United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, JANUARY 11, 1995 No. 6

Senate

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Guest Chaplain, the Reverend Mark E. Dever, pastor of Capitol Hill Baptist Church, Washington, DC, offered the following prayer:

Let us pray:

Lord of Heaven, we come into Your presence this morning and offer You praise as a good God, who rules creation for the good of all those who love You, and more. Thank You for Your goodness to us in this country and in this Chamber.

We come to You in humility, realizing that amidst all the august architecture of this place and the trappings of power, that all of us are passing, You alone are eternal. We are changing, You are perfect. We know in part, You are all-knowing. We have some power, only You have all power. You are all good, too often our motives are mixed.

We pray especially for these Senators gathered here today. Use them, Lord, for the good of this Nation and the world. Through these creatures of clay, show Your goodness to us. Be pleased to bless them in their labor, helping them to help the rest of us go about our business in peace and quietness. Help them as they do our Nation's work.

Give them insight and will to conserve what is good in our laws, and to correct what is wrong. Assist them in promoting the good of all Your people, as they promote peace at home and abroad, and work to protect all that is good in our society.

Lord, though so much seems amiss today, we do praise You for the ways Your goodness is reflected in this country. Pray You would use these men and women to encourage that even more, for Jesus' sake. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The distinguished acting majority leader.

SCHEDULE

Mr. LOTT. Mr. President, on behalf of the majority leader, I am pleased to make this announcement of orders for Wednesday, January 11.

Following the time for the two leaders this afternoon, there will be a period for the transaction of routine morning business not to extend beyond the hour of 1:30 p.m. with the following Senators recognized to speak for the time indicated: Senator FRIST for 10 minutes; Senator HUTCHISON for 20 minutes; Senator CAMPBELL for 5 minutes; and Senator HARKIN for 20 minutes.

At 1:30 p.m. this afternoon, the Senate will resume consideration of S. 2, the congressional coverage bill. Senator LAUTENBERG will be recognized to offer an amendment on which there will be 25 minutes of debate.

Upon the expiration or yielding back of the time on the Lautenberg amendment, Senator BRYAN will be recognized to speak on an amendment. Following Senator BRYAN, Senator GLENN will offer a managers' amendment with 10 minutes of debate to be equally divided. Senator STEVENS will then be recognized to offer an amendment dealing with the Library of Congress.

Under a previous unanimous-consent agreement, there will be only first-degree amendments in order to the bill. Following disposition of amendments, the Senate will proceed to a vote on final passage of S. 2. However, no roll-call votes will occur prior to 5 p.m. this afternoon.

Also, for the information of Senators, the Senate will begin consideration of S. 1, the unfunded mandates bill, tomorrow at 10 a.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Colorado.

(The remarks of Senator CAMPBELL pertaining to the introduction of S. 193 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

UNFUNDED FEDERAL MANDATES

Mr. FRIST. Mr. President, I rise today to address two matters.

First, Mr. President, to let you and my other colleagues in the U.S. Senate know how honored I am to be a part of this noble institution and how much I look forward to working with each of you in conducting what Senator Howard Baker has called ''the business of the people.''

Second, I want to take a moment to address the issue of unfunded Federal mandates, and specifically the Unfunded Mandates Reform Act of 1995.

As I look around this great body I realize that I am one of the very few Members who has come directly to the Senate from the private sector with no previous ties to Washington, DC or, for that matter, politics. The people of Tennessee elected me as a true citizen legislator—to come to Washington for a period of time with a mission to accomplish and then return to Tennessee to live under the laws I helped pass. As a recently elected citizen legislator, I carry a very distinct advantage: a closeness to the people, a commonality of interest with real people with real jobs, and an immediate understanding of the message of November 8.

During the last year, I have traveled to most all of the 95 counties in my

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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home State of Tennessee—from Memphis to Mountain City—listening to the thoughts and concerns of private citizens and local officials. Coming directly from the private sector, I heard their message in the clearest possible terms, unfettered by the preconceived notions and prejudices of Washington.

And their message was: ''Change the direction of the country. Get the Federal Government off our backs, out of our pockets, and off our land. The arrogance of Washington is stifling us, and we are capable of making our own decisions.'' A simple, crystal clear message.

Mr. President, this is the message I bring to Washington. And there is no better example of the Federal Government's arrogance and unwanted meddling than the unfunded Federal mandates. As our majority leader so eloquently pointed out in his opening remarks of the 104th Congress, the 10th amendment provides that powers not delegated to the United States nor prohibited to the States are reserved to the States or to the people. Yet, through unfunded mandates, the Congress has forced its will upon the people by requiring State and local governments to pay for legislation over which they have no control. The result of these mandates is that local governments are forced to abandon their own priorities, to offer fewer services to the public, and to ultimately charge higher taxes and utility rates.

In my home State of Tennessee, for example, local officials from the city of Knoxville determined that they would have had an additional $11 million to spend on local priorities in the absence of 10 unfunded Federal mandates. According to their estimates, Knoxville could have spent $3.5 million for police and crime prevention were it not for these unfunded Federal mandates. Part of this money would have funded approximately 60 new police officers.

Examples such as these have been cited from cities across this country, from across America. It is essentially a problem of taxation without representation. That injustice helped bring about one revolution about 200 years ago, and I think on November 8 we saw another such revolution. The people have demanded that we put an end to such practice. The State and local battle cry, ''no money, no mandates,'' has reached a fever pitch.

The test of any government is its responsiveness to its citizens. The solution to the problem of unfunded mandates is to require Congress to pay for any mandate it places on State and local governments.

Mr. President, I believe that Senate bill No. 1, the Unfunded Mandate Reform Act of 1995, is a step in the right direction. It will be an effective but simple mechanism to curb the unfunded mandates that are strangling America's communities. Requiring Congress to pay for its mandates will merely require Congress to live in the real world. Like the rest of America, Congress will have to learn to balance budgets, to provide services efficiently, to prioritize, and to make tough spending decisions.

For this reason, I have cosponsored the Unfunded Mandate Reform Act of 1995. I commend Senator KEMPTHORNE for his leadership over the past 2 years in raising the awareness of lawmakers and the American public regarding the unfunded mandate issue. As Mayor Victor Ashe, of Knoxville, TN, currently president of the U.S. Conference of Mayors and a champion of this cause has said: ''This bill will begin to restore the partnership which the founders of the Nation intended to exist between the Federal Government and State and local governments.''

However, Mr. President, I would be remiss if I did not say that there are aspects of this bill that can and should be improved. The bill has no affect on Congress unless the Congressional Budget Office first determines that a bill which contains an unfunded mandate will cost the State and local government more than $50 million over a single year. While I am sure much thought has been given to this threshold amount, and while I understand that increased demands will be placed on the CBO, I urge my colleagues to listen a little more closely to the will of the people. Their message was not to limit unfunded Federal mandates, it was to eliminate them. I urge my colleagues to give serious consideration to eliminating the $50 million threshold in the bill.

The second provision of the bill which disturbs me is the provision that allows Congress to override the prohibition on unfunded Federal mandates with a simple majority vote in the Senate. In essence, what we give to the American people with one hand we potentially take away with the other. I urge that this provision be strengthened to require a supermajority of 60 votes to waive this legislation. Those two concerns notwithstanding, I believe this bill is a good step in the right direction.

Mr. President, the directive of November 8 is clear: A return to Federalism, the idea that power should be kept close to the people. I believe that the Unfunded Mandates Reform Act of 1995, particularly if strengthened as I have urged, will go a long way toward saying to the American people that this body believes the people can and should be trusted with the power to make their own decisions. I urge my colleagues to strengthen and then pass this important piece of legislation as quickly as possible. Thank you, Mr. President.

I yield the floor.

The PRESIDENT pro tempore. Under the previous order, the Senator from Texas [Mrs. HUTCHISON] is recognized to speak for up to 20 minutes.

Mrs. HUTCHISON. Mr. President, I would like to yield 5 minutes to my colleague from Idaho, after which I will then take no longer than 15 minutes.

The PRESIDING OFFICER (Mr. GRAMS). Is there objection?

Without objection, it is so ordered.

The Senator from Idaho [Mr. CRAIG] is recognized.

A PLEDGE TO HELP

Mr. CRAIG. Thank you, Mr. President, I thank my colleague from Texas for yielding for a few moments. I appreciate a portion of her time.

Let me congratulate the Senator from Tennessee for a very clear message about why he came to Washington, reflective of the expectations of his constituency to respond to the issue of unfunded mandates. We will begin debate on that issue tomorrow, and it is exciting that my colleague, DIRK KEMPTHORNE, is the champion of that issue as we begin to address why the American public is so frustrated over what we do here, and this is one of the most effective ways of curbing it.

I also recognize my colleague from Colorado in his reintroduction of grazing law reform. I will join with him, and I have pledged, with my chairmanship of the Public Lands Committee of the Energy and Natural Resources Committee, that we will deal with this issue this year.

I have also appreciated the cooperation of the Secretary of the Interior. We have had several discussions over the last couple of months as he brings forth new rules and regulations that he would not deal with grazing fees per se and that he would offer some flexibility so that the authorizing committee could respond to the grazing industry and other interests out there that are concerned about the management of our public grass lands and how they will be grazed and under what policy they will be grazed.

For the balance of my brief time, let me suggest that there is a tactic underway, Mr. President, that while it may appear to be well directed, in my opinion, it is tremendously misguided. That is a tactic being used by the Democrat leadership at this moment to try to refocus the whole debate on a balanced budget amendment to our Constitution. There is that old adage that when you are out in the swamp surrounded by alligators, you are forgetting your initial purpose to come to the swamp was to drain it. That is exactly the tactic being used at this moment by the Democratic leadership in both Houses, to say: ''For the next 7 years tell us every budget cut you are going to make. Let us be specific right down to the detail. What are you going to cut, and how are you going to cut the budget to arrive at a $1.3 billion reduction in the budget to get to a balanced budget by 2002?''

That is phony. It is just as phony as can be to play that kind of game. What we have to talk about here is what we want to do first and how we want to do it, and then let us proceed down a path that will yield a balanced budget by the year 2002.

Mr. SIMON. Will my colleague yield for a question?

Mr. CRAIG. I am happy to yield to my friend.

Mr. SIMON. I commend the Senator for his comments. If the demands of those of us who favor a balanced budget amendment spell out how we do it, they are always making speeches how you can balance the budget without a constitutional amendment. It seems to me that it is incumbent on them to spell this out also. Is that being unrealistic?

Mr. CRAIG. Well, to my colleague from the other side, and one of the primary sponsors of the balanced budget amendment, it would not be unrealistic. But what is realistic to talk about is the very thing that all of us know who focus on the balanced budget amendment. And how we get there by the year 2002 is a simple matter—although complicated and very tough to do—of reducing the growth rate of Federal budgets from about 5 percent to about 3 percent. When the American public hears that, they say to a Senator SIMON of Illinois or a Senator CRAIG of Idaho, that sounds immensely reasonable. While it may be tough to do, it is a heck of a lot more reasonable to understand that is the kind of approach we are talking about. Then, apparently, the game plan, or the threat, there is the impending damage that could come from that kind of language that would suggest we have to cut $1.3 trillion from budgets. What we could also say is that if we do not have a balanced budget amendment, by the year 2002 the Federal budget will be $1.3 trillion larger, or that the Federal deficit will be $500 or $600 billion annually, or that the Federal debt will be $6 or $7 trillion, or that interest on the debt will be $400 billion annualized.

That is not at all what they are talking about. Instead of talking about the kind of positive things that can grow and emanate from a balanced budget, they are talking about all of the negatives.

The American public knows exactly what we are saying and they are saying very clearly back to us: Do not get weak-kneed. Balance the Federal budget. Produce the mechanism that will result in that and give us a balanced budget amendment to the Constitution that will force the kind of fiscal discipline that this Congress has failed to respond to for now over three decades.

Mr. President, this 104th Congress is considering a historic and remarkable balanced budget amendment to the Constitution. Some partisan sparring broke out over the last few days. That's unfortunate.

Democrats have been asking Republicans, ''Where's your plan?'' specifically showing how to balance the budget by 2002?

Let us stay focused on the central issue. Which do we want: Balanced budgets or the status quo? Which do we want: An issue? Or passage of the balanced budget amendment? We know which is better for the country.

Let us remember what has brought us to this point: $4.7 trillion Federal debt; annual deficits now in the $160 billion range; and deficits projected to shoot toward $400 billion after the turn of the century.

Let us stay above partisanship. Some of my friends on the other side of the aisle sincerely support the balanced budget amendment but also are demanding to know specific budget cuts. I sympathize with your frustration; but don't be distracted.

Do not be fooled by a partisan tactics on the part of balanced budget amendment opponents to simply kill this amendment at any cost. Do not fall into that some old trap of trying to score a partisan point today at the cost of our children's economic well-being tomorrow. That is exactly the kind of shortsighted trade-off we're trying to stop by passing the balanced budget amendment.

The balanced budget amendment began as a bipartisan effort. Let us keep it that way.

Where are the specific cuts? There are literally hundreds of plans out there; there's no one way to balance the budget. What's lacking is some mechanism to force a consensus. There may be 100 plans in the Senate for balancing the budget, but not one of them will get 51 votes until we remove the easy alternative of borrow-and-spend.

Lessons of History: We have had the specific plans before us in the past. The way Congress has treated them demonstrates why we need to the balanced budget amendment. In the past, one/both Houses defeated numerous deficit-reduction plans full of specifics. Most recently, and in a bipartisan effort: Kerrey-Brown rescission/entitlement reform package (1994) (Penny-Kasich in the House, 1993).

''Draconian'' budget cuts required? Contrary to what's being said, we know the direction we have to go, and how to get there. For example: ''Glide Path'' Plan: Federal spending is increasing now at about 5 percent, or about $75 billion per year. Simply trimming that growth in spending to 3.1 percent would balance the budget in fiscal year 2002. For those concerned about Social Security: We can trim the growth of non-Social Security spending to 2.4 percent and still balance the budget by 2002. This will require discipline, but it is a far cry from the doom and gloom scenario being portrayed by many opponents.

Name every budget cut in advance? Opponents of this proposal want it both ways. First they say, show them how we would cut the budget. Next they say balancing the budget by 2002 would be too painful.

But this tactic proves our point: The budget won't be balanced without passing the BBA first. Democrats want our plan, but where has the Democrat plan been? President Clinton did not propose a path to a balanced budget—current projections show deficits going way up after 1995.

Bad Policy, putting the cart before the horse: When people decide they want to be healthier and live longer, they don't plan every meal and every workout for the next year. First they commit to do whatever is necessary. Then they pick the specific diet and exercise plan. The high failure rate for dieters illustrates our point that external enforcement is necessary. Specifying all the cuts before we even commit to balancing the budget condemns us to failure before we start.

Will the BBA work or won't it? Opponents cannot have it both ways: First, they say it is a fig leaf to cover budget failures in previous Congresses, that it's an empty promise; then they talk in terms of ''slash and burn'' to scare the interest groups into active opposition; I think they really do fear this amendment will work and are not willing to share the responsibilities.

Mr. President, I yield back to the Senator from Texas, and I thank her for sharing with me some of her time.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 191 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa [Mr. HARKIN], is recognized to speak for up to 20 minutes.

A MESSAGE TO THE JAPANESE PRIME MINISTER

Mr. HARKIN. Mr. President, I thank the Chair.

Mr. President, as I and a number of my colleagues spoke on the Senate floor this past Friday, we pointed out that a terrible injustice has been done to thousands of workers in my State of Iowa, Illinois, and in Ohio. It is an action that has ramifications not only for the other workers throughout our country, but for international relations as well.

Mr. President, I just want to say that if there are people at the Japanese Embassy here in Washington who have their sets tuned in to the proceedings in the Senate, I ask them to turn the volume up and pay close attention to what I am about to say. I believe I am joined by my colleague, Senator SIMON, from Illinois, we have a message for the Japanese Prime Minister who is in Washington today, meeting with the President of the United States. We have a very strong message for the Japanese Prime Minister. I hope that the people of the Japanese Embassy will turn their sets up and start to pay attention right now because this message is for the Japanese Prime Minister.

The Bridgestone-Firestone Corp. is a Japanese-owned company. It announced it would permanently replace

over 2,000 of its employees currently involved in a legal strike over proposed major cuts in worker pay and benefits and over a worsening of working conditions.

After earlier being hopeful that this lengthy strike would be successfully resolved through good-faith negotiations by both sides, it now appears that Bridgestone/Firestone has been acting in bad faith. This is irresponsible corporate behavior and it harms the United States of America.

We take the floor again to address this issue because as we speak President Clinton is meeting with Japanese Prime Minister Tomiichi Murayama, and I hope this message gets to the Prime Minister. Our President is meeting with him to discuss a number of important economic and international relations issues. We must improve our relations with Japan. Japan is an economic leader, and an ally of ours. Friendship and positive relations between our two nations is in the best interests of both countries and the entire world.

Mr. President, nothing does more to undermine positive relations and good will between our nations than acts like that taken by Bridgestone/Firestone. Here is a company that is profitable, whose workers have made it profitable by reaching record levels of productivity. Then they go and knock thousands of workers out of their livelihoods because Bridgestone/Firestone is not willing to abide by the same contract signed by their two largest American competitors.

I want Prime Minister Murayama and his government to know how destructive these actions are, how it rips apart families and communities. These workers have given the best years of their lives to this company. They are highly productive, diligent, hard-working individuals. They took contract concessions when times were tough and the company needed them to remain in operation. Now that times are better, workers just want fair treatment from the company.

Mr. Prime Minister, these are workers like Sherrie Wallace who recently wrote me after she and her husband lost their jobs. Let me just read from this letter from Sherrie Wallace, a worker at Firestone:

> When Bridgestone came to each of us asking for help because we were not doing as well as the company needed to do, we all did our best. They asked me for one more tire every day, and to stay out on the floor and forgo my cleanup time. Not only did I respond, so did each and every member of the URW. Not only did I give them the one more tire per day they asked for, I gave them three times what they asked for. Our production levels soared. We threw ourselves into our company believing that we all must succeed together in order to create a better way of life for all. The membership joined committees and we became involved and we gave them our hearts. We began to believe this company was different. We gave them our input to create a better working environment. To increase productivity we began to meet our production levels. We were proud of our company and our union. Together, we did make a difference. It is these things that make me wonder why does Bridgestone now demand such unreasonable demands?

In return for their increased productivity, workers are being asked to take a 30-percent cut in the introductory wage, cutting out four holidays, bunching up all their holidays at Christmas time, cuts in pay rates for work on Saturdays and Sundays.

I asked my staff, Mr. President, to compare what the workers in Japan were getting in Bridgestone Corp., compared to workers in America. I think you will find this pretty startling. In Japan Bridgestone union employees average annual wage is $52,500 a year, for the Bridgestone union employees in America, their average wages are $37,045 a year. The average monthly hours in Japan? One hundred fifty-two hours. In the United States? One hundred ninety-eight hours. Not only are our workers working more, they are getting paid less. Now, what the company says they want them to do is two shifts a day, 12 hours on, 12 hours off. They want them to work a crazy quilt work schedule. They would work three 12-hour days, then have 2 days off; then 2, 12-hour days, have three days off; then they work two 12-hour days, have 2 days off. Try to map out a schedule for your family life on that. It would be worse than the U.S. Senate. Workers would not know when they would have days off during the year.

In Japan, same company, same employees have three shifts, eight hours a day, and they rotate those shifts. The company says no, what is fair in Japan is not fair for our workers in America.

So, Mr. President, workers increase their productivity tremendously at this company. All the statistics show it. At Goodyear Tire & Rubber, they had a contract dispute last year, they settled it, setting the contract pattern for the rubber industry in this country and they moved ahead. Now what Bridgestone-Firestone is doing is saying they can beat their major competitors in America by squeezing their workers a little harder. Well, I do not think any company ought to gain a competitive advantage at the expense of its workers.

The United Rubber Workers have offered proposals through the Federal Mediation and Conciliation Service and the company refused to negotiate. This refusal is a refusal of the basic tenant of labor-management relations of collective bargaining.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER (Mr. INHOFE). The Senator has 14 minutes remaining.

Mr. HARKIN. Mr. President, I will take a couple more minutes, but let me yield to my colleague from Illinois because I know his workers in Illinois are facing the same kind of situation as ours are in Des Moines, IA.

Mr. President, I yield at least 5 minutes to the distinguished Senator from Illinois.

Mr. SIMON. Mr. President, I thank my colleague from Iowa. I thank him for his leadership on this.

When he mentioned the States that are affected, he should have included Oklahoma, which is the State of the Presiding Officer. The Japanese Prime Minister is here today to create good will for his country, and I hope he has a very good visit. However, it is appropriate that we let the Japanese Prime Minister know right now here and clearly, that one of the Japanese-owned corporations in this country is creating ill-will in this country, and is not doing any good for United States-Japanese relations.

In addition to the comments of my colleague from Iowa, I would point out that the Secretary of Labor asked to meet with the chief executive of the Bridgestone-Firestone Co. here in the United States.

He refused to meet with the Secretary of Labor to talk about this. I have a wire service story in which Secretary Reich is quoted as saying:

> I consider this outrageous, quite frankly. Japanese companies in this country have a sterling record of social responsibility, in general.

And I think that is correct. Most Japanese corporations in this country have an excellent record. This company is refusing even to meet with the Secretary of Labor. I have never heard of an American corporation or a corporation in this country refusing to sit down with the Secretary of Labor.

The company said:

> * * * it would be happy to send Charles Ramsey, its chief negotiator—

Only they are not negotiating.

> to meet with—

The Secretary of Labor.

That is like sending an errand boy. The Secretary of Labor ought to be able to sit down with the person who is making the decision.

This is only the third time, I am told, since the early 1930's when a major corporation—and that includes major corporations in the United States of America, with the air traffic controllers being one of the three—this is the third time we have had a permanent replacement of strikers of this magnitude.

Our whole tradition is against it. It is very interesting that this Japanese-owned corporation cannot do in Japan what they are doing in Oklahoma and Illinois and Iowa and Ohio and Indiana. It would be illegal for them to do it in Japan, and they are doing it here, contrary to our traditions. It is illegal to do it in Canada or all of Western Europe, except for Great Britain.

I think that the company is making a great mistake. I have been around public life for a while—I am 66 years old. I have observed a little, and I have noted when this pendulum swings too far to one side, pretty soon

the pendulum is going to swing too far to the other side, and that is the danger in labor/management relations in this country. It is a danger for Bridgestone/Firestone.

I heard my colleague from Iowa say the other day that he would not buy any Firestone tires. Believe me, I am certainly not going to buy any Firestone tires, and I think there are going to be a lot of people in the United States who are going to feel the same way.

The sensible thing is to sit down and negotiate. I have, Mr. President, over the years been involved in some labor/management negotiations. Sometimes it gets tough, but getting people together around a table, sooner or later—a little bit like a conference committee between the House and the Senate—sooner or later you get something worked out. That is what Bridgestone/Firestone should do, not dismiss 2,300 employees. They ought to sit down and try to work things out. That is the American tradition.

I note that the Wall Street Journal, in an article about the chief executive of Bridgestone, refers to him as a bulldog, that he is a born gambler. Well, he is gambling with something that is very important. He is gambling with his company's future. He is gambling with labor/management relations in this country. He is gambling with the lives of 2,300 workers and their families. I hope common sense prevails, and I hope the Japanese Prime Minister gets the message that we who have spoken on the floor of the Senate have nothing but good will toward Japan. I respect that country. I might add, I grew up in the State of Oregon—something I do not stress in the State of Illinois—but I grew up in the State of Oregon. My father was a Lutheran minister and, in 1942, stood up when Japanese-Americans were taken away from the west coast. That was my first real experience in civil rights. I was 13 years old then. I remember the hostility that my father received on that occasion.

I do not want to sour United States-Japan relations. I want an improved relationship. I think the Japanese Prime Minister would be wise to get a message to the chief executive of Bridgestone: sit down and try to iron this thing out.

I yield back my time to my colleague. And, again, I thank him for his leadership on this.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Six and a half minutes.

Mr. HARKIN. Mr. President, I want to thank my colleague from Illinois, again, for his strong support for trying to inject some sanity and some reasonableness into these negotiations to try to settle this strike at Bridgestone/Firestone.

I want to say to my friends, whether they are watching in the Japanese Embassy, or to Prime Minister Murayama, I want to echo what Senator SIMON said. The vast majority of Japanese companies operating in this country operate in a highly responsible, effective, compassionate manner with their workers. I have seen many of them and, in many cases, the workers are happier there than perhaps they are at other companies that are not Japanese.

I do not want to cast Bridgestone's actions as something true of every Japanese company. That is not true. Senator SIMON is right on the mark with that. For some reason, this seems to be some kind of a rogue company. But it is always that bad apple that can spoil the barrel, and that is what Bridgestone/Firestone is going to do. They are going to color with their insensitive, outrageous behavior all the other fine Japanese corporations that are doing a good job in this country. I would hate to see that happen. I know the Senator from Illinois would hate to see that happen, too.

That is the message, I think, that we want the Japanese Prime Minister to take back with him. It is not just this one company and you can ignore it. This will have ramifications over and beyond just that one company.

Mr. President, I read from the letter from Sherrie Wallace who worked at Firestone 33 years. Her husband also worked there. Let me read one final paragraph. I will not read the whole letter. She said:

> You see, we are one of those families that both husband and wife work at Bridgestone/Firestone in Des Moines, IA. We both have lost our jobs, our benefits and our livelihood. We have had days and nights of no sleep, wondering where our life is heading. Trying to keep the ''American Dream'' alive with dignity, conviction to stand up for what you believe in and hope.
>
> Please hear our plead for help. * * * Over 25,000 employees, spouses and children will be affected by this one * * * incident.

So, Mr. President, I hope that the Japanese Prime Minister will heed this.

As I pointed out last year, Goodyear Tire and Rubber reached an agreement with its workers, and they were chosen to set the pattern for the industry. Well, they did. Now Bridgestone/Firestone has come in and said they want to break that pattern.

One can understand if, in fact, the workers are not productive, but as Sherrie Wallace pointed out in her letter, they have become highly productive. In fact, in March 1994, workers at Bridgestone/Firestone U.S. reached a new high of 80.5 pounds per man-hour and set an all-time record for pounds warehoused, and the company boasts that it did it with 600 fewer workers.

So it is not a problem of either they are not making money or that the workers are not productive. Just the opposite is true.

What Bridgestone/Firestone is saying effectively is that their workers are no more than pieces of machinery, to be used, depreciated and then thrown out on the trash heap without any concern for their families or years of service.

But there is an option, and let this be the final warning to Bridgestone/Firestone. I will read a letter to the editor of the Des Moines Register by a farmer by the name of Joe Weisshaar:

> A quick inventory tells me that my tractors, trucks, wagons, combine and cars roll on more than 140 tires. My vow to Bridgestone/Firestone is that if this strike is not settled within 30 days, I will never buy another tire made by them.

That is just one farmer's view from the State of Iowa.

I guess that ought to be the message sent to Bridgestone/Firestone. Our consumers have a choice, and if we have to and if Bridgestone/Firestone will not settle this in a decent manner, if they will not sit down, if they will not even speak to the Secretary of Labor, then maybe what the people of this country ought to do is just start rolling along another brand of tires. And Bridgestone-Firestone ought to know that we have that option.

So, Mr. President, I urge the Japanese Prime Minister to take the message we are sending back to the head of Bridgestone/Firestone, urge him to reconsider his unfortunate decision, and to reopen in good faith negotiations with their workers. It would not only be in the best interests of the workers and their families and communities, but also the relations between our nations and the good will that is so important to maintain.

Mr. President, I yield back whatever time I have. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. The Senator is recognized.

UNFUNDED MANDATES

Mr. DORGAN. Mr. President, we will soon in this Chamber turn to unfunded mandates bill, which is a piece of legislation that has been worked on by the Governmental Affairs Committee and by many Members of this Chamber. I wanted today to say a few words about that legislation to try to indicate why I support generally the subject, why I have worked on it in the Governmental Affairs Committee, and why I think it is important that we pass the legislation, but also why I think at the same time we ought to talk about all dimensions of this issue and why I intend to offer several amendments to it.

First of all, it is absolutely true that it has been far too easy for Members of

the House and the Senate to decide that they want to offer amendments that will require someone out there in the country to do something, most specifically a State and local government, but also the private sector, without any given thought about how much the mandate would cost. Too often, we overlook the questions of what kind of problems the mandate could cause, how heavy the burden will be, and on whom will it fall.

Too often it has been easy to say ''Here is what we impose, and you worry about the rest of it. You worry about what it is going to cost.''

Well, this legislation simply says that when we are prepared to impose a mandate, we ought to be responsible enough to understand what it imposes on someone. What is the cost going to be?

Then, if we impose a mandate on State and local government, we ought to say, ''Here are the resources with which you can do it.''

Senator DOMENICI and I wrote in this legislation provisions that also include the private sector. It is not just mayors and Governors who are concerned about mandates. What about the private sector? What about the businessman and business woman who also get socked with mandates? So there is in this legislation language which Senator DOMENICI and I wrote that includes the private sector. We provide that you must, when you bring legislation to the floor of the Senate, have with that legislation an analysis by the Congressional Budget Office of what this is going to cost the private sector.

Let us vote with full information. Let us vote with more information than we have ever had in the past to understand what we are doing and what burdens our laws are imposing on people around this country.

Some will, I suppose, support this legislation in a manner designed to suggest that everything Government does is largely unworthy. I do not believe that. We have done a lot of things, including imposing some mandates that are worthy and important and that I would vote for again and again and again. Would anyone here reasonably suggest that we should not have passed the Voting Rights Act? I do not think so. That imposed a mandate, and it was perfectly legitimate. It was our responsibility to do it. We did it, and I am proud of it. I can give you other examples.

My point is that some mandates are important. Some mandates we ought to impose. I can tell you one I would like to see imposed. I have been trying for years. Hopefully, I will get it done. I do not think it is going to cost anybody very much. Do you know there are nine States in this country where you can get behind the wheel of your car and, with your right hand, put the key in the ignition and, with the left hand, hold a bottle of Wild Turkey or Old Crow or your favorite brand of whiskey and drive down the street drinking whiskey, and do so within the law?

In my country, I hope that will not last very long. There is not a State in this country that ought to allow drinking and driving. Nine of them do. At least nine of them do not have laws prohibiting open containers in vehicles or prohibiting the driver from drinking. I would like to mandate in every State in this country that no matter where you are driving with your family on vacation, you know you are not going to cross a State line and find in the next State that someone is drinking whiskey and driving, or drinking beer and driving, and turning into a murderer because the driver is drunk.

I would like to mandate that, and I have been trying. I have not been successful, but someday I am going to. I do not think it is going to cost the States that do not have this law a lot of money to decide they should comply with a reasonable mandate that you ought not drink and drive in this country.

I indicated over in the Governmental Affairs Committee that trouble runs on a two-way street in this country on the subject of mandates, and I said to State and local folks who testified that I support this legislation for the reasons I have just described now here on the floor of the Senate. But I also said as I participate in efforts to reform the way the Federal Government does business, we should and we will—and this bill will pass and will pass with my vote—require State and local governments to participate in reform as well. Mandates are a two-way street. Even as we talk about the burdens we impose upon them, there are officials out in other levels of government—Governors and others—who are plotting new ways they can hook their hose to the Federal tank and suck more Federal dollars out of the Federal tank; how can they get more Federal dollars?

I will tell you one way. They have decided to concoct phony schemes for provider taxes in Medicaid. Some states tax their health care providers, which brings in more Federal Medicaid dollars. Then these states reimburse their health care providers. In effect really the providers have paid no tax and the only result is that the states increase the Federal deficit by sucking more money out of the Federal trough.

We are going to reform the way we do business. They ought to reform the way they do business. It is not acceptable to me to have people complaining about unfunded mandates at the State and local level and then to see them in every conceivable way line up to see how much they can pail out of the Federal trough and get more Federal moneys in their area, some of it with schemes that are fundamentally phony.

Well, my point is, yes, let us change; let all of us change, not just the Federal Government but State and local government as well. The fact is we send a substantial amount of money back to State and local governments, some of it with no strings. I could give a list of programs for which we send billions, literally tens of billions of dollars, back to State and local governments in which they have the control over the spending and in which there are very few mandates, and in some cases none.

And I think, again, this is a two-way street. We need to work together. Let us try to stop imposing unreasonable burdens on each other, and let us all act responsibly and all construct the kind of behavior in Government that the American taxpayers expect us to have.

The legislation itself is good. There are a number of questions that will be asked about it that I think ought to be answered, and some were not answered in the Governmental Affairs Committee. It is reasonable for us to understand exactly what we are doing even now, as we deal with mandates. So there are a lot of questions. But when all the dust settles and the questions are answered, this legislation, I think, will be improved by some amendments. Then the legislation will pass, and it will pass with my vote because I have helped write part of it, especially including the private sector. But I am going to offer a couple of amendments. Let me describe the three of them.

One is, there is a commission described in this legislation to do some studying. It is a new commission. We do not need a new commission. The Advisory Commission on Intergovernmental Relations, ACIR, which has existed for a long, long while—I have worked with it, in fact I was appointed to serve on it a couple of years ago—is a commission existing to do precisely these kinds of things. We do not need to construct or produce a new commission. Let us use the commission that exists. In fact, the ACIR was the commission in this legislation up until a few weeks ago and was replaced for reasons I do not understand. So I will offer an amendment to place it back in the legislation.

Next, I am going to offer an amendment that deals with a mandate that sort of gets under my skin. We have a metric conversion act in this country. We are forcing America to go metric. It is not that I am living in the last century. It is not that I am backward. It is not that I fail to understand. I have nothing against metric. I do not happen to care how many kilometers it is to the next rest stop. So I do not want them taking down the highway signs telling me how many miles it is and putting up signs telling me how many kilometers it is. It does not matter to me. I want to know how long it takes to get there, and I guess I can best measure that by seeing how many miles it is.

We do not need a Metric Conversion Act that we enforce through the Federal Government, through the Department of Transportation, that will take down all those green highway signs on the interstate and replace miles with kilometers. It is a terrible waste of

money. But more than that, in the deep recesses of the bureaucracy, in every agency, there is some metric conversion enforcement officer who is now busy at work, scurrying somewhere underneath a pile of paper, trying to figure out how to mess up the next project.

In North Dakota, we are going to try to build 20 little houses up on an Indian reservation to house Indian Health Service workers. Do you know what? Those 20 houses are held up. Do you know why? Because they have to be built under the metric system; metrification. Twenty houses have to be built under the metric system. I have been trying for 3 months to get a waiver. You cannot do it. The bureaucracy simply does not bend.

I am going to offer an amendment that says let us suspend for 2 years the enforcement of the Metric Conversion Act. Just suspend the enforcement of it. Then let us have this commission that is going to study the other things get back to us and tell us what the Metric Conversion Act is costing us and why. Of what value is it to build a house using metric? It is more expensive and takes longer in the planning. This makes no sense to me. I am going to offer an amendment, and I hope we add it to this bill, that we suspend for 2 years the enforcement of the Metric Act while the study is done, the study which I hope will then convince us we ought not to be doing this.

Yes, parts of the private sector are going metric because if you want to compete in certain areas overseas you ought to do it in metric measurements. The automobile industry does that when they send cars overseas. I see nothing wrong with that. But we do not have to use metric when we want to build a house on an Indian reservation. That makes no sense to me.

I am going to offer another amendment, on the Federal Reserve Board. The Federal Reserve Board imposes the ultimate mandate. In fact, I think next week they will decide once again—closing their doors and in secret with their brethren, the banking community, the central bankers—decide to increase interest rates. And they will increase the cost of paying for the Federal debt by the Federal Government. They will increase the cost for State and local governments, and more important, they will increase costs on every American citizen. That is mandated. They are going to mandate an increase in interest rates that will cost every American citizen additional money.

So I am going to offer an amendment that is very simple but will give them an apoplectic seizure, I am sure, because even if you suggest somehow that they are maybe a part of America and we ought to understand what they are doing behind those closed doors, they say you are Fed bashing. I am not Fed bashing. But I am going to offer an amendment that says when the Federal Reserve Board meets in secret to decide once again they want to increase interest rates, within 30 days of that decision they must send a report to Congress and a report to the President that tells us how much that action cost us, what it cost the Federal Government in increased debt service.

Incidentally, the Fed's actions last year—again in secret, by the Fed, the central bankers who control the money supply—their actions last year increased the cost of debt service over the coming 5 years by nearly $125 billion. In other words, they, by their decisions, took back nearly one-fourth of the deficit reduction savings that we agonized over and debated and wrestled over here on the floor of the Senate for months the year before. They did not wrestle. They did not debate much. Actually, we do not know that because the door was closed. But I assume they reached a consensus very quickly on behalf of their constituencies. They took back, by their action to increase interest rates, about $125 billion in deficit reduction. Said another way, they took action to increase the Federal deficit by $125 billion because they increased the cost of paying for the Federal debt. But it was more than that. They increased the cost of home payments for people who have adjustable rate mortgages.

My point is this. When the Federal Reserve Board meets and decides it is going to mandate another interest rate increase, I just say, within 30 days you have a responsibility to tell us and tell the President what this increase will cost. The reason I make this suggestion is that I asked at a recent hearing of Federal officials what did this cost, your five or six interest rate increases last year? Do you know what was the cost of it, and who is going to pay it? They had not studied it.

