that such communications are made in support of a lobbying contact by a registered lobbyist. A communication in support of a lobbying contact is a lobbying activity even if the communication is excluded from the definition of ''lobbying contact'' under paragraph (9)(B).

(9) LOBBYING CONTACT.—

(A) DEFINITION.—The term ''lobbying contact'' means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license), except that this clause does not include communications that are made to any covered executive branch official—

(I) who is serving in a Senior Executive Service position described in paragraph (3)(E); or

(II) who is a member of the uniformed services whose pay grade is lower than O–9 under section 201 of title 37, United States Code,

in the agency responsible for taking such administrative or executive action; or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term ''lobbying contact'' does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is widely distributed to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to a written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(10) LOBBYING FIRM.—The term ''lobbying firm'' means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(11) LOBBYIST.—The term ''lobbyist'' means any individual who is employed or retained by a client for financial or other compensation for services that include 1 or more lobbying contacts, other than an individual whose lobbying activities constitute less than 10 percent of the time engaged in the services provided by such individual to that client.

(12) MEDIA ORGANIZATION.—The term ''media organization'' means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(13) MEMBER OF CONGRESS.—The term ''Member of Congress'' means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(14) ORGANIZATION.—The term ''organization'' means a person or entity other than an individual.

(15) PERSON OR ENTITY.—The term ''person or entity'' means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(16) PUBLIC OFFICIAL.—The term ''public official'' means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(17) STATE.—The term ''State'' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 1104. REGISTRATION OF LOBBYISTS.

(a) REGISTRATION.—

(1) GENERAL RULE.—No later than 30 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Office of Lobbying Registration and Public Disclosure.

(2) EMPLOYER FILING.—Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) EXEMPTION.—

(A) GENERAL RULE.—Notwithstanding paragraphs (1) and (2), a person or entity whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed $2,500; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed $5,000,

(as estimated under section 1105) in the semiannual period described in section 1105(a) during which the registration would be made is not required to register under subsection (a) with respect to such client.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of enactment of this title; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period,

rounded to the nearest $500.

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes more than $5,000 toward the lobbying activities of the registrant in a semiannual period described in section 1105(a); and

(B) participates significantly in the planning, supervision, or control of such lobbying activities;

(4) the name, address, principal place of business, amount of any contribution of more than $5,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) a statement of—

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(6) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after the date of enactment of this Act) as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—

(1) MULTIPLE CLIENTS.—In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(2) MULTIPLE CONTACTS.—A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

(d) TERMINATION OF REGISTRATION.—A registrant who after registration—

(1) is no longer employed or retained by a client to conduct lobbying activities, and

(2) does not anticipate any additional lobbying activities for such client,

may so notify the Director and terminate its registration.

SEC. 1105. REPORTS BY REGISTERED LOBBYISTS.

(a) SEMIANNUAL REPORT.—

(1) IN GENERAL.—No later than 30 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 1104, each registrant shall file a report with the Office of Lobbying Registration and Public Disclosure on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(2) EXEMPTION.—

(A) GENERAL RULE.—Any registrant whose—

(i) total income for a particular client for matters that are related to lobbying activities on behalf of that client (in the case of a lobbying firm), does not exceed and is not expected to exceed $2,500; or

(ii) total expenses in connection with lobbying activities (in the case of a registrant whose employees engage in lobbying activities on its own behalf) do not exceed and are not expected to exceed $5,000,

in a semiannual period (as estimated under paragraph (3) or (4) of subsection (b) or paragraph (4) of subsection (c), as applicable) is deemed to be inactive during such period and may comply with the reporting requirements of this section by so notifying the Director in such form as the Director may prescribe.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted as provided in section 1104(a)(3)(B).

(b) CONTENTS OF REPORT.—Each semiannual report filed under subsection (a) shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific regulatory actions, programs, projects, contracts, grants, and loans;

(B) a statement of the Houses and committees of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client; and

(D) a description of the interest, if any, of any foreign entity identified under section 1104(b)(4) in the specific issues listed under subparagraph (A).

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities; and

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period.

(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

(1) $100,000 OR LESS.—Income or expenses of $100,000 or less shall be estimated in accordance with the following categories:

(A) $10,000 or less.

(B) More than $10,000 but not more than $20,000.

(C) More than $20,000 but not more than $50,000.

(D) More than $50,000 but not more than $100,000.

(2) MORE THAN $100,000 BUT NOT MORE THAN $500,000.—Income or expenses in excess of $100,000 but not more than $500,000 shall be estimated and rounded to the nearest $50,000.

(3) MORE THAN $500,000.—Income or expenses in excess of $500,000 shall be estimated and rounded to the nearest $100,000.

(4) CONSTRUCTION.—In estimating total income or expenses under this section, a registrant is not required to include—

(A) the value of contributed services for which no payment is made; or

(B) the expenses for services provided by an independent contractor of the registrant who is separately registered under this title.

(d) CONTACTS.—

(1) CONTACTS WITH COMMITTEES.—For purposes of subsection (b)(2), any contact with a member of a committee of Congress, an employee of a committee of Congress, or an employee of a member of a committee of Congress regarding a matter within the jurisdiction of such committee shall be considered to be a contact with the committee.

(2) CONTACTS WITH HOUSE OF CONGRESS.—For purposes of subsection (b)(2), any contact with a Member of Congress or an employee of a Member of Congress regarding a matter that is not within the jurisdiction of a committee of Congress of which that Member is a member shall be considered to be a contact with the House of Congress of that Member.

(3) CONTACTS WITH FEDERAL AGENCIES.—For purposes of subsection (b)(2), any contact with a covered executive branch official shall be considered to be a contact with the Federal agency that employs that official, except that a contact with a covered executive branch official who is detailed to another Federal agency or to the Congress shall be considered to be a contact with the Federal agency or with the committee of Congress or House of Congress to which the official is detailed.

(e) EXTENSION FOR FILING.—The Director may grant an extension of time of not more than 30 days for the filing of any report under this section, upon the request of the registrant, for good cause shown.

SEC. 1106. PROHIBITION ON GIFTS BY LOBBYISTS, LOBBYING FIRMS, AND AGENTS OF FOREIGN PRINCIPALS.

(a) IN GENERAL.—

(1) PROHIBITION.—No lobbyist or lobbying firm registered under this title and no agent of a foreign principal registered under the Foreign Agents Registration Act may provide a gift, directly or indirectly, to any covered legislative branch official.

(2) DEFINITION.—For purposes of this section—

(A) the term ''gift'' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value and such term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred; and

(B) a gift to the spouse or dependent of a covered legislative branch official (or a gift to any other individual based on that individual's relationship with the covered legislative branch official) shall be considered a gift to the covered legislative branch official if it is given with the knowledge and acquiescence of the covered legislative branch official and is given because of the official position of the covered legislative branch official.

(b) GIFTS.—The prohibition in subsection (a) includes the following:

(1) Anything provided by a lobbyist or a foreign agent which is paid for, charged to, or reimbursed by a client or firm of such lobbyist or foreign agent.

(2) Anything provided by a lobbyist, a lobbying firm, or a foreign agent to an entity that is maintained or controlled by a covered legislative branch official.

(3) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent on the basis of a designation, recommendation, or other specification of a covered legislative branch official (not including a mass mailing or other solicitation directed to a broad category of persons or entities).

(4) A contribution or other payment by a lobbyist, a lobbying firm, or a foreign agent to a legal expense fund established for the benefit of a covered legislative branch official or a covered executive branch official.

(5) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a lobbyist, a lobbying firm, or a foreign agent in lieu of an honorarium to a covered legislative branch official.

(6) A financial contribution or expenditure made by a lobbyist, a lobbying firm, or a foreign agent relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of covered legislative branch officials.

(c) NOT GIFTS.—The following are not gifts subject to the prohibition in subsection (a):

(1) Anything for which the recipient pays the market value, or does not use and promptly returns to the donor.

(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(3) Food or refreshments of nominal value offered other than as part of a meal.

(4) Benefits resulting from the business, employment, or other outside activities of the spouse of a covered legislative branch official, if such benefits are customarily provided to others in similar circumstances.

(5) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(6) Informational materials that are sent to the office of a covered legislative branch official in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(d) GIFTS GIVEN FOR A NONBUSINESS PURPOSE AND MOTIVATED BY FAMILY RELATIONSHIP OR CLOSE PERSONAL FRIENDSHIP.—

(1) IN GENERAL.—A gift given by an individual under circumstances which make it clear that the gift is given for a nonbusiness purpose and is motivated by a family relationship or close personal friendship and not by the position of the covered legislative branch official shall not be subject to the prohibition in subsection (a).

(2) NONBUSINESS PURPOSE.—A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks—

(A) to deduct the value of such gift as a business expense on the individual's Federal income tax return, or

(B) direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer of such lobbyist or foreign agent.

(3) FAMILY RELATIONSHIP OR CLOSE PERSONAL FRIENDSHIP.—In determining if the giving of a gift is motivated by a family relationship or close personal friendship, at least the following factors shall be considered:

(A) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals.

(B) Whether the gift was purchased by the individual who gave the item.

(C) Whether the individual who gave the gift also at the same time gave the same or similar gifts to other covered legislative branch officials.

SEC. 1107. OFFICE OF LOBBYING REGISTRATION AND PUBLIC DISCLOSURE.

(a) ESTABLISHMENT AND DIRECTOR.—

(1) ESTABLISHMENT.—There is established an executive agency to be known as the Office of Lobbying Registration and Public Disclosure.

(2) DIRECTOR.—(A) The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The Director shall be an individual who, by demonstrated ability, background, training, and experience, is qualified to carry out the functions of the position. The term of service of the Director shall be 5 years. The Director may be removed for cause.

(C) Section 5316 of title 5, United States Code, is amended by adding at the end the following: ''Director of the Office of Lobbying Registration and Public Disclosure''.

(b) ADMINISTRATIVE POWERS.—The Director may—

(1) appoint officers and employees, including attorneys, in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code, define their duties and responsibilities, and direct and supervise their activities;

(2) contract for financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) with the General Services Administration, or such Federal agency as the Director determines appropriate, for which payment shall be made in advance or by reimbursement from funds of the Office in such amounts as may be agreed upon by the Director and the head of the agency providing such services, but the contract authority under this paragraph shall be effective for any fiscal year only to the extent that appropriations are available for that purpose;

(3) request the head of any Federal department or agency (who is hereby so authorized) to detail to temporary duties with the Office such personnel within the agency head's administrative jurisdiction as the Office may need for carrying out its functions under this title, with or without reimbursement;

(4) request agency heads to provide information needed by the Office, which information shall be supplied to the extent permitted by law;

(5) utilize, with their consent, the services and facilities of Federal agencies with or without reimbursement;

(6) accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible, for purposes of aiding or facilitating the work of the Office; and

(7) use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) COOPERATION WITH OTHER GOVERNMENTAL AGENCIES.—In order to avoid unnecessary expense and duplication of function among Government agencies, the Office may make such arrangements or agreements for cooperation or mutual assistance in the performance of its functions under this title as is practicable and consistent with law. The head of the General Services Administration and each department, agency, or establishment of the United States shall cooperate with the Office and, to the extent permitted by law, provide such information, services, personnel, and facilities as the Office may request for its assistance in the performance of its functions under this title.

(d) DUTIES.—The Director shall—

(1) after notice and a reasonable opportunity for public comment, and consultation with the Secretary of the Senate, the Clerk of the House of Representatives, and the Administrative Conference of the United States, prescribe such regulations, penalty guidelines, and forms as are necessary to carry out this title;

(2) provide guidance and assistance on the registration and reporting requirements of this title, including—

(A) providing information to all registrants at the time of registration about the obligations of registered lobbyists under this title, and

(B) issuing published decisions and advisory opinions;

(3) review the registrations and reports filed under this title and make such verifications or inquiries as are necessary to ensure the completeness, accuracy, and timeliness of the registrations and reports;

(4) develop filing, coding, and cross-indexing systems to carry out the purposes of this title, including—

(A) a publicly available list of all registered lobbyists and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this title;

(5) ensure that the computer systems developed pursuant to paragraph (4)—

(A) allow the materials filed under this title to be accessed by the client name, lobbyist name, and registrant name;

(B) are compatible with computer systems developed and maintained by the Federal Election Commission, and that information filed in the two systems can be readily cross-referenced; and

(C) are compatible with computer systems developed and maintained by the Secretary of the Senate and the Clerk of the House of Representatives;

(6) make copies of each registration and report filed under this title available to the public, upon the payment of reasonable fees, not to exceed the cost of such copies, as determined by the Director, in written and electronic formats, as soon as practicable after the date on which such registration or report is received;

(7) preserve the originals or accurate reproduction of—

(A) registrations filed under this title for a period that ends not less than 3 years after the termination of the registration under section 1104(d); and

(B) reports filed under this title for a period that ends not less than 3 years after the date on which the report is received;

(8) maintain a computer record of—

(A) the information contained in registrations for a period that ends not less than 5 years after the termination of the registration under section 1104(d); and

(B) the information contained in reports filed under this title for a period that ends not less than 5 years after the date on which the reports are received;

(9) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a manner which clearly presents the extent and nature of expenditures on lobbying activities during such period;

(10) make information compiled and summarized under paragraph (9) available to the public in electronic and hard copy formats as soon as practicable after the close of each semiannual filing period;

(11) provide, by computer telecommunication or other transmittal in a form accessible by computer, to the Secretary of the Senate and the Clerk of the House of Representatives copies of all registrations and reports received under sections 1104 and 1105 and all compilations, cross-indexes, and summaries of such registrations and reports, as soon as practicable (but not later than 3 working days) after such material is received or created;

(12) make available to the public a list of all persons whom the Director determines, under section 1109 (after exhaustion of all appeals under section 1111) to have committed a major or minor violation of this title and submit such list to the Congress as part of the report provided for under paragraph (13);

(13) make available to the public upon request and transmit to the President, the Secretary of the Senate, the Clerk of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on the Judiciary of the House of Representatives a report, not later than March 31 of each year, describing the activities of the Office and the implementation of this title, including—

(A) a financial statement for the preceding fiscal year;

(B) a summary of the registrations and reports filed with the Office with respect to the preceding calendar year;

(C) a summary of the registrations and reports filed on behalf of foreign entities with respect to the preceding calendar year; and

(D) recommendations for such legislative or other action as the Director considers appropriate; and

(14) study the appropriateness of the definition of ''public official'' under section 1103(17) and make recommendations for any change in such definition in the first report filed pursuant to paragraph (13).

SEC. 1108. INITIAL PROCEDURE FOR ALLEGED VIOLATIONS.

(a) ALLEGATION OF A VIOLATION.—Whenever the Office of Lobbying Registration and Public Disclosure has reason to believe that a person or entity may be in violation of the requirements of this title, the Director shall notify the person or entity in writing of the nature of the alleged violation and provide an opportunity for the person or entity to respond in writing to the allegation within 30 days after the notification is sent or such longer period as the Director may determine appropriate in the circumstances.

(b) INITIAL DETERMINATION.—

(1) IN GENERAL.—If the person or entity responds within the period described in the notification under subsection (a), the Director shall—

(A) issue a written determination that the person or entity has not violated this title if the person or entity provides adequate information or explanation to make such determination; or

(B) make a formal request for information under subsection (c) or a notification under section 1109(a), if the information or explanation provided is not adequate to make a determination under subparagraph (A).

(2) WRITTEN DECISION.—If the Director makes a determination under paragraph (1)(A), the Director shall issue a public written decision in accordance with section 1110.

(c) FORMAL REQUEST FOR INFORMATION.—If a person or entity fails to respond in writing within the period described in the notification under subsection (a) or the response is not adequate to determine whether such person or entity has violated this title, the Director may make a formal request for specific additional written information (subject to applicable privileges) that is reasonably necessary for the Director to make such determination. Each such request shall be structured to minimize any burden imposed, consistent with the need to determine whether the person or entity is in compliance with this title, and shall—

(1) state the nature of the conduct constituting the alleged violation which is the basis for the inquiry and the provision of law applicable thereto;

(2) describe the class or classes of material to be produced pursuant to the request with such definiteness and certainty as to permit such material to be readily identified; and

(3) prescribe a return date or dates which provide a reasonable period of time within which the person or entity may assemble and make available for inspection and copying or reproduction the material so requested.

SEC. 1109. DETERMINATIONS OF VIOLATIONS.

(a) NOTIFICATION AND HEARING.—If the information provided to the Director under section 1108 indicates that a person or entity may have violated this title, the Director shall—

(1) notify the person or entity in writing of this finding and, if appropriate, a proposed penalty assessment and provide such person or entity with an opportunity to respond in writing within 30 days after the notice is sent; and

(2) if requested in writing by that person or entity within that 30-day period, afford the person or entity an opportunity for a hearing on the record under the provisions of section 554 of title 5, United States Code.

(b) DETERMINATION.—Upon the receipt of a written response under subsection (a)(1) when no hearing under subsection (a)(2) is requested, upon the completion of a hearing requested under subsection (a)(2), or upon the expiration of 30 days in a case in which no such written response is received, the Director shall review the information received under section 1108 and this section (including evidence presented at any such hearing) and make a final determination whether there was a violation and a final determination of the penalty, if any. If no written response was received under this section within the 30-day period provided, the determination and penalty assessment shall constitute a final order not subject to appeal.

(c) WRITTEN DECISION.—

(1) DETERMINATION OF VIOLATION.—If the Director makes a final determination under subsection (b) that there was a violation, the Director shall issue a written decision in accordance with section 1110—

(A) directing the person or entity to correct the violation; and

(B) assessing a civil monetary penalty—

(i) in the case of a minor violation, which shall be no more than $10,000, depending on the extent and gravity of the violation;

(ii) in the case of a major violation, which shall be more than $10,000, but no more than $100,000, depending on the extent and gravity of the violation;

(iii) in the case of a late registration or filing, which shall be $200 for each week by which the registration or filing was late, unless the Director determines that the failure to timely register or file constitutes a major violation (as defined under subsection (e)(2)) in which case the amount shall be as prescribed by clause (ii); or

(iv) in the case of a failure to provide information requested by the Director pursuant to section 1108(c), which shall be no more than $10,000, depending on the extent and gravity of the violation, except that no penalty shall be assessed if the Director determines that the violation was the result of a good faith dispute over the validity or appropriate scope of a request for information.

(2) DETERMINATION OF NO VIOLATION OR INSUFFICIENT EVIDENCE.—If the Director determines that no violation occurred or there was not sufficient evidence that a violation occurred, the Director shall issue a written decision in accordance with section 1110.

(d) CIVIL INJUNCTIVE RELIEF.—If a person or entity fails to comply with a directive to correct a violation under subsection (c), the Director shall refer the case to the Attorney General to seek civil injunctive relief in the appropriate court of the United States to compel such person or entity to comply with such directive.

(e) PENALTY ASSESSMENTS.—

(1) GENERAL RULE.—No penalty shall be assessed under this section unless the Director finds that the person or entity subject to the penalty knew or should have known that such person or entity was in violation of this title. In determining the amount of a penalty to be assessed, the Director shall take into account the totality of the circumstances, including the extent and gravity of the violation, whether the violation was voluntarily admitted and corrected, the extent to which the person or entity may have profited from the violation, the ability of the person or entity to pay, and such other matters as justice may require.

(2) REGULATIONS.—Regulations prescribed by the Director under section 1107 shall define major and minor violations. Major violations shall be defined to include a failure to register and any other violation that is extensive or repeated, if the person or entity who failed to register or committed such other violation—

(A) had actual knowledge that the conduct constituted a violation;

(B) acted in deliberate ignorance of the provisions of this title or regulations related to the conduct constituting a violation; or

(C) acted in reckless disregard of the provisions of this title or regulations related to the conduct constituting a violation.

(f) LIMITATION.—No proceeding shall be initiated under section 1108 or this section unless the Director notifies the person or entity who is to be the subject of the proceeding of the alleged violation within 3 years after the date on which the alleged violation occurred.

SEC. 1110. DISCLOSURE OF INFORMATION; WRITTEN DECISIONS.

(a) DISCLOSURE OF INFORMATION.—Information provided to the Director pursuant to sections 1108 and 1109 shall not be made available to the public without the consent of the person or entity providing the information, except to the extent that such information may be included in—

(1) a new or amended report or registration filed under this title; or

(2) a written decision issued by the Director under this section.

(b) WRITTEN DECISIONS.—All written decisions issued by the Director under sections 1108 and 1109 shall be made available to the public. The Director may provide for the publication of a written decision if the Director determines that publication would provide useful guidance. Before making a written decision public, the Director—

(1) shall delete information that would identify a person or entity who was alleged to have violated this title if—

(A) there was insufficient evidence to determine that the person or entity violated this title or the Director found that person or entity did not violate this title, and

(B) the person or entity so requests; and

(2) shall delete information that would identify any other person or entity (other than a person or entity who was found to have violated this title), if the Director determines that such person or entity could reasonably be expected to be injured by the disclosure of such information.

SEC. 1111. JUDICIAL REVIEW.

(a) FINAL DECISION.—A written decision issued by the Director under section 1109 shall become final 60 days after the date on which the Director provides notice of the decision, unless such decision is appealed under subsection (b) of this section.

(b) APPEAL.—Any person or entity adversely affected by a written decision issued by the Director under section 1109 may appeal such decision, except as provided under section 1109(b), to the appropriate United States court of appeals. Such review may be obtained by filing a written notice of appeal in such court no later than 60 days after the date on which the Director provides notice of the Director's decision and by simultaneously sending a copy of such notice of appeal to the Director. The Director shall file in such court the record upon which the decision was issued, as provided under section 2112 of title 28, United States Code. The findings of fact of the Director shall be conclusive, unless found to be unsupported by substantial evidence, as provided under section 706(2)(E) of title 5, United States Code. Any penalty assessed or other action taken in the decision shall be stayed during the pendency of the appeal.

(c) RECOVERY OF PENALTY.—Any penalty assessed in a written decision which has become final under this title may be recovered in a civil action brought by the Attorney General in an appropriate United States district court. In any such action, no matter that was raised or that could have been raised before the Director or pursuant to judicial review under subsection (b) may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

SEC. 1112. RULES OF CONSTRUCTION.

(a) CONSTITUTIONAL RIGHTS.—Nothing in this title shall be construed to prohibit or interfere with—

(1) the right to petition the government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association,

protected by the first amendment to the Constitution.

(b) PROHIBITION OF ACTIVITIES.—Nothing in this title shall be construed to prohibit, or to authorize the Director or any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this title.

(c) AUDIT AND INVESTIGATIONS.—Nothing in this title shall be construed to grant general audit or investigative authority to the Director.

SEC. 1113. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended—

(1) in section 1—

(A) by striking subsection (j);

(B) in subsection (o) by striking ''the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence'' and inserting ''any activity that the person engaging in believes will, or that the person intends to, in any way influence'';

(C) in subsection (p) by striking the semicolon and inserting a period; and

(D) by striking subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking ''established agency proceedings, whether formal or informal.'' and inserting ''judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.'';

(3) in section 3 (22 U.S.C. 613) by adding at the end the following:

''(h) Any agent of a person described in section 1(b)(2) or an entity described in section 1(b)(3) if the agent is required to register and does register under the Lobbying Disclosure Act of 1994 in connection with the agent's representation of such person or entity.'';

(4) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking ''political propaganda'' and inserting ''informational materials''; and

(B) by striking ''and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal'';

(5) in section 4(b) (22 U.S.C. 614(b))—

(A) in the matter preceding clause (i), by striking ''political propaganda'' and inserting ''informational materials''; and

(B) by striking ''(i) in the form of prints, or'' and all that follows through the end of the subsection and inserting ''without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.'';

(6) in section 4(c) (22 U.S.C. 614(c)), by striking ''political propaganda'' and inserting ''informational materials'';

(7) in section 6 (22 U.S.C. 616)—

(A) in subsection (a) by striking ''and all statements concerning the distribution of political propaganda'';

(B) in subsection (b) by striking '', and one copy of every item of political propaganda''; and

(C) in subsection (c) by striking ''copies of political propaganda,'';

(8) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2) by striking ''or in any statement under section 4(a) hereof concerning the distribution of political propaganda''; and

(B) by striking subsection (d); and

(9) in section 11 (22 U.S.C. 621) by striking '', including the nature, sources, and content of political propaganda disseminated or distributed''.

SEC. 1114. AMENDMENTS TO THE BYRD AMENDMENT.

(a) REVISED CERTIFICATION REQUIREMENTS.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2) by striking subparagraphs (A), (B), and (C) and inserting the following:

''(A) the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

''(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).'';

(2) in paragraph (3) by striking all that follows ''loan shall contain'' and inserting ''the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee.''; and

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) REMOVAL OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 1115. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.—

(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

SEC. 1116. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) AMENDMENT TO COMPETITIVENESS POLICY COUNCIL ACT.—Section 5206(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting ''or a lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined under section 1103 of the Lobbying Disclosure Act of 1994)'' after ''an agent for a foreign principal''.

(b) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—Section 219(a) of title 18, United States Code, is amended—

(1) by inserting ''or a lobbyist required to register under the Lobbying Disclosure Act of 1994 in connection with the representation of a foreign entity, as defined in section 1103(7) of that Act'' after ''an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938''; and

(2) by striking out '', as amended,''.

(c) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting ''or a lobbyist for a foreign entity (as defined in section 1103(7) of the Lobbying Disclosure Act of 1994)'' after ''an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)''.

SEC. 1117. SEVERABILITY.

If any provision of this title, or the application thereof, is held invalid, the validity of the remainder of this title and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 1118. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years 1995, 1996, 1997, 1998, and 1999 such sums as may be necessary to carry out this title.

SEC. 1119. IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.

(a) ORAL LOBBYING CONTACTS.—Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this title and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 1104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(b) WRITTEN LOBBYING CONTACTS.—Any person or entity registered under this title that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this title, and state whether the person making the lobbying contact is registered on behalf of that client under section 1104; and

(2) identify any other foreign entity identified pursuant to section 1104(b)(4) that has a direct interest in the outcome of the lobbying activity.

(c) IDENTIFICATION AS COVERED OFFICIAL.—Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

SEC. 1120. TRANSITIONAL FILING REQUIREMENT.

(a) SIMULTANEOUS FILING.—Subject to subsection (b), each registrant shall transmit simultaneously to the Secretary of the Senate and the Clerk of the House of Representatives an identical copy of each registration and report required to be filed under this title.

(b) SUNSET PROVISION.—The simultaneous filing requirement under subsection (a) shall be effective until such time as the Director, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, determines that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 1107(b)(11).

(c) IMPLEMENTATION.—The Director, the Secretary of the Senate, and the Clerk of the House of Representatives shall take such actions as necessary to ensure that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 1107(b)(11) on the effective date of this title, or as soon thereafter as reasonably practicable.

SEC. 1121. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) ENTITIES COVERED BY SECTION 6033(b) OF THE INTERNAL REVENUE CODE OF 1986.—A registrant that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would be required to be disclosed under such section for the appropriate semiannual period to meet the requirements of sections 1104(a)(3), 1105(a)(2), and 1105(b)(4); and

(2) in lieu of using the definition of ''lobbying activities'' in section 1103(8) of this title, consider as lobbying activities only those activities that are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.

(b) ENTITIES COVERED BY SECTION 162(e) OF THE INTERNAL REVENUE CODE OF 1986.—A registrant that is required to account for lobbying expenditures and does account for lobbying expenditures pursuant to section 162(e) of the Internal Revenue Code of 1986 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would not be deductible pursuant to such section for the appropriate semiannual period to meet the requirements of sections 1104(a)(3), 1105(a)(2), and 1105(b)(4); and

(2) in lieu of using the definition of ''lobbying activities'' in section 1103(8) of this title, consider as lobbying activities only those activities, the costs of which are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.

(c) DISCLOSURE OF ESTIMATE.—Any registrant that elects to make estimates required by this title under the procedures authorized by subsection (a) or (b) for reporting or threshold purposes shall—

(1) inform the Director that the registrant has elected to make its estimates under such procedures; and

(2) make all such estimates, in a given calendar year, under such procedures.

(d) STUDY.—Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under subsections (a) and (b) and report to the Congress—

(1) the differences between the definition of ''lobbying activities'' in section 1103(8) and the definitions of ''lobbying expenditures'', ''influencing legislation'', and related terms in sections 162(e) and 4911 of the Internal Revenue Code of 1986, as each are implemented by regulations;

(2) the impact that any such differences may have on filing and reporting under this title pursuant to this subsection; and

(3) any changes to this title or to the appropriate sections of the Internal Revenue Code of 1986 that the Comptroller General may recommend to harmonize the definitions.

SEC. 1122. EFFECTIVE DATES AND INTERIM RULES.

(a) IN GENERAL.—Except as otherwise provided in this section, this title and the amendments made by this title shall take effect January 1, 1996.

(b) EFFECTIVE DATE OF GIFT PROHIBITION.—Section 1106 shall take effect on January 3, 1995. Beginning on that date, and for the remainder of calendar year 1995, such section shall apply to any gift provided by a lobbyist or an agent of a foreign principal registered under the Federal Regulation of Lobbying Act or the Foreign Agents Registration Act, including any person registered under such Acts as of July 1, 1994, or thereafter.

(c) ESTABLISHMENT OF OFFICE.—Sections 1107 and 1118 shall take effect on the date of enactment of this Act.

(d) REPEALS AND AMENDMENTS.—The repeals and amendments made under sections 1113, 1114, 1115, and 1116 shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

(e) REGULATIONS.—Proposed regulations required to implement this title shall be published for public comment no later than 270 days after the date of the enactment of this Act. No later than 1 year after the date of the enactment of this Act, final regulations required to implement this title shall be published.

(f) PHASE-IN PERIOD.—No penalty shall be assessed by the Director under section 1109(e) for a violation of this title, other than for a violation of section 1106, which occurs during the first semiannual reporting period under section 1105 after the effective date prescribed by subsection (a).

(g) INTERIM DIRECTOR.—Within 30 days after the date of the enactment of this Act, the President shall designate an interim Director of the Office of Lobbying Registration and Public Disclosure, who shall serve at the pleasure of the President until a Director of such Office has been nominated by the President and confirmed by the Senate. The interim Director may not promulgate final regulations pursuant to section 1107(d) or initiate procedures for alleged violations pursuant to section 1108.

TITLE II—CONGRESSIONAL GIFT REFORM

SEC. 1201. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

''1. No Member, officer, or employee of the Senate shall accept a gift, knowing that such gift is provided by a registered lobbyist, a lobbying firm, or an agent of a foreign principal in violation of the Lobbying Disclosure Act of 1994.

''2. (a) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph 1 and except as provided in this Rule, no Member, officer, or employee of the Senate shall knowingly accept a gift from any other person.

''(b)(1) For the purpose of this Rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

''(c) The restrictions in subparagraph (a) shall not apply to the following:

''(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

''(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

''(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Select Committee on Ethics shall provide guidance on the

applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

''(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Select Committee on Ethics.

''(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

''(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

''(7) Food, refreshments, lodging, and other benefits—

''(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

''(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

''(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

''(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

''(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

''(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

''(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

''(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

''(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Rules and Administration.

''(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

''(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

''(16) Bequests, inheritances, and other transfers at death.

''(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

''(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

''(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

''(20) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

''(21) Opportunities and benefits which are—

''(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

''(B) offered to members of a group or class in which membership is unrelated to congressional employment;

''(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

''(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

''(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

''(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

''(22) A plaque, trophy, or other memento of modest value.

''(23) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

''(d)(1) Except as prohibited by paragraph 1, a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

''(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

''(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

''(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

''(3) Except as prohibited by paragraph 1, a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

''(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

''(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in subparagraph (c)(3) or the close personal friendship exception in section 1106(d) of the Lobbying Disclosure Act of 1994 unless the Select Committee on Ethics issues a written determination that one of such exceptions applies.

''(f)(1) The Committee on Rules and Administration is authorized to adjust the dollar amount referred to in subparagraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

''(2) The Select Committee on Ethics shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

''(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

''3. (a)(1) Except as prohibited by paragraph 1, a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this Rule, if the Member, officer, or employee—

''(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

''(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

''(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

''(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

''(1) the name of the employee;

''(2) the name of the person who will make the reimbursement;

''(3) the time, place, and purpose of the travel; and

''(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

''(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

''(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

''(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

''(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

''(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

''(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

''(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the

Member or officer is using public office for private gain.

''(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

''(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Select Committee on Ethics;

''(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

''(3) does not include expenditures for recreational activities, or entertainment other than that provided to all attendees as an integral part of the event; and

''(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

''(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.''.

SEC. 1202. AMENDMENTS TO HOUSE RULES.

Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

''4. (a) No Member, officer, or employee of the House of Representatives shall accept a gift, knowing that such gift is provided directly or indirectly by a registered lobbyist, a lobbying firm, or an agent of a foreign principal in violation of the Lobbying Disclosure Act of 1994.

''(b) In addition to the restriction on receiving gifts from registered lobbyists, lobbying firms, and agents of foreign principals provided by paragraph (a) and except as provided in this Rule, no Member, officer, or employee of the House of Representatives shall knowingly accept a gift from any other person.

''(c)(1) For the purpose of this clause, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(2) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

''(d) The restrictions in paragraph (b) shall not apply to the following:

''(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

''(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

''(3) Anything provided by an individual on the basis of a personal or family relationship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal or family relationship. The Committee on Standards of Official Conduct shall provide guidance on the applicability of this clause and examples of circumstances under which a gift may be accepted under this exception.

''(4) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, if the person making the contribution or payment is identified for the Committee on Standards of Official Conduct.

''(5) Any food or refreshments which the recipient reasonably believes to have a value of less than $20.

''(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

''(7) Food, refreshments, lodging, and other benefits—

''(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

''(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

''(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

''(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

''(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

''(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

''(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

''(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

''(13) Food, refreshments, and entertainment provided to a Member or an employee of a Member in the Member's home State, subject to reasonable limitations, to be established by the Committee on Standards of Official Conduct.

''(14) An item of little intrinsic value such as a greeting card, baseball cap, or a T shirt.

''(15) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

''(16) Bequests, inheritances, and other transfers at death.

''(17) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

''(18) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

''(19) A gift of personal hospitality of an individual, as defined in section 109(14) of the Ethics in Government Act.

''(20) Free attendance at a widely attended event permitted pursuant to paragraph (e).

''(21) Opportunities and benefits which are—

''(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

''(B) offered to members of a group or class in which membership is unrelated to congressional employment;

''(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

''(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

''(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

''(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

''(22) A plaque, trophy, or other memento of modest value.

''(23) Anything for which, in exceptional circumstances, a waiver is granted by the Committee on Standards of Official Conduct.

''(e)(1) Except as prohibited by paragraph (a), a Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

''(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

''(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

''(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

''(3) Except as prohibited by paragraph (a), a Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

''(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the

provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, or food or refreshments taken other than in a group setting with all or substantially all other attendees.

''(f) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal relationship exception in paragraph (d)(3) or the close personal friendship exception in section 1106(d) of the Lobbying Disclosure Act of 1994 unless the Committee on Standards of Official Conduct issues a written determination that one of such exceptions applies.

''(g)(1) The Committee on Standards of Official Conduct is authorized to adjust the dollar amount referred to in paragraph (c)(5) on a periodic basis, to the extent necessary to adjust for inflation.

''(2) The Committee on Standards of Official Conduct shall provide guidance setting forth reasonable steps that may be taken by Members, officers, and employees, with a minimum of paperwork and time, to prevent the acceptance of prohibited gifts from lobbyists.

''(3) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

''(h)(1)(A) Except as prohibited by paragraph (a), a reimbursement (including payment in kind) to a Member, officer, or employee for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this paragraph, if the Member, officer, or employee—

''(i) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

''(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

''(B) For purposes of clause (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

''(2) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

''(A) the name of the employee;

''(B) the name of the person who will make the reimbursement;

''(C) the time, place, and purpose of the travel; and

''(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

''(3) Each disclosure made under subparagraph (1)(A) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

''(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

''(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

''(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

''(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

''(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

''(F) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

''(4) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

''(A) includes reasonable expenses that are necessary for travel—

''(i) for a period not exceeding 4 days including travel time within the United States or 7 days in addition to travel time outside the United States; and

''(ii) within 24 hours before or after participation in an event in the United States or within 48 hours before or after participation in an event outside the United States,

unless approved in advance by the Committee on Standards of Official Conduct;

''(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (A);

''(C) does not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the event; and

''(D) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the officer or employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

''(5) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (1) as soon as possible after they are received.''.

SEC. 1203. MISCELLANEOUS PROVISIONS.

(a) AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT.—Section 102(a)(2)(B) of the Ethics in Government Act (5 U.S.C. 102, App. 6) is amended by adding at the end thereof the following: ''Reimbursements accepted by a Federal agency pursuant to section 1353 of title 31, United States Code, or deemed accepted by the Senate or the House of Representatives pursuant to Rule XXXV of the Standing Rules of the Senate or clause 4 of Rule XLIII of the Rules of the House of Representatives shall be reported as required by such statute or rule and need not be reported under this section.''.

(b) REPEAL OF OBSOLETE PROVISION.—Section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31–2) is repealed.

(c) SENATE PROVISIONS.—

(1) AUTHORITY OF THE COMMITTEE ON RULES AND ADMINISTRATION.—The Senate Committee on Rules and Administration, on behalf of the Senate, may accept gifts provided they do not involve any duty, burden, or condition, or are not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

(2) FOOD, REFRESHMENTS, AND ENTERTAINMENT.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the Senate or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Rules and Administration shall be the rules in effect on the day before the effective date of this title.

(d) HOUSE PROVISION.—The rules on acceptance of food, refreshments, and entertainment provided to a Member of the House of Representatives or an employee of such a Member in the Member's home State before the adoption of reasonable limitations by the Committee on Standards of Official Conduct shall be the rules in effect on the day before the effective date of this title.

SEC. 1204. EXERCISE OF CONGRESSIONAL RULEMAKING POWERS.

Sections 1201, 1202, 1203(c), and 1203(d) of this title are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and pursuant to section 7353(b)(1) of title 5, United States Code, and accordingly, they shall be considered as part of the rules of each House, respectively, or of the House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (insofar as they relate to that House) at any time and in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 1205. EFFECTIVE DATE.

This title and the amendments made by this subtitle shall take effect on May 31, 1995.

DIVISION C—CAMPAIGN FINANCE REFORM

TITLE I—CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM

SEC. 10000. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Congressional Campaign Spending Limit and Election Reform Act of 1995''.

(b) AMENDMENT OF FECA.—When used in this title, the term ''FECA'' means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

DIVISION C—CAMPAIGN FINANCE REFORM

TITLE X—CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM

Sec. 10000. Short title; amendment of Campaign Act; table of contents.

Subtitle A—Control of Congressional Campaign Spending

PART I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS

Sec. 10001. Senate spending limits and benefits.

Sec. 10002. Ban on activities of political action committees in Senate elections.

Sec. 10003. Reporting requirements.

Sec. 10004. Disclosure by noneligible candidates.

Sec. 10005. Excess campaign funds of Senate candidates.

PART II—GENERAL PROVISIONS

Sec. 10011. Broadcast rates and preemption.

Sec. 10012. Reporting requirements for certain independent expenditures.

Sec. 10013. Campaign advertising amendments.

Sec. 10014. Definitions.
Sec. 10015. Provisions relating to franked mass mailings.

Subtitle B—Independent Expenditures

Sec. 10021. Clarification of definitions relating to independent expenditures.
Sec. 10022. Equal broadcast time.

Subtitle C—Expenditures

PART I—PERSONAL LOANS; CREDIT

Sec. 10031. Personal contributions and loans.
Sec. 10032. Extensions of credit.

PART II—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES

Sec. 10033. Definitions.
Sec. 10034. Contributions to political party committees.
Sec. 10035. Provisions relating to national, State, and local party committees.
Sec. 10036. Restrictions on fundraising by candidates and officeholders.
Sec. 10037. Reporting requirements.

Subtitle D—Contributions

Sec. 10041. Contributions through intermediaries and conduits; prohibition on certain contributions by lobbyists.
Sec. 10042. Contributions by dependents not of voting age.
Sec. 10043. Contributions to candidates from State and local committees of political parties to be aggregated.
Sec. 10044. Contributions and expenditures using money secured by physical force or other intimidation.
Sec. 10045. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than $100.

Subtitle E—Miscellaneous

Sec. 10051. Prohibition of leadership committees.
Sec. 10052. Telephone voting by persons with disabilities.
Sec. 10053. Certain tax-exempt organizations not subject to corporate limits.
Sec. 10054. Aiding and abetting violations of FECA.
Sec. 10055. Campaign advertising that refers to an opponent.
Sec. 10056. Limit on congressional use of the franking privilege.

Subtitle F—Effective Dates; Authorizations

Sec. 10061. Effective date.
Sec. 10062. Budget neutrality.
Sec. 10063. Severability.
Sec. 10064. Expedited review of constitutional issues.
Sec. 10065. Regulations.

Subtitle A—Control of Congressional Campaign Spending

PART I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS

SEC. 10001. SENATE SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

''(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

''(1) meets the primary and general election filing requirements of subsections (b) and (c);

''(2) meets the primary and runoff election expenditure limits of subsection (d); and

''(3) meets the threshold contribution requirements of subsection (e).

''(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—

''(A) the candidate and the candidate's authorized committees—

''(i) will meet the primary and runoff election expenditure limits of subsection (d); and

''(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

''(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b);

''(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a); and

''(D) the candidate and the candidate's authorized committees will meet the closed captioning requirements of section 509.

''(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

''(c) GENERAL ELECTION FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate certifies to the Secretary of the Senate, under penalty of perjury, that—

''(A) the candidate and the candidate's authorized committees—

''(i) met the primary and runoff election expenditure limits under subsection (d); and

''(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

''(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

''(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

''(D) such candidate and the authorized committees of such candidate—

''(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(b);

''(ii) will not accept any contributions in violation of section 315;

''(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b) and the amounts described in subsections (c), (d), and (e) of section 502, reduced by any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

''(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

''(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

''(vi) will cooperate in the case of any audit and examination by the Commission under section 505 and will pay any amounts required to be paid under that section; and

''(vii) will meet the closed captioning requirements of section 509; and

''(E) the candidate intends to make use of the benefits provided under section 503.

''(2) The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—

''(A) the date the candidate qualifies for the general election ballot under State law; or

''(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

''(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

''(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

''(i) 67 percent of the general election expenditure limit under section 502(b); or

''(ii) $2,750,000.

''(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

''(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Secretary of the Senate or to the Commission with respect to such period under section 304.