So I am saying I would like the Fed to study it and give us a report. I will offer that amendment as well to this legislation, and I hope that some of my colleagues will support that and that we could add that provision to the unfunded mandates bill.

Let me finish where I began on this subject. This is a piece of legislation that I believe will be supported by substantial numbers in both political parties. Most of us understand it has been too easy to impose mandates on others, both State and local governments and, also, the private sector. There are mandates that are important, necessary, and which I support. We would not want, I believe, in this country, to decide we will retreat on the question of child labor. We have child labor laws prohibiting the hiring of 12-year-olds and paying them 12 cents a hour. We would not want to retreat on that. We would not want to retreat on the issues of worker safety. Should we have a safe workplace? Should we have child labor laws? There are dozens and dozens of things that we have done that helped create a better country. They are important and they have been in mandates.

But in recent years it has been too easy. In recent years there has been a call for us to be more responsible, and that is what this legislation says. Let us understand what this mandate is, who it costs and what it costs. If we do understand, we will make this Senate a better legislative body.

I hope that next week when we really debate this bill, Senators will not tell us that this bill is just the way it has to be as it comes out of committee and that they oppose all amendments. This bill is not perfect. I helped work on it and I know it is not perfect, and that is why I think we ought to have a free and open exchange, agree to some amendments where amendments have merit, and get this bill ready for final passage. We will have accomplished something together as Republicans and Democrats, and we will be responding to what I think is a real problem.

Mr. President, with that I yield the floor, and I make a point of order a quorum is not present.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

NOTE

Due to a printing error, the following statement from the RECORD of January 10 is reprinted in correct form at this point.

A MAN OF MANY TALENTS—SENATOR BENNETT JOHNSTON

Mr. BYRD. Mr. President, Madison in the Federalist No. 53 states, in part, as follows:

> No man can be a competent legislator who does not add to an upright intention and a sound judgment a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information which lie within the compass of men in private as well as public stations. Another part can only be attained, or at least thoroughly attained, by actual experience in the station which requires the use of it.

In the same Federalist paper, Madison writes as follows:

> A few of the members, as happens in all such assemblies, will possess superior talents; will, by frequent reelections, become members of long standing; will be thoroughly masters of the public business, and perhaps not unwilling to avail themselves of those advantages. The greater the proportion of new members and the less the information of the bulk of the members, the more apt will they be to fall into the snares that may be laid for them.

Mr. President, I speak today of a Senator who has demonstrated superior talents, a Senator with 22 years of experience in this body—Madison, having referred to men of ''superior talents'' and also to the advantages of

''experience''—and BENNETT JOHNSTON is that man of whom I speak.

There is no department of public life in which the test of man's ability is more severe than service in this body. Little deference is paid to reputation previously acquired or to eminent performances won elsewhere. What a man accomplishes in this Chamber, he does so by sheer force of his own character and ability. It is here that one must be prepared to answer for the many talents or for the single talent committed to his charge.

BENNETT JOHNSTON came to this body 22 years ago as a man of many talents. He did not wrap his talents in a napkin or hide them in the earth, as both Luke the Physician and Matthew make reference, but he put them to use that they might bear increase for his State, for his country, for the Senate, and for his fellow man. He has proved himself to be a superior legislator. I have served with him these 22 years on the Committee on Appropriations. He has proved himself to be a man with courage, with vision, with conviction, a man who is diligent in his work and faithful to his oath of office.

As the chairman of the Senate Committee on Appropriations during the last 6 years, I found him always to be conscientious and a man of his word. Fully aware of the admonition by Polonius that ''those friends thou hast and their adoption tried, grapple them to thy soul with hoops of steel,'' it is with pride that I call BENNETT JOHNSTON friend. It is with sincere sadness that I have heard of his decision and I regret that, with the passing of these final 2 years of his term, the Senate will have witnessed the departure of one who has effectively toiled here in its vineyards and who has earned the respect and admiration of his colleagues. The people of the State of Louisiana chose well when, by the exercise of their franchise, they sent him here. Someone will be selected to take his place, just as someone will, in due time, stand in the place of each of us here.

After he lays down the mantle of service, we shall feel the same revolution of the seasons, and the same Sun and Moon will guide the course of our year. The same azure vault, bespangled with stars, will be everywhere spread over our heads. But I shall miss him, just as I know others will miss BENNETT JOHNSTON. Other opportunities will come to him, other horizons will stretch out before him, and he will sail his ship on other seas.

Erma and I will miss BENNETT and Mary, but the memories of these past years during which we have been blessed to render service together to the Nation will always linger in our hearts.

I think of lines by Longfellow as being appropriate for this occasion:

I shot an arrow into the air;
It fell to earth I knew not where,
For so swiftly it flew, the sight
Could not follow it in its flight.

I breathed a song into the air;
It came to earth, I knew not where,
For who has sight so swift, so strong
That it can follow the flight of song?

Long, long afterwards, in an oak,
I found the arrow still unbroke,
And the song, from beginning to end,
I found again in the heart of a friend.

Mr. President, I yield the floor.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that ''Reagan ran up the Federal debt'' or that ''Bush ran it up,'' bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,798,792,100,063.36 as of the close of business Tuesday, January 10. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $18,216.30.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

CONGRESSIONAL ACCOUNTABILITY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey [Mr. LAUTENBERG] is recognized to offer an amendment, in which there will be 20 minutes under the control of the Senator from New Jersey and 5 minutes under the control of the Senator from Iowa [Mr. GRASSLEY].

Mr. LAUTENBERG. Mr. President, I thank the Presiding Officer.

AMENDMENT NO. 15

(Purpose: To reduce the pay of Members of Congress by the same percentage as other spending is reduced in any sequester caused by the failure of Congress to meet budget limitations on spending, or the budget deficit)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 15.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

SEC. . REDUCTION OF PAY OF MEMBERS OF CONGRESS IN EVENT OF SEQUESTRATION.

(a) IN GENERAL.—Section 601(a) of the Legislation Reorganization Act of 1946 (2 U.S.C. 31) is amended—

(1) in paragraph (1) by striking out ''as adjusted by paragraph (2)'' and inserting in lieu thereof ''as adjusted by paragraphs (2) and (3)''; and

(2) by adding at the end thereof the following new paragraph:

''(3)(A) The annual rate of pay for each position described under paragraph (1) shall be reduced (for the period beginning on the effective date under subparagraph (B)(i)(I) through the end of the fiscal year in which such adjustment takes effect) by the percentage necessary to reduce the total annual pay for such position by the uniform percentage determined under—

''(i) section 251(a)(2) of the Balanced Budget Emergency Deficit Act of 1985 (2 U.S.C. 901(a)(2)) in any fiscal year in which there is a sequester under section 251 of such Act;

''(ii) section 252(c)(1)(C) of the Balanced Budget Emergency Deficit Act of 1985 (2 U.S.C. 902(c)(1)(C)) in any fiscal year in which there is a sequester under section 252 of such Act; and

''(iii) section 253(e) of the Balanced Budget Emergency Deficit Act of 1985 (2 U.S.C. 903(e)) in any fiscal year in which there is a sequester under section 253 of such Act.

''(B)(i)(I) An adjustment under subparagraph (A) shall take effect on the first day of the first applicable pay period beginning on or after the date on which an intervening election of the Congress occurs following the sequester.

''(II) Effective on the first day of the first applicable pay period beginning on or after October 1 of the fiscal year following the fiscal year in which an adjustment to effect under subclause (I), the rate of pay for each position described under paragraph (1) shall be the rate of pay which would be in effect if not for the provisions of this paragraph.

''(ii) If more than one adjustment would take effect on the same date in accordance with clause (i)(I), each applicable percentage determined under subparagraph (A) (i), (ii), and (iii) shall be added, and the resulting percentage shall be used in making a single adjustment.''.

(b) REGULATIONS.—The Secretary of the Senate and the Clerk of the House of Representatives may prescribe regulations to carry out the provisions of this Act relating to the applicable Members of Congress.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this section.

Mr. LAUTENBERG. Mr. President, this amendment is fairly simple. It would include Members of Congress in actions that result from missing budget targets that have been set forth under the Budget Act. It would say that if we miss the targets specified and a sequester takes place, reductions in accounts across-the-board, or on a specific account, that we would also include Members' salaries; that we would therefore cut, on a like proportion basis, the salaries of Senators and Congresspersons if the Congress failed to achieve its budgetary targets of limits on Government spending.

The amendment would eliminate a defect in current law that excludes congressional pay from across-the-board cuts or sequesters when spending limits are exceeded.

Mr. President, the central purpose of the pending bill, the congressional responsibility bill, is to create the same standards for Members of Congress as those applying to other citizens. The bill says that if we are going to impose laws on ordinary Americans, we are going to have to live up to those laws we in the Congress, we in the Senate, the same laws as we ask our constituents to obey. That is an important principle, Mr. President, and it is why I strongly support the underlying bill.

Unfortunately, the pending legislation does not put Congress and the public on even par, at least in one very important respect. In fact, one double standard in place would absolutely surprise the American people if they were more aware of it. And I will take a moment to explain.

Under the Budget Act, if Congress exceeds certain limits on spending or fails to meet legally-established deficit targets, then the act may mandate automatic across-the-board spending cuts to assure that we maintain fiscal discipline. These across-the-board cuts are known as sequesters and they can apply to a very broad range of Federal programs and benefits.

Let us make no mistake. If Congress overspends under the Budget Act, ordinary Americans get hurt in the process—veterans can lose benefits they earned while fighting for our country; senior citizens with health problems can lose services under Medicare; middle-class students can lose the opportunities that student loans afford; and citizens living constantly these days in fear can lose the protection of additional law-enforcement personnel.

And yet, while ordinary Americans' programs are put on the chopping block, when their health, their security, and their educations are put at risk, guess who it is that gets off scot-free? That is right. Members of Congress. Their pay is protected, no matter what happens.

Mr. President, there is something wrong with saying that, if Congress violates the Budget Act, benefits for ordinary citizens should be cut, veterans' services should be cut, senior citizens' Medicare should be cut, student loans should be cut; the unemployed job training should be cut, but congressional salaries, those are sacrosanct, not to be touched.It is not right. If the public knew more about it, they would perhaps be even angrier than they already are.

Mr. President, I have been bothered by this double standard for some time. In the last Congress, I introduced legislation to eliminate this double standard. I called it the Congressional Overspending Pay Accountability Act. It was designed to do what its name suggested: Hold Members of Congress accountable if they overspend and if they violate their own budget rules.

This amendment is based generally on that earlier bill. I offer it today because the Congressional Accountability Act is the ideal vehicle for solving this problem. After all, this bill is about eliminating double standards. And the loophole that protects Members' salaries from spending cuts is the ultimate double standard. Unfortunately, in its current form, this bill does nothing about it unless this amendment is adopted.

So the amendment is very simple. It says that if Congress overspends, the pay of each Member of Congress shall be reduced by the same amount as all other affected spending. For example, if we exceed discretionary spending targets and trigger a sequester of 5 percent, Member pay for that next year will be cut 5 percent, as well. If the sequester cuts other programs by 1 percent, then the pay of Members of Congress will be reduced by 1 percent. I think it is important that if a target is missed, the pain be distributed equally. When cuts are made in programs, opportunities for education or health care are reduced. I think, somehow or other, we in the United States Congress ought to feel it some way other than putting a pencil to the paper.

We are recommending this amendment. I hope all of my colleagues will support it. I think it is a show of good faith. I think, otherwise, it smacks a little bit of hypocrisy to say we do not want our pay cuts, but we want everybody else's programs cut. I think it does not ring a very true signal for the American people. This amendment proposes to treat Members of Congress just like all other ordinary Americans who get hurt when the Budget Act mandates across-the-board cuts. I believe that is only fair.

We have not heard a lot about sequesters lately, Mr. President. In the past, we have seen sequesters as high as 5 percent, such as the one that reduced the military budget by that amount in 1986. Recently, Congress has complied with the Budget Act and has made a lot of tough choices. The threat of sequester has now increased substantially. Many in this town are intent on both increasing military spending and providing huge tax breaks to the wealthy at the same time we have heard promises of huge cuts in total Government spending. Apart from a few small symbolic programs proposed for elimination, we have not heard much of the details. We do not know whose benefits will be cut. We do not know whose programs will be eliminated.

Mr. President, if Congress locks itself in too tightly in overall spending caps, and then refuses to make the tough decisions to cut specific programs, what will happen? Well, one likely result will be a sequester. That possibility looms larger now than it has in many years.

Mr. President, there is a lot of debate now going on about a balanced budget amendment. The reason that that has developed is because all of us, whether one is a supporter of the balanced budget amendment or not, are anxious to bring this budget of ours under control. So we are resorting to techniques, we are resorting to programs instead of thoughtful planning on how to do it.

What we are saying is let us pass the balancing on to an amorphous structure, something that says if we cannot do it—and I think it is a blink of the eye, because we can do it—if we cannot do it, let them do it.

The case of the balanced budget amendment obviously, at one point along the line, falls to the courts to pick up the responsibilities. So I want to establish the fact—and I think my colleagues will agree—that we, too, are at risk in some way if we fail to do what we tell the public we want to do.

Mr. President, there will be handouts to the rich. They will be paid for in the end. There is a good chance that they will be paid for by ordinary Americans, whose Medicare and other benefits are subject to significant across-the-board cuts. The question I ask is, will Members of Congress feel their pain? Under the present structure, it does not look that way. The meat ax may fall, but our heads will not be in the guillotine. The blood on the floor will be the blood of lots of ordinary folks who have worked hard, played by the rules, and tried to make ends meet; but, once again, they will be asked to make or told that they are the ones who will make the sacrifice.

Mr. President, I am hopeful the reason we will prevail and we will avoid that kind of fiscal irresponsibility is the threat is real. If the ax falls, Members of Congress should risk their necks, as well. Mr. President, even if we never have another sequester, we should eliminate the loophole for Members' pay. It is a matter of principle. It is the exact same principle, the principle that motivates this bill. Members of Congress are citizens, like everybody else. When we violate our own budget rules, we should not give ourselves any special exemptions.

The staff that joins us here in this room, that supports Senators in their offices and supports Senators in their

committees—hard-working people, people who want to do a job and get a decent day's pay—wants to know that their pensions are secure when it comes time to retire. If there is a sequester, they feel it in their paychecks when the legislative budgets are reduced. That risk ought to be applied to those who are writing the bills. We ought to cut our pay to the same extent that anyone else who works for the Government might get cut if a sequester takes place.

Mr. President, if we are serious about reform, this amendment should pass overwhelmingly. I think that as each of the Members comes up to the well and announces their vote, that it is important the public be aware of the fact that if they vote ''no,'' or vote against this amendment, that what they are saying is the old expression that kicks around here, ''Do not tax you and do not tax me, tax the guy behind the tree.'' That is what we are saying if this amendment fails to pass. I am hopeful that we will see it pass, because I think it is an important declaration of principle to the American people. I think it says to them that we are in the same boat as they are.

It is a privilege to serve in this body. We are privileged and honored to have the responsibility of writing the laws that make this country a better place to live. We will be able to put our imprimatur, our signature on this, if we adopt this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I ask the Chair, how much time is remaining on my side?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. LAUTENBERG. If a quorum call is put in place, how is the time charged?

The PRESIDING OFFICER. It requires unanimous consent at this time to put in the quorum call. The Senator must specify how the time would be split.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum. I have pledged to the majority leader that he will have 5 minutes, I think it is, to make his remarks. We will have the time run on our side of the clock.

The PRESIDING OFFICER. Is there objection to the request?

Mr. GRASSLEY. Reserving the right to object. I did not hear the unanimous-consent request. Was there one?

Mr. LAUTENBERG. There is. The unanimous-consent request is, if I may, Mr. President, that a quorum call be fully charged to our side because the majority leader has a commitment under the previous order of a 5-minute response.

Mr. GRASSLEY. That is OK with me.

Mr. President, I have 5 minutes under my control?

The PRESIDING OFFICER. That is my understanding of the unanimous-consent agreement, yes.

Mr. GRASSLEY. I allocate myself such time as I may consume out of the 5 minutes.

The PRESIDING OFFICER. Does the Senator from New Jersey withhold his quorum call?

Mr. GRASSLEY. Has the Senator yielded the floor?

Mr. LAUTENBERG. Yes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, from the standpoint of a philosophical approach to what the Senator from New Jersey is trying to espouse, as his amendment does, I have affiliated myself in the past with some attempts—this is the first time I have heard this approach used—but I have offered amendments or cosponsored amendments myself that would say there should be no pay raise for Members of Congress until we get the budget balanced.

I think the Senator from North Carolina [Mr. HELMS] has offered an amendment on the floor of this body before that I voted for that probably would have cut our salary a certain period of time until we got to a balanced budget. I voted for that. So I am not unsympathetic with what the distinguished Senator from New Jersey is trying to accomplish. But I can say this in regard to the underlying legislation: The underlying legislation attempts to, and I think successfully does, apply the laws to Congress that we have exempted ourselves from that presently and for, in some instances, five decades have applied to the private sector, so that we no longer have a system of a double standard in America: One set of laws is for Congress and another set of laws is for the rest of the Nation.

That principle underlying this legislation then is the main argument for our not agreeing to the amendment of the Senator from New Jersey, because he imposes the requirement of sequestration on the rest of the budget to the salaries of Members of Congress. We are dealing totally within the public sector here. It has nothing to do with the application of laws that apply to the private sector on Congress from which laws we have been exempt, because the Federal budget, as an instrumentality of public policy, does not apply to the private sector.

So, basically, the same argument can be used against the amendment of the Senator from New Jersey that has been used against the amendments that have been proposed from the other side of the aisle on Thursday and Friday of last week, Monday and Tuesday of this week and now we are in the fifth day of discussing a bill. It is unrelated. It is a subject worthy of discussion, what the Senator brings to our attention, but not on this legislation. So, consequently, not this time. In the first week of April, according to the Senator from New Mexico, the distinguished chairman of the Budget Committee, the budget will be discussed in this body, and that is the appropriate place for the Senator from New Jersey to offer his amendment.

It gives me an opportunity to emphasize then, as I said once today, and I have said each and every day this bill has been up, that we are on our fifth day on a bill that the House of Representatives passed in 20 minutes on their first day of the session. If there was one clear message in the last election, it was that we should no longer have business as usual, and particularly this issue of the applicability of laws that Congress has exempted itself from to Capitol Hill. That was a major issue in the last campaign.

There is hardly a freshman Member of this body that has not told me that in every one of their campaigns—I am talking about the people that were newly elected on November 8—there is not a one that said this was not a centerpiece of their campaign. Do not take it from those of us who have been in this body a while. Take it from those who bring some inspiration to this body to show the people of this country that this body is not going to continue to act business as usual, ignore the will of the people and do our own agenda, because the agenda was set by the American people in this election—and this bill, this underlying piece of legislation that we are dealing with and will hopefully pass at 5 o'clock this afternoon, the Congressional Accountability Act, where we cover ourselves by the laws we have exempted ourselves from in the past.

So, I am asking my colleagues not to reject the substance of what the Senator says, the author of this amendment, but to reject it for the time being, and consider it again when the budget comes up the first week in April.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator's time on this amendment has expired. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I listened very carefully to the Senator from Iowa because he is someone who is very thoughtful. We served together on the Budget Committee. He is concerned about what takes place in terms of our acts related to the budget. I know that he is sincere when he makes the case for having this done at a later time.

I respectfully, however, disagree with my friend from Iowa because I think, A, that there will be no delay in terms of final consideration of this bill. There is a unanimous-consent order that is for this evening, and any single Senator can prevent that order from being altered in any way. So the vote will take place. So there is no further delay that is going to be caused by this amendment.

I think that it is quite clear that now—and I once again agree with the

distinguished Senator from Iowa—that we now are saying that this House, this body is subject to the same laws that we write for everybody else, and I agree with that. Therefore, in my view, this is the perfect opportunity to say not only will we obey the laws, in terms of our performance of our functions within our offices, but we are also going to take a personal hit if something goes awry if we do not plan carefully enough to meet the budget targets that we have set.

That law has been in place now I guess for 7 years—1986, I am reminded, 8 years, 9 years now—and we have had a couple of sequester years. But we have not had as much of a likelihood that a sequester ax will fall as we have facing the next year's budget, because everyone knows that we are trying to squeeze things down. In the process, if we miss those targets, we are going to have a sequester.

Once again, to overstate the case perhaps, I think that if the American people's programs—and we are not necessarily talking about the private sector, we are talking about the public sector, we are talking about senior citizens, we are talking about veterans, we are talking about students—if those programs are diminished, then I see no earthly reason why our salaries should not reflect some adjustment for that year that corresponds with the reduction in programmatic dollars that might be available.

So, Mr. President, I conclude my remarks. I yield back the remainder of my time and hope that we will adopt this amendment.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. LAUTENBERG. I do.

Mr. GRASSLEY. I yield back my time.

The PRESIDING OFFICER. All time has expired.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, under the unanimous-consent agreement, what is the next order of business?

The PRESIDING OFFICER. The next order of business will be the Senator from Nevada will be recognized.

Mr. GLENN. Mr. President, we will check and see if he is on the way over, and while he is on the way over I might make some remarks particularly addressed to people on our side of the aisle in that we on the Democratic side are the ones who have had the amendments on this legislation.

The distinguished majority leader, Senator DOLE, was able on his side to convince everyone to keep amendments off, with the idea of treating this whole thing expeditiously and getting it through. I certainly share his desire.

At the same time, it is within the right of every Senator to put forward amendments under Senate rules, whether germane or not. And I do personally think there will come a time in the future when we do adopt germaneness rules so we can keep a lot of extraneous legislation off of the floor.

What I wanted to say in addressing our side of the aisle in particular on this bill, we had a number of amendments and people lost on those amendments. We did not succeed in passing any of them. Sometimes when you get into debate in the Chamber, it gets into a rather heartfelt situation. We have issues about which people care very strongly, and they are not willing to give up easily. And there is a tendency sometimes to vote against the underlying legislation because people are in a state of semipique or disagreement or unhappiness because their particular amendment, which may or may not have been germane, did not pass.

Now, I hope if we have anyone on our side of the aisle who is taking that attitude and plans to vote against this bill because their particular amendment was not accepted, we can convince them to put aside that attitude and vote for this bill.

I think this bill is right. I think it is fair. There are a couple of things that are addressed by this bill. One is the perception out there in the country that somehow we are above the law; that we treat ourselves differently, and that is a perception, of course, about which we all must be concerned.

But second, the importance of this bill, quite apart from dealing with perceptions, it seems to me, is that you come back to the question, is it right or is it wrong that we pass this legislation? And I say it is right because what it does, it gives the same protection to our own Hill employees, those who work for us on Capitol Hill, that we have passed here in years past and said it is good for the rest of the country; we want to protect the workers out there with OSHA laws and we want fair employment laws and the right to organize—all these things that we say, yes, sir, under the American justice system, this is right for the rest of the country. I would say if it is right for the rest of the country and if people need that kind of protection out there or have rights that need protection, then our Hill employees have those same rights and to treat them fairly we need to pass this kind of legislation.

Mr. President, I was asked earlier today by one of the leading reporters here that covers the House and covers the Senate on a regular basis, just what difference does this bill make? Well, I think in some areas it makes a substantial change and in some areas it does not. Through the years, we have provided some protections in laws in a rather haphazard manner, and the haphazard manner has extended also to the process by which an employee could file a grievance of some kind and have it dealt with, with various procedures.

So what this bill does is to two things. One, it takes all of these different laws—in fact, under the antidiscrimination laws we apply four laws, some of which were covered before, some of which were not: Civil Rights Act of 1964, Age Discrimination, Americans With Disabilities Act, Rehabilitation Act, all under antidiscrimination; under public services and accommodations under ADA: title II, Americans With Disabilities; title III, Americans With Disabilities; workplace protection laws: Fair Labor Standards Act regulations to be promulgated that will track executive branch regulations on people that work irregular schedules or whose schedules depend directly on the Senate schedule, OSHA laws, Family and Medical Leave Act, Employee Polygraph Protection Act, Worker Adjustment and Retraining Act, Veterans Reemployment Act. Under labor-management relations, chapter 71 of title V will apply now.

So all of these are laws that we now say will apply, and we give a very specific grievance process that employees can use to address whatever problem they are having or however they feel they are being discriminated against or dealt with unfairly.

So it covers everything. And second, it provides this grievance process which we have not had before that takes care of some of the objections our Members have had through the years about this separation of powers from one branch of Government to the other.

Mr. President, I see our distinguished colleague from Nevada in the Chamber, and I am happy to yield to him anytime he is ready to go. I was filling in momentarily here with some comments to people on our side of the aisle while the Senator prepared.

Mr. COHEN. Will the Senator yield?

Mr. GLENN. Yes.

Mr. COHEN. Mr. President, I just want to take a moment to commend the Senator from Ohio for his statement urging his colleagues to support this legislation notwithstanding the defeat of a number of amendments that were offered and rejected.

I might say, just speaking for myself, that a number of the amendments which were offered, were they to be offered as free-standing legislation, probably would enjoy broad bipartisan support. But we should be clear about what is taking place. There is a momentum that has started in the House of Representatives. There is the Contract with America that the majority in the House and the Senate would like to see brought to the floor for debate and disposition. The majority is determined during that first 100 days to do whatever it can to facilitate that.

Now, given the fact that we have different rules in the Senate than in the House, they can act much more expeditiously than we can in the Senate. The Senate was not designed to act in that fashion. In fact, this institution was designed to slow things down so we could have more careful deliberation than the other body.

I must say that even though amendments were offered and rejected, it did

not necessarily reflect upon their respective merits. I would hope that the Senator's colleagues would heed his call for support for the underlying legislation, not only, as he indicated, because if a law is right for others it should be right for us. We should also recognize that the motivation for this legislation was not only to impose a sense of equity but also a sense of reality.

Someone once described Washington as being a city of marble surrounded on four sides by reality. That is what has been missing for the most part in terms of the reality of the consequences of what we do. We pass legislation from the very highest of motivations. We are trying to help people who are in need of help. We are trying to improve workplace safety; we are trying to improve the health and well-being of our constituents; we are trying to do many things on behalf of other people. Yet we do not necessarily do so in a way that is reflective enough of the consequences that must be borne by others that we do not have to bear ourselves.

So this is not only an issue of equity. I think it really is motivated principally from an issue of reality—that we will be more aware of the consequences of what we are about to do if we are forced to live under the same rules. So I would urge my colleagues to support the recommendation of the Senator from Ohio that, notwithstanding the rejection of the amendments which were offered, they lend their support to this measure.

Mr. GLENN. Mr. President, I appreciate very much the comments of my distinguished colleague from Maine.

Mr. President, I understand that the Senator from Nevada is ready and I think he was awaiting the arrival of the distinguished majority leader, who was to have a colleague with him, on the subject that he will present.

Until the majority leader arrives, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I may proceed as in morning business.

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

Mrs. FEINSTEIN. Thank you very much.

CALIFORNIA FLOODS

Mrs. FEINSTEIN. Mr. President, I thought it might be in order to give a very brief status report on the condition of the flooding in the State of California. It is a strange and altogether tragic irony that just about 1 year ago southern California was hit by wildfire and then the shattering Northridge earthquake. The 1-year anniversary of the Northridge earthquake will be this coming Tuesday, January 17.

As we evaluate the recovery and expenditure of nearly $11 billion of Federal funding that has been committed to disaster relief in that earthquake, record levels of rain are falling in California and have been since late last week, flooding rivers, washing out roads, causing mud slides, knocking out electricity and water supplies, and affecting the lives of hundreds of thousands of people throughout the State.

So I rise today, Mr. President, to give a brief status report on that record rainfall and flooding.

To begin with, I have been in contact with FEMA Director James Lee Witt, who is currently in California, and my State staff is on alert to provide whatever assistance they can. In addition, Transportation Secretary Peña, Housing Secretary Cisneros, and Federal Highway Administrator Slater are on a 1 o'clock flight today to California to assess what additional Federal assistance will be necessary in the days and weeks ahead.

Although the spirit in my State may be temporarily dampened, I am really confident that Californians will once again show the resilience and the determination that we have shown in the past and that we will overcome this disaster as we have the others. Californians have come together in times of disaster, and we will do so once again.

Last night, at about 11:30 p.m. eastern time, less than an hour after a request from Gov. Pete Wilson, President Clinton declared a Federal disaster for 24 of California's 58 counties. I thank the President on behalf of California for quickly declaring this emergency so individual disaster assistance funds could begin flowing.

FEMA started taking calls for disaster assistance as early as this morning. For those that might be watching C–SPAN, FEMA encourages all disaster victims to call this number, 1–800–462–9029, for information and to register for Federal assistance.

Preliminary estimates of the damage are as follows: At least six people are dead; over 1 million have been affected by power outages up and down the State. Very preliminary damage estimates exceed $50 million as of now. This will undoubtedly rise as the waters recede and a full assessment of damages is made. Thousands of people have been evacuated from their homes.

According to news reports, California has been hit with 6 months' worth of rain in 10 days. Last night I talked with Dr. Joe Friday, the Director of the National Weather Service, and he stated to me that although there is a brief respite today, heavy rains are apt to continue through the weekend. More than 50 major highways and freeways and hundreds of roads are closed due to flooding. In one 7-hour period yesterday, the California highway patrol logged 530 accident calls. That is more than five times the normal level, and by early afternoon had dealt with almost 500 disabled vehicles just in southern California alone.

What is clear is that in many areas of the State near-record levels of rain have fallen with devastating consequences. Let me describe some examples of just what the State is facing. In the Russian River area of northern California, the entire business district and hundreds of homes in the community of Guerneville in Sonoma County have been underwater for the last few days. The Russian River has swelled to record flood levels. According to the U.S. Geological Survey, Monday's water flow in the Russian River was the highest ever recorded. The word from California this morning is that the river has begun to recede back to normal levels. However, Sonoma County has been without water, and the State is bringing water in. Everybody is being urged to boil their water.

All 2,800 residents of Hamilton City in Glenn County were evacuated as the Sacramento River rose 3 feet above flood stage. People literally are kayaking down the main business street, State Street, in downtown Santa Barbara.

Many of the communities still recovering from last year's earthquake and severe wildfires have been particularly hard hit, such as Malibu and many of the canyons in southern California. Everything that was a river or a creek yesterday is a flood basin today. The Pacific Coast Highway from Malibu to Santa Barbara has been closed due to mud slides.

Pepperdine University and local businesses in the Malibu canyon are closed due to flooding. The Pepperdine campus was used for helicopter evacuations of residents in the surrounding canyon.

Fortunately, but not for lack of practice, the local, State, and Federal responses are timely and effective. The State Office of Emergency Services under the direction of Richard Andrews quickly established a state operations center to coordinate State assistance. The California National Guard has activated 75 trucks, helicopters, boats, and 300 personnel, conducting rescue and evacuation operations in seven counties.

FEMA Director James Lee Witt, already in California, is remaining in the State to coordinate the Federal disaster response. FEMA damage assessment teams have been on the ground since the weekend, though much of this work is impossible until the water finally recedes after the final rainfall. We do not know when that will be. FEMA has been requested by the State not to establish disaster assistance centers. All financial assistance to people will be done by teleregistration, through the number that I gave earlier. I would like to repeat it once again. Anyone who is a victim of the flood and wishes either information or assistance should call 1–800–462–9029. The

system is in place right now and will be taking calls for as long as necessary. Personnel have been deployed from FEMA's Infrastructure, Individual Assistance, and Hazard Mitigation Programs to California to begin work with State and local officials.

As I mentioned, Secretaries Cisneros and Peña are on their way now to California to decide what additional assistance might be warranted. I will work closely with my colleague, Senator BOXER; my colleagues in the House; and you, Mr. President, and others in the Senate. Over 30 congressional districts in California have been affected by this disaster, and we, together, will make sure that Federal response is swift, effective, and complete.

My heart goes out to the families that have members who have perished in this, our latest disaster, and to the many thousands of people that have been affected by the rising waters. My message to them is that FEMA will be there until we can get people back in their homes, businesses back on their feet, and lives back in order.

I thank you very much, Mr. President, and I yield the floor.

CONGRESSIONAL ACCOUNTABILITY ACT

The Senate continued with consideration of the bill.

Mr. GLENN. Parliamentary inquiry, Mr. President. Are we back in legislative session now?

The PRESIDING OFFICER. Yes, we are.

Mr. GLENN. Mr. President, I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WELLSTONE. Mr. President, I will take just a few moments because I understand from the Senator from Ohio that we will for a short period go into recess following my statement, is that correct?

Mr. GLENN. Mr. President, that is correct. The majority leader said when we were finished now, we will go into recess until 4:30 when he will come to the floor and have a colloquy with Senator BRYAN.

Mr. WELLSTONE. Mr. President, I thought that while I was here I would summarize this past week for other Senators, and just as important, for people in the country, action of the Senate on some key political reform agenda items that were again blocked here in the Senate.

The piece of legislation that has been before this body is called the Congressional Accountability Act. There were a number of amendments introduced on the floor this week that I think spoke to the heart of accountability. Many, many Senators have been talking about reform. I just want to summarize for a moment the record.

There was the Wellstone-Levin-Feingold-Lautenberg lobbyist gift ban. One of the central political reform item agendas, Mr. President—along with lobby registration and real campaign finance reform—and this was tabled on virtually a party-line vote. This was, once again, an amendment that was connected to what all of us have said we are about, which is to end this taking of gifts, expensive meals, and vacation travel from lobbyists and other special interests. I believe the Senator from Michigan, the occupant of the chair, was actually one of the few from his side who voted for this. But with the exception of the Senator from Michigan and a couple of other Senators from the majority, it was almost a straight party-line vote.

There was another amendment, the Wellstone amendment, to restrict political contributions from lobbyists who have lobbied a Member within a year. I think that goes to the heart of this sort of nexus between money and lobbying, and the extent to which people in the country feel left out of the loop of governing. This, I am sad to say, was not just a party vote. There was an overwhelming vote against this, and I really believe we are making a big mistake by not, in a very significant way, reforming this political process and doing something about the mix of money and its influence in politics.

There was an amendment by Senator FORD, from Kentucky, to prohibit the personal use of frequent flier miles by Members of Congress and staffers. While Senate rules already prohibit this, this amendment would have codified the rule for us and extended the rule to House Members.

Senator MCCONNELL's amendment struck language from the Ford amendment that would have applied the prohibition consistently to the House and Senate, allowing House Members to continue the practice of using frequent flier miles for family vacations, expensive meals, and other means of having their lifestyles subsidized indirectly by their official travel, paid for by the taxpayer. So Senator FORD's reform amendment was unsuccessful, voted down in what was largely a party vote.

There was the Exon amendment to require specificity in how we propose to get to a balanced budget and to prohibit outlays in excess of revenues in the year 2002.

Mr. President, what Senator EXON was trying to do was say, let us have some truth in budgeting, let us be accountable, let us be honest and direct with people about the cuts we are going to be making if we pass the balanced budget amendment to the Constitution. That amendment was defeated by almost a party-line vote. Now, I opposed that amendment for other reasons, but I do believe that, at a minimum, Members of Congress ought to make clear the huge cuts that would be required by the balanced budget amendment before we vote on it. By and large, that vote on the Ford amendment was also a party-line vote.

Again, what Senator EXON was trying to say for those who were for the constitutional amendment to balance the budget—I am not—is please be direct and honest with people and let us be clear about how we propose to get there. It was voted down on what was, by and large, a party-line vote.

There was the Kerry amendment to prohibit the personal use of campaign funds. It would have imposed tough new rules to prevent abuses by some Members of Congress in this area, including the leasing of cars for essentially personal use in the Washington area, paying for recreational travel, meals, and the like. Again, this amendment was tabled.

There was another attempt to address the problem of personal use of frequent flier miles by my colleague, the Senator from Ohio, Senator GLENN. The Glenn amendment was to extend to the legislative branch the same frequent flier rules that apply to the executive branch. That was tabled on essentially a party-line vote.

And finally, Mr. President, and I summarize, there was the Wellstone amendment on children. My colleagues on the other side of the aisle have been saying over and over again, ''We are not going to impose cuts that are going to hurt children, that would create more hunger or homelessness among children.'' This amendment asked Senators to go on record voting for what they have been saying. Believe it or not, that amendment was tabled on virtually a party-line vote.

Mr. President, I just present this summary because somewhere, someplace in the United States of America, people should know that the so-called reformers did not follow through on a great deal of the reform agenda; in fact, they are blocking it. Americans should know that there is much that we can and should and must do to make this process more open, more accountable, more honest. And over and over and over again, on many important amendments, we had virtually straight party-line votes defeating these reform efforts by people who ran for office on a reform agenda.

Mr. President, I know that the majority leader on ''Face the Nation'' a couple of weeks ago, in talking about the gift ban said something to the effect that: ''We're in control of the Congress now, and we're going to set the agenda.''

Party control has shifted, and the majority leader is a skillful legislator and a skillful leader. But my question, Mr. President, looking at the past week is: When are we going to get beyond party-line votes? When are we going to get to the merits of amendments if, every time a Senator brings

an amendment to the floor, it is automatically tabled because the majority leader says that is not what our party is going to support?

My question for my colleagues is: When are we going to see a little more independence?