''(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

''(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

''(i) would result in the violation of any limitation under section 315; or

''(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

''(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to 5 percent of the general election expenditure limit under section 502(b).

''(2) For purposes of this section and subsections (b) and (c) of section 503—

''(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

''(B) The term 'allowable contributions' shall not include—

''(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

''(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

''(iii) contributions from individuals residing outside the candidate's State.

Clauses (ii) and (iii) shall not apply for purposes of section 503(b).

''(3) For purposes of this subsection and subsections (b) and (c) of section 503, the term 'applicable period' means—

''(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

''(i) the date on which the certification under subsection (c) is filed by the candidate; or

''(ii) for purposes of subsections (b) and (c) of section 503, the date of such general election; or

''(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

''(f) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of subsection (d)(1) and section 502(b)(3), the base period shall be calendar year 1996.

''SEC. 502. LIMITATIONS ON EXPENDITURES.

''(a) LIMITATION ON USE OF PERSONAL FUNDS.—(1) The aggregate amount of expenditures which may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed $25,000.

''(2) A source is described in this paragraph if it is—

''(A) personal funds of the candidate and members of the candidate's immediate family; or

''(B) personal debt incurred by the candidate and members of the candidate's immediate family.

''(b) GENERAL ELECTION EXPENDITURE LIMIT.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

''(A) $5,500,000; or

''(B) the greater of—

''(i) $1,200,000; or

''(ii) $400,000; plus

''(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

''(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

''(2) In the case of an eligible Senate candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

''(A) '80 cents' for '30 cents' in subclause (I); and

''(B) '70 cents' for '25 cents' in subclause (II).

''(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(f) (relating to indexing).

''(c) LEGAL AND ACCOUNTING COMPLIANCE FUND.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

''(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

''(A) the fund is established with respect to qualified legal and accounting expenditures incurred with respect to a particular general election;

''(B) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

''(C) the aggregate amounts transferred to, and expenditures made from, the fund with respect to the election cycle do not exceed the sum of—

''(i) the lesser of—

''(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

''(II) $300,000; plus

''(ii) the amount determined under paragraph (4); and

''(D) no funds received by the candidate pursuant to section 503(a)(3) may be transferred to the fund.

''(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

''(A) Any expenditures for costs of legal and accounting services provided in connection with—

''(i) any administrative or court proceeding initiated pursuant to this Act for the general election for which the legal and accounting fund was established; or

''(ii) the preparation of any documents or reports required by this Act or the Commission.

''(B) Any expenditures for legal and accounting services provided in connection with the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

''(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under paragraph (2)(C)(i), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 506.

''(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

''(5) Any funds in a legal and accounting compliance fund shall be treated for purposes of this Act as a separate segregated fund, except that any portion of the fund not used to pay qualified legal and accounting expenditures, and not transferred to a legal and accounting compliance fund for the election cycle for the next general election, shall be treated in the same manner as other campaign funds for purposes of section 313(b).

''(d) PAYMENT OF TAXES ON EARNINGS.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local income taxes on the earnings of a candidate's authorized committees.

''(e) CERTAIN EXPENSES.—In the case of an eligible Senate candidate who holds a Federal office, the limitation under subsection (b) shall not apply to ordinary and necessary expenses of travel of such individual and the individual's spouse and children between Washington, D.C. and the individual's State in connection with the individual's activities as a holder of Federal office.

''(f) EXPENDITURES.—For purposes of this title, the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) thereof.

''SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

''(a) IN GENERAL.—An eligible Senate candidate shall be entitled to—

''(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934; and

''(2) payments in an amount equal to—

''(A) the excess expenditure amount determined under subsection (b); and

''(B) the independent expenditure amount determined under subsection (c).

''(b) EXCESS EXPENDITURE AMOUNT.—(1) For purposes of subsection (a)(2)(A), except as provided in section 510(b), the amount determined under this subsection is, in the case of an eligible Senate candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the excess expenditure amount.

''(2) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

''(A) In the case of a major party candidate, an amount equal to the sum of—

''(i) if the excess described in paragraph (1) is less than 133⅓ percent of the general election expenditure limit under section 502(b), an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

''(ii) if such excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

''(iii) if such excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

''(B) In the case of an eligible Senate candidate who is not a major party candidate, an amount equal to the least of the following:

''(i) The allowable contributions of the eligible Senate candidate during the applicable period in excess of the threshold contribution requirement under section 501(e).

''(ii) 50 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

''(iii) The excess described in paragraph (1).

''(c) INDEPENDENT EXPENDITURE AMOUNT.—For purposes of subsection (a)(2)(B), the amount determined under this subsection is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c).

''(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1)(A) An eligible Senate candidate who receives payments under subsection (a)(2) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 502(b).

''(B) In the case of an eligible Senate candidate who is not a major party candidate, the general election expenditure limit under section 502(b) with respect to such candidate shall be increased by the amount (if any) by which the excess described in subsection (b)(1) exceeds the amount determined under subsection (b)(2)(B) with respect to such candidate.

''(2)(A) An eligible Senate candidate who receives benefits under this section may make expenditures for the general election

without regard to clause (i) of section 501(c)(1)(D) or subsection (a) or (b) of section 502 if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 200 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

''(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

''(3)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

''(i) a major party candidate in the same general election is not an eligible Senate candidate; or

''(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

''(B) The amount of contributions which may be received by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

''(e) USE OF PAYMENTS.—Payments received by a candidate under subsection (a)(2) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

''(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

''(2) to make any expenditure other than expenditures to further the general election of such candidate;

''(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

''(4) subject to the provisions of section 315(j), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

''SEC. 504. CERTIFICATION BY COMMISSION.

''(a) IN GENERAL.—(1) The Commission shall certify to any candidate meeting the requirements of section 501 that such candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

''(2) No later than 48 hours after an eligible Senate candidate files a request with the Secretary of the Senate to receive benefits under section 503, the Commission shall issue a certification stating whether such candidate is eligible for payments under this title and the amount of such payments to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

''(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

''(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

''(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

''SEC. 505. EXAMINATIONS AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

''(a) EXAMINATIONS AND AUDITS.—(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 5 percent of the eligible Senate and House of Representatives candidates, as designated by the Commission through the use of an appropriate statistical method of random selection, to determine whether such candidates have complied with the conditions of eligibility and other requirements of this title. The Commission shall conduct an examination and audit of the accounts of all candidates for election to an office where any eligible candidate for the office is selected for examination and audit.

''(2) After each special election involving an eligible candidate, the Commission shall conduct an examination and audit of the campaign accounts of all candidates in the election to determine whether the candidates have complied with the conditions of eligibility and other requirements of this Act.

''(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible Senate or House of Representatives candidate in a general election if the Commission determines that there exists reason to believe whether such candidate may have violated any provision of this title.

''(b) EXCESS PAYMENTS; REVOCATION OF STATUS.—(1) If the Commission determines that payments were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

''(2) If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments received under this title.

''(c) MISUSE OF BENEFITS.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

''(d) EXCESS EXPENDITURES.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures which in the aggregate exceed—

''(1) the primary or runoff expenditure limit under section 501(d); or

''(2) the general election expenditure limit under section 502(b),

the Commission shall so notify such candidate and such candidate shall pay an amount equal to the amount of the excess expenditures.

''(e) CIVIL PENALTIES.—(1) If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

''(2)(A) LOW AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

''(B) MEDIUM AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by more than 2.5 percent and less than 5 percent shall pay an amount equal to three times the amount of the excess expenditures.

''(C) LARGE AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 5 percent or more shall pay an amount equal to the sum of—

''(i) three times the amount of the excess expenditures plus an additional amount determined by the Commission, plus

''(ii) if the Commission determines such excess expenditures were willful, an amount equal to the benefits the candidate received under this title.

''(f) UNEXPENDED FUNDS.—Any amount received by an eligible Senate candidate under this title and not expended on or before the date of the general election shall be repaid within 30 days of the election, except that a reasonable amount may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid.

''(g) PAYMENTS RETURNED TO SOURCE.—Any payment, repayment, or civil penalty required by this section shall be paid to the entity from which benefits under this title were paid to the eligible Senate candidate.

''(h) LIMIT ON PERIOD FOR NOTIFICATION.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

''SEC. 506. JUDICIAL REVIEW.

''(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

''(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

''(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

''SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

''(a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 506 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

''(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to any entity from which benefits under this title were paid.

''(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

''(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

''SEC. 508. REPORTS TO CONGRESS; REGULATIONS.

''(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

''(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

''(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate; and

''(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

''(b) RULES AND REGULATIONS.—The Commission is authorized to prescribe (in accordance with the provisions of subsection (c)) such rules and regulations, to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

''(c) STATEMENT TO SENATE.—Thirty days before prescribing any rule or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

''SEC. 509. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE SENATE CANDIDATES.

''No eligible Senate candidate may receive amounts under section 503(a)(3) under section 503(a)(4) unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.

''SEC. 510. LIMITATIONS ON PAYMENTS.

''(a) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 504, except as provided in subsection (b), the Secretary shall, subject to the availability of appropriations, promptly pay the amount certified by the Commission to the candidate.

''(b) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—(1) If, at the time of a certification by the Commission under section 504 for payment to an eligible candidate, the Secretary determines that there are not, or may not be, sufficient funds to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

''(2) Amounts withheld under paragraph (1) shall be paid when the Secretary determines that there are sufficient monies to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

''(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

''(i) the amount of monies which will be available to make payments required by this title in the succeeding calendar year; and

''(ii) the amount of expenditures which will be required under this title in such calendar year.

''(B) If the Secretary determines that there will be insufficient monies to make the expenditures required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments under this subsection. Such notice shall be by registered mail.

''(C) The amount of the eligible candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

''(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 501(c)(1)(D)(iii) shall be increased by the amount of such excess.''.

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1994.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1996, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1996, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1996, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF TITLE.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this title shall be treated as invalid.

SEC. 10002. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN SENATE ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 431 et seq.), as amended by section 10044, is amended by adding at the end thereof the following new section:

''BAN ON SENATE ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

''SEC. 327. (a) Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election, or nomination for election, to the office of United States Senator.

''(b) In the case of individuals who are executive or administrative personnel of an employer—

''(1) no contributions may be made by such individuals—

''(A) to any political committees established and maintained by any political party for use in an election, or nomination for election, to the office of United States Senator; or

''(B) to any candidate for nomination for election, or election, to office of United States Senator or the candidate's authorized committees,

unless such contributions are not being made at the direction of, or otherwise controlled or influenced by, the employer; and

''(2) the aggregate amount of such contributions by all such individuals in any calendar year shall not exceed—

''(A) $20,000 in the case of such political committees; and

''(B) $5,000 in the case of any such candidate and the candidate's authorized committees.''.

(b) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

''(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder. Nothing in this paragraph shall be construed to permit the establishment, financing, maintenance, or control of any committee which is prohibited by paragraph (3) or (6) of section 302(e).''.

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

''(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

''(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

''(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.''.

(c) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date in which the limitation under section 327 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect;

(2) in the case of a candidate for election, or nomination for election, to the office of United States Senator (and such candidate's authorized committees), section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) shall be applied by substituting ''$1,000'' for ''$5,000'';

(3) it shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to the office of United States Senator (or an authorized committee) to the extent that the making or accepting of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

(A) $825,000; or

(B) 20 percent of the aggregate Federal election spending limits applicable to the candidate for the election cycle.

The $825,000 amount in paragraph (3) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the base period shall be the calendar year 1996. A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (3) shall return the amount of such excess contribution to the contributor.

(d) RULE ENSURING PROHIBITION ON DIRECT CORPORATE AND LABOR SPENDING.—If section 316(a) of the Federal Election Campaign Act of 1971 is held to be invalid by reason of the amendments made by this section, then the amendments made by subsections (a) and (b) of this section shall not apply to contributions by any political committee that is directly or indirectly established, administered, or supported by a connected organization which is a bank, corporation, or other organization described in such section 316(a).

(e) RESTRICTIONS ON CONTRIBUTIONS TO POLITICAL COMMITTEES.—Paragraphs (1)(D) and (2)(D) of section 315(a) of FECA (2 U.S.C. 441a(a) (1)(D) and (2)(D)), as redesignated by section 312, are each amended by striking ''$5,000'' and inserting ''$1,000''.

(f) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1994.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received before January 1, 1996; or

(B) contributions made to, or received by, a candidate on or after January 1, 1996, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate before January 1, 1996, over

(ii) such contributions received by the candidate before January 1, 1996.

SEC. 10003. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

''REPORTING REQUIREMENTS FOR SENATE CANDIDATES

''SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE SENATE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

''(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

''(A) who is not an eligible Senate candidate under section 501; and

''(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 2 business days after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 2 business days after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 2 business days after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 100, 133⅓, 166⅔, and 200 percent of such limit.

''(3) The Commission—

''(A) shall, within 2 business days of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

''(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

''(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 2 business days after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

''(b) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 2 business days after such expenditures have been made or loans incurred.

''(2) The Commission within 2 business days after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

''(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 2 business days after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

''(c) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

''(A) who becomes a candidate for the office of United States Senator;

''(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

''(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

''(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

''(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

''(4) The Commission shall certify to the individual and such individual's opponents the amounts the Commission determines to be described in paragraph (3) and such amounts shall be treated as expenditures for purposes of this Act.

''(d) CERTIFICATIONS.—Notwithstanding section 504(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of the Commission's own investigation or determination.

''(e) SHORTER PERIODS FOR REPORTS AND NOTICES DURING ELECTION WEEK.—Any report, determination, or notice required by reason of an event occurring during the 7-day period ending with the general election shall be made within 24 hours (rather than 2 business days) of the event.

''(f) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or under title V as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

''(g) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.''.

SEC. 10004. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 10013, is amended by adding at the end thereof the following:

''(f) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'.''.

SEC. 10005. EXCESS CAMPAIGN FUNDS OF SENATE CANDIDATES.

Section 313 of FECA (2 U.S.C. 439a) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Amounts''; and

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

''(b) RETURN OF EXCESS CAMPAIGN FUNDS.—(1) Except as provided in paragraph (2), and notwithstanding subsection (a), if a candidate for the Senate has amounts in excess of amounts necessary to defray campaign expenditures for any election cycle, including any fines or penalties relating thereto, such candidate shall, not later than 1 year after the date of the general election for such cycle, expend such excess in the manner described in subsection (a) or transfer it to the general fund of the Treasury.

''(2) Paragraph (1) shall not apply to any amounts—

''(A) transferred to a legal and accounting compliance fund established under section 502(c); or

''(B) transferred for use in the next election cycle to the extent such amounts do not exceed 20 percent of the sum of the primary election expenditure limit under section 501(d)(1)(A) and the general election expenditure limit under section 502(b) for the election cycle from which the amounts are being transferred.''.

PART II—GENERAL PROVISIONS

SEC. 10011. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''forty-five'' and inserting ''30''; and

(B) by striking ''lowest unit charge of the station for the same class and amount of time for the same period'' and inserting ''lowest charge of the station for the same amount of time for the same period on the same date''; and

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

''In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges for the use of a television broadcasting station during the 60-day period referred to in paragraph (1) shall not exceed 50 percent of the lowest charge described in paragraph (1), except that this sentence shall not apply to broadcasts which are to be paid by vouchers which are received under section 503(c)(4) by reason of the independent expenditure amount.''.

(b) PREEMPTION; ACCESS.—Section 315 of such Act (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting immediately after subsection (b) the following new subsection:

''(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

''(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.''.

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of such Act (47 U.S.C. 312(a)(7)) is amended—

(1) by striking ''or repeated'';

(2) by inserting ''or cable system'' after ''broadcasting station''; and

(3) by striking ''his candidacy'' and inserting ''his or her candidacy, under the same terms, conditions, and business practices as apply to its most favored advertiser''.

SEC. 10012. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

(a) IN GENERAL.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end the following new subsection:

''(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—(1) Any person making independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before any election shall file a report of such expenditures within 24 hours after such expenditures are made.

''(2) Any person making independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before any election shall file a report within 48 hours after such expenditures are made. An additional statement shall be filed each time independent expenditures aggregating $10,000 are made with respect to the same election as the initial statement filed under this section.

''(3) Any statement under this subsection shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

''(4) For purposes of this subsection, an expenditure shall be treated as made when it is made or obligated to be made.

''(5)(A) If any person intends to make independent expenditures totaling $5,000 or more during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

''(B) Any statement under subparagraph (A) shall be filed with the Secretary of the Senate or the Commission, and the Secretary of State of the State involved, as appropriate, and shall identify each candidate whom the expenditure will support or oppose. The Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

''(6) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (1) or (2). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

''(7) At the same time as a candidate is notified under paragraph (3), (5), or (6) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 503(a).

''(8) The Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5).''.

(b) CONFORMING AMENDMENT.—Section 304(c)(2) of FECA (2 U.S.C. 434(c)(2)) is amended by striking the undesignated matter after subparagraph (C).

SEC. 10013. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking ''Whenever'' and inserting ''Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever'';

(2) in the matter before paragraph (1) of subsection (a), by striking ''an expenditure'' and inserting ''a disbursement'';

(3) in the matter before paragraph (1) of subsection (a), by striking ''direct'';

(4) in paragraph (3) of subsection (a), by inserting after ''name'' the following ''and permanent street address''; and

(5) by adding at the end the following new subsections:

''(c) Any printed communication described in subsection (a) shall be—

''(1) of sufficient type size to be clearly readable by the recipient of the communication;

''(2) contained in a printed box set apart from the other contents of the communication; and

''(3) consist of a reasonable degree of color contrast between the background and the printed statement.

''(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

''(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

''(A) states: 'I, (name of the candidate), am a candidate for (the office the candidate is seeking) and I have approved this message';

''(B) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

''(C) is accompanied by a clearly identifiable photographic or similar image of the candidate.

''(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

' is responsible for the content of this advertisement.'

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.''.

SEC. 10014. DEFINITIONS.

(a) IN GENERAL.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

''(19) The term 'eligible Senate candidate' means a candidate who is certified under section 504 as eligible to receive benefits under title V.

''(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office. Such term includes a primary election which may result in the election of a person to a Federal office.

''(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

''(A) the date of such general election; or

''(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

''(22) The term 'immediate family' means—

''(A) a candidate's spouse;

''(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

''(C) the spouse of any person described in subparagraph (B).

''(23) The term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

''(24) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

''(25) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

''(A) the date of the first primary election for that office following the last general election for that office; or

''(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

''(26) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

''(27) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

''(28) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

''(29) The term 'election cycle' means—

''(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

''(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.''.

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking ''mailing address'' and inserting ''permanent residence address''.

SEC. 10015. PROVISIONS RELATING TO FRANKED MASS MAILINGS.

Section 3210(a)(6)(C) of title 39, United States Code, is amended—

(1) by striking ''if such mass mailing is postmarked fewer than 60 days immediately before the date'' and inserting ''if such mass mailing is postmarked during the calendar year''; and

(2) by inserting ''or reelection'' immediately before the period.

Subtitle B—Independent Expenditures

SEC. 10021. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

''(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

''(i) contains express advocacy; and

''(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

''(B) The following shall not be considered an independent expenditure:

''(i) An expenditure made by a political committee of a political party.

''(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

''(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

''(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

''(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

''(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

''(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

''(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

''(vii) An expenditure if the person making the expenditure has consulted at any time during the calendar year in which the election is to be held about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

''(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

''(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person, and the term 'professional services shall include any services (other than legal and accounting services for purposes of ensuring compliance with this title) in support of any candidate's or candidates' pursuit of nomination for election, or election, to Federal office.

''(18) The term 'express advocacy' means, when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.''.

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking ''or'' after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).''.

SEC. 10022. EQUAL BROADCAST TIME.

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended to read as follows:

''(a)(1) If a licensee permits any person who is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (2), the licensee shall afford equal opportunities to all other such candidates for that office in the use of the broadcasting station.

''(2)(A) A person who reserves broadcast time the payment for which would constitute an independent expenditure within the meaning of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) shall—

''(i) inform the licensee that payment for the broadcast time will constitute an independent expenditure;

''(ii) inform the licensee of the names of all candidates for the office to which the proposed broadcast relates and state whether the message to be broadcast is intended to be made in support of or in opposition to each such candidate; and

''(iii) provide the licensee a copy of the statement described in section 304(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)).

''(B) A licensee who is informed as described in subparagraph (A) shall—

''(i) if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

''(I) notify such person of the proposed making of the independent expenditure; and

''(II) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure; and

''(ii) in the case of an opponent of a candidate for whose benefit the independent expenditure is made who certifies to the licensee that the opponent is eligible to have the cost of response broadcast time paid using funds derived from a payment made under section 503(a)(3)(B) of the Federal Election Campaign Act of 1971, afford the opponent such broadcast time without requiring payment in advance and at the cost specified in subsection (b).

''(3) A licensee shall have no power of censorship over the material broadcast under this section.

''(4) Except as provided in paragraph (2), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate.

''(5)(A) Appearance by a legally qualified candidate on a—

''(i) bona fide newscast;

''(ii) bona fide news interview;

''(iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

''(iv) on-the-spot coverage of bona fide news events (including political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

''(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from their obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

''(6)(A) A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

''(i) notice of the date and time of broadcast of the editorial;

''(ii) a taped or printed copy of the editorial; and

''(iii) a reasonable opportunity to broadcast a response using the licensee's facilities.

''(B) In the case of an editorial described in subparagraph (A) that—

''(i) is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial, and

''(ii) is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response.''.

Subtitle C—Expenditures

PART I—PERSONAL LOANS; CREDIT

SEC. 10031. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(j) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions received after the date of the general election for such election cycle may be used to repay such loans.

''(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.''.

SEC. 10032. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 10021(b), is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting ''; or''; and

(3) by inserting at the end the following new clause:

''(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other similar types of general public political advertising, if such extension of credit is—

''(I) in an amount of more than $1,000; and

''(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of a mailing.''.

PART II—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES

SEC. 10033. DEFINITIONS.

(a) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Clause (xii) of section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)(xii)) is amended—

(A) by inserting ''in connection with volunteer activities'' after ''such committee''; and

(B) by striking ''and'' at the end of subclause (2), by inserting ''and'' at the end of subclause (3), and by adding at the end the following new subclause:

''(4) such activities are conducted solely by, or any materials are distributed solely by, volunteers;''.

(2) Clause (ix) of section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)(ix)) is amended—

(A) by inserting ''in connection with volunteer activities'' after ''such committee'', and

(B) by striking ''and'' at the end of subclause (2), by inserting ''and'' at the end of subclause (3), and by adding at the end the following new subclause:

''(4) any materials in connection with such activities are prepared for distribution (and are distributed) solely by volunteers;''.

(b) GENERIC ACTIVITIES; STATE PARTY GRASSROOTS FUND.—Section 301 of FECA (2 U.S.C. 431), as amended by section ___15, is amended by adding at the end thereof the following new paragraphs:

''(30) The term 'generic campaign activity' means a campaign activity that promotes a political party rather than any particular Federal or non-Federal candidate.

''(31) The term 'State Party Grassroots Fund' means a separate segregated fund established and maintained by a State committee of a political party solely for purposes of making expenditures and other disbursements described in section 324(d).''.

SEC. 10034. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) to—

''(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000;

''(ii) any other political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a person to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $20,000; or''.

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) to—

''(i) a State Party Grassroots Fund established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000;

''(ii) to any other political committee established and maintained by a State committee of a political party which, in the aggregate, exceed $5,000,

except that the aggregate contributions described in this subparagraph which may be made by a multicandidate political committee to the State Party Grassroots Fund and all committees of a State Committee of a political party in any State in any calendar year shall not exceed $15,000; or''.

(c) OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended to read as follows:

''(3)(A) No individual shall make contributions during any election cycle (as defined in section 301(29)(B)) which, in the aggregate, exceed $60,000.

''(B) No individual shall make contributions during any calendar year—

''(i) to all candidates and their authorized political committees which, in the aggregate, exceed $25,000; or

''(ii) to all political committees established and maintained by State committees of a political party which, in the aggregate, exceed $20,000.

''(C) For purposes of subparagraph (B)(i), any contribution made to a candidate or the candidate's authorized political committees in a year other than the calendar year in which the election is held with respect to which such contribution is made shall be treated as made during the calendar year in which the election is held.''.

(d) PRESIDENTIAL CANDIDATE COMMITTEE TRANSFERS.—(1) Subparagraph (B) of section 315(b)(1) of FECA (2 U.S.C. 441a(b)(1)) is amended to read as follows:

''(B) in the case of a campaign for election to such office, an amount equal to the sum of—

''(i) $20,000,000, plus

''(ii) the lesser of—

''(I) 2 cents multiplied by the voting age population of the United States (as certified under subsection (e) of this section), or

''(II) the amounts transferred by the candidate and the authorized committees of the candidate to the national committee of the candidate's political party for distribution to State Party Grassroots Funds.''.

(2) Subparagraph (A) of section 9002(11) of the Internal Revenue Code of 1986 (defining qualified campaign expense) is amended by striking ''or'' at the end of clause (ii), by inserting ''or'' at the end of clause (iii), and by inserting at the end the following new clause ''(iv) any transfers to the national committee of the candidate's political party for distribution to State Party Grassroots Funds (as defined in section 301(31) of the Federal Election Campaign Act of 1971) to the extent such transfers do not exceed the amount determined under section 315(b)(1)(B)(ii) of such Act,''.

SEC. 10035. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—Title III of FECA is amended by inserting after section 323 the following new section:

''POLITICAL PARTY COMMITTEES

''SEC. 324. (a) LIMITATIONS ON NATIONAL COMMITTEE.—(1) A national committee of a political party and the congressional campaign committees of a political party may not solicit or accept contributions or transfers not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) Paragraph (1) shall not apply to contributions—

''(A) that—

''(i) are to be transferred to a State committee of a political party and are used solely for activities described in clauses (xi) through (xvii) of paragraph (9)(B) of section 301; or

''(ii) are described in section 301(8)(B)(viii); and

''(B) with respect to which contributors have been notified that the funds will be used solely for the purposes described in subparagraph (A).

''(b) ACTIVITIES SUBJECT TO THIS ACT.—Any amount solicited, received, expended, or disbursed directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to any of the following activities shall be subject to the limitations,

prohibitions, and reporting requirements of this Act:

''(1)(A) Any get-out-the-vote activity conducted during a calendar year in which an election for the office of President is held.

''(B) Any other get-out-the-vote activity unless subsection (c)(2) applies to the activity.

''(2) Any generic campaign activity.

''(3) Any activity that identifies or promotes a Federal candidate, regardless of whether—

''(A) a State or local candidate is also identified or promoted; or

''(B) any portion of the funds disbursed constitutes a contribution or expenditure under this Act.

''(4) Voter registration.

''(5) Development and maintenance of voter files during an even-numbered calendar year.

''(6) Any other activity that—

''(A) significantly affects a Federal election, or

''(B) is not otherwise described in section 301(8)(B)(xvii).

Any amount spent to raise funds that are used, in whole or in part, in connection with activities described in the preceding paragraphs shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

''(c) GET-OUT-THE-VOTE ACTIVITIES BY STATE, DISTRICT, AND LOCAL COMMITTEES OF POLITICAL PARTIES.—(1) Except as provided in paragraph (2), any get-out-the-vote activity for a State or local candidate, or for a ballot measure, which is conducted by a State, district, or local committee of a political party (including any subordinate committee) shall be subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) Paragraph (1) shall not apply to any activity which the State committee of a political party certifies to the Commission is an activity which—

''(A) is conducted during a calendar year other than a calendar year in which an election for the office of President is held,

''(B) is exclusively on behalf of (and specifically identifies only) one or more State or local candidates or ballot measures, and

''(C) does not include any effort or means used to identify or turn out those identified to be supporters of any Federal candidate (including any activity that is undertaken in coordination with, or on behalf of, a candidate for Federal office).

''(d) STATE PARTY GRASSROOTS FUNDS.—(1) A State committee of a political party may make disbursements and expenditures from its State Party Grassroots Fund only for—

''(A) any generic campaign activity;

''(B) payments described in clauses (v), (x), and (xii) of paragraph (8)(B) and clauses (iv), (viii), and (ix) of paragraph (9)(B) of section 301;

''(C) subject to the limitations of section 315(d), payments described in clause (xii) of paragraph (8)(B), and clause (ix) of paragraph (9)(B), of section 301 on behalf of candidates other than for President and Vice President;

''(D) voter registration; and

''(E) development and maintenance of voter files during an even-numbered calendar year.

''(2) Notwithstanding section 315(a)(4), no funds may be transferred by a State committee of a political party from its State Party Grassroots Fund to any other State Party Grassroots Fund or to any other political committee, except a transfer may be made to a district or local committee of the same political party in the same State if such district or local committee—

''(A) has established a separate segregated fund for the purposes described in paragraph (1); and

''(B) uses the transferred funds solely for those purposes.

''(e) AMOUNTS RECEIVED BY GRASSROOTS FUND FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1) Any amount received by a State Party Grassroots Fund from a State or local candidate committee for expenditures described in subsection (b) that are for the benefit of that candidate shall be treated as meeting the requirements of subsection (b) and section 304(e) if—

''(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount specified in section 315(a) (1)(A) and (2)(A); and

''(B) the State or local candidate committee—

''(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met; and

''(ii) certifies that such requirements were met.

''(2) For purposes of paragraph (1)(A), in determining whether the funds transferred meet the requirements of this Act described in such paragraph—

''(A) a State or local candidate committee's cash on hand shall be treated as consisting of the funds most recently received by the committee, and

''(B) the committee must be able to demonstrate that its cash on hand contains sufficient funds meeting such requirements as are necessary to cover the transferred funds.

''(3) Notwithstanding paragraph (1), any State Party Grassroots Fund receiving any transfer described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act, and shall submit to the Commission all certifications received, with respect to receipt of the transfer from such candidate committee.

''(4) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.''.

(b) CONTRIBUTIONS AND EXPENDITURES.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended by striking ''and'' at the end of clause (xiii), by striking the period at the end of clause (xiv) and inserting a semicolon, and by adding at the end the following new clauses:

''(xv) any amount contributed to a candidate for other than Federal office;

''(xvi) any amount received or expended to pay the costs of a State or local political convention;

''(xvii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

''(xviii) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

''(I) overhead, including party meetings;

''(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

''(III) conducting party elections or caucuses;

''(xix) any payment for research pertaining solely to State and local candidates and issues;

''(xx) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

''(xxi) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).''.

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by striking ''and'' at the end of clause (ix), by striking the period at the end of clause (x) and inserting a semicolon, and by adding at the end the following new clauses:

''(xi) any amount contributed to a candidate for other than Federal office;

''(xii) any amount received or expended to pay the costs of a State or local political convention;

''(xiii) any payment for campaign activities that are exclusively on behalf of (and specifically identify only) State or local candidates and do not identify any Federal candidate, and that are not activities described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1);

''(xiv) any payment for administrative expenses of a State or local committee of a political party, including expenses for—

''(I) overhead, including party meetings;

''(II) staff (other than individuals devoting a significant amount of their time to elections for Federal office and individuals engaged in conducting get-out-the-vote activities for a Federal election); and

''(III) conducting party elections or caucuses;

''(xv) any payment for research pertaining solely to State and local candidates and issues;

''(xvi) any payment for development and maintenance of voter files other than during the 1-year period ending on the date during an even-numbered calendar year on which regularly scheduled general elections for Federal office occur; and

''(xvii) any payment for any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office and which is not an activity described in section 324(b) (without regard to paragraph (6)(B)) or section 324(c)(1).''.

(c) LIMITATION APPLIED AT NATIONAL LEVEL.—Paragraph (3) of section 315(d) of FECA (2 U.S.C. 441a(d)(3)) is amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentence, the applicable congressional campaign committee of a political party shall make the expenditures described in this paragraph which are authorized to be made by a national or State committee with respect to a candidate in any State unless it allocates all or a portion of such expenditures to either or both of such committees.''.

(d) LIMITATIONS APPLY FOR ENTIRE ELECTION CYCLE.—Section 315(d)(1) of FECA (2 U.S.C. 441a(d)(1)) is amended by adding at the end the following new sentence: ''Each limitation under the following paragraphs shall apply to the entire election cycle for an office.''.

SEC. 10036. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 10031, is amended by adding at the end the following new subsection:

''(k) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS AND CERTAIN POLITICAL COMMITTEES.—(1) For purposes of this Act, a candidate for Federal office, an individual holding Federal office, or any agent of the candidate or individual may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

''(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

''(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under subsections (a) (1) and (2), and are not from sources prohibited by such subsections with respect to elections to Federal office.

''(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

''(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, an agent of such a candidate or individual, or any national, State, district, or local committee of a political party (including a subordinate committee) and any agent of such a committee.

''(3) The appearance or participation by a candidate for Federal office or individual holding Federal office in any fundraising event conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if such candidate or individual does not solicit or receive, or make disbursements from, any funds resulting from such activity.

''(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

''(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

''(A) holds a Federal office; or

''(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.''.

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

''(l) TAX-EXEMPT ORGANIZATIONS.—(1) If an individual is a candidate for, or holds, Federal office during any period, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

''(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual—

''(A) holds a Federal office; or

''(B) holds a position described in level I of the Executive Schedule under section 5312 of title 5, United States Code.''.

SEC. 10037. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434), as amended by section 10012(a), is amended by adding at the end thereof the following new subsection:

''(e) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

''(2) A political committee (not described in paragraph (1)) to which section 324 applies shall report all receipts and disbursements including separate schedules for receipts and disbursements for State Grassroots Funds described in section 301(31).

''(3) Any political committee to which section 324 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 324(d)(2) and shall itemize such amounts to the extent required by section 304(b)(3)(A).

''(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

''(5) If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as subsection (b) (3)(A), (5), or (6).

''(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).''.

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end thereof the following:

''(C) The exclusion provided in clause (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.''.

(c) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

''(f) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.''.

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Paragraph (4) of section 304(b) of FECA (2 U.S.C. 434(b)(4)) is amended by striking ''and'' at the end of subparagraph (H), by inserting ''and'' at the end of subparagraph (I), and by adding at the end the following new subparagraph:

''(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;''.

(2) NAMES AND ADDRESSES.—Subparagraph (A) of section 304(b)(5) of FECA (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking ''within the calendar year'', and

(B) by inserting '', and the election to which the operating expenditure relates'' after ''operating expenditure''.

Subtitle D—Contributions

SEC. 10041. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS; PROHIBITION ON CERTAIN CONTRIBUTIONS BY LOBBYISTS.

(a) CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.—Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

''(8) For purposes of this subsection:

''(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate. If a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.

''(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

''(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

''(ii) the intermediary or conduit is—

''(I) a political committee which is not described in subparagraph (E), a political party, or an officer, employee, or agent of either;

''(II) an individual whose activities are required to be reported under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or any successor Federal law requiring a person who is a lobbyist or foreign agent to report its activities;

''(III) a person which is prohibited from making contributions under section 316 or which is a partnership; or

''(IV) an officer, employee, or agent of a person described in subclause (II) or (III) acting on behalf of such person.

''(C)(i) The term 'contributions arranged to be made' includes—

''(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent by the person who arranged for the making of the contribution; and

''(II) contributions to a particular candidate or the candidate's authorized committee or agent that are made or arranged to be made so as to identify to the candidate or authorized committee or agent the person who arranged for the making of the contribution.

''(ii) The term 'acting on behalf of such person' includes the following activities by an officer, employee, or agent of a person described in subparagraph (B)(ii) (II) or (III):

''(I) Soliciting the making of a contribution to a particular candidate in the name of such a person.

''(II) Soliciting the making of a contribution to a particular candidate using other than incidental resources of such a person.

''(III) Soliciting contributions for a particular candidate by directing a substantial portion of the solicitations to other officers, employees, or agents of such a person.

''(iii) Except for purposes of subclauses (I) and (II) of clause (ii), an individual shall not be treated as an officer, employee, or agent of a person if—

''(I) in the case of a membership organization, the individual is a member of the organization, or

''(II) the individual serves on the board of the person and the individual does not receive any compensation from that person (or any subsidiary or affiliated person) by reason of serving in that capacity.

''(D) Nothing in this paragraph shall apply to—

''(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by 2 or more candidates acting on their own behalf;

''(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate or Federal officeholder; or

''(iii) the solicitation by an individual, using the individual's own resources and acting in the individual's own name, of contributions from other persons in a manner that does not identify the solicitor with the making of the contribution.

''(E)(i) For purposes of subparagraph (B)(ii)(I), a political committee described in this subparagraph is one which—

''(I) does not have a connected organization;

''(II) has not contracted for the services of, and does not employ on a full or part-time basis, any individual described in subparagraph (B)(ii)(II) during the same election cycle; and

''(III) is not affiliated with any person or organization that has contracted for the services of, or has employed on a full or part-time basis, any individual described in subparagraph (B)(ii)(II) during the same election cycle.

''(ii) For purposes of clause (i)(III), organizations are affiliated if they are established, financed, maintained, or controlled by the same person or group of persons. Evidence of such affiliation includes, but is not limited to—

''(I) common membership, employees, officers, or facilities;

''(II) the donation, contribution, or transfer of funds between the organizations;

''(III) the exchange, sharing, or disclosure of any membership, mailing, contributor, or other list of names; or

''(IV) the authority or ability to direct, or to participate in, the governance or decision-making of an organization.''

(b) REPORTING OF EARMARKED CONTRIBUTIONS.—Section 304, as amended by section 10037, is further amended by adding the following new subsection:

''(f) REPORTING OF EARMARKED CONTRIBUTIONS.—(1) An intermediary or conduit shall report the original source and the intended recipient of each contribution forwarded to a candidate in accordance with section 315(a)(8), and the identification of each contributor as required by subsection (b)(3). The intermediary or conduit shall also report the total amount of contributions made through the intermediary or conduit for each candidate to whom contributions were directed in the reporting period, the dates on which the contributions were received for that candidate, and the dates on which they were forwarded to the candidate.

''(2) An authorized committee which receives contributions through an intermediary or conduit shall report the total amount received through each intermediary or conduit in the reporting period, the dates the contributions were received, and the identification of each contributor as required by subsection (b)(3).''.

(c) PROHIBITION OF CERTAIN CONTRIBUTIONS BY LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 10036(b), is amended by adding at the end the following new subsection:

''(m)(1) A lobbyist, or a political committee controlled by a lobbyist, shall not make a contribution to—

''(A) a Federal officeholder or candidate for Federal office if, during the preceding 12 months, the lobbyist has made a lobbying contact with such officeholder or candidate; or

''(B) any authorized committee of the President or Vice President of the United States if, during the preceding 12 months, the lobbyist has made a lobbying contact with a covered executive branch official.

''(2) A lobbyist who, or a lobbyist whose political committee, has made any contribution to any member of Congress or candidate for Congress (or any authorized committee of the President) shall not, during the 12 months following such contribution, make a lobbying contact with such member or candidate who becomes a member of Congress or with a covered executive branch official.

''(3) For purposes of this subsection—

''(A) the term 'covered executive branch official' means the President, Vice President, any officer or employee of the executive office of the President other than a clerical or secretarial employee, any officer or employee serving in an Executive Level I, II, III, IV, or V position as designated in statute or Executive order, any officer or employee serving in a senior executive service position (as defined in section 3232(a)(2) of title 5, United States Code), any member of the uniformed services whose pay grade is at or in excess of 0-7 under section 201 of title 37, United States Code, and any officer or employee serving in a position of confidential or policy-determining character under schedule C of the excepted service pursuant to regulations implementing section 2103 of title 5, United States Code;

''(B) the term 'lobbyist' means—

''(i) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) or any successor Federal law requiring a person who is a lobbyist or foreign agent to register or a person to report its lobbying activities; or

''(C) the term 'lobbying contact'—

''(i) means an oral or written communication with or appearance before a member of Congress or covered executive branch official made by a lobbyist representing an interest of another person with regard to—

''(I) the formulation, modification, or adoption of Federal legislation (including a legislative proposal);

''(II) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government; or

''(III) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); but

''(ii) does not include a communication that is—

''(I) made by a public official acting in an official capacity;

''(II) made by a representative of a media organization who is primarily engaged in gathering and disseminating news and information to the public;

''(III) made in a speech, article, publication, or other material that is widely distributed to the public or through the media;

''(IV) a request for an appointment, a request for the status of a Federal action, or another similar ministerial contact, if there is no attempt to influence a member of Congress or covered executive branch official at the time of the contact;

''(V) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.);

''(VI) testimony given before a committee, subcommittee, or office of Congress a Federal agency, or submitted for inclusion in the public record of a hearing conducted by the committee, subcommittee, or office;

''(VII) information provided in writing in response to a specific written request from a member of Congress or covered executive branch official;

''(VIII) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

''(IX) made to an agency official with regard to a judicial proceeding, criminal or civil law enforcement inquiry, investigation, or proceeding, or filing required by law;

''(X) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

''(XI) a written comment filed in a public docket and other communication that is made on the record in a public proceeding;

''(XII) a formal petition for agency action, made in writing pursuant to established agency procedures; or

''(XIII) made on behalf of a person with regard to the person's benefits, employment, other personal matters involving only that person, or disclosures pursuant to a whistleblower statute.''.

''(5) For purposes of this subsection, a lobbyist shall be considered to make a lobbying contact or communication with a member of Congress if the lobbyist makes a lobbying contact or communication with—

''(A) the member of Congress;

''(B) any person employed in the office of the member of Congress; or

''(C) any person employed by a committee, joint committee, or leadership office who, to the knowledge of the lobbyist, was employed at the request of or is employed at the pleasure of, reports primarily to, represents, or acts as the agent of the member of Congress.''.

SEC. 10042. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 10041(c), is amended by adding at the end the following new subsection:

''(n) For purposes of this section, any contribution by an individual who—

''(1) is a dependent of another individual; and

''(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.''.

SEC. 10043. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

''(9) Notwithstanding paragraph (5)(B), a candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.''.

SEC. 10044. CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION.

Title III of FECA, as amended by section 10054, is amended by adding at the end the following new section:

''CONTRIBUTIONS AND EXPENDITURES USING MONEY SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION

''SEC. 326. It shall be unlawful for any person to—

''(1) cause another person to make a contribution or expenditure by using physical

force, job discrimination, financial reprisals, or the threat of physical force, job discrimination, or financial reprisal; or

''(2) make a contribution or expenditure utilizing money or anything of value secured in the manner described in paragraph (1).''.

SEC. 10045. PROHIBITION OF ACCEPTANCE BY A CANDIDATE OF CASH CONTRIBUTIONS FROM ANY ONE PERSON AGGREGATING MORE THAN $100.