I hope that we follow through on commitments we have made to the people in this country, which is that we are going to be serious about reforming this process. The Congressional Accountability Act is a good, sound, positive piece of legislation in that direction, but we had an opportunity to do much more, and I have given examples of amendment after amendment after amendment that I bet 90-plus percent of Americans would support which were tabled on virtually party-line votes. I thought people wanted us to get beyond that. I thought people wanted each and every one of us to be independent, to vote on the merits of the legislation, to vote on what we think would be good for the people back home.

Did Senators vote against an amendment saying we would not do anything to create more hunger and homelessness among children because they thought this amendment was not good for the people they represent back home? Did Senators vote against gift ban or abuses of frequent flier miles or other campaign finance reform measures because they thought the people back home whom they represent did not want them to vote for these amendments? It was virtually a straight party-line vote.

So, Mr. President, we will see, with the unfunded mandates bill that will be before the body within the next day or so, but I certainly hope as soon as possible, Senators will consider each and every amendment based on their merits, not based on party calculation—based upon what the people back home would want them to do—or based on their own personal convictions and independence, regardless of what they think the majority of people back home want to do.

Different people have different models of how they represent their States. Right now, what I have seen, by and large, is virtually a straight party-line vote, all about control, all about power, and not about the merits of the amendments or the legislation, but a retreat from the very reform agenda that many of my colleagues said they were committed to.

So I look forward to the next piece of legislation, and I hope that we will do better. I intend to continue to fight for this political reform agenda, including lobbying registration and gift ban reform, and tough, comprehensive campaign finance reform legislation here in the Senate. I commend my colleagues on their work on the Congressional Accountability Act, which I wholeheartedly support. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Iowa.

RECESS

Mr. GRASSLEY. Mr. President, since there are no further amendments, other than the managers' package—and that is to this bill that is before us—and no other Senators are seeking the floor at this time, I ask unanimous consent that the Senate now stand in recess until 4:30 p.m. this afternoon.

There being no objection, the Senate, at 3:09 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. HUTCHISON].

The PRESIDING OFFICER. The Chair, acting in her capacity as Senator from Texas, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

VISIT TO THE U.S. SENATE BY DISTINGUISHED GUESTS

Mr. DOLE. Madam President, and my colleagues, we are very honored today to have visitors from Japan, the Prime Minister, Mr. Murayama; the Minister of Foreign Affairs, Mr. Kono; Parliamentary Deputy Chief Cabinet Secretary, Mr. Sonoda; Assistant Director of the First North American Division, Mr. Suzuki. They have been here visiting with President Clinton earlier today, and Senator DASCHLE and I have had a very good visit.

As you know, we have had a strong, good relationship with Japan since World War II. The commemoration of the conclusion of that war will be next year. I was saying to the Prime Minister that obviously you look to the past and you remember the past, and you remember the agonies; but we also look to the future. We have our problems and they have their problems. We have our problems with them, and they have their problems with us.

I say to my colleagues that I hope you will take this opportunity to say hello to the Prime Minister and the Minister of Foreign Affairs and other members of the delegation. To facilitate that, I ask unanimous consent that we stand in recess until 5 p.m.

There being no objection, the Senate, at 4:54, recessed, until 5:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ASHCROFT).

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

CONGRESSIONAL ACCOUNTABILITY ACT

The Senate continued with the consideration of the bill.

Mr. DOLE. As I understand it, under the agreement, there will now be a colloquy between myself and the distinguished Senator from Nevada, Senator BRYAN.

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. DOLE. I ask unanimous consent that the Lautenberg amendment be set aside.

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

Mr. BRYAN. Mr. President, I yield to the distinguished majority leader.

Mr. DOLE. Does the Senator from Nevada wish to make a statement first and have me respond?

Mr. BRYAN. As the majority leader prefers. I am willing to do it either way.

Mr. DOLE. I think I should respond to the Senator's request.

Mr. BRYAN. I thank the leader.

Mr. President, Members of the Senate, yesterday I was prepared to offer an amendment to the Congressional Accountability Act, S. 2, which would have made congressional pensions and that of our employees on a parity with other Federal civil servants.

The distinguished majority leader and I had several conversations on the floor yesterday evening. I received an assurance from him that he believed that this is an important issue for the Senate to address. I know that it is his intention to do so, and I accept his representation that this is a matter that is going to come before the body.

I indicated to the majority leader that I would forbear in offering the amendment. However, if I saw no action by the Easter recess of this year, it would be my intention to offer an amendment on congressional pension reform, to any piece of legislation which might then be pending on the floor of the Senate for action.

I am satisfied in my own mind that the majority leader shares my commitment to address this and I accept his representation and I thank him for his comments.

But I think that our colleagues need to understand, that although we are not going to be voting on this today because of the commitment that I have had from the distinguished majority leader, this is not an issue we are going to be able to postpone and bury. It is going to come before the Senate very shortly. I want to acknowledge and express my appreciation to the distinguished majority leader for his assurances along that line. I look forward to working with him and our colleagues on both sides of the aisle.

I thank the leader.

Mr. DOLE. I thank the Senator from Nevada.

I know that we have a number of colleagues on both sides of the aisle who share the concerns just expressed and

that the junior Senator from Pennsylvania, Senator SANTORUM, may wish to say a word at this time.

Mr. SANTORUM. I thank the majority leader for yielding.

Mr. President, I commend the Senator from Nevada for his efforts on this subject. This was an area that I had expressed interest in in the House. In fact, I introduced a bill that almost mirrors word for word what the Senator from Nevada is doing.

This is an important issue of gaining credibility with the American public that we are not going to treat ourselves any different than any other Federal employee when it comes to employee benefits. It puts us on a level no more and no less generous than other Federal employees. I think that is where we should be.

There is no reason that we should have a more generous pension system here than other Federal employees. That is what the amendment of the Senator from Nevada would do. I will join him in cosponsoring his bill.

I appreciate the majority leader's intention to allow this to percolate through the committee system and give it an opportunity for hearings—this is a new subject that has not been discussed in committee—give it an opportunity to be discussed in committee and hopefully be moved through in a speedy fashion. But, if not, we have the opportunity to come to the floor and then offer an amendment to a bill here to move this issue to the floor, where I believe it belongs.

I thank the majority leader for yielding and for his agreement to do this.

Mr. DOLE. Mr. President, I know, in addition to the Senator from Pennsylvania on this side of the aisle, the Senator from Tennessee, Senator THOMPSON, has a direct interest in this legislation.

I wish to commend Senator BRYAN as the prime mover of this effort. I think it should be addressed. It will be addressed, I can assure the Senator from Nevada, the Senator from Pennsylvania, and other Senators. We need to find out, we need to determine, we need to make a record to make certain that congressional pensions are in line with other Federal employees. If they are too generous or if they are out of line, then we need to make changes.

It is my understanding that Senator BRYAN, along with my distinguished colleague from Pennsylvania, Senator SANTORUM, are going to introduce legislation today and, if introduced, this legislation will be referred to the Committee on Governmental Affairs. After consulting some of my colleagues on the committee, including the distinguished chairman from Delaware, Senator ROTH, I have every reason to believe that the committee or one of its subcommittees will hold hearings on the pension reform issue at some point later this year.

Now, let me make it very clear—because I know the Senator from Nevada is acting in good faith, and this Senator is acting in good faith—not only will we have hearings, but we hope something will be reported out of the committee. Because, if it is not reported out of the committee, then I am not going to stand here and block an effort by the Senator from Nevada later on if he stands up to offer an amendment to something else. I give him that assurance right now.

It should come out of the committee with a big bipartisan vote. If it is determined changes should be made, it ought to be made on a bipartisan basis. It ought to be brought to the floor and we ought to act on it.

I told the Senator from Nevada last night—he talked about the Easter recess; it may not happen quite that quickly—that I think there should be some pressure, I do not mean it in the negative sense, for the committee to respond as quickly as possible. I know there are other things that have to be done. But this, too, should be a priority in the chain of events, because a lot of people are concerned about this; a lot of people write to us about this. So let us address it. Let us face up to it.

So I just assure the Senator from Nevada, as I did last evening, that I am sympathetic to what he is attempting to do and I will be trying to cooperate with him every step of the way.

Mr. BRYAN. Mr. President, I express my appreciation to the distinguished majority leader.

I might just inquire, in terms of procedure, it originally was my intention to make a statement about the bill. I know you have a rollcall vote scheduled at this time. I am prepared to make about a 5- or 10-minute statement, if that is agreeable to you.

Mr. DOLE. Yes.

Mr. BRYAN. Mr. President, I will introduce legislation that will put congressional retirement benefits and that of our employees—I think it is important for Members, as well as the public generally, to understand that what we are talking about is not only Members of Congress but our employees are in this same system—that will put our benefits and those of our employees on a parity with other Federal employees.Under current law, as has been alluded to on the floor moments ago, the pensions Members of Congress and our employees receive are considerably more generous than those of other Federal employees. It is my judgment this practice is not justifiable and, in fact, is unacceptable.

Under the present retirement system, Members of Congress and other Federal employees who were part of the Federal work force prior to 1984 are enrolled in the Civil Service Retirement System [CSRS].

Under 1984 legislation, all Members of Congress, our employees, and other Federal employees are enrolled in FERS or the Federal Employee Retirement System. This chart illustrates the point that my colleague from Pennsylvania was making just a moment ago. The accrual rate is significant because the accrual rate multiplied by the number of years of service and the final high-3 salary determines your pension. For example, an individual under the old system, who has been a Member of Congress or congressional employee, has an accrual rate of 2.5 percent. So for a 10-year period of time, that Member would receive a pension of 25 percent of their final high-3 salary. Under FERS, the accrual rate for Members is 1.7 percent, therefore, a Member who serves 10 years would have pension of 17 percent of their final high-3 salary. You can see that the old system is considerably more generous than the new system.

The accrual rate for other Federal employees under the CSRS system is 1.5 percent for their first 5 years; 1.75 percent in second 5 years; after 10 years of service, 2 percent.

You can see that throughout the entire system, Members of Congress are treated more favorably for purposes of the retirement system. Now, it is fair to point out that under the Civil Service Retirement System, Members do contribute 8 percent, non-Members of Congress, nonemployees of Congress, contribute only 7 percent. Even though there is a 1-percent differential in contribution, the Member's pension is a substantially enhanced benefit.

That same disproportionate formula carries through under the FERS system where Members of Congress and our employees get a 1.7-percent accrual rate, which means in 10 years we would receive a pension of 17 percent of our final high-3 salary. The accrual rate for other federal employees is 1 percent, so they would only receive a pension of 10-percent of their final high-3 salary.

Once again, the contribution rate for Members of Congress and our employees is 1.3 percent, which is slightly higher than the .8 percent that non-Members of Congress and our employees would be contributing.

The thrust of this legislation, Mr. President and my colleagues, is simply to put everybody on a level playing field prospectively. Any accrued benefit would not be taken away. Service under the old system would be calculated under the old formula. Only future service would be calculated under the new formula.

I think it is only fair that we not treat ourselves, as Members of Congress, differently from other dedicated public servants who may serve in the Park Service or the Department of Transportation, in which their devotion to public service is no less than our own.

Let me give you the practical impact of that, and then I will yield the floor here in a moment.

Members will recall I described the FERS system as one for those of us who have been hired since 1984. For 10 years of service as a Member of Congress, our pension would be 17 percent of the average of the last 3 years of our service prior to retirement. Those in

the executive branch of the civil service would get only a 10-percent pension of their average of the last 3 years. In 20 years, Members of Congress get a 34-percent pension; other Federal employees under the FERS system get 20 percent. For 30 years, it is 44 percent, and other members that are not Members of Congress or their employees receive substantially less.

Under the old system, which existed prior to 1984, 10-year Members of Congress get a 25-percent pension of the average of their last 3 highest years; other executive branch employees get 16.4 percent. For 20 years, Members of Congress get 50 percent and executive branch gets 36.5 percent. For 30 years, it is 75 percent, and other federal employees receive 56.3 percent.

My point is that we seek equality of treatment. It is a principle embraced, I think, in the Congressional Accountability Act. That is one of the reasons why I had proposed to offer it as an amendment at that time. Let me just say, based upon the assurances of the majority leader, which I accept, I have agreed to forbear and not to offer this amendment. I said by Easter, we would take a look and see if this legislation is moving. If it is, I am willing to give some additional time. This is not an issue that we will be able to dodge. I intend to bring it to the floor. I know a number of our colleagues on both sides of the aisle share a similar perspective.

Mr. President, let me just conclude by saying that I think it is absolutely essential to show the American people that we are not treating ourselves differently from other members of the Federal civil service. Members of Congress should not receive a more generous retirement. This is a matter of fairness.

I would have to say that in townhall meetings we have in Nevada, this issue comes up many times. I have asked why this exists. That is why I introduced legislation along these lines in the last session of Congress.

How is it that Members of Congress are treated differently than other civil service employees? I think the answer is, it is not defensible. We cannot justify it, in my view. We have an obligation to change it prospectively. I am persuaded by the show of bipartisan interest and support. I think we can change it. We ought to change it.

I look forward to working with my colleagues on both sides of the aisle to eliminate what I consider one of the major areas of inequality that exists between the Congress and others who serve in Federal service positions outside of Capitol Hill. We should do it as soon as possible.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to set aside momentarily the Lautenberg amendment.

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

AMENDMENT NO. 16

(Purpose: To make technical amendments)

Mr. GRASSLEY. Mr. President, I send to the desk a managers' amendment offered by Senator GLENN and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. GLENN, proposes an amendment numbered 16.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, in the item referring to section 220, strike ''code'' and insert ''Code''.

On page 11, line 14, insert a comma before ''irrespective''.

On page 27, line 14, strike ''would be appropriate'' and insert ''may be appropriate to redress a violation of subsection (a)''.

On page 30, line 6, strike ''section 403'' and insert ''subsections (b) through (d) of section 403''.

On page 30, lines 17 and 18, strike ''section 405'' and insert ''subsections (b) through (h) of section 405''.

On page 31, between lines 3 and 4, insert the following:

(5) COMPLIANCE DATE.—If new appropriated funds are necessary to comply with an order requiring correction of a violation of subsection (b), compliance shall take place as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

On page 31, line 13, after ''(b)'' insert ''except''.

On page 31, between lines 17 and 18, insert the following:

(3) ENTITY RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for categories of violations of subsection (b), the entity responsible for correction of a particular violation.

On page 32, line 6, insert ''and the Office of the'' before ''Architect''.

On page 32, line 6, strike '', and to the'' and insert ''or other''.

On page 32, lines 7 through 9, strike '', as determined under regulations issued by the Board under section 304 of this Act,''.

On page 35, line 13, strike ''and'' and insert a comma.

On page 35, line 14, insert before the semicolon the following: '', and any entity listed in subsection (a) of section 210 that is responsible for correcting a violation of this section, irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs''.

On page 36, line 3, strike ''(a) and (f)'' and insert ''(a), (d), (e), and (f)''.

On page 36, lines 4 and 5, strike ''(a) and (f)'' and insert ''(a), (d), (e), and (f)''.

On page 36, lines 15 through 17, strike '', as determined appropriate by the General Counsel pursuant to regulations issued by the Board pursuant to section 304''.

On page 37, line 4, strike ''section 405'' and insert ''subsections (b) through (h) of section 405''.

On page 37, line 12, strike ''section 6(b)(6)'' and insert ''sections 6(b)(6) and 6(d)''.

On page 37, line 14, strike ''655(b)(6)'' and insert ''655(b)(6) and 655(d)''.

On page 37, line 16, strike ''section 405'' and insert ''subsections (b) through (h) of section 405''.

Beginning with page 37, line 24, strike all through page 38, line 4, and insert the following:

(6) COMPLIANCE DATE.—If new appropriated funds are necessary to correct a violation of subsection (a) for which a citation is issued, or to comply with an order requiring correction of such a violation, correction or compliance shall take place as soon as possible, but not later than the end of the fiscal year following the fiscal year in which the citation is issued or the order requiring correction becomes final and not subject to further review.

On page 38, between lines 18 and 19, insert the following:

(3) EMPLOYING OFFICE RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (a), the employing office responsible for correction of a particular violation.

On page 38, line 23, after ''General Counsel'' insert '', exercising the same authorities of the Secretary of Labor as under subsection (c)(1),''.

On page 39, line 3, strike ''and''.

On page 39, line 4, after ''Assessment'' insert '', the Library of Congress, and the General Accounting Office''.

On page 39, lines 12 through 14, strike '', as determined under regulations issued by the Board under section 304 of this Act,''.

On page 41, lines 17 and 18, strike ''Subject to subsection (d), the'' and insert ''The''.

On page 42, line 25, strike ''section 405'' and insert ''subsections (b) through (h) of section 405''.

On page 44, line 1, strike ''section 405'' and insert ''subsections (b) through (h) of section 405''.

On page 44, line 8, strike ''graphs (1) and'' and insert ''graph (1) or''.

On page 44, line 8, before ''may'' insert a comma.

On page 45, line 1, strike ''(c)'' and insert ''(d)''.

On page 45, line 6, strike ''(d)'' and insert ''(e)''.

On page 45, line 20, strike ''(d)'' and insert ''(e)''.

On page 49, line 9, strike ''(e)'' and insert ''(f)''.

On page 49, line 14, strike ''(d)(2)'' and insert ''(e)(2)''.

On page 49, line 18, strike ''(d)'' and insert ''(e)''.

On page 50, line 3, strike ''witness''.

On page 54, strike line 11, and insert ''than December 31, 1996—''.

On page 56, line 25, insert ''Senate'' before ''Fair''.

On page 57, line 1, strike ''of the Senate''.

On page 67, line 16, strike ''issuing'' and insert ''adopting''.

On page 68, line 15, after the semicolon, insert ''and''.

On page 73, line 3, before the period insert ''under paragraph (1)''.

On page 75, line 4, before the period insert '', except that a voucher shall not be required for the disbursement of salaries of employees who are paid at an annual rate''.

On page 75, line 4, after the period insert the following: ''The Clerk of the House of Representatives and the Secretary of the Senate are authorized to make arrangements for the division of expenses under this subsection, including arrangements for one House of Congress to reimburse the other House of Congress.''.

On page 75, between lines 4 and 5, insert the following:

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—The Executive Director may place orders and enter into agreements for goods and services with the head of any agency, or major organizational unit within an agency, in the legislative or executive branch of the United States in the same manner and to the same extent as agencies are authorized under sections 1535 and 1536 of title 31, United States Code, to place orders and enter into agreements.

On page 75, line 5, strike ''(b)'' and insert ''(c)''.

On page 77, line 9, after ''after'' insert ''receipt by the employee of notice of''.

On page 80, line 24, strike ''(b)'' and insert ''(a)''.

On page 88, line 18, before ''this section'' insert ''section 404 and''.

On page 89, line 21, strike ''may'' and insert ''shall''.

On page 90, line 11, strike ''(d)'' and insert ''(e)''.

On page 90, line 14, after ''be,'' strike ''may'' and insert ''shall''.

On page 90, line 25, strike ''paragraph (1)'' and insert ''subsection (a)''.

On page 91, line 5, strike ''407'' and insert ''405(f)(3), 407,''.

On page 93, strike lines 3 through 8, and insert the following:

(c) HEARINGS AND DELIBERATIONS.—Except as provided in subsections (d), (e), and (f), all proceedings and deliberations of hearing officers and the Board, including any related records, shall be confidential. This subsection shall not apply to proceedings under section 215, but shall apply to the deliberations of hearing officers and the Board under that section.

On page 94, line 12, strike ''102(b)(2)'' and insert ''102(b)(3)''.

On page 105, lines 7 and 9, insert ''of 1990'' after ''Act''.

Mr. GLENN. Mr. President, I have worked together with Senator GRASSLEY on this. It is a technical amendment and makes all sections conform to other sections and conform grammatically. We are glad to accept it on this side of the aisle.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 16) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to table was agreed to.

AMENDMENT NO. 15

Mr. GLENN. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 15, offered by the Senator from New Jersey.

Mr. GLENN. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, I move to table the Lautenberg amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 15 of the Senator from New Jersey. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—61

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Breaux	Gregg	Packwood
Brown	Hatch	Pell
Burns	Hatfield	Pressler
Byrd	Helms	Roth
Chafee	Hollings	Santorum
Coats	Hutchison	Shelby
Cochran	Inhofe	Simpson
Cohen	Inouye	Smith
Coverdell	Jeffords	Snowe
Craig	Johnston	Specter
D'Amato	Kassebaum	Stevens
DeWine	Kempthorne	Thomas
Dodd	Kyl	Thompson
Dole	Lieberman	Thurmond
Domenici	Lott	Warner
Faircloth	Lugar	
Frist	Mack	

NAYS—38

Akaka	Feingold	Levin
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Harkin	Nunn
Bryan	Heflin	Pryor
Bumpers	Kennedy	Reid
Campbell	Kerrey	Robb
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Exon	Leahy	

NOT VOTING—1

Rockefeller

So the motion to lay on the table the amendment (No. 15) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, may we have order.

The PRESIDING OFFICER. The majority leader is recognized. The Senate will be in order.

Mr. DOLE. If I can have my colleagues' attention so I can make an announcement?

I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed at this point in the RECORD:)

• Mr. ROCKEFELLER. Mr. President, the health, safety, and labor laws that now protect workers in the private sector should cover the Federal Government. Applying these laws to the Congress is a long overdue reform which has my total support.

I am disappointed that I am not able to be in Washington this week to participate in this important legislation. However, I am conducting very critical business for the people of West Virginia that I felt could not be put aside.

Early last year, I initiated plans to lead a large trade and investment mission to Japan and Taiwan beginning January 7. The mission was scheduled for this time to make sure it would take place when the Congress was not in session. Unfortunately, the congressional schedule was changed at the last minute by the new leadership, long after plans for this important mission had been finalized and could not be changed.

The mission, known as Project Harvest, includes 27 business leaders from important and different West Virginia industries. Working with the U.S. Department of Commerce and the State of West Virginia, the Discover the Real West Virginia Foundation is coordinating our search for export opportunities and high-paying, secure jobs for our State. It is, I believe, a historic journey that will reap benefits to the people of West Virginia for many years to come.

I am proud to be able to lead this historic Project Harvest mission on behalf of the people of West Virginia, but regret that it takes me from Washington during this time when we are considering the Congressional Accountability Act.

In the current rush to reform, we should not overlook that this bill is almost identical to legislation drafted by Senators GLENN, LIEBERMAN, and GRASSLEY in the last Congress. That legislation, known as the manager's amendment to H.R. 4822, was blocked from consideration in the Senate by stealth objectors.

What is now taking place is enactment of legislation previously blocked by those who have finally ''seen the light'' in the need for this reform. In the coming months, I am sure we will see other conversions from the obstructionism that we saw so frequently in the last Congress to an eagerness to take action. It's unfortunate that Americans had to wait.

Mr. President, I am proud that the people of West Virginia have seen fit to send me to represent them in the U.S. Senate. There are many dedicated and good people who are elected and appointed to serve here. As we press forward to review and reform, we must be mindful to those who have preceded us, and the legacy we will leave to those who follow.

We should never forget the counsel of the Framers of the Constitution who provided for independence between the branches of Government. We have the solemn responsibility to preserve and defend that independence.

None among us takes that charge more seriously that the senior Senator from Kentucky [Mr. FORD] who has raised reasonable concerns about the provisions of this bill which will permit investigations and review of the Congress by other branches of the Government. We should all be wary of what could become improper meddling in the constitutional system.

I share those concerns, and believe we can fully preserve a proper balance of powers between the legislative, the judicial, and the executive branches of Government, and at the same time, better protect our staff. I am satisfied that this legislation strikes the necessary balance. I commend the sponsors of this bill, and am thankful to Senator FORD for his leadership in reminding us of our institutional responsibilities.

Mr. President, another of our responsibilities in the Senate is to carefully review and improve what may be popular legislation which often receives less careful scrutiny in the other body. I am astonished, for example, that so many of my colleagues rejected the efforts in the past few days to strengthen and improve the Congressional Accountability Act. Why should we not seek to finally gain enactment of long-delayed gift-ban legislation, approved last year, and then blocked from final passage in the final days of that session? What better time to limit undue influence than this legislation to improve the workings of the Congress?

I certainly support this and other amendments aimed at improving the operations of the Congress. Unfortunately, all of these improving amendments were rejected in the past week. I note that none of these votes has been close, and that my vote would not have changed the outcome of any proposed amendment.

Mr. President, solving the problems of my people in West Virginia has my total attention. That is why I have worked so very hard over the past three decades to find and bring well-paying, secure jobs to our State, and why I now am away from the Senate. In a changing world and global economy, our State will need to look far beyond its borders to find the resources we will need to create long-term employment and prosperity.

I take seriously my duty to participate in the proceedings of the Senate, and to exercise the opportunity afforded me to cast my vote for West Virginia on the Senate floor. I am hopeful that the people of my State will realize how very seriously I take my responsibilities to make our State a better and more prosperous place to live. Sponsoring and leading a delegation of West Virginia business people to Japan and Taiwan is part of that effort, and I wanted to insert this explanation of my absence in the Senate and why I felt it could not be avoided.●

Mr. MURKOWSKI. Mr. President, I rise to express my strong support for the Congressional Accountability Act (S. 2), and to urge all of my colleagues to vote for this legislation. This legislation is way overdue.

When the American electorate voted in a Republican congressional majority, the public's sentiment could not have been clearer. Their message to Capitol Hill was straightforward: End business as usual and become more accountable to the will of the people.

The legislation that we are about to vote on is the Senate's first response back to the American public. In this bill we say to the American public that we must live under the same rules and laws that we impose on the rest of the country. For too long, the House and the Senate have acted with an arrogance about our institutions. We have, in effect, said that we are above the law. Today, that arrogance ends.

Under this legislation, Congress is required to comply with the same health, safety, civil rights, and labor laws that all American businesses must comply with. And that means compliance with the 57-year-old Fair Labor Standards Act, the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967; the Occupational Safety and Health Act of 1970; the Rehabilitation Act of 1973, and a host of other laws that Congress has deemed appropriate to impose on American business.

It is astounding to this Senator that we have waited so long to pass this legislation. There is not a constituent in my State of Alaska who can comprehend how we as legislators can exempt ourselves from the health, safety, and labor laws that they must contend with. Nor can I.

But with the passage of this bill, our message to the American people is that Republicans have heard your voice and we are going to change how the people's business is conducted in Washington DC. This is but the beginning, an important first step, but only a step.

Tomorrow we will begin debate on another piece of legislation that parallels the concepts embodied in S. 2. The legislation we will begin considering tomorrow (S. 1) will bring to an end the practice of Washington sending mandates to the States and local governments—ordering them to comply with a plethora of new laws and regulations—and not giving the States and local governments a single dime to comply with these directives from Capitol Hill.

The thread that unfunded mandates and congressional law exemptions share is insular arrogance. It reflects a political philosophy which implies that we in Washington know what is best for the country, but we are unwilling to live by the laws we expect everyone else to live by, and we are unwilling to share in the costs of complying with the laws we impose on the rest of the country.

But with the election of the first Republican congressional majority in more than 40 years, Congress' insular arrogance is ending. We will live by the same laws as the rest of the country and we will begin a debate about ending more than three decades of deficit spending by changing our Constitution to put an end to Federal deficit spending.

Mr. President, the American public is closely watching this Congress. I believe today's vote unmistakably shows that when they put their faith and trust in the new Republican majority, their hopes for change would not be disappointed. I hope that my colleagues on the other side of the aisle will see the wisdom of adopting this legislation on a bipartisan basis. There is no excuse for Congress to remain above the law.

Mr. DOLE. Mr. President, in federalist No. 57, James Madison made the following observation. He said:

> [The House of Representatives is] restrain[ed] from oppressive measures [because] they 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 deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests and sympathy of sentiments of which few Governments have furnished examples * * * if this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature as well as on the people, the people will be prepared to tolerate anything but liberty.

Unfortunately, Mr. President, the Congress has not always adhered to James Madison's timeless vision of representative Government. For far too long, Congress has severed its connection with the people, imposing 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 asthe Imperial Congress, as an institution that considers itself above the law and without accountability.

This past election day, the American people finally decided it was time to shake up the Washington status quo. 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.

Last week, by a unanimous vote of 429 to 0, the House passed its own version of congressional-coverage legislation, taking the first big step toward restoring the credibility of Congress with the American people. And, if all goes according to plan, we could have a congressional-coverage bill on the President's desk as early as next week—the first bill passed by the 104th Congress, and the first bill of the new

Congress signed into law by President Clinton.

As a result of S. 2, Congress will have to abide by the minimum wage and civil rights laws. Congressional offices will be subject to OSHA-style inspections. Congressional employees will have the right to unionize. And they will be entitled to family and medical leave, just like workers in the private sector.

To ensure that Congress abides by these laws, S. 2 establishes an independent Office of Compliance with a five-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 contains an important provision that hasn't received much attention during this debate. This provision requires that any future legislation affecting 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.

Hopefully, Mr. President, S. 2 will 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.

In fact, S. 2 may have its biggest impact on the private sector, as Congress becomes increasingly reluctant to impose more rules, more regulations, more redtape.

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 colleagues, Senators NICKLES, LIEBERMAN, and THOMPSON, for their important contributions as well.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we are now going to final passage. That will be the last vote today.

Then tomorrow, we will start on unfunded mandates, debate only, at 10 o'clock. We worked out a problem with the distinguished Senator from South Dakota, the Democratic leader, I guess based on—because the report was not filed.

We are trying to get an agreement, I might say to my colleagues, many of whom want to leave here early Friday or even tomorrow evening. If we can get an agreement to lock up all these amendments, I am certainly willing to accommodate my colleagues in these early days, as we did today, in fact. So help us put that together, because our staff on each side is working on it. Do not list every amendment you have ever thought of, because we would like to finish it by a date certain next week, Tuesday or Wednesday.

So there will be no further votes tonight after this vote.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I also want to commend my colleague, Senator GRASSLEY, for his outstanding work and expeditious work on this bill, and also my colleague, Senator GLENN, for his efforts, and Senator LIEBERMAN. I know it has taken a long time, there have been a lot of amendments, and I thank my colleagues.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2) was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill, as amended.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—98

Abraham	Cohen	Graham
Akaka	Conrad	Gramm
Ashcroft	Coverdell	Grams
Baucus	Craig	Grassley
Bennett	D'Amato	Gregg
Biden	Daschle	Harkin
Bingaman	DeWine	Hatch
Bond	Dodd	Hatfield
Boxer	Dole	Heflin
Bradley	Domenici	Helms
Breaux	Dorgan	Hollings
Brown	Exon	Hutchison
Bryan	Faircloth	Inhofe
Bumpers	Feingold	Inouye
Burns	Feinstein	Jeffords
Campbell	Ford	Johnston
Chafee	Frist	Kassebaum
Coats	Glenn	Kempthorne
Cochran	Gorton	Kennedy
Kerrey	Moseley-Braun	Sarbanes
Kerry	Moynihan	Shelby
Kohl	Murkowski	Simon
Kyl	Murray	Simpson
Lautenberg	Nickles	Smith
Leahy	Nunn	Snowe
Levin	Packwood	Specter
Lieberman	Pell	Stevens
Lott	Pressler	Thomas
Lugar	Pryor	Thompson
Mack	Reid	Thurmond
McCain	Robb	Warner
McConnell	Roth	Wellstone
Mikulski	Santorum	

NAYS—1

Byrd

NOT VOTING—1

Rockefeller

So, the bill (S. 2), as amended, was passed, as follows:

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. Use of frequent flyer miles.
Sec. 508. Sense of Senate regarding adoption of simplified and streamlined acquisition procedures for Senate acquisitions.
Sec. 509. 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), and

(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 may be appropriate to redress a violation of subsection (a).

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 subsections (b) through (d) of 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 subsections (b) through (h) of

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.

(5) COMPLIANCE DATE.—If new appropriated funds are necessary to comply with an order requiring correction of a violation of subsection (b), compliance shall take place as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

(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) 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.

(3) ENTITY RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for categories of violations of subsection (b), the entity responsible for correction of a particular violation.

(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, and the Office of the Architect of the Capitol, or other entity responsible, 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, the Library of Congress, and any entity listed in subsection (a) of section 210 that is responsible for correcting a violation of this section, irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs; 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), (d), (e), and (f) of section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657 (a), (d), (e), 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); 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 subsections (b) through (h) of 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 sections 6(b)(6) and 6(d) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)(6) and 655(d)) to act on any employing office's request for a variance. The Board shall refer the matter to a hearing officer pursuant to subsections (b) through (h) of 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 new appropriated funds are necessary to correct a violation of subsection (a) for which a citation is issued, or to comply with an order requiring correction of such a violation, correction or compliance shall take place as soon as possible, but not later than the end of the fiscal year following the fiscal year in which the citation is issued or the order requiring correction becomes final and not subject to further review.

(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.

(3) EMPLOYING OFFICE RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (a), the employing office responsible for correction of a particular violation.

(e) PERIODIC INSPECTIONS; REPORT TO CONGRESS.—

(1) PERIODIC INSPECTIONS.—On a regular basis, and at least once each Congress, the General Counsel, exercising the same authorities of the Secretary of Labor as under

subsection (c)(1), 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, the Office of Technology Assessment, the Library of Congress, and the General Accounting Office 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 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.—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 subsections (b) through (h) of 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 subsections (b) through (h) of 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) or (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.

(d) 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 (e), 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.

(e) 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' 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.

(f) 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 (e)(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 (e).

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 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 December 31, 1996—

(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 Senate Fair Employment Practices) 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 adopting 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); and

(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 under paragraph (1).

(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, except that a voucher shall not be required for the disbursement of salaries of employees who are paid at an annual rate. The Clerk of the House of Representatives and the Secretary of the Senate are authorized to make arrangements for the division of expenses under this subsection, including arrangements for one House of Congress to reimburse the other House of Congress.

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—The Executive Director may place orders and enter into agreements for goods and services with the head of any agency, or major organizational unit within an agency, in the legislative or executive branch of the United States in the same manner and to the same extent as agencies are authorized under sections 1535 and 1536 of title 31, United States Code, to place orders and enter into agreements.

(c) 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 receipt by the employee of notice of 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 (a), 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 section 404 and 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 shall 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(e)(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, shall 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 subsection (a), 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 405(f)(3), 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), (e), and (f), all proceedings and deliberations of hearing officers and the Board, including any related records, shall be confidential. This subsection shall not apply to proceedings under section 215, but shall apply to the deliberations of hearing officers and the Board under that section.

(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)(3) 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 OF 1990.—With respect to matters other than employment under section 509 of the Americans with Disabilities Act of 1990 (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. USE OF FREQUENT FLYER MILES.

(a) LIMITATION ON THE USE OF TRAVEL AWARDS.—Notwithstanding any other provision of law, or any rule, regulation, or other authority, any travel award that accrues by reason of official travel of a Member, officer, or employee of the Senate shall be considered the property of the office for which the travel was performed and may not be converted to personal use.

(b) REGULATIONS.—The Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

(c) DEFINITIONS.—As used in this section—

(1) the term ''travel award'' means any frequent flyer, free, or discounted travel, or other travel benefit, whether awarded by coupon, membership, or otherwise; and

(2) the term ''official travel'' means travel engaged in the course of official business of the Senate.

SEC. 508. SENSE OF SENATE REGARDING ADOPTION OF SIMPLIFIED AND STREAMLINED ACQUISITION PROCEDURES FOR SENATE ACQUISITIONS.

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should review the rules applicable to purchases by Senate offices to determine whether they are consistent with the acquisition simplification and streamlining laws enacted in the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

SEC. 509. 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.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, I will do some final work on this bill in the sense of some tributes, as well as adding a couple of cosponsors.

First of all, I ask unanimous consent that Senator FRIST and Senator DOMENICI be added as cosponsors.

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

Mr. GRASSLEY. Mr. President, the Administrative Conference is being directed to study the application of the various laws to the General Accounting Office, the Government Printing Office, and the Library of Congress as well as the regulations and procedures used by these agencies to endorse these laws. The study is to evaluate whether the rights, protections, and procedures applicable to these agencies and their employees under these laws are comprehensive and effective. The conference is to make recommendations for any improvements in regulations or legislation, including regulatory or legislative language. I urge the conference to be particularly mindful of conflict of interest or other concerns that may arise from the coverage of Library of Congress employees under the existing Federal sector labor-management statutory framework. The bill reflects similar concerns with respect to various categories of congressional employees which may well be equally applicable to Library of Congress employees.

Mr. President, I want to thank Senator GLENN. He has been here on the floor of this body for 5 days representing the minority party.

I also want to thank the new Senator from Tennessee, Senator THOMPSON, because on our side of the aisle he worked very closely with me as cochairman of the working group on this bill, which Senator DOLE appointed for the Republicans so that this bill could be worked on in December and be ready for action on the first day of the session.

Also, I thank Senator LIEBERMAN of Connecticut, who has worked very hard on this bill over the last 2 years and was my main cosponsor on this bill; also, I thank him and his staff for contributing during the interim of the two Congresses to get this bill put together. I also need to mention this about Senator GLENN: He was active in this issue long before most of us even came to the Congress.

I also thank Senator STEVENS, because in the last several Congresses when I tried to get this legislation passed, he has wanted us to think through very clearly what direction we should go in. He has legitimately raised some questions and concerns about this over several Congresses. And during this Congress, he was satisfied with the product we put together, and he was also part of the group that worked out compromises between Republicans and Democrats, as well as between the House and Senate. I thank Senator STEVENS for his cooperation.