Section 321 of FECA (2 U.S.C. 441g) is amended by inserting '', and no candidate or authorized committee of a candidate shall accept from any one person,'' after ''make''.

Subtitle E—Miscellaneous

SEC. 10051. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

''(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

''(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

''(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.''; and

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

''(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, finance, maintain, or control any Federal or non-Federal political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office. This paragraph shall not preclude a Federal officeholder who is a candidate for State or local office from establishing, financing, maintaining, or controlling a political committee for election of the individual to such State or local office.

''(B) For one year after the effective date of this paragraph, any political committee established before such date but which is prohibited under subparagraph (A) may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $1,000 to candidates for elective office.''.

SEC. 10052. TELEPHONE VOTING BY PERSONS WITH DISABILITIES.

(a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.—

(1) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(2) CONSULTATION.—The Federal Election Commission shall conduct the study described in paragraph (1) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(3) CRITERIA.—The system or systems developed pursuant to paragraph (1) shall—

(A) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who may desire to vote is discouraged from undertaking such travel;

(B) propose procedures to identify persons who are so disabled; and

(C) describe procedures and equipment that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the votes of persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(4) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(5) PHYSICAL ACCESS.—Nothing in this section is intended to supersede or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(6) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the effective date of this Act.

SEC. 10053. CERTAIN TAX-EXEMPT ORGANIZATIONS NOT SUBJECT TO CORPORATE LIMITS.

Section 316 of FECA (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

''(c) PROHIBITIONS NOT TO APPLY TO INDEPENDENT EXPENDITURES OF CERTAIN TAX-EXEMPT ORGANIZATIONS.—(1) Nothing in this section shall preclude a qualified nonprofit corporation from making independent expenditures (as defined in section 301(17)).

''(2) For purposes of this subsection, the term 'qualified nonprofit corporation' means a corporation exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 which is described in section 501(c)(4) of such Code and which meets the following requirements:

''(A) Its only express purpose is the promotion of political ideas.

''(B) It cannot and does not engage in any activities that constitute a trade or business.

''(C) Its gross receipts for the calendar year have not (and will not) exceed $100,000, and the net value of its total assets at any time during the calendar year do not exceed $250,000.

''(D) It was not established by a person described in section 501(c)(6) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code, a corporation engaged in carrying out a trade or business, or a labor organization, and it cannot and does not directly or indirectly accept donations of anything of value from any such person, corporation, or labor organization.

''(E) It—

''(i) has no shareholder or other person affiliated with it that could make a claim on its assets or earnings, and

''(ii) offers no incentives or disincentives for associating or not associating with it other than on the basis of its position on any political issue.

''(3) If a major purpose of a qualified nonprofit corporation is the making of independent expenditures, and the requirements of section 301(4) are met with respect to the corporation, the corporation shall be treated as a political committee.

''(4) All solicitations by a qualified nonprofit corporation shall include a notice informing contributors that donations may be used by the corporation to make independent expenditures.

''(5) A qualified nonprofit corporation shall file reports as required by section 304 (c) and (d).

SEC. 10054. AIDING AND ABETTING VIOLATIONS OF FECA.

Title III of FECA, as amended by section 10035, is amended by adding at the end the following new section:

''AIDING AND ABETTING VIOLATIONS

''SEC. 325. With reference to any provision of this Act that places a requirement or prohibition on any person acting in a particular capacity, any person who knowingly aids or abets the person in that capacity in violating that provision may be proceeded against as a principal in the violation.''.

SEC. 10055. CAMPAIGN ADVERTISING THAT REFERS TO AN OPPONENT.

Title III of FECA, as amended by section 10002, is amended by adding at the end the following new section:

''CAMPAIGN ADVERTISING THAT REFERS TO AN OPPONENT

''SEC. 328. (a) CANDIDATES.—A candidate or candidate's authorized committee that places in the mail a campaign advertisement or any other communication to the general public that directly or indirectly refers to an opponent or the opponents of the candidate in an election, with or without identifying any opponent in particular, shall file an exact copy of the communication with the Commission and with the Secretary of State of the candidate's State by no later than 12:00 p.m. on the day on which the communication is first placed in the mail to the general public.

''(b) PERSONS OTHER THAN CANDIDATES.—A person other than a candidate or candidate's authorized committee that places in the mail a campaign advertisement or any other communication to the general public that—

''(1) advocates the election of a particular candidate in an election; and

''(2) directly or indirectly refers to an opponent or the opponents of the candidate in the election, with or without identifying any opponent in particular,

shall file an exact copy of the communication with the Commission and with the Secretary of State of the candidate's State by no later than 12:00 p.m. on the day on which the communication is first placed in the mail to the general public.''.

SEC. 10056. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6)(A) of title 39, United States Code, is amended to read as follows:

''(A) A Member of Congress may not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that seat or for election to any other Federal office.''.

Subtitle F—Effective Dates; Authorizations

SEC. 10061. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by, and the provisions of, this title shall take effect on the date of the enactment of this title.

SEC. 10062. BUDGET NEUTRALITY.

(a) DELAYED EFFECTIVENESS.—The provisions of this title (other than this section) shall not be effective until the Director of

the Office of Management and Budget certifies that the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of legislation effectuating this title.

(b) FUNDING.—Legislation effectuating this title shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit.

SEC. 10063. SEVERABILITY.

Except as provided in section 10001(c), if any provision of this title (including any amendment made by this title), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this title, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 10064. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this title or amendment made by this title.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 10065. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out the provisions of this title within 9 months after the effective date of this title.

Mr. GLENN. Mr. President, Senator Sam Ervin, a great constitutional scholar, once said that Congress is ''like a doctor prescribing medicine for a patient that he himself would not take.'' I agree.

By enacting laws for others, and then exempting ourselves, we have done great damage to the public perception of Congress. When I travel in Ohio and other parts of the country, I find that people are especially irritated that we do not have to follow the rules like everybody else. Businessmen, especially, tell me that we in Congress cannot understand the real impact of our laws, because we do not have to follow them back here on Capitol Hill.

But there is an even more important principle at stake—to continue to deprive our employees of the full protection of the law is wrong. Let me be clear: I am not just talking about our legislative and administrative personnel—whom many people think of in terms of Capitol Hill staffers. There are also the cleaning crews, and the police, and the restaurant workers, and the parking lot attendants, and the plumbers, and the window washers—all of the workers who do not enjoy the same rights as every other American not employed by the Congress.

I am very pleased that, in these opening days of the 104th Congress, we can finally do what is right for these people, and eliminate this congressional double standard under which we have enacted laws that apply to everyone but ourselves.

This reform is long overdue. Our efforts to apply the law on Capitol Hill go back many years. In 1978—only a few years after I came to the Senate—I proposed a resolution to assure that all Senate employees would be protected against employment discrimination. In explaining why we needed this resolution, I said that Congress was The Last Plantation. Some of my colleagues were not happy with me for this. But the employees knew that what I said was true.

There resolution in 1978 did not pass, and it is only in the last few years that we have finally enacted substantial legal protection for Senate employees. Our Senate employees are now covered under the civil rights laws and certain other employment laws, and they can take their cases to the U.S. Court of Appeals. Despite this progress, however, we still have an unacceptable patchwork quilt of coverage and exemption here on Capitol Hill.

It has not been easy to solve this problem. My guiding principle has been that we in Congress should be subject to the same laws as apply to a business back in our home State. But many Members also believe that the Constitution requires us to preserve substantial independence of the Senate and of the House of Representatives.

This is not simply a matter of personal prerogative or ego. For the private sector, these laws are normally implemented by the executive branch and the judicial branch. But many Senators—both Democrats and Republicans—have expressed genuine concern about politically motivated prosecutions that might result if we ignore the principle of separation of powers as we apply these laws to Congress.

Last year, the majority leader, Senator MITCHELL, asked me—as chairman of the Governmental Affairs Committee—to try to find a bipartisan solution. I started with the excellent bill introduced last year by Senators LIEBERMAN and GRASSLEY. Then, together with Senator LIEBERMAN, Senator GRASSLEY, and other Senators from both sides of the aisle, we worked hard to reach a solution—and we succeeded. We included even stronger application of the laws to Congress, and we also included stronger protection of the constitutional independence of the Senate and the House. Our legislation won broad bipartisan support, but it was unfortunately blocked on the Senate floor in the closing days of the 103d Congress.

I am very gratified that our solution to congressional coverage now stands an excellent chance of being enacted by the new Congress. The new Democratic leader, Senator DASCHLE, is introducing our congressional accountability legislation, as part of a comprehensive congressional reform proposal.

This proposal includes a number of reforms of the way Congress does business, including measures on lobbying disclosure and gifts to Members. These essential measures, which I support, were also blocked—along with congressional coverage—at the end of the last Congress.

The first part of the Democratic leader's bill, which deals with congressional coverage, is entitled the Congressional Accountability Act of 1995. This legislation can be briefly summarized in five key elements.

First, all of the rights and protections under the civil rights laws, other employment statutes, and the public-access requirements of the Americans with Disabilities Act would apply to the legislative branch. This includes the Senate, the House of Representatives, and our support agencies.

Second, a new compliance office would be established within the legislative branch to handle claims and to issuerules. The compliance office would be headed by an independent five-person board of directors removable only for cause.

It is unfortunate that we have to create a new enforcement bureaucracy, at a time when we are more concerned about streamlining the government. But many Members believe that it would violate the constitutional separation of powers to have the executive branch enforce these laws against Congress.

Third, any employee who believes there has been a violation could receive counseling and mediation services from the new office. If the employee's claim is not resolved by counseling or mediation, the employee may file a complaint with the compliance office and receive a hearing and decision from a hearing officer. This decision may be appealed to the board and to the U.S. Court of Appeals.

Fourth, instead of filing a complaint with the compliance office after counseling and mediation, the employee may elect to sue in U.S. District Court. A jury trial may be requested under applicable law.

Fifth, the board will appoint a general counsel, who will enforce OSHA, collective bargaining requirements, and other laws.

A similar bill is being introduced as part of Senator DOLE's top-priority legislation. With this strong bipartisan support, I am very optimistic that congressional coverage legislation can now be promptly enacted.

So I am very pleased that there now appears to be bipartisan support for the Congressional Accountability Act. And I will be as pleased as anyone when it is finally adopted.

But make no mistake about it: There is nothing new about this measure. Congressional coverage legislation was adopted by the democratically controlled House of Representatives last year. Congressional coverage legislation was sent to the Senate floor by my democratically controlled Governmental Affairs Committee last year.

And, unfortunately, it died in the final days of the democratically controlled Congress in that scorched Earth atmosphere—the worst I have ever seen in my 20 years in the Senate—that saw

Members opposing for the sake of opposing—and even killing good legislation that they themselves supported—in order to deny credit to the majority party.

Well, I will tell you something. I was not proud of what went on in those final days, and I do not think the American people were either. For they know that America did not rise to become the greatest nation in the world by trying to out-delay, out-complain, and out-divide our political opposition.

And—although it is easier said than done—it is high time that Members started to put the national interest first. To calculate their actions based not on the narrow political calculations of today—but on what is best for the country tomorrow.

If Republicans and Democrats alike can just remember that, I believe that we can have a very productive session.

The Congressional Accountability Act is a good place to start. And I am very pleased that it is being introduced as part of Senator DASCHLE's comprehensive congressional reform proposal.

KEY ELEMENTS OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

1. Rights and Protections under Civil Rights and other employment statutes and Americans with Disabilities Act would apply fully to the House, the Senate, and all instrumentalities.

2. A new compliance office would be established within the Legislative Branch to handle claims and issue rules.

The compliance office would be headed by an independent 5-percent Board of Directors removable only for cause.

3. An employee who believes there has been a violation could receive counseling and mediation services from the new office.

4. If the employee's claim is not resolved by counseling or mediation, the employee may file a complaint with the compliance office and receive a hearing and decision from a hearing officer.

This decision may be appealed to the Board and to the United States Court of Appeals.

5. Instead of filing a complaint with the compliance office after counseling and medication, the employee may elect to sue in United States District Court. A jury trial may be requested under applicable law.

6. The General Counsel, to be appointed by the Board, will enforce OSHA, collective bargaining requirements, and other laws.

SUMMARY OF COSTS AND OTHER IMPACTS OF CONGRESSIONAL ACCOUNTABILITY ACT

The CBO letter, at pages 44–49 of the GAC Report (and the CBO letter for the House bill) describes the following costs:

1. New compliance office:

$1 million/year for 2 years, during start-up.

$2–3 million/year thereafter, including enforcement procedures and OSHA inspections.

2. Settlements and awards to employees:

$0.5–1 million/year.

3. Federal labor-management relations

$1 million/year for lawyers and personnel officers.

4. OSHA

Existing standards—will require change in practices rather than significant additional space or cost.

Possible future standards (e.g., ergonomic equipment; air quality)—without specific standards, cost cannot be predicted.

5. Fair Labor Standards

Capitol police—$0.8 million/year.

Other employees—CBO could not estimate. [CBO assumed the compliance office would have wide discretion in establishing rules and in allowing compensatory time instead of overtime. This is incorrect: bill requires private-sector rules.]

6. Anti-discrimination laws—no additional cost, because these requirements already apply under statutes or rules.

7. Polygraph protection—no effect; polygraphs are not used.

8. Plant closing—no effect; no mass layoffs are anticipated.

9. Veterans rehiring—not scored by CBO; added to the legislation this year.

TOTAL ESTIMATE: $1 million/year for the 2 years, $4–5 million/year thereafter.

SUMMARY OF LAWS AND PROCEDURES

1. APPLICABLE LAWS

a. Laws against employment discrimination:

Title VII of Civil Rights Act of 1964. (Race, religion, national origin)

Age Discrimination in Employment Act of 1967.

Title I of the Americans with Disabilities Act of 1990.

Rehabilitation Act of 1973. (Discrimination against disabled employees)

These laws already apply; the bill would strengthen enforcement.

b. Family and Medical Leave Act of 1993. (Employees may take up to 3 months off per year, for personal or family medical needs, including birth)

Already applies; the bill would strengthen enforcement.

c. Fair Labor Standards Act of 1938. (Minimum wage; overtime; sex discrimination in pay)

Use of volunteers would be allowed under the same standards as apply to state and local governments.

For employees whose work schedule depends on the schedule of house or Senate, special rules will be developed for overtime, comparable to statutory provisions for industries with irregular work schedule.

d. Americans with Disabilities Act of 1990 (access to public services and public accommodations.

Already applies; the bill would allow enforcement.

e. Occupational Safety and Health Act of 1970 (''OSHA'').

f. Federal Service Labor-Management Relations Statute.

Application to personal, committee, or other political offices would be deferred until rules are issued by the new Office and approved by Congress.

g. Employee Polygraph Protection Act. (Prohibits use of polygraphs for employees and job applicants, with exceptions like national security and policy)

h. Worker Adjustment and Retraining Act. (Requires 2 months advance written notice of plant closing or mass layoff, with exceptions like necessity.)

i. Law on veterans' employment and reemployment. (Veterans can get job back after up to 5 years' military service. They also get the right to RAMSPEK into the Executive Branch.)

2. PROCEDURES FOR REMEDY

a. For employee claims (discrimination, family/medical leave standards, fair labor standards, polygraph, plant closing, veterans rehiring) there would be a 5-step procedure:

counseling.

Mediation.

Trial before a hearing officer.

Appeal to the new Office's Board

Appeal to the U.S. Court of Appeals.or

Employees could elect to take case to Federal District Court after the mediation step, instead of the hearing officer.

b. For Americans with Disabilities Act:

A member of the public may submit a charge to the General Counsel of the Office.

Only the General Counsel may call for mediation, or file a complaint.

Appeal to the Board.

Appeal to the U.S. Court of Appeals.

c. For OSHA, the following procedural steps will be available:

The General Counsel will inspect all facilities, using OSHA detailees, and issue citations.

Disputes regarding citations will be referred to a hearing officer.

Appeal to the Board.

Appeal to the Court of Appeals.

The Board may also approve requests for temporary variances.

d. For collective bargaining law, the following procedural steps will be available:

Petitions (e.g., requesting recognition of an exclusive representative) will be considered by the Board, and could be referred by the Board to a hearing officer.

Unfair labor practice charges—would be submitted to the General Counsel, who will investigate and may file a complaint. The complaint would be referred to a hearing officer for decision, subject to appeal to the Board.

Negotiation impasses would be submitted to mediators.

court of Appeals review of Board decisions.

Mr. LEAHY. Mr. President, I am pleased to cosponsor S. 10. This bill could be called the Golden Rule bill because its premise boils down to Congress doing unto ourselves as we do unto others. I would be tempted to say that this is a reform whose time has come, if it were not already so painfully overdue.

When I first arrived in Washington as a newly elected Senator from Vermont, I was struck by the double standard of rights. Congress passed laws that applied to employers in this country—except Congress. It was alien to anything I had ever experienced.

Contrary to advice from older and far more senior Members of the Senate, in 1978 I introduced a bill that would extend coverage of several important civil rights and labor laws to Congress. It was a simple bill, founded on a simple premise: Congress, like everyone else in the country, must be governed by the law.

Congress was not the last plantation, where everyone except the master was subject to the master's rules. The Senate represented the very seat of our democracy—and it was imperative that it act like one.

I introduced the bill, explaining on the Senate floor why Congress must set an example to the public. The reaction of other Senators was not entirely friendly. As I was leaving the Senate floor, a senior Senator stopped to ask where I was rushing off to. I explained that I had a plane to catch back to Vermont. The Senator remarked, ''Good, I hope you stay there.''

My efforts to apply laws to Congress did not get much support in 1978. But I believed in it, and have continued to introduce it in the years since then. Now, almost 17 years after I first introduced congressional coverage legislation, we seem finally ready to act.

We have passed landmark legislation like the Civil Rights Act of 1964, the Fair Labor Standards Act, the Occupational Safety and Health Act and the Rehabilitation Act of 1973, to protect the civil, social, physical, and economic working rights for American workers. What we failed to do each time we passed legislation was make sure that Congress was covered. By exempting itself from important civil rights and labor laws, Congress denied to the men and women who serve us every day the rights and protections afforded to other American workers, simply because of the place of their employment.

The result has come home to roost. The American people question whether Congress understands their problems in part because Congress does not have to live under the same rules as other Americans. This bill is a step toward regaining the confidence of the American people.

Congress cannot be above the laws it passes. It must provide to all its employees the same protections it requires other employers to give. The American people want this body to play by the same rules and observe the same laws that we impose on everyone else.

Unlike the Republican version of the congressional coverage bill, the Democratic alternative (S. 10), which I am glad to cosponsor, contains provisions for lobbying reform, and limits on gifts to Members and congressional staff. The Republican version is called the Congressional Accountability Act, even though it fails to address matters that are necessary for it to amount to true accountability to the American people. In fact, that bill is limited to extending only a few employment laws to Congress but not other critical measures that we were stopped from approving last year by our Republican colleagues. That bill does not address the key issues needed for accountability that we have been trying to act on for some time.

In particular, I refer to lobbying reform, the gift ban and campaign finance reform legislation that was bottled up again last year. We should be moving on these important fronts if we are serious about accountability. The Republican bill merely lends some institutional responsibility to our remaining employees. Accountability should include responsibility to the rest of the American people, as well. That means reforming the way money can affect the legislative process. I am supporting S. 10 because it goes further than the Republican alternative and takes affirmative steps to provide that accountability.

I must observe, however, that this effort is deficient in one key regard for its failure to increase sunshine and public information about Congress. I have previously pressed to have principles of the Freedom of Information Act and Privacy Act apply to Congress. We need to have more open processes if we hope to restore Americans' belief in our representative legislative bodies. While it is true that simply applying FOIA questions, this bill does nothing to begin answering those questions and makes no effort toward increasing sunshine in our institutions of government.

I have no doubt that giving people greater access to information on how decisions are made in Congress would go a long way to reducing the cynicism that the American people have about what we do here. We must work to find ways to increase our openness and accessibility to the public.

By Mr. KYL:

S. 11. A bill to award grants to States to promote the development of alternative dispute resolution systems for medical malpractice claims, to generate knowledge about such systems through expert data gathering and assessment activities, to promote uniformity and to curb excesses in State liability systems through federally-mandated liability reforms, and for other purposes; to the Committee on the Judiciary.

MEDICAL CARE INJURY COMPENSATION ACT

Mr. KYL. Mr. President, I rise as the sponsor of S. 11, the ''Medical Care Injury Compensation Act of 1995.'' As the 104th Congress begins to consider targeted, market based health care reform options, we should remember that medical malpractice costs are an integral component of the high cost of medical care and health insurance. The current medical malpractice system encourages litigation and exorbitant out-of-court settlements. According to a Lewin-VHI study, direct liability costs have been growing at four times the rate of inflation. Defensive medicine is projected to add as much as $76 billion annually to national health care costs by the year 2000. Doctors' fear is reasonable when viewed in light of a study done by the Institute of Medicine which found that 40% of all doctors and 70% of all obstetrician-gynecologists will be sued during their careers.

Mr. President, medical liability costs do not result in the productive use of our national health care dollars. According to a study by the Hudson Institute, of the billions spent annually on medical liability costs, 57 cents out of each dollar goes to lawyers rather than injured patients. This study concluded that medical liability costs added $450 in direct and indirect costs to each hospital admission. Nationally, this represents more than 5% of the average hospital's operating expenses.