I thank Senator ROTH, who was chairman of the committee this time that would have had jurisdiction over this bill, because he did not demand referral.

I thank Senators NICKLES, COATS, HUTCHISON, ABRAHAM, and SMITH, because they were also members of the Republican task force.

Then regarding the staff people, I want to say thank you to Senator LIEBERMAN's staff, John Nakahata and Fred Richardson; Senator STEVENS' staff, Mark Mackie; Senator ROTH's staff, Susanne Marshall; Dennis Shea of Senator DOLE's staff; Larry Novak of Senator GLENN's staff; Michael Davidson, Senate legal counsel, and also of the legal counsel staff, Claire Sylvia. Then Gary Kline of my staff was involved in this. I want to pay special tribute to Fred Ansell of my staff, not only for the time and work that went into several weeks of December that he worked on this bill with other staff people, but also for his assuming a tremendous amount of responsibility in making sure that we had a product that was acceptable to the Senate. I think the best measure of a product that is acceptable to the Senate is that there was no amendment applicable to the underlying bill, except the technical amendments that were in the managers bill. So I thank Mr. Ansell for his fine, outstanding work in representing me and the group of staffers.

I yield the floor.

Mr. GLENN. Mr. President, I want to associate myself with the remarks of the distinguished Senator from Iowa in giving credit to those who worked long into the night and do so much work in putting something like this together. It is not easy. They have to do a lot of work on the amendments that were proposed over here, and they did a lot of work over the last couple of years in putting this whole package together.

It finally came together in a way, with the provisions in here, that took care of some of the previous concerns about separation of powers between the branches of Government that literally has held up consideration of this legislation since 1978, when I introduced

legislation like this; way back in 1978, it has been held up all this time.

Last year, as majority leader, Senator Mitchell indicated to me that he wanted us to move this, if we possibly could, out of committee and the best bill we had was the Grassley-Lieberman bill. We worked with them on that and we put it in the form that was passed here this evening. I am proud to have worked with them on that and to be part of the team that got it together.

But I want to particularly give them credit for it, as well as the other people who worked so hard on the staff through this.

On our staff of the Governmental Affairs Committee, Larry Novey, who is with me right here, has done yeoman's work on this. Len Weiss, who is our minority staff director, worked on this, but Larry, in particular, really has dedicated himself to this and did a terrific job on this. So I want to give him credit for working out a lot of the details on this and making it into what I think is a very important piece of legislation that says now for the first time we treat our people here on Capitol Hill with the same fairness, the same rights, that we have thought in the past were important enough to apply to all the rest of the country.

And now we have some 36,000 employees here—I just received a rundown on that a moment ago—36,000 employees total on Capitol Hill or in the instrumentalities that work for the Senate here and the House of Representatives. Those people now have the same protections and same rights under the law, through a different appeals process that we worked out here.

But I just wanted to give credit to those who worked out all these details. I think it is a great step forward.

Thank you very much and I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I wish to associate myself with the remarks that have already been made here. And also on behalf of the majority leader and, I am sure, the membership on both sides of the aisle, I wish to congratulate them on the outstanding job that has been done on this legislation.

The distinguished Senator from Iowa has certainly done an outstanding job. He has been patient. Amendments have not just been brushed off. They have been considered. But all of them were put aside, at least for the time being, so we could have a good, clean bill that does what everybody really wants it to do.

I think the evidence of the good job that has been done was the vote we just saw, 98 to 1. I do think that it is important that this is the first bill of the year; that we have congressional accountability; that we have these laws apply to ourselves. And I think that it is an important message to the American people that they will agree with.

So I just wanted take a moment to commend Senator GRASSLEY; and Senator GLENN, who has done yeoman's work on this legislation over a long period of time and did a lot of good work last year. He certainly worked very closely with Senator GRASSLEY. Both of them did a great job and I think they should be commended for it.

So let us just go forward and do this again on the next bill and see if we cannot complete it in a little less time.

With that, Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank the Senator from Mississippi for his kind remarks.

Reflecting upon the 98-to-1 vote, I can just simply say the feeling of this body has dramatically changed toward this legislation, because I remember the first time I introduced an amendment on this and got it through on a voice vote. There were just a few Members here at that particular time. One Member was so mad at me after I got it passed that the individual said to me, ''GRASSLEY, I hope you are the first one sued.''

Well, we have to keep diligent to get things done. And I think that one of the things that I have learned to do is to stick to your guns.

Basically, Prime Minister Disraeli, in the second half of the last century, had this to say as a way to determine success. ''Constancy of purpose is the secret of success,'' is what Disraeli said. I think that that is a very good rule for anybody who wants to get anything done in the congressional system that we have in this country. If you stick to it and if you are on the right track, you will eventually accomplish your goal. I think that even Senator GLENN has a longer view toward that end than I do, because, as I stated before, he was involved in this before I ever got involved in it.

I yield the floor.

Mr. BIDEN. Mr. President, I also remember something Benjamin Disraeli said when a young member of Parliament walked up to him one evening—as you know, better than I, the Parliament meets in the evening. He walked up to Benjamin Disraeli, his party leader, and he said, ''Mr. Prime Minister,''—there was a particular bill on the floor—he said, ''Mr. Prime Minister, such and such a bill is on the floor tonight. I wonder whether you think I should speak tonight on this bill.'' And Disraeli looked at the young member and said, ''Sir, I think it better that the House of Commons wonder why you did not speak than why you did.''

And occasionally I think we are going to find Disraeli's admonition, not as it relates to this particular bill, I suspect we may find his admonition may be well placed in terms of how we conduct ourselves the remainder of this session.

But I want to make it clear for the record, I am not referring to the Senator from Iowa or anyone in particular. But I just hope that on some of the legislative initiatives I have heard about, other than the one I have seen tonight, that we follow Disraeli's advice: Sometimes it is better not to speak than to speak.

But I am going to break that admonition myself right now and I am going to ask unanimous consent that I be able to proceed for 10 minutes as if morning business.

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

PARTIAL LIFTING OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

Mr. BIDEN. Mr. President, I rise this evening to urge the United States to vote at the United Nations against renewing the partial lifting of sanctions against Serbia and Montenegro in return for their alleged blockade against the Bosnian Serbs.

The 100-day probation period for blockade enforcement expires tomorrow, January 12, 1995. A positive action in the U.N. Security Council is necessary to renew the waiver. The language of the U.N. resolution granting the waiver stipulates the need for effectively implementing the closure of the border between Serbia and Montenegro and the Republic of Bosnia and Herzegovina. I repeat, effectively implementing—not trying in a half-hearted way or even trying with good intentions. Mr. President, the standard of effectively implementing simply has not been met.

On November 18, 1994, I sent a detailed letter to Secretary of State Christopher in which I outlined my concerns on this issue. Yesterday—nearly 8 weeks later—I finally received an answer from Assistant Secretary of State Sherman. I hope that this inexcusable tardiness in responding to my request and desire is not indicative of a desire on the part of the State Department to keep this vital issue out of the public eye.

Mr. President, the contents of Assistant Secretary Sherman's letter have only increased my fear that the administration is allowing a new overall concept for Bosnia—with which I profoundly disagree—to dictate its interpretation of the facts on the ground.

What about the stipulated U.N. standard of effectively implementing the border closure? Assistant Secretary Sherman writes:

> On the whole, looking across the 100-day period, we believe it legitimate to say that the border has been effectively closed in the sense that it has become steadily less porous as loopholes were identified and sealed.

That, Mr. President, is a remarkably creative definition of ''effective implementing.''

I remember back in the early 1980's, we went from talking about tax increases to revenue enhancements. This

makes that euphemism sound ridiculous. It says ''effectively implementing,'' and he writes, ''On the whole, looking across the 100-day period, we believe,'' and the key point is ''that it has become steadily less porous.'' I assume that means therefore it has been effectively implemented, in their view. The fact is that the border is more than 300 miles long. It traverses some of the most rugged, mountainous country in Europe, and it would be difficult to police even with a large force of monitors.

In actuality, however, Mr. President, fewer than 200 monitors have been deployed. Assistant Secretary Sherman admits the monitoring mission ''is still not staffed as fully as we would like.''

Most of the crossing points are not monitored 24 hours a day. Controls on so-called ant trade—carried on by private vehicles that smuggle in fuel for a Bosnian Serb war machine—are, quite frankly, laughable.

Perhaps the most ridiculous piece of information is that along parts of the Montenegro-Bosnian border, the United Nations has been relying on the Yugoslav Army, that is the Serbian Army troops, to monitor the so-called blockade. Now, call me cynical, Mr. President, but I am uncomfortable with involving Mr. Milosevic's troops in the honor system.

The ultimate proof of the ineffective closure of the border is that the Bosnian Serb aggressors have had no difficulty in securing fuel with which to continue their attacks, such as last month's offensive in the Bihac area.

Even the price of fuel on the civilian market in Serbian-controlled parts of Bosnia has not risen appreciably, an indication that there are no serious shortages of fuel. It is still coming in.

Mr. President, the whole blockade charade has proven once again that Mr. Milosevic is the shrewdest politician in the former Yugoslavia. Through his blockade gambit he hopes to weaken the Bosnian Serb leader Karadzic, but not significantly to hamper the Bosnian Serb Army. Our British and French allies and the Russians, eager for peace in Bosnia at any time, want to throw Milosevic a bone of renewed sanctions relief, perhaps even to lessen the sanctions further.

Worst of all, it now appears the United States is sliding toward the appeasement position of the British and the French. Assistant Secretary of State Holbrooke, speaking 2 days ago in Sarajevo, indicated that we have retreated from holding the Bosnian Serbs at the ladder of the contact group's peace plank. Now, apparently, we see the plan only as a basis for negotiation. That is, we have prepared to allow the Bosnian Serbs to hold on to some of the fruits of their military aggression and the vile ethnic cleansing they have been undertaking.

Mr. President, we should have none of this. The United States should vote against the extension of the U.S. sanctions waiver. Or, put another way, we should keep the sanctions on, the economic sanctions. Such a vote would not only be a moral statement but also a proper reaction to this nonexistent blockade that has provided cover for Milosevic and our European allies.

Mr. President, although I do not have any real expectation that the administration is going to listen to me any more than they have listened to me in the past on this, or to Senator DOLE or to Senator LIEBERMAN or others, I do want the RECORD to show that there is no serious implementation of the blockade on the part of the Serbian Government; no cooperation from the Government of Serbia, Mr. Milosevic's government; no effective means to monitor whether it is underway; and no proof based upon the availabilities of the commodities that are supposedly being blocked, such as fuel for the war machine, that suggests that it is working, it is being tried, it is being implemented, it is effective.

Therefore, it seems to me, Mr. President, the only logical and consistent vote we should cast in the United Nations Security Council tomorrow is one that eliminates the extension of the waiver and puts back in place the full economic blockade on Serbia.

Mr. President, I thank my colleagues for their willingness to give me this time. I yield the floor.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, and upon the recommendation of the majority leader, pursuant to Senate Resolution 4 (95th Congress), Senate Resolution 448 (96th Congress), Senate Resolution 127 (98th Congress), and Senate Resolution 100 (101st Congress), appoints the following Senators as the majority membership of the Select Committee on Indian Affairs: The Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Washington [Mr. GORTON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Oklahoma [Mr. NICKLES], the Senator from Wyoming [Mr. THOMAS], the Senator from Utah [Mr. HATCH], and the Senator from Georgia [Mr. COVERDELL].

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AUTHORITY TO REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee have until 8 p.m. tonight to file a report to accompany S. 1, the unfunded mandates bill.

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

MAJORITY PARTY APPOINTMENTS TO ETHICS COMMITTEE

Mr. LOTT. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 46) making majority party appointments to the Ethics Committee for the 104th Congress.

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

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

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 46) was agreed to, as follows:

Resolved, That the following shall constitute the majority party's membership on the following Senate committee for the 104th Congress, or until their successors are appointed:

Ethics: Mr. McConnell (Chairman), Mr. Smith, and Mr. Craig.

MINORITY PARTY APPOINTMENTS TO ETHICS COMMITTEE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 42, relating to minority party appointments to a Senate committee; that the resolution be agreed to; and that the motion to reconsider be laid upon the table.

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

So the resolution (S. Res. 42) was agreed to, as follows:

Resolved, That the following shall constitute the minority party's membership on the Ethics Committee for the 104th Congress, or until their successors are chosen.

Select Committee on Ethics: Mr. Bryan, Vice Chair, Ms. Mikulski, and Mr. Dorgan.

DESIGNATING CHAIRPERSONS OF SENATE COMMITTEES

Mr. LOTT. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 47) designating the chairpersons of Senate committees for the 104th Congress.

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

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

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 47) was agreed to, as follows:

Resolved, That the following Senators are designated as the Chair of the following committees for the 104th Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar, Chairman.

Committee on Appropriations: Mr. Hatfield, Chairman.

Committee on Armed Services: Mr. Thurmond, Chairman.

Committee on Banking, Housing, and Urban Affairs: Mr. D'Amato, Chairman.

Committee on Commerce, Science, and Transportation: Mr. Pressler, Chairman.

Committee on Energy and Natural Resources: Mr. Murkowski, Chairman.

Committee on Environment and Public Works: Mr. Chafee, Chairman.

Committee on Finance: Mr. Packwood, Chairman.

Committee on Foreign Relations: Mr. Helms, Chairman.

Committee on Governmental Affairs: Mr. Roth, Chairman.

Committee on the Judiciary: Mr. Hatch, Chairman.

Committee on Labor and Human Resources: Mrs. Kassebaum, Chairman.

Committee on Rules and Administration: Mr. Stevens, Chairman.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that on January 5, 1995, pursuant to section 8002 of the Internal Revenue Code of 1986, the following members of the Committee on Ways and Means were designated to serve on the Joint Committee on Taxation for the 104th Congress: Mr. ARCHER, Mr. CRANE, Mr. THOMAS, Mr. GIBBONS, and Mr. RANGEL.

MEASURES PLACED ON THE CALENDAR

The following measures were read the first and second times by unanimous consent and placed on the calendar:

H.R. 1. An act to make certain laws applicable to the legislative branch of the Federal Government.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential Determination relative to the Government of Colombia; to the Committee on Armed Services.

EC–12. A communication from the Deputy Assistant Secretary of the Air Force (Communications, Computers and Support Systems), transmitting, pursuant to law, notice relative to a multi-function cost comparison; to the Committee on Armed Services.

EC–13. A communication from the Deputy Under Secretary of Defense, transmitting, pursuant to law, the report on the demonstration program for training discharged veterans for employment in the construction and hazardous waste remediation industries; to the Committee on Armed Services.

EC–14. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, certification relative to the C–17 settlement agreement; to the Committee on Armed Services.

EC–15. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, certification relative to amphibious lift capacity; to the Committee on Armed Services.

EC–16. A communication from the Assistant to the Secretary of Defense, transmitting, pursuant to law, a corrected summary sheet relative to the semi-annual report on program activities for facilitation of weapons destruction and non-proliferation in the Former Soviet Union; to the Committee on Armed Services.

EC–17. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, the report on strategic and critical materials during the period October 1, 1993 through September 30, 1994; to the Committee on Armed Services.

EC–18. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, an executive order of amendments to the Manual for Courts-Martial, United States, 1984; to the Committee on Armed Services.

EC–19. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC–20. A communication from the First Vice President and Vice Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–21. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the report entitled ''A Unified National Program for Floodplain Management''; to the Committee on Banking, Housing, and Urban Affairs.

EC–22. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report on savings associations as of September 30, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–23. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on credit availability for small business and small farms in calendar year 1994; to the Committee on Banking, Housing, and Urbans Affairs.

EC–24. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report relative to the report entitled ''Five-Year Plan for Energy Efficiency''; to the Committee on Banking, Housing, and Urban Affairs.

EC–25. A communication from the Director, Corporate Financial Audits, General Accounting Office, transmitting, pursuant to law, the report of the audit of the financial statements of the Federal Financial Bank for calendar years 1992 and 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC–26. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the Governments of Serbia and Montenegro; to the Committee on Banking, Housing, and Urban Affairs.

EC–27. A communication from the President of the United States, transmitting, pursuant to law, notice relative to the Libyan emergency; to the Committee on Banking, Housing, and Urban Affairs.

EC–28. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report entitled ''Responsibilities Under the Community Reinvestment Act''; to the Committee on Banking, Housing, and Urban Affairs.

EC–29. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report relative to the report on minority thrift ownership; to the Committee on Banking, Housing, and Urban Affairs.

EC–30. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report on foreign treatment of U.S. financial institutions for calendar year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–31. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–32. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the report on progress on developing and certifying the Traffic Alert and Collision Avoidance Systems; to the Committee on Commerce, Science and Transportation.

EC–33. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report of an appeal letter; to the Committee on Commerce, Science, and Transportation.

EC–34. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on transportation user fees for fiscal year 1993; to the Committee on Commerce, Science, and Transportation.

EC–35. A communication from the Financial Manager of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of the memorandum implementing the Hotel and Motel Fire Safety Act of 1990 requirements; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. ROTH, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 1) 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 (Rept. 104–1).

Mr. DOMENICI. Mr. President, on behalf of the Senate Budget Committee, I ask unanimous consent that a statement on S. 1, the Unfunded Mandate Reform Act of 1995, as reported, be printed in the RECORD.

In order to expedite the business of the Senate, the committee did not file a report. This statement provides the same information as required by a report and serves as the basis of the legislative history of the Senate Budget Committee's actions on the bill.

STATEMENT OF THE SENATE COMMITTEE ON THE BUDGET ON S. 1—UNFUNDED MANDATE REFORM ACT OF 1995

I. PURPOSE

The primary purpose of S. 1—the ''Unfunded Mandate Reform Act of 1995''—is to start the process of redefining the relationship between the Federal government and State, local and tribal governments. In addition, the bill would require an assessment of the impact of legislative and regulatory proposals on the private sector.

The bill accomplishes this purpose by ensuring that the impact of legislative and regulatory proposals on those governments and the private sector are given full consideration in Congress and the Executive Branch before they are acted upon.

More specifically, S. 1 achieves these objectives through the following major provisions: A majority point of order in the Senate against consideration of legislation that establishes a Federal mandate on State, local and tribal governments unless the legislation provides funding to offset the costs of the mandate; a majority point of order in the Senate against consideration of any reported legislation unless the report includes a Congressional Budget Office (CBO) estimate of the cost of Federal mandates to State, local and tribal governments as well as to the private sector; a requirement that Federal agencies establish a process to allow State, local and tribal governments greater input into the regulatory process; and, a requirement that agencies analyze the impact on State, local, and tribal governments and the private sector of major regulations that include federal mandates.

II. BACKGROUND

The controversies that arise between the respective powers of the Federal government and the States date back to the country's origins. Concern about the cost and extent of Federal mandates on State, local governments, and indian tribes as well as the private sector first reached its peak in the late 1970s.

With respect to State and local mandates, the Senate Budget Committee acted in 1980 and again in 1981, culminating in the enactment of the State and Local Government Cost Estimate Act of 1981. This law required the Congressional Budget Office (CBO) to prepare State and local cost estimates, but did not provide for any legislative enforcement procedures.

Since the enactment of the State and Local Government Cost Estimate Act, CBO has had 12 years of experience in preparing State and local cost estimates. During this period, CBO has examined 6,920 pieces of legislation for the impact of Federal mandates. Twelve percent, or roughly 800 bills, contained some impact on State and local governments. A year-by-year summary of the number of estimates prepared by CBO is displayed in the following table.

Although these past legislative efforts were designed to monitor and, presumably, to curtail the growth of Federal mandates, Federal mandates have grown while Federal resources to cover the costs of these mandates have shrunk.

While it is difficult to produce precise estimates of the costs of mandates, there is little doubt that these costs have grown and represent a sizeable proportion of the economy. One of the purposes of S. 1 is to, in fact, create a mechanism for better and more current accounting of these costs. One study prepared for the GSA Regulatory Information Service Center in 1992 found the cost of Federal mandates to State and local governments and the private sector was estimated to amount to $581 billion, or roughly 10 percent of GDP. According to the Vice President's report, The National Performance Review, the private sector alone spends $430 billion each year to comply with Federal regulations.

During a joint hearing with the Senate Governmental Affairs Committee on January 5, 1995, the Budget Committee these concerns from State and local officials regarding the cost of the mandates and the damaging impact of these mandates to our system of government. According to the National League of Cities, over the past two decades, the Congress has enacted 185 new laws imposing mandates on state and local governments.

In that hearing, the Mayor of Philadelphia, Edward Rendell, on behalf of the U.S. Conference of Mayors, testified that 314 cities will spend an estimated $54 billion over the next five years to comply with only 10 of these Federal mandates. His testimony included the following remarks on how Federal mandates severely diminish local government's ability to establish priorities.

''The problem with unfunded Federal mandates is that the Federal government has turned State and local officials into Federal tax collectors. We collect the taxes to implement Federal priorities and as a result we are not able to establish and fund local priorities.''

''In my city when I became mayor, we had 19 tax increases in the 11 years prior to my becoming mayor, and we still had a quarter of a billion dollar budget deficit, and we had driven 30 percent of our tax base out of the city.''

''So as a practical matter, I could not raise taxes to meet the new demands and mandates.''

STATE AND LOCAL COST ESTIMATES PREPARED BY CBO: 12 YEARS OF EXPERIENCE

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	Total	Average
Total estimates prepared	573	641	533	590	531	686	470	720	551	614	507	504	6,920	577
Estimates with no impacts	496	584	488	543	448	598	404	593	494	522	448	443	6,061	505
(Percent of Total)	87	91	92	92	84	87	86	82	90	85	88	88	88	88
Esimates with some impacts	77	57	45	47	83	88	66	127	57	92	48	51	838	70
(Percent of Total)	13	9	8	8	16	13	14	18	10	15	9	10	12	12
Estimates with impacts above $200 million	24	6	14	8	22	15	7	20	4	14	9	6	149	12
(Percent of Total)	4	1	3	1	4	2	1	3	1	2	2	1	2	2

Source: Congressional Budget Office: Bill Estimates Tracking System.

The Governor of Ohio, George V. Voinovich, made a similar point and concluded, ''* * * the Federal government is bankrupt. And the Congress is on its way to bankupting state and local governments.''

Governor Voinovich also spoke to the lack of accountability on the part of Federal officials when mandates are enacted and regulations are promulgated to impose mandates on States and local governments. He cited an example of a Federal requirement that states uses scrap tires to pave their roads with rubberized asphalt that will increase the cost of the State of Ohio's highway program by $50 million, money that could be spent to replace 700 miles of roads or rehabilitate 137 aging bridges. His testimony raised questions about the durability of rubberized asphalt and expressed grave concerns about its potentially harmful environmental effects.

III. LEGISLATIVE HISTORY

Senator Kempthorne introduced S. 1, the Unfunded Mandate Reform Act of 1995, on January 4, 1995.

S.1 is based on similar legislation the Senate Government Affairs committee reported last Congress. Senator Kempthorne introduced s. 993 on May 30, 1993 and this legislation was reported by the Governmental Affairs Committee on August 10, 1994. The Senate considered S. 993 on October 6, 1994, but no final action was taken on the bill during the 103d Congress.

S. 993 as reported by the Governmental Committee proposed a number of changes in matters that are within the jurisdiction of the Senate Budget Committee. Pursuant to section 306 of the Budget Act, any legislation that affects any matter within the jurisdiction of the Budget Committee is subject to a point of order unless it is reported by the Budget Committee. This point of order can only be waived by an affirmative vote of 60 Senators.

On November 29, 1994, Senators Domenici and Exon wrote Senators Roth and Glenn regarding the consideration of unfunded mandates legislation and the Budget Committee's jurisdiction over this legislation.

During December, the Budget Committee worked with the Government Affairs Committee and Senator Kempthorne to develop the legislation that was introduced at S. 1. The Senate Budget Committee worked to make the following three modifications to S. 993, which are now reflected in S. 1: (1) strengthened the point of order in the bill so that it would apply to all legislation (bill, joint resolution, amendment, motion or conference reports) and not just reported bills; (2) reduced the costs to the Congressional Budget Office (CBO) for its new duties required by the bill by 50 percent (from $8–10 million down to $4.5 million); and, (3) strengthened the bill by incorporating this new mandate control process into the Congressional Budget Act and the Congressional Budget process.

On January 5, the Budget Committee held a joint hearing with the Governmental Affairs Committee. On January 9, the Governmental Affairs Committee voted 9–4 to report the bill, S. 1, with three amendments. On the same day, after the Governmental Affairs action, the Budget Committee also voted by a vote of 21–0 to report S. 1 with four amendments.

IV. SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section identifies the short title as the ''Unfunded Mandate Reform Act of 1995.''

Section 2. Purposes

This section establishes the purposes of the Act.

Section 3, Definitions

This section amends the Congressional Budget and Impoundment Control Act of 1974 by Adding Several new definitions. These definitions are applicable to the entire Unfunded Mandates Reform Act. However, one of the Committee amendments restricts their application within the Budget Act to the new Budget Act enforcement mechanisms established in Title I of this Act.

The term ''Federal mandate'' is defined as either a ''Federal intergovernmental mandate'' or a ''Federal private sector mandate''.

The term ''Federal intergovernmental mandate'' is defined to mean any legislation, statute, or regulation that imposes a legally binding duty on State, local, or tribal governments, unless the duty is a condition of Federal assistance or is a condition or requirement for participation in a voluntary discretionary aid program.

The term ''Federal intergovernmental mandate'' is further defined to include any legislation, statute, or regulation that would reduce or eliminate the authorization of appropriation for Federal financial assistance to State, local, or tribal governments for purposes of complying with an existing duty, unless the legislation, statute, or regulation reduces or eliminates the duty accordingly. In the circumstances where the Federal government has imposed legal duties on State, local, and tribal governments and has provided financial assistance to those entitles to comply with those duties, the Committee believes that the Federal government ought to be held accountable when the Federal government subsequently reduces or eliminates the Federal assistance to those governments while continuing to require compliance with the existing duties. This definition, together with the enforcement mechanism established in section 101, will provide this accountability.

The term ''Federal intergovernmental mandate'' is lastly defined to include any legislation, statute, or regulation concerning Federal entitlement programs that provide $500 million or more annually to State, local, or tribal governments, if it would either increase the conditions of assistance or would cap or decrease the Federal responsibility to provide funding, and the governments have no authority to amend their responsibility to provide the services affected. This subparagraph relates to nine large Federal entitlement programs, the spending projections for which are shown in the following CBO table:

ENTITLEMENT PROGRAMS THAT CONTAIN INTERGOVERNMENTAL MANDATES

[Outlays in billions of dollars]

	1996	1997	1998	1999	2000
Payments to States for AFDC work programs	0.9	1.0	1.0	1.0	1.0
Social services block grant (Title XX)	3.1	3.1	3.0	2.9	2.8
Payments to States for foster care and adoption assistance	3.9	4.3	4.7	5.0	5.5

ENTITLEMENT PROGRAMS THAT CONTAIN INTERGOVERNMENTAL MANDATES—Continued

[Outlays in billions of dollars]

	1996	1997	1998	1999	2000
Rehabilitation services and disability research	2.4	2.5	2.6	2.6	2.7
Medicaid	100.1	111.0	123.1	136.0	149.5
Food Stamp Program	26.0	27.4	28.8	30.3	31.1
State child nutrition programs	8.1	8.6	9.2	9.9	10.5
Family support payments to States [1]	17.5	17.9	18.3	18.8	19.4
Total	162.0	175.6	190.6	206.5	222.5

[1] Includes AFDC and child support enforcement.

Source: CBO January 1995 Baseline.

Any legislation or regulation would be considered a Federal intergovernmental mandate if it: a) increases the stringency of State, local or tribal government participation in any one of these nine programs, or b) caps or decreases the Federal government's responsibility to provide funds to State, local or tribal governments to implement the program, including a shifting of costs from the Federal government to those governments. The legislation or regulation would not be considered a Federal intergovernmental mandate if it allows those governments the flexibility to amend their specific programmatic or financial responsibilities within the program while still remaining eligible to participate in that program. In addition to the nine previously-mentioned programs, also included are any new Federal-State-local entitlement programs (above the $500 million threshold) that may be created after the enactment of this Act.

The Committee has included this provision in the legislation because of its concern over past and possible future shifting of the costs of entitlement programs by the Federal government on to State governments.

''Federal private sector mandate'' is defined to include any legislation, statute, or regulation that imposes a legally binding duty on the private sector.

''Direct costs'' is defined to mean aggregate estimated amounts that State, local and tribal governments and the private sector will have to spend in order to comply with a Federal mandate. Direct costs of Federal mandates are net costs; they are the sum of estimated costs and estimated savings associated with legislation. Further, direct costs do not include costs that State, local and tribal governments and the private sector currently incur or will incur to implement the requirements of existing Federal law or regulation. In addition, the direct costs of a Federal mandate must not include costs being borne by those governments and the private sector as the result of carrying out a State or local government mandate.

The Governmental Affairs Committee has proposed an amendment change in the definition of ''Private sector''. The revised definition covers all persons or entities in the United States except for State, local or tribal governments. It includes individuals, partnerships, associations, corporations, and educational and nonprofit institutions.

The Committee is troubled by the exemption of independent regulatory agencies from the definition of a Federal ''agency''. An amendment by Senator Domenici to delete this exemption was withdrawn because of Senator Simon's request that the Committee and the Senate have an opportunity to study this exemption further. Many of these independent regulatory agencies are a major source of costly unfunded mandates, particularly on the private sector. The Committee notes section 4 of the bill provides a number of exclusions and believes this exemption needs to be, at a minimum, significantly narrowed.

The definition of ''small government'' is made consistent with existing Federal law which classifies a government as small if its population is less than 50,000. ''Tribal government'' is defined according to existing law.

Section 4. Exclusions

This section provides a number of exclusions from this Act.

Among these exclusions, the bill contains an exclusion for legislation that ''establishes or enforces any statutory rights that prohibit discrimination.'' The Committee believes this language to mean provisions in bills and joint resolutions that prohibit or are designed to prevent discrimination from occurring through civil or criminal sanctions or prohibitions.

In order to maintain the discipline of S.1 to control new unfunded mandates, the Committee believes that the exclusions must be interpreted so that the mandate in legislation completely fits within the confines of an exclusion.

Section 5. Agency Assistance

Under this section, the Committee intends for Federal agencies to provide information, technical assistance, and other assistance to the Congressional Budget Office (CBO) as CBO might need and reasonably request that might be helpful in preparing the legislative cost estimates as required by Title I. Through the implementation of various Presidential Executive Orders over the last decade, agencies have developed a wealth of expertise and data on the cost of legislation and regulation on State, local and tribal government and the private sector. CBO should be able tap into that expertise in a useful and timely manner. Other Congressional support agencies may also have developed information on cost estimates and the estimating process which might be helpful to CBO in performing its duties. CBO should not attempt to duplicate analytical work already being done by the other support agencies, but rather use as needed that information.

Title I—Legislative Accountability and Reform

Section 101. Legislative mandate accountability and reform

This section amends title IV of the Congressional Budget and Impoundment Control Act of 1974 by creating a new section 408 on Legislative Mandate Accountability and Reform. Subsection (a) establishes procedures and requirements for Committee reports accompanying legislation that imposes a Federal mandate. It requires a committee, when it orders reported legislation containing Federal mandates, to provide the reported bill to CBO promptly. The Committee is concerned that this bill imposes significant new responsibilities on CBO to provide a variety of estimates for legislation. Therefore, the Committee would urge the relevant authorizing committees to work closely with CBO during the committee process to ensure that legislation containing federal mandates, as well as possible related amendments to be offered in markup, be provided to CBO in a timely fashion so as not to impede the legislative process.

The committee report shall include: an identification and description of Federal mandatesin the bill, including an estimate of their expected direct costs to State, local and tribal governments and the private sector, and a qualitative assessment of the costs and benefits of the Federal mandates, including their anticipated costs and benefits to human health and safety and protection of the natural environment.

If a mandate affects both the public and the private sectors, and it is intended that

the Federal Government pay the public sector costs, the report should also state what effect, if any, this would have on any competitive balance between government and privately-owned businesses. One of the Committee's amendments expanded this requirement to include an assessment of the impact of any mandate on the competitive balance between states, local governments, and tribal governments and privately-owned businesses if that mandate is contingent on funding being provided in appropriations Acts.

Some federal mandates will affect both the public and private sectors in similar and, in some cases, nearly identical ways. For example, the costs of compliance with minimum wage laws or environmental standards for landfill operations or municipal waste incineration are incurred by both sectors. There has been some concern expressed that the Federal subsidization of the public sector in these cases could create a competitive advantage for activities owned by State, local or tribal governments in those areas where they compete with the private sector. If future mandate legislation causes this to be the case, S. 1 provides that Congress will be aware of this impact and the effect on the continuing ability of private enterprises to remain viable. The authorizing committees are required to provide an assessment in their reports in order for Congress to carefully consider and decide whether the granting of a competitive advantage to the public sector is fair and appropriate.

For Federal intergovernmental mandates, Committee reports must also contain a statement of the amount, if any, of the increased authorization of appropriations for Federal financial assistance to fund the costs of the intergovernmental mandates.

This section also requires the authorizing Committee to state in the report whether it intends the Federal intergovernmental mandate to be funded or not. There may be occasions when a Committee decides that it is entirely appropriate that State, local or tribal governments should bear the cost of a mandate without receiving Federal aid. If so, the Committee report should state this and give an explanation for it. Likewise, the Committee report must state the extent to which the report legislation preempts State, local or tribal law, and, if so, explain the reasons why. To the maximum extent possible, this intention to preempt should also be clear in the statutory language.

Also set out in this section are procedures to ensure that the Committee publishes the CBO cost estimate, either in the Committee report or in the Congressional Record prior to floor consideration of the legislation.

Duties of the Director:

Section 408(b) of the Congressional Budget and Impoundment Control Act, as added by section 101, requires the Director of CBO to analyze and prepare a statement on all bills reported by committees of the Senate or House of Representatives other than the appropriations committees. This subsection stipulates, first, that the Director of CBO must estimate whether all direct costs of Federal intergovernmental mandates in the bill will equal or exceed a threshold of $50,000,000 annually. If the Director estimates that the direct costs will be below this threshold, the Director must state this fact in his statement on the bill, and must briefly explain the estimate. Although this provision requires only a determination by CBO that the threshold will not be equalled or exceeded, if, in cases below the threshold, the Director actually estimates the amount of direct costs, this section is not intended to preclude the Director from including the estimate in his explanatory statement. If the Director estimates that the direct costs will equal or exceed the threshold, the Director must so state and provide an explanation, and must also prepare the required estimates.

In estimating whether the threshold will be exceeded, the Director must consider direct costs in the year when the Federal intergovernmental mandate will first be effective, plus each of the succeeding four fiscal years. In some cases, the new duties or conditions that constitute the mandate will not become effective against State, local and tribal governments when the statute becomes effective, but will become effective when the implementing regulations become effective. The Committee notes that current Federal comprehensive budget projects are made for five years and is aware that estimates that reach beyond this five year window are more difficult to make with precision. The Committee is concerned about and recognizes the difficulty of making out-year estimates, particularly beyond the five-year window. The Committee notes that the new enforcement procedures are based on thresholds being exceeded. However, if a range of estimates is made and that range estimate is less than to greater than the threshold, the Committee believes the enforcement procedures would apply.

The $50,000,000 threshold in this legislation for Federal intergovernmental mandates is significantly lower than the threshold of $200,000,000 in the State and Local Cost Estimate Act of 1981 (2 U.S.C. 403(c)). The threshold in the 1981 Act also included a test of whether the proposed legislation is likely to have an exceptional fiscal consequence for a geographic region or a level of government. The bill provides that at the request of any Chairman or Ranking Minority Member of a committee, CBO must conduct a study on the disproportionate effects of mandates on specific geographic regions or industries.

If the Director determines that the direct costs of the Federal intergovernmental mandates will equal or exceed the threshold, he must make the required additional estimates and place them in the statement.

The Director of CBO must also estimate whether all direct costs of Federal private sector mandates in the bill will equal or exceed a threshold of $200,000,000 annually. In making this estimate, the Director must consider direct costs in the year when the Federal private sector mandate will first be effective, plus each of the succeeding four fiscal years. In some cases, the new duties or conditions that constitute the mandate will not become effective for the private sector when the statute becomes effective, but will become effective when the implementing regulations become effective.

Similar to State and local estimates, the Committee is concerned about and recognizes the difficulty of making out-year estimates, particularly beyond the five-year window. CBO has 12 years of experience of including estimates of the impact on State and local governments in its cost estimates for legislation. While CBO has conducted studies assessing the impact of mandates on the private sector, CBO has little experience with providing point estimates on private sector impacts as the part of its cost estimates to committees on legislation.

The Committee is aware that the most costly aspect of this legislation is the requirement on CBO to produce estimates on the impact to the private sector and is concerned about the cost of these new requirements. Even so, private sector mandates have an enormous impact on the economy and is critical that Congress understand these impacts as it considers legislation affecting the private sector.

If the Director estimates that the direct costs will equal or exceed the threshold, the Director must so state and provide an explanation. If the Director determines that it is not feasible for him to make a reasonable estimate that would be required with respect to Federal private sector mandates, the Director shall not make the estimate, but shall report in the statement that an estimate cannot be reasonably made.

If the Director estimates that the direct costs of a Federal private sector mandate will be below the specified threshold, the Director must state this fact in his statement on the bill, and must briefly explain the estimate. Although this provision requires only a determination by CBO that the threshold will not be equalled or exceeded, if, in cases below the threshold, the Director actually estimates the amount of direct costs, this section is not intended to preclude the Director from including the estimate in his explanatory statement.

Point of order in the Senate:

This section provides two new Budget Act points of order in the Senate. The first makes it out of order in the Senate to consider any bill or joint resolution reported by a committee that contains a Federal mandate unless a CBO statement of the mandate's direct costs has been printed in the Committee report or the Congressional Record prior to consideration. The second point of order would lie against any bill, joint resolution, amendment, motion, or conference report that increased the costs of a Federal intergovernmental mandate by more than the $50,000,000, unless the legislation fully funded the mandate in one of three ways:

1. an increase in direct spending with a resulting increase in the Federal budget deficit (unless the new direct spending was offset by direct spending reductions in other programs);

2. an increase in direct spending with an offsetting increase in tax receipts, or

3. an authorization of appropriations and a limitation on the enforcement of the mandate to the extent of such amounts provided in Appropriations acts.

The Committee notes that ''direct spending'' is a defined term in the Balanced Budget and Emergency Deficit Control Act. The Committee also intends that in order to avoid the point of order under this section, any direct spending authority or authorization of appropriations must offset the direct costs to states, local governments, and indian tribes from the Federal mandate.

If the third alternative is used (authorization of appropriations), a number of criteria must be met in order to avoid the point of order. First, any appropriation bill that is expected to provide funding must be identified, Second, the mandate legislation must also designate a responsible Federal agency that shall either: implement an appropriately less costly mandate if less than full funding is ultimately appropriated (pursuant to criteria and procedures also provided in the mandate legislation), or declare such mandate to be ineffective. To avoid the point of order, the authorizing committee must provide in the authorization legislation for one of two options:

1. The agency will void the mandate if the appropriations committees at any point in the future provides insufficient funding to states, local governments, and tribal governments to offset the direct cost of the mandate.

2. The agency can provide a ''less money, less mandate'' alternative, but this alternative requires the authorizing legislation to specify clearly how the agency shall implement that alternative.

When an intergovernmental mandate is either declared ineffective or scaled back because of lack of funding, these changes in the mandate will be effectuated consistent with

the requirements of the Administrative Procedures Act. This will ensure that all affected parties including the private sector, state, local and tribal governments and the intended beneficiaries of the mandate will have adequate opportunity to address their concerns.

The bill provides that matters within the jurisdiction of the Appropriations Committee are not subject to a point of order under this section. However, this is not a blanket exemption for an appropriations bill. If an appropriations bill or joint resolution (or an amendment, motion, or conference report thereto) included legislation imposing a mandate on states, local governments, or tribal governments, such legislation would not be in the Appropriations Committee's jurisdiction. Therefore, these provisions would be subject to the point of order under this section.

One of the Committee amendments struck two provisions in the bill regarding determinations and the point of order. The first provision gives the Senate Governmental Affairs the sole authority to determine what constitutes a mandate. The second struck a provision in the bill that is identical to other provisions in the Budget Act providing that the determinations of the levels of mandates would be based on estimates made by the Senate Budget Committee.

The language the Committee struck regarding the Budget Committee's role in making determinations on budgetary levels is identical or similar to language in sections 201(g), 310(d)(4), 311(c), and 313(e) of the Congressional Budget Act, sections 258B(h)(4) of the Balanced Budget and Emergency Deficit Control Act, and sections 23(e) and 24(d) of the Concurrent Resolution on the Budget for Fiscal Year 1995.

The Senate, the Senate Parliamentarian's office and the Budget Committees have 20 years of experience with these Budget Act points of order and the Budget Committee's role in making determinations of levels for the purposes of enforcing these points of order. In practice, the Senate Budget Committee's staff monitors legislation, works with the Parliamentarian's office to determine violations, and works with CBO to provide the Parliamentarian's office with estimates to determine whether legislation would violate the Budget Act.

S. 1 would establish an identical process for state and local estimates. CBO would produce costs estimates on legislation. To the extent legislation, such as an amendment, did not have a cost estimate, Budget Committee staff would seek such an estimate from CBO, in order to determine whether the bill violated S. 1's point of order.

While there is 20 years of history and experience with the Budget Committee's role in determining levels for the purposes of enforcement of Budget Act point of order, there appears to be a precedent, as envisioned in S. 1 as introduced, to provide the Senate Governmental Affairs Committee the authority to make ''final determinations'' on what constitutes a mandate. This provision also raises a possibility where the two committees would have conflicting opinions on the application of this new point of order and needlessly complicates the enforcement of S. 1.

Viewing the questions and problems this language creates and the fact that the Budget Committee relies on CBO estimates for the purposes of making these determinations, the Committee amendment struck the language regarding Budget Committees and Governmental Affairs Committees determinations. The Committee does not believe that this authority needs to be explicitly stated in section 408. In the absence of a CBO estimate, the Committee intends that the determinations of levels of mandates be based on estimates provided by the Senate Budget Committee.

At the request of the House of Representatives, the Committee amendment retains these provisions for the House.

Section 102. Enforcement in the House of Representatives

This section specifies the procedures to be followed in the House of Representatives in enforcing the provisions of this Act.

Section 103. Assistance to committees and studies

This section adds among CBO existing duties under the Budget Act a requirement that the Director of CBO, to the extent practicable, to consult with and assist committees of the Senate and the House of Representatives, at their request, in analyzing proposed legislation that may have a significant budgetary impact on State, local or tribal governments or a significant financial impact on the private sector. It provides for the assistance that committees will need from CBO to fulfill their obligations under the provisions of S. 1.

This section also states that CBO should set up a process to allow meaningful input from these knowledgeable, affected, and concerned about the Federal mandates in question. Once possible way to establish this process is through the formation of advisory panels composed of relevant outside experts. The Committee leaves it to the discretion of the Director as to when and where it is appropriate to form an advisory panel.

This section encourages authorizing committees to take a prospective look at the impact of Federal intergovernmental and private sector mandates before considering new legislation by requiring committees to submit information on mandate legislation as part of their views and estimates to the Budget Committees.

The Committee is concerned about the potential workload that such studies could impose on CBO and how this might affect CBO's other responsibilities under the Act and intends that CBO consult with the Committee on the nature, the extent, and the cost of conducting these studies.

Section 104. Authorization of appropriations

This paragraph authorizes appropriations for CBO of $4,500,000 per year for FY 1996 through 2002. The Committee recognizes that additional resources and personnel are needed for CBO to fully perform its duties under this Act along with continuing to carry out its current responsibilities. The Committee understands that the current policy and practice at CBO is to rely on in-house personnel to conduct studies and cost estimates, rather than contracting these duties to outside entities. The Committee supports this policy and urges the Appropriations Committee, in funding this authorization, to increase CBO's authority to hire additional personnel in order to fulfill its new duties under this Act.

The Committee is particularly concerned that if the Appropriations Committee does not provide sufficient funding for these new duties CBO's existing responsibilities under Title II of the Budget Act should not be impeded.

Section 105. Exercise of rulemaking powers

The Constitution already reserves the rulemaking powers of each House. This section provides that the terms of title I are enacted as an exercise of the rulemaking power of the Senate and the House of Representatives, and that either house may change such rules at any time.

Section 106. Repeal of the State and Local Cost Estimate Act of 1981

This paragraph rescinds the provisions of the State and Local Cost Estimate Act of 1981.

Section 107. Effective date

Title I will take effect on January 1, 1996. One of the Committee amendments provided that this title would apply only to legislation considered on or after that date. This is to give Congress time to enact additional appropriations for CBO and to give CBO and the Budget Committees the necessary time to prepare for implementing the new requirements of this Act.

The Committee notes that there has been some confusion surrounding the question of retroactivity in S.1. This section makes clear that Title I only applies to new legislation considered after January 1, 1996. Laws enacted prior to that date are not subject to Title I of this Act. The Committee intends that when Congress considers legislation reauthorizing existing laws that this Title apply to how this reauthorization legislation would change existing mandates or add new mandates.

Title II—Regulatory Accountability and Reform

Section 201. Regulatory Process

This section requires agencies to assess the effects of their regulations on State, local and tribal governments, and the private sector. This section specifically requires agencies to notify, consult, and educate State, local governments, and tribal governments before establishing regulations that significantly affect these entities.

Section 202. Statements to accompany significant regulatory actions

This section sets out requirements for Agencies prior to issuing final regulations. Before promulgating any final regulation with a cost of more than $100 million annually to State, local, tribal governments, and the private sector.

Section 203. Assistance to the Congressional Budget Office

This section requires the Director of the Office of Management and Budget to collect the written statements prepared by agencies under Section 202 and submit them on a timely basis to CBO. OMB and CBO already work closely regarding the Federal budget. This section will assist the CBO in performing its duties under Title I.

Section 204. Pilot program on small government flexibility

This section requires OMB to establish pilot programs in at least two agencies on regulatory flexibility.

Title III—Baseline Study

Section 301. Baseline study of costs and benefits

This section establishes a Commission on Unfunded Federal Mandates.

Section 302. Report on unfunded Federal mandates by the Commission

This section requires the Commission to issue a preliminary report within 9 months of enactment and a final report within 3 months thereafter.

Section 303. Membership

This section provides that the Commission shall be composed of 9 members and establishes the requirements for their appointment.

Section 304. Director and staff of commission; experts and consultants

This section provides for the appointment of the staff and Director of the Commission.

Section 305. Powers of commission

This section provides the Commission with the authority to hold hearings, obtain official data, use the U.S. mails, acquire administrative support services from the General Services Administration, and contract, subject to the appropriations, for property and services.

Section 306. Termination

This section provides that the Commission shall terminate 90 days after submitting its final report.

Section 307. Authorization of appropriations

This section authorizes the appropriations to Commission of $1 million.

Section 308. Definition

This section defines the term ''unfunded Federal mandate'', as used in title III.

Section 309. Effective Date

This section provides that Title III takes effect 60 days after the date of enactment.

Title IV—Judicial Review

Section 401. Judicial review

This section provides that nothing under the Act shall be subject to judicial review.

V. REGULATORY IMPACT STATEMENT

Paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate requires Committee reports to evaluate the legislation's regulatory, paperwork, and privacy impact on individuals, businesses, and consumers.

S. 1 addresses Federal government process, not output. It will directly affect and change both the legislative and regulatory process. It will not have a direct regulatory impact on individuals, consumers, and businesses as these groups are not covered by the bill's requirements.

However, the implementation of S. 1 will likely have an indirect regulatory impact on these groups since a primary focus of the bill is to ensure that Congress assess the cost impact of new legislation on the private sector before acting. In so much as information on private sector costs of any particular bill or resolution may influence its outcome during the Congressional debate, it is possible that this bill may ease the regulatory impact on the private sector—both on individual pieces of legislation as well as overall. However, it is impossible at this time to determine with any specificity what that level of regulatory relief may be.

S. 1 does address the Federal regulatory process in three ways:

(1) It requires agencies to estimate the costs to State, local and tribal governments of complying with major regulations that include Federal intergovernmental mandates; (2) It compels agencies to set up a process to permit State, local and tribal officials to provide input into the development of significant regulatory proposals; and (3) It requires agencies to establish plans for outreach to small governments.

However, with the exception of the third provision, the bill will not impose new requirements for agencies to implement in the regulatory process that are not already required under Executive Orders 12866 and 12875. The bill merely codifies the major provisions of the E.O.s that pertain to smaller governments.

The legislation will have no impact on the privacy of individuals. Nor will it add additional paperwork burdens to businesses, consumers and individuals. To the extent that CBO and Federal agencies will need to collect more data and information from State, local and tribal governments and the private sector, as they conduct their requisite legislative and regulatory cost estimates, it is possible that those entities will face additional paperwork. However, although smaller governments are certainly encouraged to comply with agency and CBO requests for information, they are not bound to.

VI. CBO COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 9, 1995.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1, the Unfunded Mandate Reform Act of 1995.

Enactment of S. 1 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JANUARY 9, 1995

1. Bill number: S. 1.

2. Bill title: Unfunded Mandate Reform Act of 1995.

3. Bill status: As ordered reported by the Senate Committee on the Budget on January 9, 1995.

4. Bill purpose: S. 1 would require authorizing committees in the House and Senate to include in their reports on legislation a description and an estimate of the cost of any Federal mandates in that legislation, along with an assessment of their anticipated benefits. Mandates are defined to include provisions that impose duties on States, localities, or Indian tribes (''intergovernmental mandates'') or on the private sector (''private sector mandates''). Mandates also would include provisions that reduce or eliminate any authorization of appropriations to assist State, local, and tribal governments or the private sector in complying with Federal requirements, unless the requirements are correspondingly reduced. In addition, intergovernmental mandates would include changes in the conditions governing certain types of entitlement programs (for example, Medicaid). Conditions of Federal assistance and duties arising from participation in most voluntary Federal programs would not be considered mandates.

Committee reports would have to provide information on the amount of Federal financial assistance that would be available to carry out any intergovernmental mandates in the legislation. In addition, committees would have to note whether the legislation preempts any State or local laws. The requirements of the bill would not apply to provisions that enforce the constitutional rights of individuals, that are necessary for national security, or that meet certain other conditions.

The Congressional Budget Office (CBO) would be required to provide committees with estimates of the direct cost of mandates in reported legislation other than appropriation bills. Specific estimates would be required for intergovernmental mandates costing $50 million or more and, if feasible, for private sector mandates costing $200 million or more in a particular year. (CBO currently prepares estimates of costs to States and localities of reported bills, but does not project costs imposed on Indian tribes or the private sector.) In addition, CBO would probably be asked to assist the Budget Committees by preparing estimates for amendments and at later stages of a bill's consideration. Also, at times other than when a bill is reported,when requested by Congressional committees, CBO would analyze proposed legislation likely to have a significant budgetary or financial impact on State, local, or tribal governments or on the private sector, and would prepare studies on proposed mandates. S. 1 would authorize the appropriation of $4.5 million to CBO for each of the fiscal years 1996–2002 to carry out the new requirements. These requirements would take effect on January 1, 1996, and would be permanent.

S. 1 would amend Senate rules to establish a point of order against any bill or joint resolution reported by an authorizing committee that lacks the necessary CBO statement or that results in direct costs (as defined in the bill) of $50 million or more in a year to State, local, and tribal governments. The legislation would be in order if it provided funding to cover the direct costs incurred by such governments, or if it included an authorization of appropriations and identified the minimum amount that must be appropriated in order for the mandate to be effective, the specific bill that would provide the appropriation, and a federal agency responsible for implementing the mandate.

Finally, S. 1 would require executive branch agencies to take actions to ensure that State, local, and tribal concerns are fully considered in the process of promulgating regulations. These actions would include the preparation of estimates of the anticipated costs of regulations to States, localities, and Indian tribes, along with an assessment of the anticipated benefits. In addition, the bill would authorize the appropriation of $1 million, to be spent over fiscal years 1995 and 1996, for a temporary Commission on Unfunded Federal Mandates, which would recommend ways to reconcile, terminate, suspend, consolidate, or simplify federal mandates.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	2000
Congressional Budget Office						
Authorization of appropriations	.....	4.5	4.5	4.5	4.5	4.5
Estimated outlays	.....	4.0	4.4	4.4	4.4	4.4
Commission on unfunded Federal Mandates						
Authorization of appropriations	1.0	.....	.....	.....	.....	.....
Estimated outlays	0.4	0.6	.....	.....	.....	.....
Bill total:						
Authorization of appropriations	1.0	5.5	4.5	4.5	4.5	4.5
Estimated outlays	0.4	4.6	4.4	4.4	4.4	4.4

The costs of this bill fall within budget function 800.

Basis of Estimate—CBO assumes that the specific amounts authorized will be appropriated and that spending will occur at historical rates.

We estimate that executive branch agencies would incur no significant additional costs in carrying out their responsibilities associated with the promulgation of regulations because most of these tasks are already required by Executive Orders 12875 and 12866.

6. Comparison with spending under current law: S. 1 would authorize additional appropriations of $4.5 million a year for the Congressional Budget Office beginning in 1996. CBO's 1995 appropriation is $23.2 million. If funding for current activities were to remain unchanged in 1996, and if the full additional amount authorized were appropriated, CBO's 1996 appropriation would total $27.7 million, an increase of 19 percent.

Because S. 1 would create the Commission on Unfunded Federal Mandates, there is no funding under current law for the commission.

7. Pay-as-you-go considerations: None.

8. Estimated cost to State and local governments: None.

9. Estimate comparison: None.

10. Previous CBO estimate: None.

10. Estimate prepared by: James Hearn.

11. Estimate approved by: Paul Van de Water, Assistant Director for Budget Analysis.

VII. ROLL CALL VOTES IN COMMITTEE

Pursuant to paragraph 7 of rule XXVI of the Standing Rules of the Senate, each committee is to announce the results of roll call votes taken in any meeting of the committee on any measure or amendment. The Senate Budget Committee met on Monday, January 9, 1995, at 2 pm to markup S. 1. The following roll call votes occurred on S. 1 and amendments proposed thereto:

(1) The Boxer amendment to sunset S. 1 on January 1, 1998. The amendment was not agreed to: 9 yeas, 12 nays.

Yeas: Mr. Exon; Mr. Hollings (P); Mr. Lautenberg (P); Mr. Simon; Mr. Conrad; Mr. Dodd; Mr. Sarbanes (P); Mrs. Boxer; Mrs. Murray.

Nays: Mr. Domenici; Mr. Grassley (P); Mr. Nickles (P); Mr. Gramm (P); Mr. Bond (P); Mr. Lott (P); Mr. Brown; Mr. Gorton; Mr. Gregg; Ms. Snowe; Mr. Abraham; Mr. Frist.

(2) The Boxer amendment to sunset S. 1 on January 1, 2000. The amendment was not agreed to: 9 yeas, 12 nays.

Yeas: Mr. Exon; Mr. Hollings (P); Mr. Lautenberg (P); Mr. Simon; Mr. Conrad; Mr. Dodd; Mr. Sarbanes (P); Mrs. Boxer; Mrs. Murray.

Nays: Mr. Domenici; Mr. Grassley (P); Mr. Nickles (P); Mr. Gramm (P); Mr. Bond (P); Mr. Lott (P); Mr. Brown; Mr. Gorton; Mr. Gregg; Ms. Snowe; Mr. Abraham; Mr. Frist.

(3) The Boxer amendment to sunset S. 1 on January 1, 2002. The amendment was not agreed to: 9 yeas, 12 nays.

Yeas: Mr. Exon; Mr. Hollings (P); Mr. Lautenberg (P); Mr. Simon; Mr. Conrad; Mr. Dodd; Mr. Sarbanes (P); Mrs. Boxer; Mrs. Murray.

Nays: Mr. Domenici; Mr. Grassley (P); Mr. Nickles (P); Mr. Gramm (P); Mr. Bond (P); Mr. Lott (P); Mr. Brown; Mr. Gorton; Mr. Gregg; Ms. Snowe; Mr. Abraham; Mr. Frist.

(4) Motion to report S. 1, as amended. The motion was adopted: 21 yeas, 0 nays.

Yeas: Mr. Domenici; Mr. Grassley (P); Mr. Nickles (P); Mr. Gramm (P); Mr. Bond (P); Mr. Lott (P); Mr. Brown; Mr. Gorton; Mr. Gregg; Ms. Snowe; Mr. Abraham; Mr. Frist; Mr. Exon; Mr. Hollings (P); Mr. Lautenberg (P); Mr. Simon; Mr. Conrad; Mr. Dodd; Mr. Sarbanes (P); Mrs. Boxer; Mrs. Murray.

Nays: 0.

(5) Motion that the committee report S. 1 without filing a written report. The motion was agreed to: 12 years, 9 nays.

Yeas: Mr. Domenici; Mr. Grassley (P); Mr. Nickles (P); Mr. Gramm (P); Mr. Bond (P); Mr. Lott (P); Mr. Brown; Mr. Gorton; Mr. Gregg; Ms. Snowe; Mr. Abraham; Mr. Frist.

Nays: Mr. Exon; Mr. Hollings (P); Mr. Lautenberg (P); Mr. Simon; Mr. Conrad (P); Mr. Dodd; Mr. Sarbanes (P); Mrs. Boxer; Mrs. Murray.

(P) indicates a vote by proxy.

VIII. VIEWS OF MEMBERS OF COMMITTEE MEMBERS

ADDITIONAL VIEWS OF SENATOR CONRAD

With the consideration, of S. 1, Congress is taking a big step in addressing the continuing issue of unfunded federal mandates upon state, local, and tribal governments, as well as mandates upon those in the private sector.

Some federal mandates serve important purposes and have helped to accomplish safer, better lives for all Americans. These mandates have ensured our health and safety with regard to things like radiation contamination, hazardous waste, and other health and safety concerns.

However, unfunded mandates have grown in recent years and have, at times, become unrealistic and overly oppressive. As the federal government tried to cut spending and reduce the federal budget deficit, it passed responsibilities onto state and local governments without providing money to pay for them. I oppose placing unreasonably fiscal demands on states and localities.

I am pleased that S. 1 includes provision to study the disproportionate impact mandates may have on rural communities. Last year, during the Government Affairs Committee's consideration of S. 993, the unfunded mandates bill of the 103rd Congress, Susan Ritter of North Dakota, testified that one half of the annual budget of Sherwood, ND, is spent to test their water supply. In April 1994, the Minot Daily News reported that each resident of Mohall, ND, population 931, would need to contribute to a water testing bill of $2,400 for the year. The Minot Daily News further stated that the water testing budget for Minot, ND, was $3,300 five years ago, but had since risen to $26,100. These numbers illustrate the difficulties local governments face in meeting their budgets in the face of federal mandates.

The federal government must do a better job of listening to local governments when developing laws and regulations. It is important for Congress to consider the actual impact that federal legislation can have on state and local governments, as well as the private sector. It is always essential to weigh costs and benefits of legislation when enacting new laws.

I am proud to be a cosponsor of S. 1, however I do recognize there are some areas of the legislation which can be fine-tuned. For example, S. 1 amends provisions of the Congressional Budget Act of 1974. Attempts to amend, or improve, provisions of S. 1, which are incorporated into the Budget Act, will be subject to a super-majority point of order under the Budget Act. Also, we cannot be one hundred percent sure how this legislation will work; it may be too weak or it may be too restrictive. It is for these two reasons that I support including a sunset date for S. 1.

It is also my hope that my colleagues in the Senate will join me in a colloquy during consideration of this bill, so that questions regarding application to reauthorization bills, the competitive balance between local governments and the private sector, a sunset provision, and exclusions with S. 1 are thoroughly discussed. Given the fast pace with which S. 1 is moving, it is only appropriate that all aspects of S. 1 are addressed to remove concern.

I am greatly pleased to see this important issue before the Budget Committee and it is my hope that a fair and comprehensive bill regarding this issue is favorably considered by the Senate.

ADDITIONAL MINORITY VIEWS OF SENATOR BOXER ON S. 1, THE UNFUNDED MANDATES REFORM ACT

My first elected office in California was in 1976 when I won a seat on the Marin County Board of Supervisors. In that capacity I encountered laws passed by the state government and the federal government that impacted on our governance. Some of these were very good laws, paid for in whole or in part, and some of these were bad laws which made no sense.

The example that stands out in my mind was a law which came down from the federal government and was tied to our receipt of emergency planning monies. This law required our Board of Supervisors to plan for the orderly exit from the country of all our citizens in the case of nuclear war with the Soviet Union. It was very clear to public health and law enforcement people as well as all other residents of the county that there was no way a county so close to a targeted Soviet site in San Francisco could survive in any condition worth living under. Yet, that never stopped the federal bureaucracy then. They had certain rules laid out for us. We were to all get in our cars and go to a county to the north which was dubbed the ''host'' county. It was like a party . . . with the Marin County guests and the Sonoma County hosts. We were instructed by the feds to make sure we had cash as we all would have to get gasoline for our cars because the attendants at the gas stations would be quite busy.

I am happy to report that the Marin Board of Supervisors, a bi-partisan board at the time, chose to give all the planning monies back to Uncle Sam rather than give our constituents the false hope that they could survive an all-out nuclear war.

With regard to S. 1, I think the goal of this bill makes a lot of sense. If a federal mandate places an undue financial burden on state and local governments, then Congress should recognize and address the problem. There should be exceptions to this rule, however, and S. 1 deals with areas which are of vital importance to the nation that should be protected from the provisions of this bill.

S. 1 currently shields bills and federal rules that help secure our constitutional rights, prevent discrimination, ensure national security, and implement international agreements such as NAFTA from its requirements. In my view, unfortunately, two other areas of nation-wide importance have been overlooked.

I am deeply concerned that bill fails to adequately ensure our ability to protect the most vulnerable members of our society; our children, our pregnant women, and our elderly. Why should we deny our children, pregnant women, and elderly the same protections? I am prepared to offer an amendment to add legislation involving children and others to the list of S. exemptions. It will simply provide that any bill which ''provides for the protection of the health of children, pregnant women, or the elderly'' would not be subject to S. 1's point of order and other requirements.

I am also concerned that S. 1 fails to distinguished between mandates that affect state and local governments as ''employers'' and state and local governments as ''governments.'' I plan to offer an amendment on the floor that will add labor standards to the list of mandates exempted from S. 1's requirements.

I am also disappointed that the bill fails to directly address one of the biggest unfunded federal mandates faced by California: the costs imposed by illegal immigration. I therefore plan to offer an amendment on the floor to ensure that the costs to states and local governments from illegal immigration be addressed in the bill.

One point of concern was particularly overlooked and I offered an amendment in the Committee markup to address this area. The amendment which I offered with the support of the ranking member would have added a provision to sunset S. 1 in 1998. Since the enforcement mechanisms of the Budget Act will expire in 1998, I believe that it is only reasonable to revisit the unfunded mandates issue at the same time that we revisit the whole budget process to ensure that it is working as it should.

However, the Committee rejected this amendment, along with two additional amendments to sunset the bill in 2000 and 2002, respectively, by a party line vote. This deeply upsets me. How will we know whether the whole new process will work? S. 1 may simply not work. It is crucial that we set a reasonable time to revisit the bill and make any improvements—either strengthening or weakening—that our experience with it will have shown to be necessary.

I do hope that this bill will truly meet its very fair goal of reimbursing the states and

local governments for laws that we pass. However, I will reserve judgment on final passage of the bill until the amendment process has been completed.

Unrelated to the bill, but very timely, I plan to offer a Sense of Senate Resolution that the campaign of violence against women's health clinics must end. My amendment calls on the Attorney General to take all necessary steps to protect reproductive health clinics and their staff. I know all of my colleagues share my views that this violence is deplorable.

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, November 29, 1994.

Hon. WILLIAM V. ROTH, Jr.,
Hon. JOHN GLENN,
Committee on Governmental Affairs, U.S. Senate, Washington, DC

DEAR BILL AND JOHN: We expect the Senate to consider legislation early in the session regarding Federal mandates on State and local governments and the private sector. We may initiate such legislation in the Budget Committee and we want to work with you to assure that any state, local, or private sector mandate legislation moves quickly and is a constructive improvement to the congressional budget process.

Such legislation raised budget and economic issues that the Budget Committee must confront in writing a federal budget each year. Moreover, most versions of this legislation contain a significant expansion in the Congressional Budget Office's responsibilities. In the past, our committees have worked jointly on such legislation. In 1981, our two committees both reported legislation that led to the enactment of the State and Local Government Cost Estimate Act.

Some versions of this legislation may be referred to the Budget Committee under the standing order governing referral of budget-related legislation. If the Budget Committee does not report such legislation and it includes provisions affecting the Congressional Budget Office or the congressional budget process, such legislation could be in jeopardy under section 306 of the Budget Act.

We want to work with you to assure such legislation is considered expeditiously. Should you have any questions, please to do no hesitate to contact us or our staff (Bill Hoagland at 4–0539 and Bill Dauster at 4–3961).

Sincerely,

JAMES EXON.
PETE V. DOMENICI.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. HUTCHISON (for herself, Mr. LOTT, Mr. GRAMM, Mr. GRASSLEY, and Mr. NICKLES):

S. 191. A bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of the Act, to protect against economic losses from critical habitat designation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 192. A bill to prohibit the use of certain assistance provided under the Housing and Community Development Act of 1974 to encourage plant closings and the resultant relocation of employment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL:

S. 193. A bill to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. CRAIG, Mr. HATCH, Mr. HELMS, Mr. ROBB, Mr. MCCONNELL, Mr. COATS, and Mr. COVERDELL):

S. 194. A bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 195. A bill to amend section 257(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the treatment of losses from asset sales; 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 have thirty days to report or be discharged.

By Mr. MCCAIN:

S. 196. A bill to establish certain environmental protection procedures within the area comprising the border region between the United States and Mexico, and for other purposes; to the Committee on Foreign Relations.

By Mr. BUMPERS:

S. 197. A bill to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (for himself, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KOHL, Mr. DORGAN, and Mr. CONRAD):

S. 198. A bill to amend title XVIII of the Social Security Act to permit medicare select policies to be offered in all States, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 199. A bill to repeal certain provisions of law relating to trading with Indians; to the Committee on Indian Affairs.

By Mr. BRADLEY (for himself, Mr. KOHL, and Mr. SIMON):

S. 200. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of any projectile that may be used in handgun and is capable of penetrating police body armor; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. ROBB):

S. 201. A bill to close the Lorton Correctional Complex, to prohibit the incarceration of individuals convicted of felonies under the laws of the District of Columbia in facilities of the District of Columbia Department of Corrections, and for other purposes; to the Committee on the Judiciary.

By Mr. MACK (for himself, Mrs. HUTCHISON, Mr. COVERDELL, and Mr. LOTT):

S. 202. A bill to provide a fair, nonpolitical process that will achieve $41,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached; to the Committee on Governmental Affairs.

By Mr. KENNEDY (for himself and Mr. WELLSTONE):

S. 203. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage, to establish a Commission to conduct a study on the indexation of the Federal minimum wage, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN:

S. 204. A bill to provide for a reform of the public buildings program, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 205. A bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge; to the Committee on Armed Services.

By Mr. MCCAIN (for himself and Mr. KOHL):

S. 206. A bill to give the President line-item veto authority over appropriation Acts and targeted tax benefits in revenue Acts; 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 have thirty days to report or be discharged.

By Mr. MACK (for himself, Mrs. HUTCHISON, and Mr. LOTT):

S. 207. A bill to provide a fair, nonpolitical process that will achieve $41,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached; to the Committee on the Budget and the Committee on Governmental Affairs, jointly.

By Mr. DASCHLE (for himself and Mr. EXON):

S. 208. A bill to require that any proposed amendment to the Constitution of the United States to require a balanced budget establish procedures to ensure enforcement before the amendment is submitted to the States; 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 have thirty days to report or be discharged.

By Mr. SIMON:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to allow the President to reduce or disapprove items of appropriations; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HATFIELD:

S. Res. 38. An original resolution authorizing expenditures by the Committee on Appropriations; from the Committee on Appropriations; to the Committee on Rules and Administration.

By Mr. MURKOWSKI:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. MCCAIN:

S. Res. 40. An original resolution authorizing expenditures by the Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. HELMS:

S. Res. 41. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. DASCHLE:

S. Res. 42. A resolution to make minority party appointments to a Senate committee under paragraph 3(c) of rule XXV for the 104th Congress; considered and agreed to.

By Mr. SPECTER:

S. Res. 43. An original resolution authorizing expenditures by the Select Committee on

Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. COHEN (for himself and Mr. PRYOR):

S. Res. 44. A resolution authorizing expenditures by the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. ROTH:

S. Res. 45. An original resolution authorizing expenditures by the Committee on Governmental Affairs; from the Committee on Governmental Affairs; to the Committee on Rules and Administration.

By Mr. LOTT (for Mr. DOLE):

S. Res. 46. A resolution making majority party appointments to the Ethics Committee for the 104th Congress; considered and agreed to.

S. Res. 47. A resolution designating the Chairpersons of Senate committees for the 104th Congress; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. LOTT, Mr. GRAMM, Mr. GRASSLEY, and Mr. NICKLES:

S. 191. A bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of the act, to protect against economic losses from critical habitat designation, and for other purposes; to the Committee on Environment and Public Works.

THE FARM, RANCH, AND HOMESTEAD PROTECTION ACT OF 1995

Mrs. HUTCHISON. Mr. President, for generations American farmers have worked to provide food, clothing, and shelter to their families. Farmers and ranchers in Texas and throughout the United States have tilled the soil and cleared the rangeland—and, if they had a good year, they might try to put any money left over back into the land to buy more property.

This land is their wealth—their property, which our Government was formed to protect, just as it protects our homes from burglary and our money in banks from theft.

Our founding fathers acknowledged that private property rights were important. They fought foreign rulers to protect it. The Bill of Rights, drafted after that struggle, says that private property shall not be taken for public use, without just compensation. But, through overly zealous environmental enforcement, this constitutional protection is being watered down.

Last year, the U.S. Fish and Wildlife Service, which enforces the Endangered Species Act, proposed that up to 800,000 acres from 33 Texas counties be designated as critical habitat for the golden-cheeked warbler. This action held up land transfers, construction, home and business lending. With about 300 species in Texas being considered for listing as endangered or threatened, including 8 flies and 12 beetles, landowners in my State may face a very grave problem again soon.

Recent reports about the U.S. Fish and Wildlife's latest Balcones Canyonlands Conservation Plan in Austin, TX, are discouraging. Yesterday, the Interior Department proposed that owners of single-family lots in Travis County that were subdivided before the golden-cheek warbler was listed as an endangered species can apply for a permit to construct a single family home for a fee of $1,500. Developers are expected to pay even more—up to $5,500 an acre—to build on land that has not been subdivided yet.

The permit fees, plus $10 million from Travis County, would be used to add to the 21,000 acres in existing wildlife refuges. Well, the Travis County residents have voted against spending more money on refuges, in 1993 and the Travis County officials were blindsided. They were not even consulted about this proposal to spend $10 million of Travis County's money, when the people have just voted not to put any more money into wildlife refuges.

Rather than assuring fair compensation for private property when there is a Government taking, the Service's plan would require landowners to pay ransom to the Federal Government—ransom to the Federal Government—for the privilege of building on a lot which they have already bought to build a house—perhaps the house they have been dreaming of for years. Interior Secretary Bruce Babbitt has stated in the past that he believes private property is an outmoded concept. The Fish and Wildlife Service would say, by regulation, that his views are right. This would essentially repeal the fifth amendment to our U.S. Constitution.

Today, Senators LOTT, GRAMM, GRASSLEY, NICKLES, and I are introducing legislation to stop Government overreaching until we have had time to revise the Endangered Species Act. Congressman LAMAR SMITH is introducing a companion bill in the House.

My bill puts a moratorium on the listing of new endangered and threatened species until reauthorization. Right now the Fish and Wildlife Service is proposing to list a species in the panhandle of Texas—the Arkansas River shiner—that is used for fish bait. Water is scarce in the panhandle; we cannot afford to give fish bait more protection than people. But once the shiner is designated, it will have more right to the water than the panhandle farmers and ranchers and the people of Amarillo, TX. The people have to have a voice.

The bill also puts a moratorium on the designation of critical habitat so that property owners will not lose control of their land. Designating critical habitat puts unjust limits on the use, market value, and transferability of property. The stigma of critical habitat should not be imposed by a government that claims to protect property as a constitutional right.

Finally, the bill puts a moratorium on the requirement that all government agencies consult with the Fish and Wildlife Service before taking actions, providing permits, or providing funding that may affect an endangered species. This will prevent the Fish and Wildlife Service from further expanding use of the Endangered Species Act to deny FHA or VA mortgages, crop insurance, crop support payments, farm erosion studies, or SBA loans. To be fair, they have not done this yet; so far, it has only been used on large Government projects. But until this year they had not proposed to designate an area larger than the State of Rhode Island as critical habitat. But they did it last year in Texas.

Property owners should not have to fight the Government to build a new home on their land. They should not have to hire lawyers to tell what their rights are or convince bureaucrats that their farming is in compliance with regulations. Farmers in my State should not live in fear of being treated like the farmer in California who was arrested in a Government raid for allegedly harming a kangaroo rat while he was plowing his field. This rat is designated as an endangered species for one reason—its feet are a millimeter longer than other, similar species. There are other alternatives. Instead of seizing land and arresting farmers, we should encourage private landowners to protect species and habitat with tax incentives, and whenever possible relocate threatened species to park lands so it does not encroach on the private property rights nor the ability of a farmer or a rancher to feed his or her family.

Opponents of compensation for takings of property argue the National Government cannot afford it. That argument acknowledges what is happending is in fact unconstitutional. If we want to protect the critical habitat of endangered species, we have to pay for it. James Madison, in the Federalist Papers, made it clear that the purpose of government is to protect private property. He said, ''government is instituted no less for protection of property than of the persons of individuals.''

If opponents of compensation are truly opposed to this principle, they have a remedy. They can propose an amendment to the Constitution. But until they do and until it is passed, these acts are unconstitutional. We are sworn to uphold the Constitution. Mr. President, we must do it. The actions on this bill will provide the means to do it.