In an effort to address this problem through sensible targeted reform, I have introduced S. 11. This legislation caps non-economic damages such as pain and suffering at $250,000; imposes a limit on attorneys' fees of 25% of the first $150,000 recovered and 15% of any amount in excess of $150,000; provides for periodic payments where damages for future economic loss exceed $100,000; provides for mandatory offsets for damages paid by a ''collateral source;'' and reforms ''joint and several'' liability.

S. 11 also directs the Secretary of Health and Human Services to make grants to the states for the implementation and evaluation of alternative dispute resolution (ADR) systems.

Mr. President, I believe S. 11 offers an important legislative mechanism for controlling national health care expenditures. I hope may colleagues will join me in support S. 11.

By Mr. ROTH (for himself, Mr. BREAUX, Mr. PRYOR, and Mr. MURKOWSKI):

S. 12. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Finance.

THE RESTORATION OF THE IRA ACT OF 1995

Mr. ROTH. Mr. President, today we re-introduce the Super IRA, a savings plan that is well-known as the Bentsen-Roth IRA, and now the Roth-Breaux IRA. The former Chairman of the Finance Committee, and Secretary of the Treasury, Lloyd Bentsen, joined with me to offer his leadership on this almost four years ago—and now I believe we are on the verge of completing our work of seeing this bill adopted.

Today I'm proud to be joined by Senator JOHN BREAUX, in introducing this bill. I believe that this bill is extremely well conceived and promotes the two most important issues facing us today: the family and the failure of our economy.

It is clear, after passing the Bentsen-Roth IRA twice in 1992, that Congress not only understands the need to strengthen family and the economy, but that Congress is willing to work in bipartisan cooperation to pass this legislation. We have done it before; we can do it again.

This Super IRA will do much not only to serve our families and help our nation's savings rate, but it will also restore equity to spouses who want to participate in the program. The lack of savings in this country, as we all know, has reached crisis proportions. Chairman Alan Greenspan, at the Federal Reserve, has said that the single most important long-term economic issue for this country is savings—savings that are essential for jobs, opportunity, and growth. This bill will help bring new savers into the act.

Savings is not only important to our nation's economy, it is also important to create security and self-reliance in our families. This Super IRA will help Americans. It is flexible, allowing withdrawals to be made penalty-free to purchase first homes, to pay for unusually large medical bills, college educations, and to help families during extended periods of unemployment.

One of the primary benefits of this Super IRA is that parents and grandparents are able to draw down their IRAs without penalty to pay their children's college education, or contribute

toward their children's first home. Children and grandchildren can use their IRAs to help their parents and grandparents. This is what real ''opportunity'' is all about—''opportunity'' for the family—''opportunity'' because once again Americans can focus on self-reliance and prepare with greater certainty for their futures.

Let me stress, this Super IRA eliminates the unequal treatment of spouses that now exists under current law. This bill will allow spouses [husbands or wives] who work at home to make equal IRA contributions, up to $2,000, in their own accounts.

This promotes personal responsibility. The individual is enabled to provide for his or her family, and does not have to rely on the limited hand of government for their support.

Mr. President, it's clear to see why this is a bill whose time has come. We have passed it before—in both Houses of Congress—now we must pass it again. It serves the individual. It serves the family. It serves the nation. It is equitable, restoring spousal contributions to where they should be. It is flexible, offering penalty-free withdrawals for life's necessities. It promises the vital capital formation America needs to invest in its future. And it builds upon the very important concept of self-reliance. Mr. President, this bill must be passed, again.

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

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

S. 12

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Savings and Investment Incentive Act of 1995''.

(b) 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—RETIREMENT SAVINGS INCENTIVES

Subtitle A—Restoration of IRA Deduction

SEC. 101. RESTORATION OF IRA DEDUCTION.

(a) PHASE-UP OF INCOME LIMITS.—

(1) IN GENERAL.—Subparagraph (B) of section 219(g)(3) (relating to applicable dollar amount) is amended to read as follows:

''(B) APPLICABLE DOLLAR AMOUNT.—The term 'applicable dollar amount' means the following:

''(i) In the case of a taxpayer filing a joint return:

''For taxable years beginning in:	The applicable dollar amount is:
1995	$65,000
1996	$90,000
1997	$115,000
1998	$140,000.

''(ii) In the case of any other taxpayer (other than a married individual filing a separate return):

''For taxable years beginning in:	The applicable dollar amount is:
1995	$50,000
1996	$75,000
1997	$100,000
1998	$125,000.

''(iii) In the case of a married individual filing a separate return, zero.''.

(2) UNLINKING OF SPOUSAL RULE.—Paragraph (1) of section 219(g) (relating to limitation on deduction for active participants in certain pension plans) is amended by striking ''or the individual's spouse''.

(b) TERMINATION OF INCOME LIMITS.—

(1) IN GENERAL.—Section 219 (relating to deduction for retirement savings), as amended by section 102, is amended by striking subsection (g) and by redesignating subsections (h) and (i) as subsection (g) and (h), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Subsection (f) of section 219 is amended by striking paragraph (7).

(B) Paragraph (5) of section 408(d) is amended by striking the last sentence.

(C) Section 408(o) is amended by adding at the end the following new paragraph:

''(5) TERMINATION.—This subsection shall not apply to any designated nondeductible contribution for any taxable year beginning after December 31, 1998.''.

(D) Section 408A(c)(2)(A), as added by section 111, is amended by striking ''(computed without regard to subsections (b)(4) and (g) of such section)'' and inserting ''(computed without regard to section 219(b)(4))''.

(E) Subsection (b) of section 4973 is amended by striking the last sentence.

(c) EFFECTIVE DATES.—

(1) PHASE-UP.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1994.

(2) TERMINATION.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1998.

SEC. 102. INFLATION ADJUSTMENT FOR DEDUCTIBLE AMOUNT.

(a) IN GENERAL.—Section 219, as amended by section 101(a), is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) COST-OF-LIVING ADJUSTMENTS.—

''(1) DEDUCTION AMOUNT.—

''(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1995, the $2,000 amount under subsection (b)(1)(A) shall be increased by an amount equal to the product of $2,000 and the cost-of-living adjustment for the calendar year.

''(B) ROUNDING TO NEXT LOWEST $500.—If the amount to which $2,000 would be increased under subparagraph (A) is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500.

''(2) RELATED AMOUNTS.—Each of the dollar amounts contained in subsection (c)(2) shall be increased at the same time, and by the same amount, as the increase under paragraph (1).

''(3) COST-OF-LIVING ADJUSTMENT.—For purposes of this subsection:

''(A) IN GENERAL.—The cost-of-living adjustment for any calendar year is the percentage (if any) by which—

''(i) the CPI for such calendar year, exceeds

''(ii) the CPI for 1994.

''(B) CPI FOR ANY CALENDAR YEAR.—The CPI for any calendar year shall be determined in the same manner as under section 1(f)(4).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking ''in excess of $2,000 on behalf of any individual'' and inserting ''on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)''.

(2) Section 408(b)(2)(B) is amended by striking ''$2,000'' and inserting ''the dollar amount in effect under section 219(b)(1)(A)''.

(3) Section 408(j) is amended by striking ''$2,000''.

SEC. 103. HOMEMAKERS ELIGIBLE FOR FULL IRA DEDUCTION.

(a) SPOUSAL IRA COMPUTED ON BASIS OF COMPENSATION OF BOTH SPOUSES.—Subsection (c) of section 219 (relating to special rules for certain married individuals) is amended to read as follows:

''(c) SPECIAL RULES FOR CERTAIN MARRIED INDIVIDUALS.—

''(1) IN GENERAL.—In the case of an individual to whom this paragraph applies for the taxable year, the limitation of paragraph (1) of subsection (b) shall be equal to the lesser of—

''(A) $2,000, or

''(B) the sum of—

''(i) the compensation includible in such individual's gross income for the taxable year, plus

''(ii) the compensation includible in the gross income of such individual's spouse for the taxable year reduced by the amount allowable as a deduction under subsection (a) to such spouse for such taxable year.

''(2) INDIVIDUALS TO WHOM PARAGRAPH (1) APPLIES.—Paragraph (1) shall apply to any individual if—

''(A) such individual files a joint return for the taxable year, and

''(B) the amount of compensation (if any) includible in such individual's gross income for the taxable year is less than the compensation includible in the gross income of such individual's spouse for the taxable year.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 219(f) (relating to other definitions and special rules) is amended by striking ''subsections (b) and (c)'' and inserting ''subsection (b)''.

(2) Paragraph (2) of section 219(h), as added by section 102, is amended by striking ''Each of the dollar amounts'' and inserting ''The dollar amount''.

(3) Section 408(d)(5) is amended by striking ''$2,250'' and inserting ''$2,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 104. CERTAIN COINS AND BULLION NOT TREATED AS COLLECTIBLES.

(a) IN GENERAL.—Paragraph (3) of section 408(m) (relating to exception for certain coin) is amended to read as follows:

''(3) EXCEPTION FOR CERTAIN COINS AND BULLION.—For purposes of this subsection, the term 'collectible' shall not include—

''(A) any coin certified by a recognized grading service and traded on a nationally recognized electronic network, or listed by a recognized wholesale reporting service, and—

''(i) which is or was at any time legal tender in the country of issuance, or

''(ii) issued under the laws of any State, and

''(B) any gold, silver, platinum, or palladium bullion (whether fabricated in the form of a coin or otherwise) of a fineness equal to or exceeding the minimum fineness required for metals which may be delivered in satisfaction of a regulated futures contract subject to regulation by the Commodity Futures Trading Commission under the Commodity Exchange Act,

if such coin or bullion is in the physical possession of a trustee described under subsection (a) of this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 105. COORDINATION OF IRA DEDUCTION LIMIT WITH ELECTIVE DEFERRAL LIMIT.

(a) IN GENERAL.—Section 219(b) (relating to maximum amount of deduction) is amended by adding at the end the following new paragraph:

''(4) COORDINATION WITH ELECTIVE DEFERRAL LIMIT.—The amount determined under paragraph (1) or subsection (c)(1) with respect to any individual for any taxable year shall not exceed the excess (if any) of—

''(A) the maximum amount of elective deferrals of the individual which are excludable from gross income for the taxable year under section 402(g)(1), over

''(B) the amount so excluded.''.

(b) CONFORMING AMENDMENT.—Section 219(c), as amended by section 104, is amended by adding at the end the following new paragraph:

''(3) CROSS REFERENCE.—

''For reduction in paragraph (1) amount, see subsection (b)(4).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

Subtitle B—Nondeductible Tax-Free IRAs

SEC. 111. ESTABLISHMENT OF NONDEDUCTIBLE TAX-FREE INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after section 408 the following new section:

''SEC. 408A. IRA PLUS ACCOUNTS.

''(a) GENERAL RULE.—Except as provided in this section, an IRA Plus account shall be treated for purposes of this title in the same manner as an individual retirement plan.

''(b) IRA PLUS ACCOUNT.—For purposes of this title, the term 'IRA Plus account' means an individual retirement plan which is designated at the time of establishment of the plan as an IRA Plus account.

''(c) TREATMENT OF CONTRIBUTIONS.—

''(1) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to an IRA Plus account.

''(2) CONTRIBUTION LIMIT.—The aggregate amount of contributions for any taxable year to all IRA Plus accounts maintained for the benefit of an individual shall not exceed the excess (if any) of—

''(A) the maximum amount allowable as a deduction under section 219 with respect to such individual for such taxable year (computed without regard to subsections (b)(4) and (g) of such section), over

''(B) the amount so allowed.

''(3) ROLLOVER CONTRIBUTIONS.—

''(A) IN GENERAL.—No rollover contribution may be made to an IRA Plus account unless it is a qualified transfer.

''(B) COORDINATION WITH LIMIT.—A rollover contribution shall not be taken into account for purposes of paragraph (2).

''(d) TAX TREATMENT OF DISTRIBUTIONS.—

''(1) IN GENERAL.—Except as provided in this subsection, any amount paid or distributed out of an IRA Plus account shall not be included in the gross income of the distributee.

''(2) EXCEPTION FOR EARNINGS ON CONTRIBUTIONS HELD LESS THAN 5 YEARS.—

''(A) IN GENERAL.—Any amount distributed out of an IRA Plus account which consists of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution shall be included in the gross income of the distributee for the taxable year in which the distribution occurs.

''(B) CROSS REFERENCE.—

''For additional tax for early withdrawal, see section 72(t).

''(C) ORDERING RULE.—

''(i) FIRST-IN, FIRST-OUT RULE.—Distributions from an IRA Plus account shall be treated as having been made—

''(I) first from the earliest contribution (and earnings allocable thereto) remaining in the account at the time of the distribution, and

''(II) then from other contributions (and earnings allocable thereto) in the order in which made.

''(ii) ALLOCATIONS BETWEEN CONTRIBUTIONS AND EARNINGS.—Any portion of a distribution allocated to a contribution (and earnings allocable thereto) shall be treated as allocated first to the earnings and then to the contribution.

''(iii) ALLOCATION OF EARNINGS.—Earnings shall be allocated to a contribution in such manner as the Secretary may by regulations prescribe.

''(iv) CONTRIBUTIONS IN SAME YEAR.—Except as provided in regulations, all contributions made during the same taxable year may be treated as 1 contribution for purposes of this subparagraph.

''(3) ROLLOVERS.—

''(A) IN GENERAL.—Paragraph (2) shall not apply to any distribution which is transferred in a qualified transfer to another IRA Plus account.

''(B) CONTRIBUTION PERIOD.—For purposes of paragraph (2), the IRA Plus account to which any contributions are transferred from another IRA Plus account shall be treated as having held such contributions during any period such contributions were held (or are treated as held under this subparagraph) by the account from which transferred.

''(4) SPECIAL RULES RELATING TO CERTAIN TRANSFERS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, in the case of a qualified transfer to an IRA Plus account from an individual retirement plan which is not an IRS Plus account—

''(i) there shall be included in gross income any amount which, but for the qualified transfer, would be includible in gross income, but

''(ii) section 72(t) shall not apply to such amount.

''(B) TIME FOR INCLUSION.—In the case of any qualified transfer which occurs before January 1, 1997, any amount includible in gross income under subparagraph (A) with respect to such contribution shall be includible ratably over the 4-taxable year period beginning in the taxable year in which the amount was paid or distributed out of the individual retirement plan.

''(e) QUALIFIED TRANSFER.—For purposes of this section, the term 'qualified transfer' means a transfer to an IRA Plus account from another such account or from an individual retirement plan but only if such transfer meets the requirements of section 408(d)(3).''.

(b) EARLY WITHDRAWAL PENALTY.—Section 72(t), as amended by section 201(c), is amended by adding at the end the following new paragraph:

''(8) RULES RELATING TO IRA PLUS ACCOUNTS.—In the case of an IRA Plus account under section 408A—

''(A) this subsection shall only apply to distributions out of such account which consist of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution, and

''(B) paragraph (2)(A)(i) shall not apply to any distribution described in subparagraph (A).''.

(c) EXCESS CONTRIBUTIONS.—Section 4973(b) is amended by adding at the end the following new sentence: ''For purposes of paragraphs (1)(B) and (2)(C), the amount allowable as a deduction under section 219 shall be computed without regard to section 408A.''

(d) CONFORMING AMENDMENT.—The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 408 the following new item:

''Sec. 408A. IRA Plus accounts.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1994.

(2) QUALIFIED TRANSFERS IN 1994.—The amendments made by this section shall apply to any qualified transfer during any taxable year beginning in 1994.

TITLE II—PENALTY-FREE DISTRIBUTIONS

SEC. 201. DISTRIBUTIONS FROM CERTAIN PLANS MAY BE USED WITHOUT PENALTY TO PURCHASE FIRST HOMES OR TO PAY HIGHER EDUCATION OR FINANCIALLY DEVASTATING MEDICAL EXPENSES.

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

''(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR FIRST HOME PURCHASES OR EDUCATIONAL EXPENSES.—Distributions to an individual from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii)—

''(i) which are qualified first-time homebuyer distributions (as defined in paragraph (6)), or

''(ii) to the extent such distributions do not exceed the qualified higher education expenses (as defined in paragraph (7)) of the taxpayer for the taxable year.''.

(b) FINANCIALLY DEVASTATING MEDICAL EXPENSES.—

(1) IN GENERAL.—Section 72(t)(3)(A) is amended by striking ''(B),''.

(2) CERTAIN LINEAL DESCENDANTS AND ANCESTORS TREATED AS DEPENDENTS.—Subparagraph (B) of section 72(t)(2) is amended by striking ''medical care'' and all that follows and inserting ''medical care determined—

''(i) without regard to whether the employee itemizes deductions for such taxable year, and

''(ii) by treating such employee's dependents as including—

''(I) all children and grandchildren of the employee or such employee's spouse, and

''(II) all ancestors of the employee or such employee's spouse.''.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 72(t)(2) is amended by striking ''or (C)'' and inserting '', (C) or (D)''.

(c) DEFINITIONS.—Section 72(t) is amended by adding at the end the following new paragraphs:

''(6) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(D)(i):

''(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual, the spouse of such individual, or any child, grandchild, or ancestor of such individual or the individual's spouse.

''(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

''(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph:

''(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if—

''(I) such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 2-year period ending on the date of acquisition of the principal residence to which this paragraph applies, and

''(II) subsection (a)(6), (h), or (k) of section 1034 did not suspend the running of any period of time specified in section 1034 with respect to such individual on the day before the date the distribution is applied pursuant to subparagraph (A)(ii).

''(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

''(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

''(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

''(II) on which construction or reconstruction of such a principal residence is commenced.

''(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If any distribution from any individual retirement plan fails to meet the requirements of subparagraph (A) solely by reason of a delay or cancellation of the purchase or construction of the residence, the amount of the distribution may be contributed to an individual retirement plan as provided in section 408(d)(3)(A)(i) (determined by substituting '120 days' for '60 days' in such section), except that—

''(i) section 408(d)(3)(B) shall not be applied to such contribution, and

''(ii) such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

''(7) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)(ii):

''(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

''(i) the taxpayer,

''(ii) the taxpayer's spouse, or

''(iii) any child (as defined in section 151(c)(3)), grandchild, or ancestor of the taxpayer or the taxpayer's spouse,

at an eligible educational institution (as defined in section 135(c)(3)).

''(B) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.''.

(d) PENALTY-FREE DISTRIBUTIONS FOR CERTAIN UNEMPLOYED INDIVIDUALS.—Paragraph (2) of section 72(t) is amended by adding at the end the following new subparagraph:

''(E) DISTRIBUTIONS TO UNEMPLOYED INDIVIDUALS.—A distribution from an individual retirement plan to an individual after separation from employment, if—

''(i) such individual has received unemployment compensation for 12 consecutive weeks under any Federal or State unemployment compensation law by reason of such separation, and

''(ii) such distributions are made during any taxable year during which such unemployment compensation is paid or the succeeding taxable year.

To the extent provided in regulations, a self-employed individual shall be treated as meeting the requirements of clause (i) if, under Federal or State law, the individual would have received unemployment compensation but for the fact the individual was self-employed.''.

(e) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking ''or'' at the end of subclause (III), by striking ''and'' at the end of subclause (IV) and inserting ''or'', and by inserting after subclause (IV) the following new subclause:

''(V) the date on which qualified first-time homebuyer distributions (as defined in section 72(t)(6)) or distributions for qualified higher education expenses (as defined in section 72(t)(7)) are made, and''.

(2) Section 403(b)(11) is amended by striking ''or'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', or'', and by inserting after subparagraph (B) the following new subparagraph:

''(C) for qualified first-time homebuyer distributions (as defined in section 72(t)(6)) or for the payment of qualified higher education expenses (as defined in section 72(t)(7)).''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after the date of the enactment of this Act.

TITLE III—AID TO FAMILIES WITH DEPENDENT CHILDREN

SEC. 301. DISREGARD OF INCOME AND RESOURCES DESIGNATED FOR EDUCATION, TRAINING, AND EMPLOYABILITY.

(a) DISREGARD AS RESOURCE.—Section 402(a)(7)(B) of the Social Security Act (42 U.S.C. 602(a)(7)(B)) is amended—

(1) by striking ''or'' before ''(iv)'', and

(2) by inserting '', or (v) at the option of the State, in the case of a family receiving aid under the State plan (and a family not receiving such aid but which received such aid in at least 1 of the preceding 4 months or became ineligible for such aid during the preceding 12 months because of excessive earnings), any amount not to exceed $8,000 in a qualified asset account (as defined in section 406(i)) of such family'' before ''; and''.

(b) DISREGARD AS INCOME.—

(1) IN GENERAL.—Section 402(a)(8)(A) of such Act (42 U.S.C. 602(a)(8)(A)) is amended—

(A) by striking ''and'' at the end of clause (vii), and

(B) by inserting after clause (viii) the following new clause:

''(ix) shall disregard any interest or income earned on a qualified asset account (as defined in section 406(i)); and''.

(2) NONRECURRING LUMP SUM EXEMPT FROM LUMP SUM RULE.—Section 402(a)(17) of such Act (42 U.S.C. 602(a)(17)) is amended by adding at the end the following: ''; and that this paragraph shall not apply to earned or unearned income received in a month on a nonrecurring basis to the extent that such income is placed in a qualified asset account (as defined in section 406(i)) the total amount in which, after such placement, does not exceed $8,000;''.