We need to make the real effect of the Endangered Species Act clear to the rulemakers in Washington. Many of them have not even set foot on a farm since their third grade class field trip. It is no wonder that so many of our people spoke in November that ''we cannot take the Government harassment.'' It is no longer about protecting our treasured natural resources from harm. It is about Government taking control of people's land. We must put a

stop to it, until we have the opportunity to give the Fish and Wildlife Service a new direction.

That is something I hope this Senate will do very quickly before untold damage is done, like what is happening right now in Austin, TX.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 192. A bill to prohibit the use of certain assistance provided under the Housing and Community Development Act of 1974 to encourage plant closings and the resultant relocation of employment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE PROHIBITION OF INCENTIVES FOR RELOCATION ACT OF 1995

● Mr. FEINGOLD. Mr. President, I introduce with my colleague from Wisconsin, Senator KOHL, a bill designed to proscribe the use of community development block grant, and other HUD funds for assisting businesses in moving jobs from one State to another. This measure is similar to a bill I introduced in the 103d Congress, the Prohibition of Incentives for Relocation Act of 1994, and is based upon legislation authored during the 103d Congress by U.S. House Representatives, GERRY KLECZKA and TOM BARRETT of Wisconsin, which was approved in the House-passed HUD reauthorization legislation, H.R. 3838.

Mr. President, the importance of this issue remains a critical one to this day for Wisconsin's economic future, as well as the future of other States like ours that possess labor intensive industries.

Our concern was generated by an announcement made in 1994 by a major employer in Wisconsin, Briggs and Stratton, that a Milwaukee plant would be closed, and 2,000 workers would be permanently displaced. The actual economic impact upon this community is even greater since it is estimated that 1.24 related jobs will be lost for every one of the 2,000 Briggs jobs affected. The devastating news was compounded by the subsequent discovery that many of these jobs were being transferred to plants, which were being expanded in two other States, and that Federal community development block grant [CDBG] funds were being used to facilitate the transfer of these jobs from one State to another.

This is a totally inappropriate use of Federal funds, which this legislation is designed to end. The CDBG Program is designed to foster community and economic development; not to help move jobs around the country. Obviously, during a period of permanent economic restructuring, which results in plant closing, downsizing of Federal programs and defense industry conversion, there is tremendous competition between communities for new plants and other business expansions to offset other job losses. State and local communities are doing everything they can to attract new business and retain existing businesses. But it is simply wrong to use Federal dollars to help one community raid jobs from another State. There is no way to justify to the taxpayers in my State that they are sending their money to Washington to be distributed to other States to be used to attract jobs out of our State, leaving behind communities whose economic stability has been destroyed. Thousands of people whose jobs are directly, or indirectly lost as a result of the transfer of these jobs out of our State are justifiably outraged by this misuse of funds.

Mr. President, this legislation is very similar to a provision of the Housing and Community Development Act of 1974, which prohibited urban development action grants [UDAG] from being used for projects intended to move jobs from one community to another. Section 5318(h) of Title 42 of the United States Code prohibits the use of UDAG if the funds are, ''intended to facilitate the relocation of industrial or commercial plants or facilities from one area to another,'' unless it is determined that the relocation does not significantly and adversely affect the unemployment or economic base of the area from which the industrial or commercial plant or facility is to be relocated.'' Similarly, this legislation provides that no assistance through CDBG and other related HUD programs shall be used for any activity that is intended, or is likely to facilitate the closing of an industrial or commercial plant, or the substantial reduction of operations of a plant; and result in the relocation or expansion of a plant from one area to another area. Similar antipiracy provisions are included in SBA programs, Economic Development Administration programs and the Economic Dislocated Workers Adjustment Act.

Mr. President, this is an issue of fundamental fairness, and sound public policy. Federal funding for economic development projects should be directed toward projects that expand employment opportunities and economic growth, not simply move jobs from one community to another. This legislation is designed to ensure that community development funds are appropriately used for that purpose. I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 192

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

SECTION 1. PROHIBITION OF USE OF CERTAIN ASSISTANCE TO ENCOURAGE PLANT CLOSINGS AND RESULTANT RELOCATION OF EMPLOYMENT.

(a) AUTHORIZATIONS.—Section 103 of the House and Community Development Act of 1974 (42 U.S.C. 5303) is amended—

(1) by inserting ''(a)'' before ''The Secretary''; and

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

(b) PROHIBITION OF USE OF ASSISTANCE TO ENCOURAGE PLANT CLOSINGS AND RESULTANT RELOCATION OF EMPLOYMENT.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, no amount from a grant made under section 106 shall be used for any activity that is intended or is likely to—

''(A) facilitate the closing of an industrial or commercial plant or the substantial reduction of operations of a plant; and

''(B) result in the relocation or expansion of a plant from one area to another area.

''(2) NOTICE.—The Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to implement this subsection. Such notice shall be published as a proposed regulation and take effect upon publication. The Secretary shall issue final regulations, taking into account public comments received by the Secretary.''.

(b) SPECIAL PURPOSE GRANTS.—Secton 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307) is amended by adding at the end the following new subsection:

''(g) PROHIBITION OF USE OF ASSISTANCE TO ENCOURAGE PLANT CLOSINGS AND RESULTANT RELOCATION OF EMPLOYMENT.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, no amount from a grant made under this section shall be used for any activity that is intended or is likely to—

''(A) facilitate the closing of an industrial or commercial plant or the substantial reduction of operations of a plant; and

''(B) result in the relocation or expansion of a plant from one area to another area.

''(2) NOTICE.—The Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to implement this subsection. Such notice shall be published as a proposed regulation and take effect upon publication. The Secretary shall issue final regulations, taking into account public comments received by the Secretary.''.

(c) ECONOMIC DEVELOPMENT GRANTS.—Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following new paragraph:

''(5) PROHIBITION OF USE OF ASSISTANCE TO ENCOURAGE PLANT CLOSINGS AND RESULTANT RELOCATION OF EMPLOYMENT.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, no amount from a grant made under this subsection shall be used for any activity that is intended or is likely to—

''(i) facilitate the closing of an industrial or commercial plant or the substantial reduction of operations of a plant; and

''(ii) result in the relocation or expansion of a plant from one area to another area.

''(B) NOTICE.—The Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to implement this paragraph. Such notice shall be published as a proposed regulation and take effect upon publication. The Secretary shall issue final regulations, taking into account public comments received by the Secretary.''.●

By Mr. CAMPBELL:

S. 193. A bill to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior; to the Committee on Energy and Natural Resources.

THE FEDERAL FORAGE FEE ACT OF 1995

Mr. CAMPBELL. Mr. President, I am sending legislation to the desk that

changes the way ranchers pay to graze their livestock on Federal rangelands. I introduced this bill last Congress, with 14 of my colleagues including my friend who is across the floor today, the Senator from Idaho [Mr. CRAIG]. This bill was not acted on but we think it is an important bill that should be reintroduced.

The formula included in this proposal was developed by several economists who worked at land grant colleges in the West. The formula abandons the old Public Rangelands Improvement Act formula, which has been much maligned, in favor of a formula that sets a realistic value on the opportunity to graze livestock on public lands. It will result in a fee that is about 23 percent higher than the current fee.

Having been very active on this issue for many years, I know congressional debate about grazing fees has been polarized. Opponents of the current fee argue that ranchers do not pay fair market value, while some ranchers would like to maintain the status quo. On the other hand, ranchers in many cases think the fee should not go up at all. But many of us who have worked on it believe ranchers are the family farmers of the West. The establishment of a fair and equitable grazing fee formula is still necessary to ensure their survival. I also think the rancher is key to the rural Western economy. Not only does this add billions to the Nation's economy, in much of the West, it is the single largest source of economic activity and tax revenue. Every Western ranching job creates as many as four jobs on Main Street. If those ranchers go under, so will the tractor, truck and automobile dealers, the gas, grocery and feed store owners, the veterinarians, doctors, and dentists, and many others who make up the commercial and social fabric of rural Western towns.

A fee not based on sound science and careful study will destabilize the entire livestock industry and the rural Western economic infrastructure it supports. The new formula is based on a principle: on the private forage market. It reflects the higher operational costs and lower returns derived from Federal lands. This results in a formula that provides economic parity between producers who use Federal land and private livestock producers.

Secretary of the Interior Babbitt has already said that he intends to drop his efforts to raise grazing fees. He also said that he intends to finalize his regulations within the next 6 months for how our public lands should be managed for grazing.

It is clear to me that environmentalists care about management issues, that is, the Department's ability to effectively steward the resources it manages. To cattlemen, however, the single most important issue is the fee. If it is too high, ranchers go out of business. The ranchers I have talked to realize they will eventually have to pay more for the privilege of grazing on public lands, but as business people, they need stability—stability that can only be provided if a bill passes to lock a higher fee into place.

Many Western Senators believe that the issue of grazing fees should be separated from management reforms. This has been done, but it does not mean that our Government has forgotten that a commitment was made 2 years ago by the ranching industry to pay their fair share.

Reintroducing this bill is an attempt to keep our end of the bargain.

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. 193

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

That this Act may be cited as the ''Federal Forage Fee Act of 1993''.

SECTION 1. FINDINGS.

(a) FINDINGS.—Congress finds and declares that—

(1) it is in the national interest that the public lands are producing and continue to produce water and soil conservation benefits, livestock forage, wildlife forage and recreation and other multiple use opportunities;

(2) rangelands will continue to be stabilized and improved long term by providing for cooperative agreements, private, public partnerships and flexibility in management programs and agreements;

(3) to assure sound management and stewardship of the renewable resources it is imperative to charge a fee that is reasonable and equitable and represents the fair value of the forage provided;

(4) the intermingled private-public land ownership patterns prevailing in much of the west create a strong interdependence between public and private lands for forage, water, and habitat for both wildlife and livestock;

(5) the social and economic infrastructure of many rural communities and stability of job opportunities in many areas of rural America are highly independent on the protection of the value of privately held production units on Federal lands.

SEC. 2. ENVIRONMENTAL AND LAND USE REQUIREMENTS.

Unless contrary to this statute, all grazing operations conducted on any Federal lands shall be subject to all applicable Federal, State, and local laws, including but not limited to:

(1) Animal Damage Control Act (7 U.S.C. 426–426b).

(2) Bankhead-Jones Farm Tenant Act (50 Stat. 522) as amended.

(3) Clean Air Act (42 U.S.C. 7401–7642) as amended.

(4) Endangered Species Act of 1973 (16 U.S.C. 1531–1544) as amended.

(5) Federal Advisory Committee Act (86 Stat. 770), as amended.

(6) Federal Grant and Cooperative Agreement Act of 1977 (92 Stat. 3).

(7) Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136–136y), as amended.

(8) Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(9) Federal Water Pollution Control Act (33 U.S.C. 1251 1387), as amended.

(10) Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600–1614).

(11) Granger-Thye Act (64 Stat. 82).

(12) Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701), as amended, title V.

(13) Multiple Use Sustained Yield Act of 1960 (16 U.S.C. 528–531).

(14) National Environmental Policy Act of 1969 (42 U.S.C. 4370a), as amended.

(15) National Forest Management Act of 1976 (16 U.S.C. 1600, 1611–1614).

(16) Public Rangelands Improvement Act of 1978 (92 Stat. 1803).

(17) Taylor Grazing Act (48 Stat. 1269), as amended.

(18) Wilderness Act (78 Stat. 890), as amended.

SEC. 3. FEE SCHEDULE.

(a) For the purpose of this section the terms:

(1) ''Sixteen Western States'' means WA, CA, ID, NV, NM, WY, CO, KS, SD, ND, NE, OR, OK, AZ, UT and MT.

(2) ''AUM'' means an animal unit month as that term is used in the Public Rangeland Improvement Act (92 Stat. 1803);

(3) ''Authorized Federal AUMs'' means all ''allotted AUMs'' reported by BLM and ''permitted to graze AUMs'' reported by USFS.

(4) ''WAPLLR'' means the weighted average private land lease rate determined by multiplying the private land lease rate reported by the Economic Research Service for the previous calendar year for each of the sixteen Western States by the total number of authorized Federal AUMs, as defined in section 3(a)(3), in each State for the previous, fiscal year, then that result divided by the total number of authorized Federal AUMs for the sixteen western States. These individual State results are then added together and divided by 16 to yield a weighted average private land lease rate for that year.

(5) ''Report'' means the report titled ''Grazing Fee Review and Evaluation Update of the 1986 Final Report'' dated April 30, 1992 and prepared by the Departments of the Interior and Agriculture.

(6) ''Nonfee cost differential'' means a value calculated annually by the Secretaries by multiplying the weighted difference in nonfee costs per AUM between public land and private land by the Input Cost Index (ICI) determined annually by the Department of Agriculture. The weighted difference in nonfee costs is a factor of 0.552 determined by deducting the private AUM nonfee costs (as outlined on page 58 of the report) from the public AUM nonfee costs for cattle times 4, added to the result of deducting private AUM nonfee costs from public AUM nonfee costs for sheep times 1, then that result divided by 5.''

(7) ''Net production differential'' is the percentage calculated annually by dividing the cash receipts per cow for Federal permittee livestock producers by the cash receipts per cow for western non-Federal livestock producers in the sixteen Western States as surveyed by the Economic Research Service in annual cost of production surveys (COPS).

(8) ''PLFVR'' means the private lease forage value ratio determined by dividing the average of the 1964–1968 base years' private land lease rate into the forage value portion of the private land lease rate of $1.78 as determined in the 1966 western livestock grazing survey.

(b) The Secretaries of the Department of Agriculture and the Department of the Interior shall calculate annually the Federal forage fee by calculating the average of the WALLPR for the preceding three years; multiplying it by the PLFVR; then deducting from that result the nonfee cost differential;

and multiplying that result by the net production differential. For each year that this calculation is made, all data used for calculating this fee shall come from the calendar year previous to the year for which the fee is being calculated unless specified otherwise in the above calculations.

(c) The Federal forage fee shall apply to all authorized Federal AUMs under the jurisdiction of the United States Department of Agriculture and the United States Department of the Interior.

(d) For the first year that the Secretaries calculate the Federal forage fee, the fee shall not be greater than 125 percent, or less than 75 percent of the fee calculated for the previous year pursuant to Executive Order 12548 dated February 14, 1986. For each year after the first year that the Secretaries calculate the Federal forage fee, the fee shall not be greater than 125 percent, or less than 75 percent of the Federal forage fee calculated for the previous year.

(e) The survey of nonfee costs used to calculate the nonfee cost differential shall be updated periodically by the Secretaries so as to reflect as accurately as possible the actual nonfee costs incurred by the cattle and sheep industry that utilizes public lands in the sixteen Western States. The results of the updated survey shall be incorporated into the calculation of the Non Fee Cost Differential as they become available.

FEDERAL FORAGE FEE FORMULA—NARRATIVE DESCRIPTION

The Federal Forage Fee Formula is based on the premise that the western public lands grazing permittee should pay the fair value of the forage received from federal lands.

Two objectives were met in determining the formula for a forage value-based grazing fee: (1) Identification of the value of raw forage as a percentage of the private land lease rate (Private Lease Forage Value Ratio); and (2) an adjustment which reflects the lower animal production derived from federal lands compared to private lands (Net Production Differential), and the additional costs of doing business on federal lands compared to private lands (Non Fee Cost Differential) (e.g., additional infrastructure and operational costs). Because the costs associated with cattle production vary from those of sheep production, sheep costs are figured into the Non Fee Cost Differential (80% cattle, 20% sheep). Simply put, the federal forage fee formula is based on the private forage market while reflecting the unique costs of production and relative inefficiencies of harvesting federal forage compared to private land operations. A reasonable grazing fee must reflect the higher operational costs and lower animal production derived from federal lands and, as such, would promote similar economic opportunity between federal land and private land livestock producers.

The private land lease rate is weighted by the proportional number of federal AUMs in each of the 16 western states. The rolling three year weighted average of the private land lease rate is used in order to minimize the high and low extremes of the lease scale. This lease rate is calculated on a weighted average of private lease rates for non-irrigated native rangelands.

The value of the forage component of private land leases, as determined in a comprehensive 1966 grazing fee study and carried through in the 1992 update of the Grazing Fee Review and Evaluation report is 48.8% of the total private land lease rate. The remaining 51.2% of the private lease rate includes infrastructure and services associated with a private land lease.

The Non Fee Cost Differential of the federal forage fee formula is based on the updated analysis of non-fee costs adjusted annually for inflation. This number indicates that for 1991 it cost $1.60 more per AUM to operate on federal lands than private lands.

The Net Production Differential of the formula is based on Economic Research Service comparisons of cash livestock receipts from both western federal land ranches and nonfederal land ranches which show that, overall, the federal lands generate 12.1% less revenue per animal unit than private lands (thus, the 87.9% figure). Every figure in the federal forage fee formula is derived from economic data compiled and updated by federal agencies.

Research using historical data reveals that the Federal Forage Fee yields more predictable fee than PRIA, which has fluctuated from a high of $2.41 to a low of $1.35 (a 78% variance) over its 15 year life. A 25% cap on any increase or decrease in the fee from year to year, starting with the current fee is maintained. Additionally, the federal forage fee formula adheres to the guidelines Congress established for determination of federal grazing fee policy as outlined by the Federal Lands Policy Management Act of 1976, the Independent Offices Appropriations Act of 1952 and the Taylor Grazing Act of 1934.

FIGURES

Weighted average private land lease rate [WAPLLR]: $8.77

Derived from 16 state weighted average private land lease rate as surveyed by the U.S. Department of Agriculture's Economic Research Service (ERS) and adjusted for the number of federal AUMs in each state. The calculation is a rolling average of the three most recent years' data.

Private land forage value ratio [PrLFVR]: 48.8 percent

Grazing Fee Review and Evaluation, DOI & USDA 1992, pgs. 18 and 22. Determines the forage component of the WAPLLR.

Non fee cost differential [NFCD]: $1.60

Grazing Fee Review and Evaluation, DOI & USDA 1992, pg. 58, Appendix A.1; Updated by Input Cost Index (ICI) for currency. Deduction to reflect additional costs per AUM incumbent with federal land grazing.

Net production differential [NPD] 87.9 percent

Grazing Fee Review and Evaluation, DOI & USDA 1992, pg. 53, ''Equity Among Livestock Producers.'' Adjustment to reflect lower animal production derived from federal grazing lands.

Formula/calculations

[((WAPLLR PrLFVR)—NFCD) NPD=FFF]

Weighted average private land lease rate [WAPLLR]	$8.77
Private lease forage value ratio [PrLFVR] (percent)	×48.8
Private lease forage value	4.28
Non fee cost differential [NFCD]	−1.60
Net production differential [NPD] (percent)	×87.9
Federal forage fee (grazing fee) [FFF]	2.36

The effective Federal Forage Fee would be $2.33 in the first year after applying the 25 percent cap to the current grazing fee.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. CRAIG, Mr. HATCH, Mr. HELMS, Mr. ROBB, Mr. MCCONNELL, and Mr. COATS):

S. 194. A bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes; to the Committee on Finance.

MEDICARE/MEDICAID DATA BANK LEGISLATION

● Mr. MCCAIN. Mr. President, I am pleased to reintroduce this bill, which would eliminate a large and unjustified administrative burden imposed on employers by an ill-considered piece of legislation passed 2 years ago. Specifically, it would repeal the Medicare and Medicaid Coverage Data Bank, section 13581 of OBRA 1993, a law that is extremely expensive, burdensome, punitive, and in my view, entirely unnecessary.

This data bank law requires every employer who offers health care coverage to provide substantial and often difficult-to-obtain information on current and past employees and their dependents, including names, Social Security numbers, health care plans, and period of coverage. Employers that do not satisfy this considerable reporting obligation are subject to substantial penalties, possibly up to $250,000 per year or even more if the failure to report is found to be deliberate.

According to the law that created the requirement, its purported objective is to ensure reimbursement of costs to Medicare or Medicaid when a third party is the primary payor. This is a legitimate objective. However, if the objective of the data bank is to preserve Medicare and Medicaid funds, why is it necessary to mandate information on all employees, the vast majority of whom have no direct association with either the Medicare or Medicaid Program?

Last year, I introduced S. 1933 to repeal the Medicare and Medicaid Coverage Data Bank. Unfortunately, this bill did not pass in the 103d Congress, in part because of a questionable Congressional Budget Office analysis that estimated that the data bank would save the Federal Government about $1 billion. As a result of this scoring, we would have had to raise the same amount in revenues to offset these purported ''savings.'' However, the General Accounting Office found that ''as envisioned, the data bank would have certain inherent problems and likely achieve little or no savings to the Medicare and Medicaid programs.'' Still, due primarily to the fiction that the data bank would save money, S. 1933 was not enacted last year.

When it was clear that I did not have the votes to repeal the data bank law, I worked with several other Senators to ensure that no funding was appropriated for the data bank in fiscal year 1995. Due to our efforts, the Labor and Human Resources Appropriations report contained language prohibiting the use of Federal funds for developing or maintaining the data bank. However, this provision by itself did not revoke the requirement that covered entities must still provide the required information on the health coverage of current and former employees and their families. This would have resulted in the bizarre situation in which covered employers would have had to report the information, but there

would have been no data bank to process or retrieve it.

Finally, in response to the public outcry about this Federal mandate and the sentiments of Congress, the Health Care Financing Administration [HCFA] indicated that it will not be enforcing the data bank's reporting requirements in fiscal year 1995. It stated that in light of the refusal of Congress to fund the data bank, ''we have agreed to stay an administrative action to implement the current requirements, including the promulgation of reporting forms and instructions. Therefore, we will not expect employers to compile the necessary information or file the required reports. Likewise, no sanctions will be imposed for failure to file such reports.''

This is a major step in the right direction. However, the data bank and its reporting requirements are still in the law and are still scheduled to be implemented in the next fiscal year. Consequently, there is still a great need to repeal the data bank law.

There are those who will argue that, in order to repeal the data bank, we still must propose $1 billion in budget offsets. However, as I indicated earlier, the GAO found that the data bank would not save money. Specifically, it testified before the Senate Governmental Affairs Committee that ''the data bank will likely achieve little or no savings while costing millions. Rather, we believe that changes and improvements to existing activities would be a much easier, less costly, and thus preferable alternative to the data bank process. This is largely because the data bank will result in an enormous amount of added paperwork for both HCFA and the Nation's employers.''

In addition, the GAO report on the data bank law found that employers are not certain of their specific reporting obligations, because HCFA has not provided adequate guidance on these obligations. Much of the information which is required is not typically collected by employers, such as Social Security numbers of dependents and certain health insurance information. Some employers have even questioned whether it is legal for them under various privacy laws to seek to obtain the required information.

The GAO report also found that employers are facing significant costs in complying with the reporting requirements, including the costs of redesigning their payroll and personnel systems. It cites one company with 44,000 employees that would have costs of approximately $52,000 and another company with 4,000 employees that would have costs of $12,000. Overall, the American Payroll Association estimated last year that this requirement will cost between $50,000 and $100,000 per company.

I would add that the reporting requirement applies only to employers that provide health insurance coverage to their employees. It is unconscionable that we are adding costs and penalties to those who have been most diligent in providing health coverage to their employees. The last thing that the Federal Government should do is impose disincentives to employee health care coverage, which is one of the unintended consequences of the data bank law.

Perhaps the most disturbing aspect of the data bank law is that its enormous costs have little or no corresponding benefit. The GAO report concluded that ''The additional information gathering and record keeping required by the data bank appears to provide little benefit to Medicare and Medicaid in recovering mistaken payments.'' This is in part because HCFA is already obtaining this information in a much more efficient manner than that required under OBRA 1993.

For example, OBRA 1989 provides for HCFA to periodically match Medicare beneficiary data with Internal Revenue Service employment information—The Data Match Program. Also, HCFA directly asks beneficiaries about primary payor coverage. To the extent that the data bank duplicates these efforts, any potential savings will not be realized. It is clearly preferable to require HCFA to use the information it already has than to require the private sector to provide duplicative information.

The GAO report found that ''the data match not only can provide the same information [as the data bank] without raising the potential problems described above, but it can do so at less cost.'' It also recognized that both the data match and data bank processes rely too much on an after-the-fact recovery approach, and recommended enhancing up-front identification of other insurance and avoiding erroneous payments. In this regard, it documented that HCFA has already initiated this prospective approach.

Mr. President, the Federal Government is again imposing substantial financial burdens on the private sector without fully accepting its share of the burden to implement a program. We should once again expect the worst case scenario to occur: employers will provide the required information at substantial administrative burden, there will be no data bank in which to make use of it, and even if a data bank were funded and established, the information stored could not be used efficiently to save Medicare or Medicaid funds.

I do not want this bill to be construed, in any way, as opposition to HCFA obtaining the information it needs to administer the Medicare and Medicaid Programs efficiently, and obtaining reimbursement from third party payors when appropriate. To assure that HCFA has the information it needs, the bill also requires the Secretary of HHS to conduct a study and report to Congress on how to achieve the purported objectives of the data bank in the most cost-effective manner possible.

The Secretary's study would have to take into consideration the administrative costs and burden on the private sector and the Government of processing and providing the necessary information versus the benefits and savings that such reporting requirements would produce. It must also consider current HCFA reporting requirements and the ability of entities to obtain the required information legally and efficiently.

Too often, Congress considers only the cost savings to the Federal Government of legislation while ignoring costs to other parties. The Medicare and Medicaid Data Bank is a case in point. Congress required information on millions of employees to save the Federal Government money. Yet, it will cost employers more money to comply than the government saves. Congress must stop passing laws that impose large, unjustified administrative burdens on other entities. It must consider the impact of its actions on the whole economy and not just on the Government.

In summary, the reporting requirement for the Medicare and Medicaid Data Bank is duplicative, burdensome, ineffective, and unnecessary. The GAO has characterized it as creating ''an avalanche of unnecessary paperwork for both HCFA and employers.'' It penalizes employers who provide health care benefits to their workers—exactly the opposite goal we should be pursuing. The data bank should be repealed and a more cost-effective approach should be found to ensure that Medicare and Medicaid are appropriately reimbursed by primary payors.

Mr. President, last year when I introduced this bill, I included a statement by the Coalition on Employer Health Coverage Reporting and the Medicare/Medicaid Data Bank and several representative letters from employers and employer groups in the RECORD. These groups continue to demand repeal of this law, and I will not request that their statements and letters be published again at taxpayer expense. However, their message continues to be clear. The Federal Government must stop imposing unjustified burdens on businesses.●

By Mr. MURKOWSKI:

S. 195. A bill to amend section 257(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the treatment of losses from asset sales; 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 have 30 days to report or be discharged.

THE ASSET SALE BUDGET RULES ACT OF 1995

● Mr. MURKOWSKI. Mr. President, I introduce legislation that would modify the budget rules governing the sale of Federal assets. It is my hope that Congress this year will review many of the perverse and unintended effects of

our budget rules and consider including this legislation in a budget process reform package.

Under current law, the sale of an asset does not alter the deficit or produce any net deficit reduction in the budget baseline. My legislation maintains this principle. Although an asset sale would not be counted in calculating the deficit, future revenue generated by the asset which the government would have received if the asset had not been sold could be offset by the revenue generated from the sale. I want to emphasize that this rule is narrowly crafted so that revenue gained from an asset sale could not be used to offset a separate revenue losing provision.

Mr. President, the current budget rules governing asset sales make it nearly impossible for the Federal Government to sell assets. For example, during the last several years, both the Bush and Clinton administrations have sought to sell the Alaska Power Administration [APA]. The Department of Energy [DOE] has entered into sale agreements and negotiated a price of more than $80 million for these electric generating assets.

Unfortunately, legislation needed to implement this sale has been delayed for several years, in part because of the budget rules governing asset sales. Since the APA takes in approximately $11 million per year from the sale of electricity, under our pay-as-you-go rules, the sale is scored by the Congressional Budget Office [CBO] as losing the Federal Government $11 million annually. In other words, even though the Federal Government will receive upfront more than $80 million by selling the APA, our budget scoring rules require that the sale proceeds be ignored, but that the stream of lost future revenues be counted.

The end result of these rules is that for the sale to proceed, the lost $11 million per year must be offset by other unrelated spending reductions. This is Alice-in-Wonderland accounting that has no relationship to the real world. Presumably, the Department of Energy negotiated what it believed was a fair price for the APA assets. Certainly DOE factored in the amount of revenue that will no longer be coming to the Federal Government as a result of the sale as well as the fact that the Federal Government will no longer have to staff and maintain these operations. Yet when it comes to congressional budget scoring rules, all that is counted is the lost stream of future revenues.

The legislation I am introducing today would rationalize the asset sale rules by allowing the price the Federal Government receives from the asset sale to offset future revenue lost as a result of the transfer of the asset from the Government to private parties. Thus, in the APA example, if over the next 5 years, it is assumed that electricity sales from APA would generate $11 million per year—$55 million over 5 years—for purposes of the Budget Act, the $83 million sale price could offset the $55 million loss of revenue to the Government. And I want to emphasize that under my legislation, the remaining $28 million associated with the sale could neither count toward deficit reduction, nor could it be used to increase spending in any other program.

I look forward to working with the members of the Budget Committee to resolve the current asset sale anomaly. 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. 195

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

SECTION 1. OFFSETTING LOSSES FROM ASSET SALES.

Section 257(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking the semicolon at the end thereof and inserting the following: ''. Effective beginning fiscal year 1996, the proceeds from the sale of an asset may be applied to offset the loss of any revenue or receipts resulting from such sale.''.●

By Mr. MCCAIN:

S. 196. A bill to establish certain environmental protection procedures within the area comprising the border region between the United States and Mexico, and for other purposes; to the Committee on Foreign Relations.

THE UNITED STATES-MEXICO BORDER ENVIRONMENTAL PROTECTION ACT

● Mr. MCCAIN. Mr. President, today, I introduce the United States-Mexico Border Environmental Protection Act.

Our Nation shares a 2,000-mile border with Mexico. Numerous American and Mexican sister cities link hands across that border, binding our two nations in friendship. As friends and neighbors, the United States and Mexico have profound responsibilities to one another. Chief among those duties is to respect and safeguard the natural resources our citizen's must share along the international boundary. No activities or conditions occurring on one side of the border must be permitted to adversely impact the health of people or the environment on the other.

Passage of the United States-Mexico Border Environmental Protection Act will help us meet our environmental responsibilities successfully. It will do so by providing the resources necessary to protect American lives and property from environmental hazards which may arise unabated south of the border—an important Federal responsibility.

Specifically, the bill seeks to establish a $10 million border environmental emergency fund under the auspices of the Environmental Protection Agency. The fund would make moneys readily available to investigate occurrences of pollution, identify sources and take immediate steps to protect land, air and water resources through cleanup and other remedial actions.

While the EPA can address many problems along the border, some issues involving the protection of surface waters are under the jurisdiction of the International Boundary and Water Commission. The Commission was created by a treaty with Mexico in 1944 to control floods, manage salinity and develop municipal sewage treatment facilities along international streams.

In my home State, the IBWC has constructed international wastewater treatment facilities in Nogales and Naco, AZ. The Commission's authority, however, to respond to emergency situations involving the pollution of surface waters is a matter of some doubt. This measure provides the IBWC with explicit authority and resources to protect American lives and property from emergency conditions and establishes a $5 million fund to do the job. In addition, the Secretary of State is directed to pursue agreements with Mexico for joint response to such events.

Mr. President, I'd like to offer an example of why this legislation is needed. A few years ago, the breakage of a sewer main combined with heavy rains and carried raw sewage into Nogales, AZ via an international stream. The contamination resulted in a high incidence of hepatitis, harmed wildlife, and degraded public and private property, prompting the declaration of a State emergency. No definitive and comprehensive action was taken to stem the flow of sewage for several weeks due to concerns about the availability of funds and trepidation about the legal authority necessary to take action.

Had the emergency fund and response authority I'm proposing been in place, perhaps we could have prevented much of the sickness and suffering visited upon the residents of Nogales. Passage of this legislation will ensure prompt and effective response in the future.

Some of my colleagues may remember this measure from last Congress, or if they have been here long enough, they may even remember it from the 102d Congress. During this 4-year period this measure has been reported by the Senate Foreign Relations Committee, adopted by the Senate on voice vote to the Foreign Authorization Act and passed by the Senate as part of the Foreign Authorization Act. Nevertheless, it has never become law.

I want my colleagues to realize that should an incident similar to the one in Nogales occur again, we have the opportunity to alleviate the suffering of many people and protect further damage to the environment. We have had that opportunity for several years but, we have chosen to close our eyes and ignore the plight of Americans living in the border region.

I would like to note that certain provisions related to the IBWC in this bill are virtually identical to those in the Rio Grande Pollution Correction Act which was signed into law in 1987. Like the bill I'm introducing, the Rio Grande legislation authorized the

IBWC to conclude agreements with Mexico to response to surface water contamination. The United States-Mexico Border Environmental Protection Act expands the Rio Grande bill to include the entire border, as a matter of fairness and necessity.

In addition to funding field investigations and rapid emergency response, the legislation recognizes the importance of communication between Mexico and the United States and among Federal, State, and local authorities her at home. The bill seeks to establish an information sharing and early warning system so that Mexican and American officials at all levels will be apprised of environmental hazards and risks in a timely and coordinated fashion, so that response and remedy, likewise, will be timely and coordinated.

Some of my colleagues may be under the impression that this measure may conflict with the environmental side agreement to the North American Free-Trade Agreement [NAFTA] or the provisions of the bill may already be addressed by the side agreement. Neither of these statements are true.

Nevertheless, I wrote to Ambassador Kantor last year during the debate on the Foreign Operations appropriations bill requesting that he review the measure to ensure that it was not in conflict with the side agreement. The letter from the Ambassador's office reads ''We see nothing in your proposal that would be in conflict with the Agreement.'' He went further to say ''in fact, what you propose appears to be fully supportive of the Side Agreement.''

Mr. President, there is no doubt of our obligation to be a responsible neighbor to Mexico, nor of Mexico's obligation to us. Considering the enactment of the NAFTA treaty which I strongly supported, now more than ever, it's important that we commit ourselves to a clean and healthy border environment for the safety and enjoyment of Americans and Mexicans who inhabit the region. Enactment of this legislation is an important step to that end.

I urge the Senate to consider and swiftly pass this vital legislation. 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. 196

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

SECTION 1. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the ''United States-Mexico Border Environmental Protection Act''.

(b) PURPOSE.—The purpose of this Act is to provide for the protection of the environment within the area comprising the border region between the United States and Mexico, as defined by the Agreement on Cooperation for the Protection and Improvement of the Environment in the Border Area, signed at La Paz on August 14, 1983, and entered into force on February 16, 1984 (TIAS 10827) (commonly known as the ''La Paz Agreement'').

SEC. 2. DEFINITIONS.

In this Act:

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

(2) BORDER ENVIRONMENT ZONE.—The term ''Border Environment Zone'' means the area described in section 1(b).

(3) BORDER SANITATION EMERGENCY.—The term ''border sanitation emergency'' means a situation in which untreated or inadequately treated sewage is discharged into international surface rivers or streams that form or cross the boundary between the United States and Mexico.

(4) COMMISSION FUND.—The term ''Commission Fund'' means the United States International Boundary and Water Commission Fund established by section 10(c).

(5) ENVIRONMENTAL FUND.—The term ''Environmental Fund'' means the United States-Mexico Border Environmental Protection Fund established by section 3.

(6) UNITED STATES COMMISSIONER.—The term ''United States Commissioner'' means the United States Commissioner, International Boundary and Water Commission, United States and Mexico.

SEC. 3. ENVIRONMENTAL FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be used to investigate and respond to conditions that the Administrator determines present a substantial threat to the land, air, or water resources of the Border Environment Zone. The fund shall be known as the ''United States-Mexico Border Environmental Protection Fund'' and shall consist of—

(1) such amounts as are transferred to the Environmental Fund under subsection (b); and

(2) any interest earned on investments of amounts in the Environmental Fund under subsection (d).

(b) TRANSFER TO ENVIRONMENTAL FUND.—From amounts made available to the Department of State, the Secretary of State shall transfer to the Secretary of the Treasury for deposit into the Environmental Fund $10,000,000. The Secretary of the Treasury shall deposit amounts received under this subsection into the Environmental Fund.

(c) EXPENDITURES FROM ENVIRONMENTAL FUND.—

(1) IN GENERAL.—Subject to this subsection, upon request by the Administrator, the Secretary of the Treasury shall transfer from the Environmental Fund to the Administrator such amounts as the Administrator determines are necessary to carry out field investigations and remediation of an environmental emergency declared by the Administrator under section 4.

(2) COST-SHARING PROGRAMS.—Amounts in the Environmental Fund shall be available for use by the Administrator for cost-sharing programs that carry out the purpose described in paragraph (1) with—

(A) the Government of Mexico;

(B) any of the States of Arizona, California, New Mexico, or Texas;

(C) a political subdivision of any of the States referred to in subparagraph (B);

(D) a local emergency planning committee;

(E) a federally recognized Indian tribe; or

(F) any other entity that the Administrator determines to be appropriate.

(3) METHODS OF DISTRIBUTION OF FUNDS.—In carrying out the purpose described in paragraph (1), the Administrator may expend amounts made available to the Administrator from the Environmental Fund directly or make the amounts available through grants or contracts.

(4) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Environmental Fund shall be available in each fiscal year to pay administrative expenses necessary to carry out the purpose described in paragraph (1).

(5) AVAILABILITY OF FUNDS.—Amounts in the Environmental Fund shall be available without fiscal year limitation.

(d) INVESTMENT OF FUNDS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Environmental Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments, obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Environmental Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO ENVIRONMENTAL FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Environmental Fund shall be credited to and form a part of the Environmental Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Environmental Fund under subsection (d) shall be transferred at least monthly from the general fund of the Treasury to the Environmental Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 4. DECLARATION OF ENVIRONMENTAL EMERGENCIES.

(a) IN GENERAL.—

(1) DETERMINATION BY THE ADMINISTRATOR.—Subject to paragraph (3), if the Administrator determines that conditions exist that present a substantial threat to the land, air, or water resources of the area comprising the Border Environment Zone, the Administrator may declare that an environmental emergency exists in the Zone.

(2) PETITION OF GOVERNOR.—Subject to paragraph (3), in addition to the authority under paragraph (1), the Administrator, upon the petition of the Governor of the State of Arizona, California, New Mexico, or Texas, or the governing body of a federally recognized Indian tribe, may declare that an environmental emergency exists in the Zone.

(3) LIMITATION.—The Administrator may not declare a condition to be an environmental emergency under this section if the condition is specifically within the sole jurisdiction of the International Boundary and Water Commission.

(b) CONSULTATION WITH AFFECTED PARTIES.—In responding to emergencies, the Administrator shall consult and cooperate with affected States, counties, municipalities, Indian tribes, the Government of Mexico, and other affected parties.

(c) AUTHORITY TO RESPOND.—The Administrator may respond directly to an emergency declared under this section or may coordinate the response with appropriate State or local authorities.

SEC. 5. INFORMATION SHARING.

(a) IN GENERAL.—The Administrator, in cooperation with the Secretary of State, the Governors of the States of Arizona, California, New Mexico, and Texas, the governing bodies of federally recognized Indian tribes

located within the Border Environment Zone, and the appropriate officials of the Government of Mexico, may establish a system for information sharing and for early warning to the United States, each of the several States and political subdivisions of the States, and Indian tribes, of environmental problems affecting the Border Environment Zone.

(b) INTEGRATION INTO EXISTING SYSTEMS AND PROCEDURES.—The Administrator shall integrate systems and procedures established under this section into any systems and procedures that are in existence at the time of the establishment under this section and that were established to provide information sharing and early warning regarding environmental problems affecting the Border Environment Zone.

SEC. 6. REPORTS TO CONGRESS.

(a) IN GENERAL.—After consultation with the Secretary of State, appropriate officials of the Government of Mexico, the Governors of the States of Arizona, California, New Mexico, and Texas, and the governing bodies of appropriate federally recognized Indian tribes, the Administrator shall submit an annual report to Congress describing the use of the Environmental Fund during the calendar year preceding the calendar year in which the report is filed, and the status of the environmental quality of the area comprising the Border Environment Zone.

(b) NOTICE OF AVAILABILITY.—The Administrator shall publish a notice of the availability of the report in the Federal Register, together with a brief summary of the report.

SEC. 7. INTERNATIONAL AGREEMENTS.

(a) AUTHORITY.—The Secretary of State, acting through the United States Commissioner, may enter into agreements with the appropriate representative of the Ministry of Foreign Relations of Mexico for the purpose of correcting border sanitation emergencies.

(b) RECOMMENDATIONS.—Agreements entered into under subsection (a) should consist of recommendations to the Governments of the United States and Mexico of measures to protect the health and welfare of persons along the international surface rivers and streams that form or cross the boundary between the United States and Mexico, including recommendations concerning—

(1) facilities that should be constructed, operated, and maintained in each country;

(2) estimates of the costs of plans, construction, operation, and maintenance of the facilities;

(3) formulas for the sharing of costs between the United States and the Government of Mexico; and

(4) a time schedule for the construction of facilities and other measures recommended by the agreements entered into under this section.

SEC. 8. JOINT RESPONSES TO BORDER SANITATION EMERGENCIES.

(a) CONSTRUCTION OF WORKS.—The Secretary of State, acting through the United States Commissioner, may enter into agreements with the appropriate representative of the Ministry of Foreign Relations of Mexico for the purpose of joint response to correct border sanitation emergencies through the construction of works, repair of existing infrastructure, and other appropriate measures in Mexico and the United States. The United States Commissioner shall consult with the Governors of the States of Arizona, California, New Mexico, and Texas in developing and implementing agreements entered into under this section.

(b) HEALTH AND WELFARE.—Agreements entered into under subsection (a) should consist of recommendations to the Governments of the United States and Mexico that establish general response plans to protect the health and welfare of persons along the international surface rivers and streams that form or cross the boundary between the United States and Mexico, including recommendations concerning—

(1) types of border sanitation emergencies requiring response, including sewer line breaks, power interruptions to wastewater handling facilities, breakdowns in components of wastewater handling facilities, and accidental discharge of sewage;

(2) types of response to border sanitation emergencies, including acquisition, use, and maintenance of joint response equipment and facilities, small scale construction (including modifications to existing infrastructure and temporary works), and the installation of emergency and standby power facilities;

(3) formulas for the distribution of the costs of responses to emergencies under this section on a case-by-case basis; and

(4) requirements for defining the beginning and end of an emergency.

SEC. 9. CONSTRUCTION, REPAIRS, AND OTHER MEASURES.

(a) BORDER SANITATION EMERGENCIES.—The Secretary of State, acting through the United States Commissioner, may respond through construction, repairs, and other measures in the United States to correct border sanitation emergencies. The Secretary of State may respond directly to a border sanitation emergency or may coordinate the response with appropriate State or local authorities.

(b) CONSULTATION WITH AFFECTED PARTIES.—In responding to a border sanitation emergency, the Secretary shall consult and cooperate with the Administrator, affected States, counties, municipalities, federally recognized Indian tribes, the Government of Mexico, and other affected parties.

SEC. 10. TRANSFER OF FUNDS.

(a) TRANSFER AUTHORITY.—The Secretary of State, acting through the United States Commissioner, may include as part of the agreements entered into under sections 7, 8, and 9 such arrangements as are necessary to administer the transfer to another country of funds assigned to 1 country and obtained from Federal or non-Federal governmental or nongovernmental sources.

(b) COST-SHARING AGREEMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no funds of the United States shall be expended in Mexico for emergency investigation or remediation pursuant to section 7, 8, or 9 without a cost-sharing agreement between the United States and the Government of Mexico.

(2) EXCEPTION.—

(A) IN GENERAL.—Funds may be expended as described in paragraph (1) without a cost-sharing agreement if the Secretary of State determines and can demonstrate that the expenditure of the funds in Mexico would be cost-effective and in the interest of the United States.

(B) REPORT.—If funds are expended as described in paragraph (1) without a cost-sharing agreement, the Secretary of State shall submit a report to the appropriate committees of Congress that explains why the costs were not shared between the United States and the Government of Mexico and why the expenditure of the funds without cost-sharing was in the interest of the United States.

(c) COMMISSION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ''United States International Boundary and Water Commission Fund''. The Commission Fund shall consist of—

(A) such amounts as are transferred to the Commission Fund under paragraph (2); and

(B) any interest earned on investment of amounts in the Commission Fund under paragraph (4).

(2) TRANSFER TO COMMISSION FUND.—From amounts made available to the Department of State, the Secretary of State shall transfer to the Secretary of the Treasury for deposit into the Commission Fund $5,000,000. The Secretary of the Treasury shall deposit amounts received under this paragraph into the Commission Fund.

(3) EXPENDITURES FROM COMMISSION FUND.—

(A) IN GENERAL.—Subject to this paragraph, upon request by the Secretary of State, the Secretary of the Treasury shall transfer from the Commission Fund to the Secretary of State such amounts as the Secretary of State determines are necessary to carry out this section and sections 7, 8, and 9.

(B) METHODS OF DISTRIBUTION OF FUNDS.—In carrying out the purpose described in subparagraph (A), the Secretary of State may expend amounts made available to the Secretary of State from the Commission Fund directly or make the amounts available through grants or contracts.

(C) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Commission Fund shall be available in each fiscal year to pay administrative expenses necessary to carry out the purpose described in subparagraph (A).

(D) AVAILABILITY OF FUNDS.—Amounts in the Commission Fund shall be available without fiscal year limitation.

(4) INVESTMENT OF FUNDS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Commission Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments, obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Commission Fund may be sold by the Secretary of the Treasury at the market price.

(D) CREDITS TO COMMISSION FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Commission Fund shall be credited to and form a part of the Commission Fund.

(5) TRANSFERS OF AMOUNTS.—

(A) IN GENERAL.—The amounts required to be transferred to the Commission Fund under paragraph (4) shall be transferred at least monthly from the general fund of the Treasury to the Commission Fund on the basis of estimates made by the Secretary of the Treasury.

(B) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 11. ADMINISTRATION.

(a) IN GENERAL.—The Secretary of State and the Administrator shall carry out this Act in a manner that is consistent with the environmental provisions of the North American Free Trade Agreement, so long as the United States applies the North American Free Trade Agreement to Mexico.

(b) DEFINITION.—In this section, the term ''North American Free Trade Agreement'' means the agreement between the United States and Mexico (without regard to whether Canada is a party to all or part of the agreement) entered into on December 17, 1992, and approved by Congress pursuant to

section 101(a) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3311(a)). The term includes any letters exchanged between the Government of the United States and the Government of Mexico with respect to the agreement and any side agreements entered into in connection with the agreement.

SEC. 12. EFFECT ON OTHER LAW.

Nothing in this Act shall amend, repeal, or otherwise modify any provision of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99–499) and the amendments made by the Act, or any other law, treaty, or international agreement of the United States.

SEC. 13. TERMINATION OF AUTHORITY.

The authority provided by this Act shall terminate on the date that is 5 years after the date of enactment of this Act.●

By Mr. BUMPERS:

S. 197. A bill to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes; to the Committee on Energy and Natural Resources.

THE CARL GARNER FEDERAL LANDS CLEANUP ACT

● Mr. BUMPERS. Mr. President, several years ago I introduced legislation which resulted in the creation of the Federal Lands Cleanup Act. This law designates the first Saturday after Labor Day of each year as Federal Lands Cleanup Day and requires each Federal land managing agency to organize, coordinate, and participate with citizen volunteers and State and local agencies in cleaning and maintaining Federal public lands.

I was inspired to introduce this legislation by a talented and dedicated public servant by the name of Carl Garner. Carl is the resident engineer with the Army Corps of Engineers at the Greers Ferry Lake site in Arkansas. In 1970, he organized a group of about 50 volunteers to clean up trash that had accumulated along the shoreline of the lake. The Greers Ferry Cleanup Day was such an overwhelming success that eventually it was expanded to other Corps of Engineers-operated lakes and other Federal and State lands in Arkansas and became known as the Great Arkansas Cleanup. The cleanup has become so popular that last year more than 24,000 Arkansans participated in it at more than 100 sites.

Carl Garner recognized that we must instill in our citizens a greater sense of ownership, pride, and responsibility for the care and management of our State and public lands. His efforts and the phenomenal success of the Arkansas Cleanup Program inspired me to introduce the Federal Lands Cleanup Act of 1985.

Today, I am introducing legislation that will rename the Federal Lands Cleanup Act and the day in honor of Carl Garner. This bill was approved by the Senate in the 103d Congress but was not considered by the House. I am introducing it again so that future generations who enjoy and treasure our Nation's forests, national parks, and waterways to know that it was the vision and leadership of Carl Garner that was responsible for creating this national cleanup effort.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 197

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

SECTION 1. THE CARL GARNER FEDERAL LANDS CLEANUP ACT

The Federal Lands Cleanup Act of 1985 (36 U.S.C. 169i–169i–1) is amended by striking ''Federal Lands Cleanup Day'' each place it appears and inserting ''Carl Garner Federal Lands Cleanup Day.''●

By Mr. CHAFEE (for himself, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KOHL, and Mr. DORGAN):

S. 198. A bill to amend title XVIII of the Social Security Act to permit Medicare select policies to be offered in all States, and for other purposes; to the Committee on Finance.

EXTENSION OF THE MEDICARE SELECT PROGRAM

● Mr. CHAFEE. Mr. President, I am pleased today to join with Senators FEINSTEIN, HUTCHISON, KOHL, and DORGAN in introducing legislation to extend the Medicare Select Program permanently and to make it available in all 50 States.

Based on legislation that I introduced in 1990, Medicare Select is a demonstration project operating in 15 States with more than 400,000 participants. Under this program, Medicare beneficiaries have the option to purchase Medicare supplemental insurance policies—often referred to as Medigap policies—through managed care networks.

This program has been a huge success and admirably serves those beneficiaries lucky enough to participate. Recent data continues to show that Medicare beneficiaries who purchase Medicare Select products pay premiums 10 percent to 37 percent less expensive than traditional Medigap products. Moreover, consumer satisfaction with these products is extremely high. Of the top 15 Medigap products ranked by Consumer Reports magazine in its August 1994 issue, eight were Medicare Select products. Unfortunately, under current law, current Medicare Select carriers will have to halt enrollment in July 1995.

Almost all the major health care reform plans introduced during the past session of Congress included provisions to expand the Medicare Select Program to all 50 States. While none of these health care reform efforts succeeded, my colleagues and I worked at the end of the last session to extend the demonstration program until July of this year, until we could introduce a bill to extend the program permanently and to expand it to all 50 States. As I indicated, the current demonstration program expires in July of this year—before we will be able to take any actions on health care reform.

Therefore, we need to enact legislation that will allow the current successful program to become a permanent option for Medicare beneficiaries and to expand to all States. This bill will do just that, and I urge my colleagues to give it their support.●

● Mrs. FEINSTEIN. Mr. President, I support Senator CHAFEE's proposal to extend the Medicare Select Program, which currently provides Medigap health benefits to roughly 400,000 older Americans by using a managed care model.

Like many of the other original cosponsors of this legislation, I come from one of the 15 States where the Medicare Select demonstration program has proved its popularity during the last 3 years.

Medicare Select, which currently provides 100,000 Californians with low-cost Medigap insurance using a managed care model, was enacted in 1990 as a 3-year demonstration program and has proved to be extremely popular, enrolling 400,000 seniors in 15 States.

This program used a network of providers to cut premium costs by 10–30 percent over fee for service Medigap products—those services and costs not covered by Medicare—according to several reports.

In California, roughly 100,000 seniors have signed up for the program, and Blue Cross of California alone is enrolling an additional 2,200 per month. These Medicare enrollees are signing up because the Medicare Select Program can provide low-cost, high-quality health benefits, while still retaining a high degree of choice over their physician.

The reason for the program's popularity are simple. In order to save money or receive added benefits, more and more older Americans are enrolling in managed care plans.

In fact, Consumer Reports lists many Medicare Select products as its highest rated values, and extension of the Medicare Select Program is strongly endorsed by California Insurance Commissioner Garamendi, as well as the National Association of Insurance Commissioners.

In addition, the Mainstream plan—and nearly every other health reform proposed this Congress—provided for a continuation and expansion of Medicare Select and other forms of managed Medicare.

Certainly, managed Medicare programs like Medicare Select must be implemented carefully, in order to ensure that Medicare enrollees are appropriately informed of the benefits of this program, provided with high-quality services, and ensured access to highly trained physicians. In addition, managed care programs must be shown to provide lower costs to the Federal Government in addition to consumer discounts.

However, without the extension of the Medicare Select Program, which

has already proven its initial success, new enrollments will be cut off in July 1995—before additional health care reform will have been enacted.

In the absence of national health care reform, I believe that this successful and popular managed Medicare program should be allowed to continue.●

By Mr. KYL (for himself and Mr. MCCAIN):

S. 199. A bill to repeal certain provisions of law relating to trading with Indians; to the Committee on Indian Affairs.

REPEAL OF INDIAN TRADING LAWS

Mr. KYL. Mr. President, I rise today with my colleague from Arizona, JOHN MCCAIN, to introduce legislation to repeal the outdated Trading with Indians Act.

Originally enacted in 1834 with a legitimate purpose in mind, the Trading with Indians Act was intended to protect native Americans from being unduly influenced by Federal employees.

But that act is no longer needed, and is in many cases unnecessarily punitive and counterproductive, in 1995. It is wreaking havoc on hard-working employees and their families, and it is bad for reservation economies.

The act establishes a virtually absolute prohibition against commercial trading with Indians by employees of the Indian Health Service and Bureau of Indian Affairs. The prohibition extends to transactions in which a Federal employee has an interest, either in his or her own name, or in the name of another person, including a spouse, where the employee benefits or appears to benefit from such interest.

The penalties for violations are severe: a fine of not more than $5,000, or imprisonment of not more than 6 months, or both. The act further provides that any employee in violation be terminated from Federal employment.

This can result in an employee being subject to criminal penalties and termination, not for any real or perceived wrongdoing on his or her own part, but merely because the person is married to another enterprising individual on an Indian reservation. The nexus is enough to invoke penalties. It means, for example, that an Indian Health Service employee, whose spouse operates a law firm on the Navajo Nation, could be fined, imprisoned, and/or fired. It means that a family member can't apply for a small business loan without jeopardizing the employee's job.

The protection that the Trading with Indians Act provided in 1834 can now be provided under the Standards of Ethical Conduct for Government Employees. The intent here is to provide adequate safeguards against conflicts of interest, while not unreasonably denying individuals and their families the ability to live and work—and create jobs—in their communities.

Both Health and Human Services Secretary Donna Shalala and Interior Department Assistant Secretary for Indian Affairs Ada Deer have expressed support for the legislation to repeal the 1834 act. As Secretary Shalala pointed out in a letter dated November 17, 1993, the Department ''agree(s) with the position that the Standards of Ethical Conduct, along with the criminal statutes at 18 U.S.C. 201–211, provide adequate safeguards against conflicts of interest involving Federal Government employees.''

Secretary Shalala went on to note that, ''in addition, the bill could improve the ability of IHS to recruit and retain medical professional employees in remote locations. It is more difficult for IHS to recruit and retain medical professionals to work in remote reservation facilities if their spouses are prohibited from engaging in business activities with the local Indian residents, particularly since employment opportunities for spouses are often very limited in these locations.

Mr. President, I urge Members of the Senate to join me in this effort to promptly repeal an outdated and counterproductive law, and I ask that the text of my bill be reprinted in the RECORD at this point:

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

S. 199

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

SECTION 1. REPEAL.

Section 437 of title 18, United States Code, is repealed.

By Mr. BRADLEY (for himself, Mr. KOHL, and Mr. SIMON):

S. 200. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of any projectile that may be used in a handgun and is capable of penetrating police body armor; to the Committee on the Judiciary.

COP KILLER AMMUNITION BAN ACT

Mr. BRADLEY. Mr. President, I rise today to introduce a measure designed to ban any handgun bullet capable of piercing body armor, regardless of the bullet's physical composition.

Mr. President, this legislation grows out of the recent controversy over the Black Rhino bullet, which allegedly penetrates tightly woven fibers of bulletproof vests and, upon impact with human tissue, purportedly disintegrates much more rapidly than a conventional bullet, causing massive damage.

Mr. President, Federal law currently outlaws cop-killer bullets based on the physical description of the bullet. For example, under the Violent Crime Control and Law Enforcement Act of 1994, Federal law currently bans cop-killing ammunition that is: constructed from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium; or is larger than .22 caliber with a jacket that weighs no more than 25 percent of the total weight of the bullet. The Black Rhino bullet is allegedly made of ground powdered plastic and coated with a plastic polymer. Based on its alleged physical characteristics, this bullet would evade the Federal ban.

Mr. President, the Bureau of Alcohol, Tobacco and Firearms [ATF] has not tested the Black Rhino bullet; thus, I am not sure that this ammunition can do what the manufacturer claims. Indeed, ATF has not even been given sample ammunition to test. Therefore, I am not certain that this ammunition even exists. However, even if these bullets do not perform as advertised, it is clear that with the downsizing of the military and the resulting application by the defense industry of military defense technology for use in the private sector, it is only a matter of time before ammunition that can pierce body armor will be developed utilizing construction material that does not fall within the current Federal ban.

Mr. President, every year about 60 sworn police officers are shot to death in the line of duty. By industry estimates, body armor has saved over 500 officers from death or serious injury by firearm assaults. Most police officers serving large jurisdictions report they have armor and wear it at all times when on duty. Mr. President, because body armor saves lives, the development of armor-piercing bullets that sidestep the Federal ban—whether it be the Black Rhino bullet or any other bullet employing high-technology material—will serve one purpose and one purpose only—to put the lives of American citizens and those in blue sworn to defend American citizens in jeopardy.

As a result, Mr. President, I introduce this bill which will establish a performance standard such that any ammunition that is designed to penetrate body armor will be banned irrespective of its physical characteristics. The bill specifically directs the Department of the Treasury and the Justice Department to promulgate a uniform performance standard for testing a bullet's capacity to pierce armor within 1 year of the enactment of the bill. The manufacture, importation, and sale of any ammunition that fails to pass the performance standard to be promulgated will be banned.

Mr. President, cop-killing ammunition that has no purpose other than penetrating bulletproof vests has no place in our society. At a time when gun violence is becoming a national epidemic, the last thing we need is ammunition expressly designed to terrorize our police and instill fear in neighborhoods across New Jersey and this country. I therefore introduce this legislation to ensure that the 24,000 annual deaths attributable to handgun use do not senselessly increase.

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. 200

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 ''Cop Killer Ammunition Ban Act of 1995''.

SEC. 2. REGULATION OF THE MANUFACTURE, IMPORTATION, AND SALE OF PROJECTILES THAT MAY BE USED IN A HANDGUN AND ARE CAPABLE OF PENETRATING POLICE BODY ARMOR.

(a) EXPANSION OF DEFINITION OF ARMOR PIERCING AMMUNITION.—Section 921(a)(17)(B) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting ''; or''; and

(3) by adding at the end the following:

''(iii) a projectile that may be used in a handgun and that the Secretary determines, pursuant to section 926(d), to be capable of penetrating body armor.''.

(b) DETERMINATION OF THE CAPABILITY OF PROJECTILES TO PENETRATE BODY ARMOR.—Section 926 of such title is amended by adding at the end the following:

''(d)(1) Not later than 1 year after the date of enactment of this subsection, the Secretary shall promulgate standards for the uniform testing of projectiles against the Body Armor Exemplar, based on standards developed in cooperation with the Attorney General of the United States. Such standards shall take into account, among other factors, variations in performance that are related to the length of the barrel of the handgun from which the projectile is fired and the amount and kind of powder used to propel the projectile.

''(2) As used in paragraph (1), the term 'Body Armor Exemplar' means body armor that the Secretary, in cooperation with the Attorney General of the United States, determines meets minimum standards for protection of law enforcement officers.''.

By Mr. WARNER (for himself and Mr. ROBB):

S. 201. A bill to close the Lorton Correctional Complex, to prohibit the incarceration of individuals convicted of felonies under the laws of the District of Columbia in facilities of the District of Columbia Department of Corrections, and for other purposes; to the Committee on the Judiciary.

LORTON CORRECTIONAL COMPLEX CLOSURE LEGISLATION

● Mr. WARNER. Mr. President, today I join with my colleague Senator ROBB in introducing legislation that will address the problems that exist at the Lorton Correctional Complex.

Lorton Correctional Complex is an outdated, deteriorating, overpopulated, and undermanaged facility.

For years, I and others have worked to provide funds to build a prison within the District of Columbia so it could house its own prisoners. Our efforts have been blocked in the District of Columbia and our efforts to enhance safety and curb illegal drugs and guns at Lorton have been to no avail.

Every day, the local newspapers are filled with appalling reports of violence and drug use among the inmates and the place has been called a graduate school for drug merchants. Lorton's problems may not be unique among Federal prisons, but surely they are among the worst.

There is no option but to close Lorton.

The legislation we are introducing today would relocate 7,300 prisoners presently incarcerated at Lorton to other Federal facilities over a 5-year period. Once the legislation is passed, all new District of Columbia felons will be immediately incarcerated in Bureau of Prisons facilities. The District of Columbia Department of Corrections will still have responsibility for juveniles, misdemeanants, and pre-trial detainees.

A second important provision of the legislation is the establishment of a commission to be known as the Commission on Closure of the Lorton Correctional Complex. The commission will be comprised of locally appointed representatives to help devise a plan for the closure of Lorton. The involvement of the local community is essential in establishing a transition that ensures that local residents will have all their concerns heard.

I have been informed by a representative of the Federal Bureau of Prisons that at this time the Bureau is not taking a position on the legislation. The 7,300 prisoners at Lorton will be a stress on the Federal prison system. Sixty percent of the prisoners at Lorton will require being transferred to a maximum security prison. Also, several new prisons will need to be constructed to house the prisoners along with the additional personnel needed to operate and maintain the prisons.

It is in the interest of Fairfax County, the Commonwealth of Virginia, the District of Columbia, and the Federal Government to cooperate in resolving the problems at Lorton Prison. As partners, contributing to the reform of this system, these goals can be accomplished.●

● Mr. ROBB. Mr. President, I am pleased to join Senator WARNER in introducing the Lorton Correctional Complex Closure Act. This legislation provides a vital solution to the problem associated with the Lorton Correctional Complex, located in Virginia.

Originally, Lorton was designed as a workcamp and dormitory for misdemeanants and drunkards. Today, Lorton's facilities are outmoded and overburdened. The same dormitories which were designed to hold nonviolent, minimum security prisoners now house D.C.'s most dangerous felons. In its strapped fiscal state, the District is ill-equipped to improve the facility at Lorton.

Part one of our proposal will direct new D.C. felons into Federal correction facilities, providing an immediate remedy for increased overcrowding. Then, within 5 years, all remaining felons at Lorton will be turned over to the control of the Director of the Federal Bureau of Prisons, enabling final closure of the facility. The D.C. Department of Corrections will retain responsibility for juveniles, misdemeanants, and pretrial detainees.

Part two of the bill sets up a commission of locally appointed representatives from the District of Columbia, Fairfax County and Prince William County to help devise a plan for closure of the facility, disposal of the property, and future land use. This creates a process that maximizes community involvement, input and participation in inherently local decisions.

Under this plan, northern Virginians will have safer communities and will be able to participate in the development of future land use proposals for the affected area.

Since the land is owned by the Federal Government and the facility is operated by the District, local officials and residents in northern Virginia have had limited means of impacting the decisions relative to Lorton. That's why I included a provision giving local residents and officials a voice in expansion proposals during last year's crime bill. But limiting expansion just isn't enough—I've come to the conclusion that the Federal Government must accept its responsibility and devise a longterm solution.

We have before us an honest and open attempt to provide a vital remedy for the longstanding problems at Lorton. Closing this facility will not be easy—but I look forward to working with the Virginia delegation and the District to develop a reasonable and sound solution to the problems posed by the Lorton facility in its present condition. I urge quick consideration and passage of this measure.●

By Mr. KENNEDY (for himself and Mr. WELLSTONE):

S. 203. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage, to establish a Commission to conduct a study on the indexation of the Federal minimum wage, and for other purposes; to the Committee on Labor and Human Resources.

AMERICAN FAMILY FAIR MINIMUM WAGE ACT

Mr. KENNEDY. Mr. President, much has been said and written about the decline in real wages suffered by the majority of working Americans, the troubling rise in income equality, and the emergence of what Secretary of Labor Reich has so aptly described as ''the anxious class.''

Today, I am introducing legislation which is an important part of the initiatives we must undertake if we are serious about addressing these problems—legislation to increase the Federal minimum wage.

The minimum wage should be a living wage. That principle served this Nation well for more than 40 years. From the enactment of the first Federal minimum wage law in 1938 through the end of the 1970's, Congress addressed the issue six times. And six times bipartisan majorities—with the

support of both Republican and Democratic Presidents—reaffirmed the nation's commitment to a fair level of the minimum wage for America's workers.

But in the 1980's, that commitment was abandoned. From 1981 through 1989, the minimum wage was allowed to fall, in real terms, to the lowest value in its 50-year history. The modest increases enacted in 1989—which brought the minimum wage up from $3.35 to $3.80 in 1990 and to $4.25 in 1991, provided some measure of relief to low-wage workers. But those increases restored only about half of the purchasing power lost during the 1980's

It is unacceptable in this country today that a person who works full-time, year round at the minimum wage—even with the expanded earned income tax credit—does not earn enough to bring a family of three above the poverty line. Despite the increases that went into effect in 1990 and 1991, the current minimum wage is still a poverty wage. At $4.25 an hour, a person working 40 hours a week at the minimum wage earns just $170 a week—before taxes and Social Security are deducted.

The legislation I am introducing today will raise the minimum wage by 50 cents a year over the next 3 years—to $4.75 this year, $5.25 in 1996, and $5.75 in 1997.

The first 50-cent increase will merely restore the minimum wage, in real terms, to the value it had in 1991 when the last increase went into effect. In the past 4 years the purchasing power of the minimum wage has already declined to the point that a 50-cent increase is needed just to recover the ground lost since 1991.

The second 50-cent increase, in 1996, will bring the minimum wage, in real terms, up to the level where Congress sought to put it in the legislation passed by both Houses of Congress which President Bush vetoed in 1989.

The third 50-cent increase will put the wage, in real terms, within reach of what ought to be our ultimate goal—to restore the minimum wage to a level roughly equal to half the average hourly wage, the level that prevailed for decades until the 1980's when it was allowed to drastically decline.

Finally, the legislation I am introducing creates a Commission to study and make recommendations on two important issues: First, the best means by which we can achieve the goal of restoring the minimum wage to its historic level, and second, the best means by which we can provide regular, periodic adjustments to the wage, in order to avoid long periods of stagnation such as occurred during the 1980's.

As we begin this effort to increase the minimum wage, it is likely that we will be confronted by opponents with the same sky-is-falling predictions of job loss and damage to the economy that have been made every time the minimum wage has been increased since 1938. The textbook economic theory that increases in the minimum wage necessarily result in job losses has never had solid empirical support. Recent studies by leading economists who examined the results of the most recent increases in both State and Federal minimum wages have shown the theory to be at odds with reality.

Economists Lawrence Katz of Harvard University and Alan Krueger and David Card of Princeton University studied the impact of those increases on employment. According to their findings, those increases did not have the negative employment effects predicted by opponents. In fact, their findings included evidence indicating a positive impact on employment.

A survey designed to measure the effects of the recent increase in the New Jersey minimum wage to $5.05 found that employment in New Jersey if anything actually expanded with the rise in the minimum wage, and similar results were found in a studies conducted in Texas and California.

Krueger and Card's analysis of the impact of the 1990 and 1991 increases in the Federal minimum wage also found that those increases did not adversely affect teenage employment, and that increases in the minimum wage were not offset by reductions in fringe benefits.

The increases proposed in this bill will bring long overdue help to millions of workers in America. I urge my colleagues to sponsor this legislation, and 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. 203

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 ''American Family Fair Minimum Wage Act of 1995''.

SEC. 2. MINIMUM WAGE INCREASE.

Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section not less than—

''(A) $4.25 an hour during the period ending on August 31, 1995;

''(B) $4.75 an hour during the year beginning on September 1, 1995;

''(C) $5.25 an hour during the year beginning September 1, 1996; and

''(D) $5.75 an hour during the year beginning September 1, 1997;''.

SEC. 3. ESTABLISHMENT OF COMMISSION ON THE MINIMUM WAGE.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on the Minimum Wage (hereafter in this Act referred to as the ''Commission'').

(b) MEMBERSHIP.—The Commission shall be composed of 9 members to be appointed not later than 180 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the Secretary of Labor.

(2) Three members shall be appointed by the Secretary of Commerce.

(3) Three members shall be appointed by the Secretary of Health and Human Services.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall conduct a study of, and make recommendations to Congress on—

(A) means to restore the minimum wage to the level relative to the average hourly wage that existed when the Congress adjusted the minimum wage during the period 1950 through 1980; and

(B) means to maintain such level with minimum disruption to the general economy through regular and periodic adjustments to the minimum wage rate.

(2) REPORT.—Not later than September 1, 1993, the Commission shall prepare and submit a report to the appropriate committees of Congress that shall include the findings of the Commission and the recommendations described in paragraph (1).

(d) COMPENSATION OF MEMBERS.—

(1) PAY.—The members of the Commission shall serve without compensation.

(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rate authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(e) TERMINATION OF THE COMMISSION.—The Commission shall terminate 30 days after the date on which the Commission submits the report under subsection (c)(2).

(f) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—Except as provided in subsections (d) and (e), the provisions of the Federal Advisory Committee Act shall apply to the Commission.

● Mr. WELLSTONE. Mr. President, I just wanted to acknowledge the work of Senator KENNEDY in crafting this important legislation which we are introducing today to increase the Federal minimum wage.

I had introduced a similar bill in the last Congress, which would have increased the minimum wage even further than is provided for in this bill, and have been a long-time supporter of making sure that low-income people are paid a decent and just minimum wage. I may be reintroducing that bill later this year, because in addition to a higher target wage, it also provided for indexing of the Federal minimum wage—a key element of any minimum wage increase legislation, in my view.

This measure provides for modest, incremental increases over 3 years in the Federal minimum wage, and then for a study to be ready at the end of the third year to address other key issues like indexation. I am delighted to join as an original cosponsor of this measure.●

By Mr. MOYNIHAN:

S. 204. A bill to provide for a reform of the public buildings program, and for other purposes; to the Committee on Environment and Public Works.

FEDERAL BUILDINGS REFORM ACT

Mr. MOYNIHAN. Mr. President, I rise to introduce a bill to reform the way the Federal Government builds. Ever since my election to Congress, I have attempted to improve our unwieldy and often wasteful public building program. I do so again this Congress. Building appropriately and well is as fundamental a sign of the competence

of government as will be found. Recently, however, we have chosen increasingly to rent, avoiding the up-front costs of buildings and the hard decisions requisite in their construction.

The result is that now we house over 40 percent of the Government in leased space. Not temporary space. Eternal space. And the cost? Now, $2.2 billion a year and rising. There will be nothing to show for this money when the lease is up, only the prospect of another lease.

The point is that we can no longer afford to sidestep the problem by renting; we must face up to the task of building. And to do this, we must reform our public building program. We must plan out rationally just what buildings we need, we must build them in the right place, we must build them at the right time, we must build them to the degree of permanence appropriate to their mission, and finally, we must build them for a fair price. We are not really that distant from the time it fell to me as a young member of the Kennedy administration to draw up the ''Guiding Principles for Federal Architecture,'' which President Kennedy put forth on June 1, 1962. But in our time the fear of taxpayer resentment of the cost of public buildings has been compounded with an almost ideological alarm at the implications of building itself.

Building, however, is still cheaper than renting. We are deceiving the taxpayer to say otherwise. Recently, the GSA came to the Environment and Public Works Committee asking for 11th-hour approval of an office space lease at a yearly cost of $21 million. To build would have cost $70–$100 million. This, however, was a lease in name only, cast as such to avoid up-front scoring for the budget. The building had yet to be designed, the GSA had not fully planned the space, and yet they were asking approval for an expenditure over the term of the lease of $420 million. Several times the cost of building and nothing to show for it after 20 years but a file full of rental receipts.

Nevertheless, the decision to stop hiding behind leases is beyond the scope of the legislation I introduce today, which aims simply to ensure that what is built is built responsibly and worthy of the Nation. Building or leasing is the larger question, and it remains to be seen whether this Congress will accept the responsibility or, as is so often the case, put off resolution to the end of a 20-year lease term, when few, if any of us, will be here still.

By Mrs. BOXER:

S. 205. A bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge; to the Committee on Armed Services.

LEGISLATION RELATING TO THE PAY OF DISHONORABLY DISCHARGED MEMBERS OF THE ARMED FORCES

● Mrs. BOXER. Mr. President, if I were to tell you that the Pentagon pays full salary to convicted child molesters, rapists, and murderers, you would probably think I was making it up. But I'm not.

Each month, the Pentagon pays the salaries of military personnel convicted of the most heinous crimes, while their cases are appealed through the military court system—a process than often takes years. During that time, these violent criminals can sit back in prison, read the Wall Street Journal, invest wisely, and watch their taxpayer-funded nest eggs grow. While in prison, many military criminals even get cost of living raises.

I cannot think of a more reprehensible way to spend taxpayer dollars. No explanation could ever make me understand how the military could reward rapists, murders, and child molesters—the lowest of the low—with the hard-earned tax dollars of law-abiding citizens. This policy thumbs its nose at taxpayers, slaps the faces of crime victims, and is one of the worst examples of Government waste I have seen in my 20 years of public service.

Congress must act now to end this practice. According to data provided by the Defense Finance Accounting Service and first published in the Dayton Daily News, the Department of Defense spent more than $1 million on the salaries of 680 convicts in the month of June, 1994, alone. In that month, the Pentagon paid the salaries of 58 rapists, 164 child molesters, and 7 murders, among others.

The individual stories of military criminals continuing to receive full pay are shocking. In California, A marine lance corporal who beat his 13-month-old daughter to death almost 2 years ago still receives $1,105 each month—about $25,000 since his conviction. He spends his days in the brig at Camp Pendleton, doesn't pay a dime of child support.

I spoke with the murdered child's grandmother who now has custody of a surviving 4-year-old grandson. She is a resident of northern California. She was outraged to learn that the murderer of her grandchild still receives full pay. ''No wonder the Government is out of money,'' she told me.