(3) TREATMENT AS INCOME.—Section 402(a)(7) of such Act (42 U.S.C. 602(a)(7)) is amended—

(A) by striking ''and'' at the end of subparagraph (B),

(B) by striking the semicolon at the end of subparagraph (C) and inserting ''; and'', and

(C) by adding at the end the following new subparagraph:

''(D) shall treat as income any distributions from a qualified asset account (as defined in section 406(i)(1)) which do not meet the definition of a qualified distribution under section 406(i)(2);''.

(c) QUALIFIED ASSET ACCOUNTS.—Section 406 of such Act (42 U.S.C. 606) is amended by adding at the end the following:

''(i)(1) The term 'qualified asset account' means a mechanism approved by the State (such as individual retirement accounts, escrow accounts, or savings bonds) that allows savings of a family receiving aid to families with dependent children to be used for qualified distributions.

''(2) The term 'qualified distributions' means distributions for expenses directly related to one or more of the following purposes:

''(A) The attendance of a member of the family at any education or training program.

''(B) The improvement of the employability (including self-employment) of a member of the family (such as through the purchase of an automobile).

''(C) The purchase of a home for the family.

''(D) A change of the family residence.''.

(d) STUDY OF USE OF QUALIFIED ASSET ACCOUNTS; REPORT.—The Secretary of Health and Human Services shall conduct a study of the use of qualified asset accounts established pursuant to the amendments made by this section, and shall report on such study and any recommendations for modifications of such amendments to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than January 1, 1998.

(e) REPORT ON AFDC ASSET LIMIT ON AUTOMOBILES.—Within 3 months after the date of the enactment of this section, the Secretary of Health and Human Services shall submit to the Congress a report on—

(1) the need to revise the limitation, established in regulations pursuant to section 402(a)(7)(B)(i) of the Social Security Act, on the value of a family automobile required to be disregarded by a State in determining the eligibility of the family for aid to families with dependent children under the State plan approved under part A of title IV of such Act, and

(2) the extent to which such a revision would increase the employability of recipients of such aid.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1995, with respect to accounts approved on or after such date and before October 1, 1998.

THE CASE FOR INDIVIDUAL RETIREMENT ACCOUNTS:

THE NEED FOR SAVINGS

There is a growing consensus in Congress that demonstrates Members agree Americans must save their money and become self-reliant. The lack of savings in this country has reached crisis proportions—THERE IS A SAVINGS CRISIS! The personal saving rate in America has decreased steadily over the past 25 years, falling from 8 percent in the 1960's and 70's, to less than 4 percent today. According to the Congressional Budget Office, the national saving rate was only 1.7 percent in 1993, down from 3 percent from 1981 to 1993. The Chairman of the Federal Reserve, Alan Greenspan, has said that the single most important long-term economic issue for this country is that of national savings. There is a growing consensus that it is the responsibility of Congress to help Americans save, to empower our families toward self-reliance. And I strongly believe that removing the savings penalties in the tax code is the best way to increase this nation's savings rate and self-reliance.

We all know the statistics: the British and Germans save twice as much, while the Japanese and French save at a rate more than

three times that of Americans, largely—I believe—because of their tax incentives. Consequently, Japan has the highest personal saving rate among advanced nations, and ample funds needed to finance capital investment in the best and most productive equipment. Thus Japanese business and workers have the most advanced tools available in the global marketplace. Meanwhile, the U.S. government levies a heavy tax burden on saving and capital. Though the American economy has many strengths, our tax policy hampers our ability to compete with the advantages offered by Japan. Our punitive antisavings and anti-investment tax code is crippling our competitiveness at a turning point in economic history. We must remember that we cannot tax ourselves into prosperity. By suppressing saving and capital investment now, we are crippling our economy for the challenges of the further.

Increase savings will produce more high paying jobs, increase productivity, stimulate economic growth and help enable us to compete with our competitors abroad.

ENCOURAGING SAVINGS

One of the most important questions is how to encourage Americans to save more. That is why we have crafted this bill to bring new savers into the act. We must recognize that there are other important reasons for Americans to save long-term, besides the pressing economic needs of our country and the need for retirement. For example, our young people today have an almost impossible time scraping together a down-payment for their first home. Our families find it more and more difficult to save for their children college education. And, our older Americans worry about their security as retirement approaches.

Consequently, the best answer to meet our savings needs is to allow Americans to save for what they need most. And that is the approach that we have taken in drafting this legislation. This legislation allows savers the chance to use the IRA to help them pay for a college education, buy their first home, pay for financially devastating health costs or cover family costs during an extraordinary period of unemployment. By allowing Americans the ability to withdrew IRA savings—savings once reserved for retirement only—for these four additional purposes, without a penalty for early withdrawal, we have greatly enhanced the flexibility of the IRA and strongly encouraged Americans to put more savings away. One of the primary benefits of this new withdrawal feature is that parents and grandparents would be allowed to draw down their IRA without penalty to pay their children's college education, or contribute toward their children's first home. Increased savings is essential in order to allow Americans to take greater control of their own economic future.

This is what ''personal responsibility'' is all about. The individual should provide for his or her family, and should not rely on the limited hand of government for their support. This government can not continue the course it is on by creating more and more programs to pay for every need, but it can afford to encourage individuals to provide for themselves.

As 76 million baby boomers move toward middle-age, it is essential that they purchase their own homes, be prepared to pay for their children's college costs, as well provide for their own retirement. A recent study has shown that baby boomers are savings only one-third the amount that they need for retirement. Another study has shown that American families headed by individuals age 45 to 54 have median financial assets of only $2,600. This is a course for declining living standards, as well as economic insecurity. The time to act is now!

INCREASING U.S. COMPETITIVENESS

I mentioned earlier that this new IRA offers a renewed opportunity to increase America's competitiveness in the emerging global economy. It's an opportunity born by the fact that savings equal investment, investment equals jobs, and jobs equal a strong, vibrant economy. It has been estimated that after the first year this legislation is enacted, IRA deposits will increase by as much as $40 billion. This represents long-awaited capital that the U.S. needs for investment, manufacturing, education, infrastructure and other important goals. With a Japanese savings rate of about three times the U.S. rate, and a cost of capital of about one-fourth that of the U.S., it is no wonder that we are lagging behind in the international race to compete in the world.

Added savings of $40 billion and more from increasing annual IRA deposits is likely to be the best solution. And don't forget the benefit to the already weakened financial infrastructure in this country. The estimated additional deposits in U.S. banks in the first year alone from this legislation would be about $16 billion—money needed to provide productive loans and investment in this country for years to come. I believe the IRA will go a long way toward helping our financial institutions provide the loans to business that they must.

Perhaps with the added savings from IRAs we can further our own investment in the U.S. rather than U.S. investments by others. In fact, in recent years, over half of net domestic investment has been financed by capital from abroad. While this foreign saving has contributed to U.S. economic growth over the years, we are beginning to see why continued reliance on these inflows is not a viable policy. Over long periods, for advanced countries, the rate of domestic investment tracks closely the supply of domestic saving. Ultimately, the U.S. must move from a position of current account deficit to surplus and capital outflow, as foreigners receive the returns on their investment in the U.S. If that is to happen without a relative reduction in U.S. living standards, U.S. productive capacity must be increased and so must U.S. savings.

THE MOST IMPORTANT REASON TO SAVE

It's clear to see why this is a bill whose time has come, however ... the most important reason to pass it is to meet the needs of the most basic unit of our society. It's time we get back to the family. Only by allowing American families the opportunity—and even the right—to strengthen themselves can we expect society to be strengthened as a whole. We've tried to work around this elementary truth for years now—some thinking that government programs can replace the basic family unit. Well, we've come full circle—back to the understanding that it was family and community values that built a strong America. The aging of our citizens brings an ever-increasing urgency to the need to encourage national savings. As the baby-boom bulge grows older and reaches retirement, the family cost of long-term care and other health costs as well as leisure activities during retirement will grow dramatically. At the same time the size of the working population will be declining. Our children cannot continue to pay the cost of our retirement—the answer is to begin planning now. Recent statistics show that the average American family is ill-prepared for retirement. A new analysis on the financial wealth of American families finds that half of American families currently have below $1,000 in net financial assets. In fact, the study found that families headed by individuals under the age of 45 have median net financial assets of just $700. Even those on the verge of retirement, aged 55 to 64, have median financial assets of only $6,880. Overall, the median level of net financial assets for all U.S. families amounts to only about $1,000.

A detailed study by two Princeton Economists, and released by Merrill Lynch, shows that members of the Baby Boom generation are saving at just one-third the rate needed to provide them with a secure retirement at age 65. The Baby Boom Index was determined to be 35.9 percent. This index measures the rate at which the oldest Baby Boomers, those born between 1946 and 1956, are accumulating the savings they will need to retire at age 65, and maintain a standard of living consistent with pre-retirement years. This study makes it absolutely clear that unless the 76 million Baby Boomers begin to save and invest at a far higher rate in the next few years, they will face an insecure retirement, that could last as long as the time they spent in the work force. This generation of Baby boomers will begin to retire in just 18 short years! President Clinton, a Baby Boomer himself, should be acutely aware of this problem, and I am pleased that he has adopted our legislation as part of his budget proposal this year.

The fact is, this study understates the severity of the Baby Boom savings shortfall! First, it assumes that all of a household's financial assets will be available to help pay for retirement, but in reality, these funds will be used for other things, like a child's education or a parent's health care. Secondly, Baby Boomers are expected to live longer in retirement than earlier generations and, therefore, will need more savings at the outset.

SUMMARY

So there are really two primary reasons to increase our country's national savings rate. First, it will allow the American Family to provide for themselves through their own resources, and second, it will allow our children and our children's children to become more productive because of badly needed new capital. The national crisis we face because of a decade of low savings rates will only grow worse if we fail to act—particularly as foreign investors begin to withdraw their funds for their own country's needs and as our ever-increasing aging population continues. We must agree that increasing our saving rate will lower interest rates, cut the cost of capital, reduce our reliance on foreign investment and improve our standard of living. Most importantly, now is the time to act, before it is too late.

DESCRIPTION OF PROVISIONS

MAKE DEDUCTIBLE IRAS AVAILABLE TO ALL AMERICANS

Under the bill, all Americans would be eligible for fully deductible IRAs. Current law only allows those taxpayers who are not covered by any other pension arrangement, and those income does not exceed $40,000 ($25,000 singles) to be eligible for a fully deductible IRA. These income limits would be gradually lifted over time.

The $2,000 contribution limit will be indexed for inflation in $500 increments in the year in which the indexed amount exceeds the next $500 increase.

No longer will a spouse be ''deemed'' to have a pension plan because their husband or wife has one. If the individual does not have a pension plan at work, regardless of their income level, they will qualify for an IRA to the extent of their ''earned income.''

The bill would allow all spouses who work at home—husbands or wives—to have an equal stake by having their own IRA on an equivalent basis. Thus, work at home

spouses would be allowed to contribute up to $2,000 to their own IRA, thus increasing the current $250 limit to the same level as other workers.

NEW KIND OF IRA OPTION

Taxpayers will be offered a new choice of IRA. Under this new ''IRA Plus'' Account, contributions will not be deductible, but if the assets remain in the account for at least 5 years, all income will be tax free when it is withdrawn. A 10 percent penalty will apply to early withdrawals, unless they meet one of the four exceptions below.

Taxpayers can contribute up to $2,000 to either a traditional IRA, or the new IRA. They can also allocate any portion of the $2,000 limit to the different accounts (e.g. $1,000 to a traditional IRA and $1,000 to the new IRA).

PENALTY-FREE IRA WITHDRAWALS FOR IMPORTANT PURPOSES

The 10 percent penalty on early withdrawals (those before age 59½ or 5 years for the new IRA) will be waived if the funds are used to buy a first home, to pay educational expenses, to cover catastrophic health care costs or during periods of unemployment after collecting 12 weeks or more of unemployment compensation. Taxpayers will still be liable for the income tax due on the withdrawal, but no penalty will apply.

Parents and grandparents can make penalty-free withdrawals for college or home expenses of a child or grandchild. Children and grandchildren can make penalty-free withdrawals for health costs in excess of 7½ percent of the income of their parents and grandparents. An individual wanting to go back to school after being in the workforce could use the IRA to save for anticipated education or retraining expenses. The withdrawal rules apply across generations and between spouses.

PENALTY-FREE 401(K) AND 403(B) WITHDRAWALS

Similar penalty-free withdrawal rules will apply to 401(k) and 403(b) employer sponsored plans for purposes of buying a first home, education or unemployment costs. Penalty-free withdrawals are already allowed for medical expenses for these plans.

Section 401(k) and 403(b) plans are employer-provided retirement plans allowing employees to make pre-tax contributions out of their paychecks. Currently, once an employee makes a contribution to a 401(k) or 403(b) plan, withdrawals are generally subject to a 10 percent penalty tax like that applied to early withdrawals from IRAs.

CONVERSION OF IRAS INTO IRA PLUS ACCOUNTS

Taxpayers will be allowed to ''convert'' their old IRA savings into IRA Plus Accounts without penalty. They must, however, pay the ordinary income tax due on previously deducted contributions, as well as any earnings transferred. If the conversion is made before 1997, the taxpayer can spread the tax payments out over a 4-year period.

By Ms. MOSELEY-BRAUN:

S. 13. A bill to require a Congressional Budget Office analysis of each bill or joint resolution reported in the Senate or House of Represenatives to determine the impact of any Federal mandates in the bill or joint resolution; to the Committee on the Budget and the committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one committee reports, the other committee has 30 days to report or be discharged.

MANDATES COST DISCLOSURE LEGISLATION

● Ms. MOSELEY-BRAUN. Mr. President, 2 years ago, when I came to the Senate, I started asking Federal agencies for information about the cost of Federal mandates on State and local governments. The costs of Federal mandates was a significant issue when I served in State and local government in Illinois. State and local officials believe their budgets are unduly pressured because the Federal Government has pushed additional requirements on State and local governments, without the funding necessary to cover the additional costs.

To my surprise, most of the Federal establishment appeared to be totally unaware of the impact that Federal mandates have on State and local governments. There was almost a total absence of information on the mandates issues, and much of the government did not even known what a mandate was.

The first bill I introduced in the Senate in 1993 was designed to help ensure that this important issue was addressed. I am reintroducing this legislation today.

My bill was the first piece of legislation introduced in the 103d Congress to address the issue of unfunded mandates. It tried to ensure that Federal officials would be informed of the cost impact, in addition to the benefit, of any mandates they vote to enact. I am also cosponsoring S. 1 because it incorporates this component of my bill, and I will work for its passage.

Mr. President, this legislation does not prohibit the Federal Government for issuing new mandates, nor does it repeal any existing Federal mandates. Instead, it simply requires that the Senate have information on any mandates in proposed legislation before it when the legislation is considered by the full Senate.

The legislation adds a section to committee reports on proposed bills. This new section, which would be prepared by the Congressional Budget Office, would include information on: No. 1, the cost to State and local governments of complying with any Federal mandates in the reported bill, and No. 2, the extent to which Federal funds, either contained in the bill or otherwise, cover the costs of complying with the mandates.

In addition, the legislation requires the Congressional Budget Office to issue an annual report on the cumulative costs of complying with Federal mandates in all enacted bills, together with an analysis of the extent to which Federal funds cover the costs of complying with the mandates.

For purposes of the CBO analysis, a Federal mandate is a provision in a reported or enacted bill that: requires the creation or expansion of a State and/or local service or activity; requires standards different from existing State and/or local law or practice in delivering a service or in conducting an activity; creates additional personnel or other administrative costs for State and/or local governments; or requires contracting procedures different from or in addition to those required under existing State and/or local law or practice.

Senate reports already require a CBO analysis of the proposed reported bill's impact on the Federal budget. In addition, committee reports are required to contain information on the regulatory impact of proposed reported bills on businesses and individuals. This legislation fills in the remaining major gap—the impact of the legislation on State and local governments.

I am well aware, Mr. President, of the budget pressures that have encouraged the Federal Government to add mandates on State and local governments, and I am not suggesting that every mandate is inappropriate. I do believe, however, that the Senate should know what it is doing, that it should know the impact a proposed bill has on State and local governments, so that Senators can cast informed votes.

I think my colleagues will agree that the Senate should have information on the impact Federal mandates have on State and local governments, and that the time to have that information is before the Senate votes on bills on the floor. I urge the Senate to promptly enact this simple but necessary piece of legislation.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

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

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

SECTION 1. AMENDMENT TO THE CONGRESSIONAL BUDGET ACT OF 1974.

Section 202 of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following:

''(i) FEDERAL MANDATES.—

''(1) The Director shall analyze each bill or joint resolution reported in the Senate or the House of Representatives to determine—

''(A) the cost to State and local governments of complying with any Federal mandates in the reported bill or joint resolution; and

''(B) the extent to which Federal funds, either in the bill or joint resolution, or otherwise, cover the costs of complying with the mandates.

''(2) The Director shall annually determine the cumulative costs of complying with Federal mandates in all bills or joint resolutions enacted in the preceding year and the extent to which Federal funds cover the costs of complying with such mandates.

''(3) For purposes of this subsection, the term 'Federal mandate' means a provision that—

''(A) requires creation or expansion of a State or local service or activity;

''(B) requires standards different from State or local law or practice in delivering a service or in conducting an activity;

''(C) creates additional personnel or other administrative costs for State and local governments; or

''(D) requires contracting procedures different from or in addition to those required under State or local law or practice.''.

SEC. 2. REPORT REQUIRED FOR SENATE CONSIDERATION.

Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in subparagraph (c) by striking ''(a) and (b)'' and inserting ''(a), (b), and (c)'';

(2) by redesignating subparagraph (c) as subparagraph (d); and

(3) by inserting after subparagraph (b) the following:

''(c) Each such report shall also contain an evaluation by the Congressional Budget Office of any Federal mandates in the bill or joint resolution as required by section 202(i) of the Congressional Budget Act of 1974.''.●

N O T I C E

Incomplete record of Senate proceedings.

Today's Senate proceedings will be continued in the next issue of the Record.

Daily Digest

HIGHLIGHTS

First session of the One Hundred Fourth Congress convened.

House passed congressional accountability measure.

Senate

Chamber Action

Routine Proceedings, pages S1–S171

Measures Introduced: One hundred forty-nine bills and thirty-eight resolutions were introduced, as follows: S. 1–149, S.J. Res. 1–12, S. Res. 1–25, and S. Con. Res. 1. **Pages S47–52**

Reports of a Committee: Pursuant to the order of the Senate of December 1, 1994, the following reports were filed:

Report on the Inquiry into the U.S. Park Police Investigation of the Death of White House Deputy Counsel Vincent W. Foster, Jr. (S. Rept. No. 103–433, Vol. I)

Report on the Communications Between Officials of the White House and the U.S. Department of the Treasury on the Resolution Trust Corporation. (S. Rept. No. 103–433, Vol. II) **Page S47**

Administration of Oath of Office: The Senators-elect were administered the oath of office by the Vice President. **Pages S4–5**

Measures Passed:

Notification to the President: Senate agreed to S. Res. 1, providing that a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to inform the President of the United States that a quorum of each House is assembled. Subsequently, Senators Dole and Daschle were appointed by the Vice President. **Page S6**

Notification to the House of Representatives: Senate agreed to S. Res. 2, informing the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business. **Page S6**

Hour of Daily Meeting: Senate agreed to S. Res. 3, fixing the hour of daily meeting of the Senate at 12 o'clock meridian, unless otherwise provided. **Page S6**

Electing President pro tempore: Senate agreed to S. Res. 4, electing the Honorable Strom Thurmond, of South Carolina, as President pro tempore of the Senate. **Page S6**

Notifying President of the Election of President pro tempore: Senate agreed to S. Res. 5, notifying the President of the United States of the election of Senator Thurmond as President pro tempore of the Senate. **Page S6**

Election of Secretary of the Senate: Senate agreed to S. Res. 6, electing Sheila Burke as Secretary of the Senate. **Page S6**

Election of Sergeant at Arms and Doorkeeper of the Senate: Senate agreed to S. Res. 7, electing Howard O. Green, Jr., as the Sergeant at Arms and Doorkeeper of the Senate. **Page S6**

Election of Secretary for the Majority: Senate agreed to S. Res. 8, electing Elizabeth B. Greene as the Secretary for the Majority. **Page S6**

Notification to the President: Semate agreed to S. Res. 9, notifying the President of the United States of the election of a Secretary of the Senate. **Pages S6–7**

Election of Secretary for the Minority: Senate agreed to S. Res. 10, electing C. Abbott Saffold as the Secretary for the Minority. **Page S7**

Notification to the House: Senate agreed to S. Res. 11, notifying the House of Representatives of the election of Senator Thurmond as President pro tempore of the Senate. **Page S7**

Notification to the House: Senate agreed to S. Res. 12, notifying the House of Representatives of the election of a Secretary of the Senate. **Page S7**

Amending Senate Rules: Senate agreed to S. Res. 13, amending Rule XXV of the Standing Rules of the Senate. **Pages S7–8**

Majority Committee Appointments: Senate agreed to S. Res. 15, making majority party appointments to certain Senate committees for the 104th Congress. **Page S8**

Minority Committee Appointments: Senate agreed to S. Res. 16, making minority party appointments to Senate committees under paragraph 2 of Rule XXV for the One Hundred and Fourth Congress. **Pages S8, S44**

Subsequently, the resolution was modified. **Page S44**

Amending Senate Rules: Senate agreed to S. Res. 17, to amend paragraph 4 of Rule XXV of the Standing Rules of the Senate. **Pages S8–9, S44**

Subsequently, the resolution was modified. **Page S44**

Reappointment of Senate Legal Counsel: Senate agreed to S. Res. 18, relating to the reappointment of Michael Davidson as Senate Legal Counsel. **Page S10**

Majority Committee Appointments: Senate agreed to S. Res. 20, making majority party appointments to certain Senate committees for the 104th Congress. **Page S10**

Displaced Staff Member: Senate agreed to S. Res. 25, relating to section 6 of S. Res. 458 of the 98th Congress. **Page S44**

Amending Senate Rules: Senate began consideration of S. Res. 14, amending paragraph 2 of the Rule XXV of the Standing Rules of the Senate. **Pages S30–44**

Pending:

Harking Amendment No. 1, amend the Standing Rules of the Senate to permit cloture to be invoked by a decreasing majority vote of Senators down to a majority of all Senators duly chosen and sworn. **Pages S30–44**

A unanimous-consent time agreement was reached providing for further consideration of the pending amendment on Thursday, January 5, with a vote on a motion to table the amendment to occur thereon. **Page S44**

Senate will continue consideration of the resolution on Thursday, January 5.

Measure Indefinitely Postponed:

Committee Funding: Senate indefinitely postponed further consideration of S. Res. 19, to express the sense of the Senate that the Committee on Rules and Administration when it reports the committee funding resolution for 1995–96 it should reduce funding for committees by 15% from the level provided for 1993–94. **Pages S10, S45**

Unanimous-Consent Agreements:

Select Committee on Ethics: Senate agreed that, for the duration of the 104th Congress, the Select Committee on Ethics be authorized to meet during the session of the Senate. **Page S9**

Time for Rollcall Votes: Senate agreed that, for the duration of the 104th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcoll votes are of 10 minutes' duration, the warning signal be sounded at the beginning of the last 7½ minutes. **Page S9**

Authority to Receive Reports: Senate agreed that, during the 104th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate. **Page S9**

Recognition of Leadership: Senate agreed that the majority and minority leaders may daily have up to 10 minutes on each calendar day following the prayer and disposition of the reading, or the approval of, the Journal. **Page S9**

House Parliamentarian Floor Privileges: Senate agreed that the Parliamentarian of the House of Representatives and his three assistants be given the privilege of the floor during the 104th Congress. **Page S9**

Printing of Conference Reports: Senate agreed that, notwithstanding the provisions of Rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed. **Page S9**

Authority for Appropriations Committee: Senate agreed that the Committee on Appropriations be authorized during the 104th Congress to file reports during adjournments or recesses of the Senate on appropriation bills, including joint resolutions, together with any accompanying notices of motions to

suspend Rule XVI, pursuant to Rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendment shall be printed. **Pages S9–10**

Authority for Corrections in Engrossment: Senate agreed that, for the duration of the 104th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions. **Pages S9–10**

Authority to Receive Messages and Sign Enrolled Measures: Senate agreed that, for the duration of the 104th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States and—with the exception of House bills, joint resolutions, and concurrent resolutions-messages from the House of Representatives, that they be appropriately referred, and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions. **Pages S9–10**

Privileges of the Floor: Senate agreed that, for the duration of the 104th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, an that the Sergeant-at-Arms be instructed to rotate such staff members as space allows. **Pages S9–10**

Referral of Treaties and Nominations: Senate agreed that for the duration of the 104th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day. **Pages S9–10**

Appointments:

Commission on the Roles and Capabilities of the U.S. Intelligence Community: The Chair announced the following appointment made by the Republican Leader, Senator Dole, During the sine die adjournment: Pursuant to provisions of Public Law 103–359, the appointment of Senator Warner and David H. Dewhurst, of Texas, as members of the Commission on the Roles and Capabilities of the United States Intelligence Community. **Page S45**

National Bankruptcy Review Commission: The Chair announced the following appointment made by the President pro tempore, Senator Byrd, during the sine die adjournment: Pursuant to provisions of Public Law 103–394, and upon the recommendation of the Republican Leader, the appointment of James I. Shepard, of California, as a member of the National Bankruptcy Review Commission. **Page S45**

Commission on Protecting and Reducing Government Secrecy: The Chair announced the following appointment made by the Democratic Leader, Senator Mitchell, during the sine die adjournment: Pursuant to provisions of Public Law 103–236, the appointment of Senator Moynihan and Samuel P. Huntington, of New York, as members of the Commission on Protecting and Reducing Government Secrecy. **Page S45**

John C. Stennis Center for Public Training and Development: The Chair announced the following appointment made by the Democratic Leader, Senator Mitchell, during the sine die adjournment: Pursuant to provisions of Public Law 100–458, Sec. 114(b)(1)(2), the reappointment of William Winter to a six-year term on the Board of Trustees of the John C. Stennis Center for Public Training and Development, effective Oct. 11, 1994. **Page S45**

Nominations Received: Senate received the following nominations:

Robert E. Rubin, of New York, to be Secretary of the Treasury.

Robert E. Rubin, of New York, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

Ronna Lee Beck, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Linda Kay Davis, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Eric T. Washington, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years. **(See next issue.)**

Messages From the House: **Page S45**

Communications: **Page S45**

Petitions: **Pages S45–47**

Statements on Introduced Bills:

S553–S171 (continued next issue)

Additional Cosponsors: **(See next issue.)**

Amendments Submitted: **(See next issue.)**

Notices of Hearings: **(See next issue.)**

Additional Statements: **(See next issue.)**

Quorum Calls: One quorum call was taken today. (Total—1) **(See next issue.)**

Adjournment: Senate convened at 12 noon, and recessed at 9:10 p.m., until 10 a.m., on Thursday, January 5, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S45.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: [Bills and resolutions introduced today will be printed in a future issue of the RECORD.]

Reports Filed: The following reports were filed subsequent to the sine die adjournment of the One Hundred Third Congress:

Report entitled ''Activities of the Committee on Education and Labor During the 103d Congress'' (H. Rept. 103–872, filed on December 13, 1994);

Report entitled ''Summary of Activities of the Committee on Standards of Official Conduct During the 103d Congress'' (H. Rept. 103–873, filed on December 13, 1994);

Report entitled ''Activities and Summary Report of the Committee on the Budget During the 103d Congress'' (H. Rept. 103–874, filed on December 19, 1994);

Report entitled ''Legislative Review Activity During the 103d Congress of the Committee on Ways and Means'' (H. Rept. 103–875, filed on December 20, 1994);

Report entitled ''Activities of the Committee on Post Office and Civil Service for the 103d Congress'' (H. Rept. 103–876, filed on December 20, 1994);

Report entitled ''Summary of Legislative Activities of the Committee on Public Works and Transportation, One Hundred Third Congress'' (H. Rept. 103–877, filed on December 22, 1994);

Report entitled ''Activities Report of the Committee on Veterans' Affairs, House of Representatives, 103d Congress'' (H. Rept. 103–878, filed on December 23, 1994);

Report entitled ''Activities of the Permanent Select Committee on Intelligence During the 103d Congress'' (H. Rept. 103–879, filed on December 23, 1994);

Report entitled ''Legislative Review Activities of the Committee on Foreign Affairs During the 103d Congress'' (H. Rept. 103–880, filed on December 29, 1994);

Report entitled ''Activities of the Committee on Armed Services for the 103d Congress'' (H. Rept. 103–881, filed on December 29, 1994);

Report entitled ''Activity of the Committee on Energy and Commerce for the 103d Congress'' (H. Rept. 103–882, filed on January 2);

Report entitled ''Activities of the Committee on the Judiciary During the 103d Congress'' (H. Rept. 103–883, filed on January 2);

Report entitled ''Activities of the House Committee on Government Operations During the 103d Congress'' (H. Rept. 103–884, filed on January 2);

Report entitled ''Activities of the Committee on Small Business During the 103d Congress'' (H. Rept. 103–885, filed on January 2);

Report entitled ''Activities of the Committee on Agriculture During the 103d Congress'' (H. Rept. 103–886, filed on January 2);

Report entitled ''Final Report on the Activities of the Merchant Marine and Fisheries Committee, 103d Congress'' (H. Rept. 103–887, filed on January 2);

Report entitled ''Summary of Activities of the Committee on Science, Space, and Technology for the 103d Congress'' (H. Rept. 103–888, filed on January 2); and

Report entitled ''Report on the Activities of the Committee on Appropriations During the 103d Congress (H. Rept. 103–889, filed on January 2).

(See next issue.)

Election of Speaker: By a yea-and-nay vote of 228 yeas to 202 nays, with 4 voting ''present'', Roll No. 2, Newt Gingrich of the State of Georgia was elected Speaker of the House of Representatives over Richard A. Gephardt of the State of Missouri. Representatives Thomas of California, Fazio, Roukema, and Schroeder acted as tellers. The Speaker was escorted to the Chair by Representatives Gephardt, Armey, DeLay, Bonior, Boehner, Fazio, Collins of

Georgia, Lewis of Georgia, Bishop, Deal, Kingston, Linder, McKinney, Barr, Chambliss, and Norwood.

Pages H3–4

Representative Dingell administered the oath of office to the Speaker, who subsequently administered the oath to Members-elect present en bloc. **Page H8**

Party Leaders: It was announced that Representatives Armey and Gephardt had been elected majority and minority leaders, respectively, and that Representatives DeLay and Bonior had been appointed majority and minority whips, respectively.

Pages H8–9

House Officers: House agreed to H. Res. 1, electing the following officers of the House of Representatives: Robin H. Carle, Clerk; Wilson S. Livingood, Sergeant at Arms; Scott M. Faulkner, Chief Administrative Officer; and Reverend James David Ford, Chaplain. **Page H9**

On division of the question, rejected an amendment that sought to name certain minority employees to the positions of Clerk, Sergeant at Arms, and Chief Administrative Officer. **Page H9**

Notify Senate: House agreed to H. Res. 2, to inform the Senate that a quorum of the House had assembled and had elected Newt Gingrich, a Representative from the State of Georgia, Speaker; and Robin H. Carle, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives.

Page H9

Notify President: House agreed to H. Res. 3, authorizing the Speaker to appoint a committee of two members to join with a like committee of the Senate to notify the President that a quorum of each House has assembled and that the Congress is ready to receive any communication that he may be pleased to make. Subsequently, the Speaker appointed Representatives Armey and Gephardt to the committee.

Page H9

Inform President: House agreed to H. Res. 4, authorizing the Clerk of the House to inform the President that the House of Representatives had elected Newt Gingrich, a Representative from the State of Georgia, Speaker; and Robin H. Carle, a citizen of the Commonwealth of Virginia, Clerk of the House of Representatives. **Page H9**

House Rules: House agreed to H. Res. 6, adopting the Rules of the House of Representatives for the One Hundred Fourth Congress.

Pages H23–38 (continued next issue)

By a yea-and-nay vote of 416 yeas to 12 nays, Roll No. 6, the House agreed to section 101 of the resolution regarding committees, subcommittees, and staff reforms; **(See next issue.)**

By a yea-and-nay vote of 421 yeas to 6 nays, Roll No. 7, the House agreed to section 102 of the resolution regarding truth-in-budgeting baseline reform;

(See next issue.)

By a yea-and-nay vote of 355 yeas to 74 nays, with 1 voting ''present'', Roll No. 8, the House agreed to section 103 of the resolution regarding term limits for the Speaker, committee and subcommittee chairmen; **(See next issue.)**

By a yea-and-nay vote of 418 yeas to 13 nays, Roll No. 9, the House agreed to section 104 of the resolution regarding a ban on proxy votes in any committee or subcommittee; **(See next issue.)**

By a yea-and-nay vote of 431 yeas, Roll No. 10, the House agreed to section 105 of the resolution regarding sunshine rules concerning committee meetings; **(See next issue.)**

By a yea-and-nay vote of 279 yeas to 152 nays, Roll No. 11, the House agreed to section 106 of the resolution regarding limitations on tax increases;

(See next issue.)

By a yea-and-nay vote of 430 yeas to 1 nay, Roll No. 12, the House agreed to section 107 of the resolution regarding a comprehensive House audit; and

(See next issue.)

By a yea-and-nay vote of 249 yeas to 178 nays, Roll No. 13, the House agreed to section 108 of the resolution providing that the Majority Leader and Minority Leader, or their designees, be authorized to call up for consideration on January 4, 1995 (or thereafter) H.R. 1, the ''Congressional Accountability Act of 1995'', subject to one hour of debate, equally divided between the Majority Leader and Minority Leader, or their designees, and subject to one motion to recommit by the minority, which could include amendments; and **(See next issue.)**

House agreed to title II of the resolution which provided for House administrative reforms; changes in the committee system; oversight reform; Member assignment limit; multiple bill referral reform; accuracy of committee transcripts; elimination of ''rolling quorums''; prohibition on committees sitting during House consideration of amendments; accountability for committee votes; affirmation of minority's rights on motions to recommit; waiver policy for special rules; prohibition on delegate voting in Committee of the Whole; accuracy of the CONGRESSIONAL RECORD; automatic rollcall votes; appropriations reforms; ban on commemoratives; numerical designation of amendments submitted for the CONGRESSIONAL RECORD; requirement for the Pledge of Allegiance as the third order of business each day; publication of signators of discharge petitions; protection

of classified materials; structure of the Permanent Select Committee on Intelligence; abolition of legislative service organizations; and miscellaneous provisions and clerical corrections. **(See next issue.)**

Rejected the Bonior motion to commit title II to a select committee composed of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith containing an amendment that changes from three to four years the Speaker term limits; contains language regarding majority-minority committee staff ratios on committees; language regarding the striking of waivers from budget resolutions; language regarding a ban on gifts from lobbyists; language regarding certain limitations on income from royalties received by any Members, officer, or employee of the House; and language amending existing rules creating the position of Director of Non-Legislative and Financial Services (rejected by a recorded vote of 201 ayes to 227 noes, Roll No. 14). **(See next issue.)**

H. Res. 5, the rule which provided for the consideration of the resolution, was agreed to earlier by a yea-and-nay vote of 251 yeas to 181 nays, Roll No. 5. Agreed to order the previous question on the resolution by a yea-and-nay vote of 232 yeas to 199 nays, Roll No. 3. **Pages H10–19, H22–23**

Earlier, objection was heard to a unanimous consent request to consider the resolution. Rejected the Bonior motion to commit H. Res. 5 to the Committee on Rules with instructions (rejected by a yea-and-nay vote of 196 yeas to 235 nays, Roll No. 4). **Pages H19–22**

Congressional Accountability Act: By a yea-and-nay vote of 429 yeas, Roll No. 15, the House passed H.R. 1, to make certain laws applicable to the legislative branch of the Federal Government. **(See next issue.)**

Legislative Program: The Majority Leader announced the legislative program for the week of January 9. Agreed that the House will adjourn from Thursday to Monday; and adjourn from Monday, January 9 until Wednesday, January 11; and adjourn from Wednesday, January 11, until Friday, January 13. **(See next issue.)**

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of Wednesday, January 11. **(See next issue.)**

Minority Employees: House agreed to H. Res. 7, providing for the designation of certain minority employees. **(See next issue.)**

Meeting Hour 104th Congress: House agreed to H. Res. 8, fixing the daily hour of meeting for the 104th Congress. **(See next issue.)**

Steering and Policy Committees Funding: House agreed to H. Res. 9, providing amounts for the Republican Steering Committee and the Democratic Policy Committee. **(See next issue.)**

Employee Position Transfers: House agreed to H. Res. 10, providing for the transfer of two employee positions. **(See next issue.)**

Sacrifice and Courage of Warrant Officers Hilemon and Hall: House agreed to H. Con. Res. 1, recognizing the sacrifice and courage of Army Warrant Officers David Hilemon and Bobby W. Hall II, whose helicopter was shot down over North Korea on December 17, 1994. **(See next issue.)**

Committee Elections: House agreed to the following resolutions to designate committee memberships:

H. Res. 11, designating majority membership on certain standing committees of the House;

H. Res. 12, designating minority membership on certain standing committees of the House; and

H. Res. 13, electing Representative Bernard Sanders to standing committees of the House. **(See next issue.)**

House of Representatives Page Board: Pursuant to section 127 of Public Law 97–377, the Speaker appointed as members of the House of Representatives Page Board the following Members: Representatives Emerson and Kolbe. **(See next issue.)**

House Office Building Commission: Pursuant to the provisions of 40 United States Code, sections 175 and 176, the Speaker appointed Representative Armey as a member of the House Office Building Commission, to serve with himself and Representative Gephardt. **(See next issue.)**

Select Committee on Intelligence: Pursuant to clause 1 of rule 48 and clause 6(f) of rule 10, the Speaker appoints as members of the Permanent Select Committee on Intelligence the following Members: Representatives Combest, Chairman, Dornan, Young of Florida, Hansen, Lewis of California, Goss, Shuster, McCollum, Castle, Dicks, Richardson, Dixon, Torricelli, Coleman, Pelosi, and Laughlin. **(See next issue.)**

Morning Hour Debate: It was made in order that the House may convene 90 minutes earlier than the time otherwise established by order of the House on Mondays and Tuesday of each week solely for the purpose of conducting ''morning hour'' debates under certain conditions. **(See next issue.)**

Clerk's Authorization: Read a letter from the Clerk of the House wherein, under clause 4 of Rule III of the Rules of the House of Representatives, she designates Ms. Linda Nave, Deputy Clerk, to sign any and all papers and do all other acts under the name

of the Clerk of the House which she would be authorized to do by virtue of such designation, except as provided by statute, in case of the Clerk's temporary absence or disability. (See next issue.)

Senate Messages: Message received from the Senate today appears on page H23.

Quorum Calls—Votes: One quorum call (Roll No. 1), thirteen yea-and-nay votes, and one recorded vote developed during the proceedings of the House today and appear on pages H1–2, H3–4, H19, H22, H22–23 (continued next issue).

Adjournment: Met at noon and adjourned 2:24 a.m. on Thursday, January 5.

Committee Meetings

No committee meetings were held.

CONGRESSIONAL PROGRAM AHEAD

Week of January 5 through 7, 1995

Senate Chamber

On *Thursday,* Senate will resume consideration of S. Res. 14, amending paragraph 2 of Rule XXV of the Standing Rules of the Senate, with a vote on the motion to table Harkin Amendment No. 1, relating to the imposition of cloture, to occur at 11:30 a.m.

Senate may also consider S. 2, to make certain laws applicable to the legislative branch of the Federal Government.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Banking, Housing, and Urban Affairs: January 5 and 6, to hold hearings to examine issues involving municipal, corporate and individual investors in derivative products and the use of highly leveraged investment strategies, 10 a.m., SD–106.

Committee on the Budget: January 5, to hold joint hearings with the Committee on Governmental Affairs on S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments, and to strengthen the partnership between the Federal Government and State, local and tribal governments, 9:30 a.m., SH–216.

Committee on Governmental Affairs: January 5, to hold joint hearings with the Committee on the Budget on S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments, and to strengthen the partnership between the Federal Government and State, local and tribal governments, 9:30 a.m., SH–216.

Committee on the Judiciary: January 5, to hold hearings on a proposed constitutional amendment to balance the Federal budget, 10 a.m., SD–226.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see page E30 in today's RECORD.

House Chamber

The program will be announced.

House Committees

Committee on the Budget, January 6, to hold an organizational meeting, 10 a.m., 210 Cannon.

Committee on Economic and Educational Opportunities, January 5, to hold an organizational meeting, 9:30 a.m., 2175 Rayburn.

Committee on the Judiciary, January 5, to hold an organizational meeting, 11 a.m., 2141 Rayburn.

Committee on Rules, January 5, to hold an organizational meeting, 1 p.m., H–313 Capitol.

Committee on Science, January 5, to hold an organizational meeting, 1 p.m., 2318 Rayburn.

January 6, hearing on "Is Today's Science Policy Preparing Us for the Future," 9:30 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, January 5, to hold an organizational meeting, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, January 5, to hold an organizational meeting, 11 a.m., and to hold a hearing on the Contract With America, 1 p.m., 1100 Longworth.

Joint Meetings

Joint Economic Committee: January 6, to hold hearings on the employment-unemployment situation for December, 9:30 a.m., SD–538.

Next Meeting of the SENATE

10 a.m., Thursday, January 5

Senate Chamber

Program for Thursday: At 10:15 a.m., Senate will resume consideration of S. Res. 14, amending paragraph 2 of Rule XXV, with a vote on the motion to table Harkin Amendment No. 1, relating to the imposition of cloture, to occur at 11:30 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, January 5

House Chamber

Program for Thursday: No legislative business is scheduled.

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶The Congressional Record is available as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d Session (January 1994) forward. It is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. The annual subscription fee for a single workstation is $375. Six month subscriptions are available for $200 and one month of access can be purchased for $35. Discounts are available for multiple-workstation subscriptions. To subscribe, Internet users should telnet swais.access.gpo.gov and login as newuser (all lower case); no password is required. Dial in users should use communications software and modem to call (202) 512–1661 and login as swais (all lower case); no password is required; at the second login prompt, login as newuser (all lower case); no password is required. Follow the instructions on the screen to register for a subscription for the Congressional Record Online via *GPO Access*. For assistance, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512–1262, or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $112.50 for six months, $225 per year, or purchased for $1.50 per issue, payable in advance; microfiche edition, $118 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.