Another Air Force sergeant who tried to kill his wife with a kitchen knife continues to receive full pay while serving time at Fort Leavenworth. He told the Dayton Daily News, ''I follow the stock market; I buy Double E bonds.''

And believe it or not, Francisco Duran, who was arrested last October after firing 27 shots at the White House was paid by the military while in prison after being convicted of aggravated assault. According to DOD records, Duran was paid $17,537 after his conviction for deliberately driving his car into a crowd of people outside a Hawaii bowling alley in 1990. Some of that money may well have paid for the weapon he used to shoot at the White House.

This policy is crazy, and it has got to stop.

At a time when the Republican Contract With America calls for more dollars for the Pentagon, let's not go back to the days of throwing money at the military as long as this kind of wasteful spending continues.

This legislation will immediately halt pay to all military personnel who have been sentenced to confinement and dishonorable discharge.

This legislation will save the taxpayers money—millions of dollars each year. It will put an end to this egregious waste of taxpayer dollars, and it will treat military criminals as they deserve to be treated—as criminals—to be punished, not rewarded.

It is my hope that this legislation can be acted upon quickly. I have discussed this matter with Edwin Dorn, Undersecretary of Defense for Personnel and Readiness, and he agreed that we must correct the Department's obviously flawed policy.

I received a copy of a memorandum from Secretary Dorn today advising me that he has convened an internal working group on this issue, and I trust that we can work cooperatively to end this outrageous practice immediately. We must not drag out the process while criminals continue to reap unjust rewards.

There is no need to take a long time to study this issue. We know the problem, and this legislation offers a workable solution.

I will soon discuss the issue with Senator THURMOND and Senator NUNN and I trust that they will agree that this legislation deserves to move forward.

In the course of my investigation into this issue, I have learned of several other aspects of the military justice system that merit further investigation. For example, the military has no system in place for providing restitution or other needed compensation to victims or to families of military criminals. These are important problems and I will continue to work with my colleagues and the Department to find the best solution.

I ask unanimous consent that two news articles discussing this issue be inserted in the RECORD.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 205

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

SECTION 1. PAY AND ALLOWANCES.

(a) REVISION OF PROHIBITION.—(1) Section 804 of title 37, United States Code, is amended to read as follows:

"§ 804. Prohibition of accrual of pay and allowances during confinement pending dishonorable discharge

"(a) PAY AND ALLOWANCES NOT TO ACCRUE.—A member of the armed forces sentenced by a court-martial to a dishonorable discharge is not entitled to pay and allowances for any period during which the member is in confinement after the adjournment of the court-martial that adjudged such sentence.

"(b) RESTORATION OF ENTITLEMENT.—If a sentence of a member of the armed forces to dishonorable discharge is disapproved, mitigated, or changed by an official authorized to do so or is otherwise set aside by competent authority, the prohibition in subsection (a) shall cease to apply to the member on the basis of that sentence and the member shall be entitled to receive the pay and allowances that, under subsection (a), did not accrue to the member by reason of that sentence.".

(2) CLERICAL AMENDMENT.—The item relating to section 804 in the table of sections at the beginning of chapter 15 of such title is amended to read as follows:

"804. Prohibition of accrual of pay and allowances during confinement pending dishonorable discharge.".

(b) PROSPECTIVE APPLICABILITY.—The amendment made by subsection (a)(1) does not apply to pay periods beginning before the date of the enactment of this Act.

[From the Dayton Daily News]

WHITE HOUSE SHOOTER'S PAST—EX-SOLDIER DURAN KEPT HIS PAY WHILE IN PRISON IN 1991

(By Russell Carollo)

Two years before he opened fire on the White House, Spc. Francisco M. Duran was on the U.S. Army's payroll

Not as a soldier, but as a prison inmate.

On Aug. 9, 1990, Duran deliberately drove his red Nissan sedan into a crowd of people who had chased the drunken soldier from the bowling alley at Schofield Barracks on Oahu in Hawaii.

Cecilia Ululani Ufano, 49, was tossed in the air and fractured her skull when she landed.

Duran was convicted of aggravated assault on Feb. 15, 1991, and sentenced to five years in prison, but the military kept paying him until June 1992. In all, he earned, $17,537 after his conviction.

A military court had ordered his pay to stop, but Duran wrote to a commander hearing his appeal, pleading for a paycheck to help his family.

"Rent is outrageous in Hawaii * * *," he wrote. "We still owe on our car."

The commander allowed Duran to keep some of his pay.

His five-year sentence would have kept him in prison until 1995, but a commander suspended all but 42 months of his sentence.

By Sept. 3, 1993, he had been discharged from the service and released from prison early for good behavior.

Last month, Duran, 26, was charged with trying to assassinate President Clinton. He faces life in prison if convicted.

He was arrested Oct. 29 after he, allegedly fired 27 rounds from a semiautomatic rifle at the White House. Authorities reportedly recovered from his truck a map with the words "Kill the (prez)" written on it.

While the Army paid Duran, it gave Ufano nothing. Insurance didn't pay all of her medical bills.

"I'm angry about it," she said during a telephone interview. "I'm still under medication. * * * I can't smell, and it's been four years."

[From the Dayton Daily News, Dec. 18, 1994]

CASHING IN BEHIND BARS—U.S. MILITARY BELIEVES IN PAYING SOLDIERS, SAILORS IT SENDS TO PRISON

(By Russell Carollo and Cheryl L. Reed)

Andre D. Carter choked and raped a cocktail waitress in his Colorado Springs apartment. He went to prison but still was paid $20,788.

James R. Lee sodomized three teen-age boys in Illinois, and he was paid even more: $85,997.

Rodney G. Templeton molested a 4-year-old girl in the basement of a Dayton church, where the two had gone to hang choir robes. He was paid $148,616.

Carter, Lee and Templeton were paid by U.S. taxpayers.

They didn't work for the money.

They didn't need to. They committed their crimes while members of the U.S. armed forces.

They are among hundreds of murderers, rapists, child molesters and other criminals paid by the armed services long after being locked away.

A *Dayton Daily News* examination of payments to military convicts found that in just one month, June, the military spent more than $1 million in pay and benefits to more than 665 prisoners in military jails and prisons. Some even got pay raises behind bars.

Most of Congress was unaware the military paid prisoners. Even the military had no idea exactly how much it paid, but the newspaper calculated payments by using military computer records.

"Any type of pay to convicted criminals is wrong," said District Attorney John Wampler of Altus, Okla., after learning a service member from his area was paid despite a 1992 involuntary manslaughter conviction. "It offends me that the federal government would compensate the person after they've been sent to prison."

Had Carter, Lee or Templeton worked for nearly any other public or private employer, they would have been fired and lost their salaries. But the U.S. military, supporting a tradition dating to the old West, believes if it sends soldiers or sailors to prison it should, in many cases, pay them.

Their victims aren't so lucky. Several were left without a dime to pay medical expenses, while their attackers got paychecks to pay bills, start a business or even buy stocks.

While the military kept paying Carter, the waitress's boss cut off her pay because she could not muster the courage to return to her job, where she met Carter.

"No, they shouldn't get paid, but what can you do about it?" she said, adding that she has yet to see a counselor.

Ret. Gen David Brahms, former chief military attorney for the Marine Corps and technical adviser for the movie, *A Few Good Men*, said victims should get something.

"Unfortunately, that isn't the way it is now," Brahms said. "Maybe the Congress should address that question."

BEHIND THE WALLS

At the military maximum-security prison at Fort Leavenworth, Kan., 405 prisoners, or 30 percent of the prison population, were allowed by military courts to keep their pay up to several years.

Besides the pay, the military gave to the dependents of those inmates, and to the dependents of others throughout the country, free medical coverage and 20–30 percent discounts at base stores.

Those who got checks included 164 child molesters and child rapists, 58 other rapists, 11 convicted of attempted murder and seven convicted murderers.

They include people such as Air Force Sgt. Rossel Jones.

Jones chased his wife around their apartment at Holloman Air Force Base, N.M., with a knife, stabbing her several times as she warded off the swinging blade with her hands.

"That's how my fingers and hands were cut," Deborah Jones told an Air Force investigator the day after the Oct. 7, 1991, attack. "When Rossel stabbed me in the neck, I managed to bend the knife and take it away.

". . I fell down and passed out. When I awoke, Rossel was hitting me in the head and body with a table leg."

Jones was convicted nearly three years ago, but the Air Force still pays him $1,152.90 a month.

From inside the prison, Jones watches his government pay grow.

"I follow the stock market," said Jones, who reads stock and mutual fund listings in the *Wall Street Journal* and *USA Today*. "I buy Double E Bonds."

A SYSTEM FROM THE OLD WEST

Paying convicted criminals is just one of the many anomalies in the military justice system.

At a court-martial, the military's version of a trial, a defendant is not judged by peers; he's judged by superiors, mostly officers.

Panel members don't elect a foreman; it's the highest-ranking officer.

And just about every step in the justice process is subject to approval of the defendant's commanding officer, who often is not a lawyer.

No one knows exactly how long the military has paid criminals.

Col. Charles Trant, a military law historian and the Army's chief criminal attorney, said the first formal summary of the policy was written in 1880. Soldiers served in remote outposts and when they were sent to jail, their families needed money to return home and resettle.

"The rationale is the same one we use today," said Trant, who conceded the practice is outdated. "It was quite a different Army then."

Generally, civilians, even ones working for the government, lose their jobs when they cannot report to work. Some lose their pay even without an arrest.

"That's one of the starkest differences between the military and civilian systems: We tend to treat them more generously," Trant said.

On Aug. 16, Dayton police officer Danial Bell was suspended without pay—even though not arrested or charged—when a urine test detected cocaine in his system after he struck and killed a pedestrian.

Most state and federal benefits, so-called entitlements, are cut to people in prison. The federal government cuts the bulk of a defendant's Social Security benefits at conviction. It even cuts off workers compensation to federal employees convicted of felony crimes.

The military cuts off pay, too, when an employee is jailed by civilian authorities.

When Colorado Springs police arrested Carter for rape and held him pending action by military authorities, the Army stopped his pay.

But after Carter was transferred to an Army jail, his pay started again, as if he were back on duty.

Not all governments pay their military prisoners. With rare exception, the Canadian military stops checks the moment a soldier is arrested by anyone. If a soldier's family requests help, the military will only give them as much as they could receive from government welfare.

"This rule would apply even if they haven't been tried," said Maj. Ric Jones,

spokesman at Canadian Defence Headquarters in Ottawa.

A CHECK FOR EVERY CELL

On Nov. 9, 1991, a mother told military police at Wright-Patterson Air Force Base that Sgt. 1st Class Claudio Smith-Esminez molested her 7-year-old daughter several times while baby-sitting.

The military's investigation took 20 months, during which time Smith-Esminez earned his full pay of about $2,000 a month, plus housing and food allowances.

''We had all these pre-trial meetings. She had to keep talking about it,'' said the girl's mother, who lives in Dayton.

On July 12, 1993, Smith-Esminez was convicted of molesting the girl four times, and his rank was reduced to the lowest in the military, E–1, with a salary of about half of what he was earning.

Still, Smith-Esminez got all his pay because military convicts receive full pay until their first appeals are decided by commanders. Smith-Esminez first appeal wasn't decided until March 1994, eight months after his conviction and 28 months after authorities began their investigation.

Of the 367 inmates arriving at Leavenworth during the past 12 months, 270, or 73.6 percent, were awaiting decisions by commanders on their first appeals.

Even the military is questioning the practice. A Pentagon spokesman, Lt. Col. Doug Hart, confirmed that the military is studying whether to stop pay at conviction, but he offered no details.

''At this point, we really don't have anybody who is willing to be interviewed on the subject.'' Hart said.

CONVICTS GET PAID FOR YEARS

Smith-Esminez's pay didn't stop after his first appeal.

In fact, Leavenworth records show he could get paid until Dec. 14, 1995, when his enlistment expires.

In the military, whether people are paid after first appeals is determined by their sentences. The court can order that some, all or none of the prisoners' pay be cut.

The court cut Smith-Esminez's rank, but it didn't take away any of his pay, so he continues to receive more than $800 a month, the amount entitled to him under his new, lower rank.

Inmates can have their paychecks sent to the bank or address of their choice.

Enlisted service members can be paid a few days to several years after conviction, either until their enlistment dates expire or their final appeals and discharges are decided, whichever occurs first.

Officers get paid even longer, until the secretary of their service discharges them after their final appeals.

SEVERITY NOT A FACTOR

The severity of the crime—with the exception of murder—seemed to matter little in determining who got paid.

Army Lt. Timothy L. Jenkins lost all his pay and was fined $15,000 at a court-martial at Leighton Barracks, Germany, last year. His crime: writing thousands of dollars worth of bad checks.

Senior Airman Samuel J. Carter sold drugs and was picked up for attempted theft. At a court-martial at Bergstrom Air Force Base, Texas, he lost all his pay, too.

Col. Lee, however, kept his pay, despite a conviction last fall for seven counts of sodomy and 21 counts of indecent acts with teen-age boys from Illinois. More than a year after his conviction, Lee still receives $6,618.30 a month, more than what 98 percent of all Ohio families earned in 1990.

Sgt. Edward Higgins kept his pay, too.

He was convicted in 1992 of five counts of molesting young women who came to his Air Force recruiting office in Youngstown, Ohio.

''He asked me if I had been checked for scoliosis,'' an 18-year-old woman told a military court in 1992. ''. . . He told me to drop my pants three-to-four inches below from where they were from my waist and bend over and pull up my shirt.''

Higgins told another 18-year-old to take off her jump suit, and then he ran ''his hand up and down her back from her neck to her buttocks,'' the woman told military authorities.

''He said he had to get a measurement of my body fat,'' the woman said during an interview. ''We all felt so stupid because we fell for this guy.

''Why should he get paid? . . . That's ridiculous. I can't believe it.''

Since he was convicted and sentenced to four years in prison, Higgins has earned $25,499 pay from the Air Force.

FAMILY MATTERS

In his appeal for pay and a light sentence, Higgins' attorney asked the court to consider ''his family, his wife, his three young children . . . all the Saturdays that his boys wouldn't be able to go to McDonald's for this special time with their father.''

The prosecutor made a different plea. ''While he's in jail, he shouldn't be paid. He's no longer a productive member of the Air Force . . . It's not the Air Force's responsibility to take care of his family.

''It was Sgt. Higgins' responsibility. And when he decided to do what he did over that period of time, he reneged on that responsibility.''

The court sided with Higgins.

The Dayton Daily News examined dozens of court-martial files and found that in every case defendants who received pay had families.

Although jurors award pay based on family needs, they're not supposed to.

''There's nothing in the Code of Military Justice that allows that,'' said Nelson, who is now administrator of North Dakota's court systems.

Paying any convicted criminal regardless of the reason, is a questionable practice, said Nelson, a military attorney for 33 years. ''In crime, one is accountable for their own acts.''

Civilian families often get nothing when loved ones go to prison.

Mark Putnam went to prison in 1990 for strangling an informant in Kentucky while working for the FBI. His family was forced to ask for welfare.

''You can't expect the FBI to pay benefits to me and my children because my husband committed a crime,'' said Putnam's wife, Kathleen, who now lives in Connecticut. ''I can't see how anyone should pay him when my husband committed a crime.''

LITTLE OVERSIGHT

Although the military often pays its inmates to help their families, it often can't ensure the families get the money or need it.

At Sgt. Terry H. Cox's trial at Ellsworth Air Force Base, S.D., last year, the 7-year-old girl he raped stood in front of a jury of adults wearing uniforms and pointed to the part of her body Cox touched.

''Right here,'' the girl said.

The testimony was enough to help convict Cox of nine separate acts of rape, sodomy and other indecent acts on the girl, but it wasn't enough to stop his pay.

The military decided to keep paying Cox after he asked the court: ''Please help me put a stop to my family's suffering and mine.''

Three months after his March 1993 conviction, Cox still had not given his wife written permission to pick up his check. Although he received more than $1,700 a month, he didn't send regular support payments to her.

The military also often doesn't verify a family needs the money before granting pay.

Unlike in civilian courts, sentencing begins immediately after conviction in courts-martial, leaving little time for the prosecutors to verify a defendant's claim of needing money to support his family.

''The government virtually never goes back and tries to rebut that,'' said Col. Trant, who spent 6½ years as an Army judge before becoming the service's chief criminal attorney.

Even though his wife earned $17,000 a year and even though his family had four cars, two boats, a motorcycle and lived in a $110,000 home, the military paid Lt. Col. Templeton.

Templeton, who helped oversee a $28-billion weapons program at Wright-Patterson, pleaded guilty in March 1992 to 10 acts of child molestation involving girls, including the Dayton child.

In his plea for clemency, Templeton asked the court to consider his family's financial needs. Since he confessed three years ago, Templeton has earned $148,616 and he still gets $4,739.40 a month, which includes a pay raise of $102 a month he received in January. His family is supposed to get about $1,800 of it for support.

The Canadian military stops pay to people like Templeton.

In Canada, an ''assisting officer'' ensures the family needs money. The family's need and other sources of income also are investigated by provincial welfare officials, who recommended an amount the military should pay.

''So if you're not entitled to anything under the welfare system. . . .you're not entitled to anything under our system either,'' said Maj. Jones, the Canadian military spokesman.

PAYING FOR MISTAKES

Even when a military court is so outraged by a crime that it cuts all pay, even when the convict has no living relative to support, a service member still can earn his full military paycheck for years.

The military didn't want Army Sgt. Ronald Webster to get paid, but he got his money anyway. In 1982, Webster was convicted of rape, burglary, assault, resisting arrest and 10 other charges involving an attack on a fellow soldier in her barracks at Fort Story, Va.

He was sentenced to lose his pay, $965.70 a month, but four years after his conviction, Webster said, the military found an error in his case.

The error did not earn Webster a new trail, or prove his innocence, but it did earn him the right to resubmit his case for clemency. So the military, he said, paid him four years of back pay.

''I think it was about $38,000 to $40,000 after taxes,'' said Webster, who was released from Leavenworth Nov. 18 and now lives in Cincinnati.

Military members who win certain types of appeals, even years after trails, can receive full back pay for the time it took to appeal the case.

If a defense attorney can't find a reason to appeal a case, lawyers working for the highest court for military appeals will try to find one for them. Unlike other civilian appeals courts in the country, the military's highest appeals court pays lawyers to search cases for legal errors, even when appeals are not filed.

And in case both a defense attorney and the appeals court can't find errors, convicts at Leavenworth can search for themselves, using the prison's 6,000-volume law library.

''Lawyers have told us we have a better library than they have in their offices,'' Army spokesman Staff Sgt. Alvah Cappel said as he showed off the prison's facilities during a tour this fall.

Webster said he invested some of the money he won in his case.

''I think I had $5,000 in stocks. You can invest in anything you want (in prison). You just can't form a business in there.

''All you do is get a broker. You stay in contact with your broker and do it over the phone. They accept collect calls.''

He also used the money to start a demolition company in Cincinnati.

''I think I deserve the money,'' Webster said. ''That's the way the system works. They've been doing it for years. It's a whole different kind of system.''

Below is a breakdown of military prisoners receiving government paychecks in June. Many were convicted of serious offenses, including murder, rape and child molestation.

PAY AND BENEFITS GIVEN TO MEMBERS OF THE ARMED SERVICES IN JAILS AND PRISONS

Branch of service	Number of prisoners	Amount for June 1994
Marines	268	$323,461
Army	225	233,016
Air Force	137	146,706
Navy	34	64,678
Coast Guard	1	1,458
Total	[1] 665	769,319
Total including benefits to prisoners and dependents	.....	1,015,662

[1] One or more services may have included types of convicts not counted by other services.

Source: Dayton Daily News computer analysis of records from U.S. Defense Finance and Accounting Service and the military prison at Leavenworth, Kan. The U.S. Coast Guard and civilian health insurance consultants, Dept. of Defense records on military benefits. ●

By Mr. DASCHLE (for himself and Mr. EXON):

S. 208. A bill to require that any proposed amendment to the Constitution of the United States to require a balanced budget establish procedures to ensure enforcement before the amendment is submitted to the States; to the Committee on the Budget and the Committee on Governmental Affairs, jointly.

RIGHT TO KNOW ACT

Mr. DASCHLE. Mr. President, I have the honor of introducing today on behalf of Senator EXON, the distinguished ranking member of the Budget Committee, and other Democratic Senators, the Right to Know Act.

The proposal is straightforward. It demands that American taxpayers know what the impact of a constitutional balanced budget amendment will be before State legislatures vote on ratification of the constitutional amendment. It also ensures that we take immediate steps to balance the budget by the year 2002—the express goal of the constitutional amendment.

Our proposal says that, upon passage of a balanced budget amendment by Congress but before States must ratify, we would give States and the American people the information they need to make this important decision. Second, under our approach, the actual deficit reduction required to balance the budget would begin immediately.

No State would be required to vote on the amendment until Congress passes a concurrent budget resolution committing to actual deficit reduction and outlining, through reconciliation instructions to committees, how the budget would be balanced by the year 2002.

It is critically important that Americans understand that passing a constitutional amendment to balance the budget does not reduce the national debt by one penny. Nor does passage of a balanced budget amendment provide the slightest detail of how the budget could or should be balanced. Only if Congress acts on legislation that accomplishes a balanced budget will the precise ramifications be known.

We simply cannot afford to wait until 2001 to start complying with the balanced budget amendment. By doing so, we will be adding a far greater burden to our national debt, which already has reached nearly $4.7 trillion. Even if we pledge our commitment to continued deficit reduction today, we will still need about $1.2 trillion of cuts over the next 7 years to balance the budget by the year 2002. Failure to make these cuts will simply add to the $4.7 trillion debt.

If we delay even 1 year, the national debt will increase by over $150 billion as a result of that delay, and the interest on the debt will be approximately $50 billion greater. Each year we delay adds another enormous sum of our already-astronomical national debt, and increases the percentage of our budget that must be dedicated to servicing that debt.

In the last congress, we passed a deficit reduction package that will reduce the budget deficit by nearly $500 billion. Given the magnitude of our existing debt, it would be irresponsible and profoundly illogical not to continue striving toward a balanced budget this year, not next year or the year after.

Mr. President, senators on both sides of the aisle are divided on the issue of a constitutional balanced budget amendment. We all want to bring budget deficits under control, but reasonable people disagree on the way to accomplish that goal, both in terms of budget priorities and in terms of the proposal to amend the Constitution.

The Right to Know Act offers an approach that senators on both sides of the constitutional amendment issue and on both sides of the aisle could—indeed should—support.

Senators who support a constitutional amendment to require a balanced budget—and I am one—should know that this proposal is wholly consistent with that position. In fact, if we are serious about balancing the budget, we must be prepared to work with our colleagues to ensure that the deficit reduction resumes immediately. We also must be prepared to explain to the American people and the States exactly how we are going to achieve our goal.

Senators who may oppose a constitutional amendment, but who believe we need to take serious steps toward deficit reduction and an actual balanced budget, should also find this proposal wholly consistent with that position. The Right to Know Act simply ensures that the balanced budget amendment, if it passes, will not become a gimmick or a hollow promise.

I strongly urge all of my colleagues, regardless of their position on the underlying balanced budget amendment issue, to study this proposal carefully.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 208

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 ''Right to Know Act''.

SEC. 2. PROPOSAL OF AMENDMENT.

No article proposing a balanced budget amendment to the Constitution shall be submitted to the States for ratification in the 104th Congress until the adoption of a concurrent resolution containing the matter described in section 2 of this Act.

SEC. 3. CONTENT OF REQUIRED CONCURRENT RESOLUTION.

(a) CONTENTS.—The concurrent resolution referred to in section 1 shall set forth a budget plan to achieve a balanced budget (that complies with the article of amendment proposed by that section) not later than the first fiscal year required by the article of amendment as follows:

(1) a budget for each fiscal year beginning with fiscal year 1996 and ending with that first fiscal year (required by the article of amendment) containing—

(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

(B) totals of new budget authority and outlays for each major functional category;

(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

(D) an allocation of Federal revenues among the major sources of such revenues;

(2) a detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change; and

(3) reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution.

(b) RECONCILIATION.—The directives required by subsection (a)(3) shall be deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974. Upon receiving all legislative submissions from committees under subsection (a)(3), each Committee on the Budget shall combine all such submissions (without substantive revision) into an omnibus reconciliation bill and report that bill to its House. The procedures set forth in section 310 shall govern the consideration of that reconciliation bill in the House of Representatives and the Senate.

(c) CBO SCORING.—The budget plan described in subsection (a) shall be based upon Congressional Budget Office economic and

technical assumptions and estimates of the spending and revenue effects of the legislative changes described in subsection (a)(2).

By Mr. SIMON:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to allow the President to reduce or disapprove items of appropriations; to the Committee on the Judiciary.

PRESIDENTIAL LINE-ITEM VETO

● Mr. SIMON. Mr. President, every day our budget deficit grows larger and larger. In this time of crisis, we need to use every available weapon in our arsenal to fight the growing national deficit. It takes a constitutional amendment that requires Congress to pass a balanced budget; and it also takes a constitutional line-item veto amendment, which I introduce today.

This line-item veto amendment takes as its model the amendment that appears in the Constitution of my home State of Illinois. According to some studies, the Illinois State government is able to reduce its annual budget by about 3 percent because of the line-item veto. Similar success on a Federal level will bring us that much closer to reducing the national debt.

My amendment is a simple one. It is a constitutional amendment to permit the President to reduce or disapprove any item of appropriations, other than an item relating to the legislative branch. If the President does not reduce or disapprove an item of appropriations, it becomes law. If he does reduce it, then Congress is empowered to override the President's veto by a simple majority vote of each House.

There are those concerned that the line-item veto takes away power from the legislative branch and puts it into the hands of the executive. That might be true if this veto were like all others and required a two-thirds override. But my amendment is faithful to the principle of majority rule in passage of legislation. It threatens only those appropriations which do not have majority support and it is those appropriations items which often are the least credible in the eyes of the American people and most difficult to justify.

Forty-three States now have the line-item veto. As ranking member of the Constitution Subcommittee of the Judiciary Committee, I—in conjunction with my friend from Colorado, who now serves as subcommittee chairman—hope to devote serious efforts toward securing passage of this important piece of legislation. The line-item veto is by no means a panacea. It is, however, a big step in the right direction for any serious attempt to put our fiscal affairs in order.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. GRASSLEY, the names of the Senator from Tennessee [Mr. FRIST] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 2, a bill to make certain laws applicable to the legislative branch of the Federal Government.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 2, supra.

S. 21

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 21, a bill to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

S. 45

At the request of Mr. FEINGOLD, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 45, a bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes.

S. 91

At the request of Mr. COVERDELL, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 91, a bill to delay enforcement of the National Voter Registration Act of 1993 until such time as Congress appropriates funds to implement such Act.

S. 145

At the request of Mr. GRAMM, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 145, a bill to provide appropriate protection for the Constitutional guarantee of private property rights, and for other purposes.

S. 165

At the request of Mr. MCCAIN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 165, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 185

At the request of Mr. BUMPERS, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 185, a bill to transfer the Fish Farming Experimental Laboratory in Stuttgart, Arkansas, to the Department of Agriculture, and for other purposes.

SENATE RESOLUTION 38—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS

Mr. HATFIELD, from the Committee on Appropriations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 38

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 28, 1996, under this resolution shall not exceed $4,823,586, of which amount (1) not to exceed $175,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $4,931,401, of which amount (1) not to exceed $175,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as mended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 39—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES FOR THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources,

reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 39

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 29, 1996 under this resolution shall not exceed $2,678,348.

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $2,739,487.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 40—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN, from the Committee on Indian Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 40

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearing, and making investigating as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Indian Affairs is authorized from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 28, 1996, under this resolution shall not exceed $1,056,916, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) no funds may be expended for the training of the professional staff of such committee under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $1,079,534, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) no funds may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees fees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

● Mr. MCCAIN. Mr. President, today I am reporting a resolution to authorize expenditures by the Committee on Indian Affairs. Earlier today, the committee conducted a business meeting during which the members of the committee approved the proposed budget for the 104th Congress.

The resolution I am reporting today is consistent with the budget approved by the members of the Committee on Indian Affairs for submission to the Committee on Rules and Administration. The resolution is also consistent with the request from the Rules Committee for a budget proposal which reflects a 15-percent reduction from the approved funding level for 1994. This translates into a 25-percent reduction in the committee staff.●

SENATE RESOLUTION 41—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS, from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 41

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations, is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $2,719,280, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1995, through February 28, 1997, expenses of the committee under this resolution shall not exceed $2,782,054, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United

States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 42—MAKING MINORITY PARTY APPOINTMENTS TO THE ETHICS COMMITTEE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 42

Resolved, That the following shall constitute the minority party's membership on the Ethics Committee for the One Hundred and Fourth Congress, or until their successors are chosen:

Select Committee on Ethics: Mr. Bryan, Vice Chair, Ms. Mikulski, and Mr. Dorgan.

SENATE RESOLUTION 43—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER, from the Select Committee on Intelligence, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 43

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the committee on Intelligence is authorized from March 1, 1995 through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $2,228,666 of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $2,280,704, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996 and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee, from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 44—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. COHEN (for himself and Mr. PRYOR) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 44

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion—

(1) to make expenditures from the contingent fund of the Senate,

(2) to employ personnel, and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $1,025,746.

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $1,048,589.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate,

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate,

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate,

(4) for payments to the Postmaster, United States Senate,

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or

(6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''.

● Mr. COHEN. Mr. President, on behalf of myself and Senator PRYOR, I am pleased to submit a resolution to provide funding from the contingent fund of the Senate for operational moneys for the Senate Special Committee on Aging for the years 1995 and 1996. I am hopeful that the Senate Committee on Rules and Administration will approve this funding request.

The amounts contained in this budget request fully comply with the direction of the Rules Committee to reduce the operational budget of the committee substantially below the 1994 budget authorization level.

Senator PRYOR and I are fully committed to implementing these reductions in both the salary and administrative portions of the committee budget. We believe that the budget submissions we are providing today to the Rules Committee reflect the commitment of myself, as chairman, and Senator PRYOR, as ranking member, to make the operations of the committee as efficient as possible and to support the leadership's goal of reducing the number of Senate staff. We are confident that the committee will be able to pursue a very active agenda of oversight, investigations, and consumer education within these staffing levels.

The Special Committee on Aging plays a critical oversight function to the Congress and the American taxpayer. While some of the programs and issues reviewed by the committee are within the legislative purview of other committees, the Aging Committee conducts essential oversight and investigations of these programs to ensure that they are serving the needs of older Americans and taxpayers.

This past Congress, for example, the committee examined a broad array of issues affecting the elderly, including major fraud and abuse scams targeting Medicare; drug addicts manipulating the Social Security disability programs; trends of escalating out-of-pocket health care costs of older Americans, including prescription drug and long-term care costs; crime against the elderly; and consumer scams targeting senior citizens. In many instances, findings and recommendations of the committee with respect to the issues it

examined resulted in major legislative reforms, many of which have been enacted into law.

This year, the Aging Committee stands ready and able to take on a host of issues affecting older Americans. Some of the issues we plan to address this year will be investigating fraud and abuse in the Medicare and Medicaid programs and recommending proposals to better protect these programs and their beneficiaries from fraudulent practices; evaluating and recommending improvements in the administration of the Social Security disability programs to ensure a more efficient expenditure of taxpayer dollars; and evaluating the effects of entitlement reform on programs serving the elderly and retired populations. We will also continue to evaluate the effects of health care reform proposals on the elderly, including proposals to assist older Americans and their families bear the exorbitant costs of long-term care.

Mr. President, for more than 30 years, the Special Committee on Aging has overseen the needs and trends of our Nation's aging population and the programs that serve current and future generations of older Americans. It has been my great pleasure and honor to serve under the able leadership of Senator PRYOR as chairman of the Aging Committee and I look forward to working closely with him in his new capacity as ranking member of the committee in a bipartisan, cooperative spirit that has been the tradition of the committee for over 30 years.

We look forward to the challenges the 104th Congress will hold for the Aging Committee, and urge the Rules Committee to approve our budget request.●

SENATE RESOLUTION 45—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH, from the Committee on Governmental Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 45

Resolved, That, in carry out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1995, through February 28, 1996, and March 1, 1996 through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use on a reimbursable, or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1995, through February 28, 1996, under this resolution shall not exceed $4,515,333, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $4,618,593, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3 (a) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate

(1) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of government funds in transactions, contracts, and activities of the government or of government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public.

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud and the use of offshore banking and corporate facilities to carry out criminal objectives;

(5) The efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) The effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(C) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(6) The efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into discovery and development of alternative energy supplies; and

(7) the efficiency and economy of all branches and functions of government with particular reference to the operations and management of Federal regulatory policies and programs: Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(b) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, is authorized, in its, his, or their discretion (1) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to hold hearings, (3) to sit and act at any time or

place during the sessions, recess, and adjournment periods of the Senate, (4) to administer oaths, and (5) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(d) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 71 of the One Hundredth Third Congress, second session, are authorized to continue.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1995, and February 28, 1996, respectively.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery keeper, United States Senate, or (4) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (5) for payments to the Postmaster, United States Senate, or (6) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (7) for the payment of Senate Recording and Photographic Services.

SEC. 6. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 46—MAKING MAJORITY PARTY APPOINTMENTS TO THE ETHICS COMMITTEE

Mr. LOTT (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 46

Resolved, That the following shall constitute the majority party's membership on the following Senate committee for the 104th Congress, or until their successors are appointed:

Ethics: Mr. McConnell (Chairman), Mr. Smith, and Mr. Craig.

SENATE RESOLUTION 47—RELATING TO THE DESIGNATION OF COMMITTEE CHAIRPERSONS FOR THE 104TH CONGRESS

Mr. LOTT (for Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 47

Resolved, That the following Senators are designated as the Chair of the following committees for the 104th Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar, Chairman.

Committee on Appropriations: Mr. Hatfield, Chairman.

Committee on Armed Services: Mr. Thurmond, Chairman.

Committee on Banking, Housing, and Urban Affairs: Mr. D'Amato, Chairman.

Committee on Commerce, Science, and Transportation: Mr. Pressler, Chairman.

Committee on Energy and Natural Resources: Mr. Murkowski, Chairman.

Committee on Environment and Public Works: Mr. Chafee, Chairman.

Committee on Finance: Mr. Packwood, Chairman.

Committee on Foreign Relations: Mr. Helms, Chairman.

Committee on Governmental Affairs: Mr. Roth, Chairman.

Committee on the Judiciary: Mr. Hatch, Chairman.

Committee on Labor and Human Resources: Mrs. Kassebaum, Chairman.

Committee on Rules and Administration: Mr. Stevens, Chairman.

AMENDMENTS SUBMITTED

THE CONGRESSIONAL ACCOUNTABILITY ACT

LAUTENBERG AMENDMENT NO. 15

Mr. LAUTENBERG proposed an amendment to the bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government; as follows:

At the appropriate place in the bill insert the following new section:

SEC. . REDUCTION OF PAY OF MEMBERS OF CONGRESS IN EVENT OF SEQUESTRATION.

(a) IN GENERAL.—Section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is amended—

(1) in paragraph (1) by striking out ''as adjusted by paragraph (2)'' and inserting in lieu thereof ''as adjusted by paragraphs (2) and (3)''; and

(2) by adding at the end thereof the following new paragraph:

''(3)(A) The annual rate of pay for each position described under paragraph (1) shall be reduced (for the period beginning on the effective date under subparagraph (B)(i)(I) through the end of the fiscal year in which such adjustment takes effect) by the percentage necessary to reduce the total annual pay for such position by the uniform percentage determined under—

''(i) section 251(a)(2) of the Balanced Budget Emergency Deficit Act of 1985 (2 U.S.C. 901(a)(2)) in any fiscal year in which there is a sequester under section 251 of such Act;

''(ii) section 252(c)(1)(C) of the Balanced Budget Emergency Deficit Act of 1985 (2 U.S.C. 902(c)(1)(C)) in any fiscal year in which there is a sequester under section 252 of such Act; and

''(iii) section 253(e) of the Balanced Budget Emergency Deficit Act of 1985 (2 U.S.C. 903(e)) in any fiscal year in which there is a sequester under section 253 of such Act.

''(B)(i)(I) An adjustment under subparagraph (A) shall take effect on the first day of the first applicable pay period beginning on or after the date on which an intervening election of the Congress occurs following the sequester.

''(II) Effective on the first day of the first applicable pay period beginning on or after October 1 of the fiscal year following the fiscal year in which an adjustment took effect under subclause (I), the rate of pay for each position described under paragraph (1) shall be the rate of pay which would be in effect if not for the provisions of this paragraph.

''(ii) If more than one adjustment would take effect on the same date in accordance with clause (i)(I), each applicable percentage determined under subparagraph (A) (i), (ii), and (iii) shall be added, and the resulting percentage shall be used in making a single adjustment.''.

(b) REGULATIONS.—The Secretary of the Senate and the Clerk of the House of Representatives may prescribe regulations to carry out the provisions of this Act relating to the applicable Members of Congress.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this section.

GRASSLEY (AND GLENN) AMENDMENT NO. 16

Mr. GRASSLEY (for himself and Mr. GLENN) proposed an amendment to the bill S. 2, supra; as follows:

On page 2, in the item referring to section 220, strike ''code'' and insert ''Code''.

On page 11, line 14, insert a comma before ''irrespective''.

On page 27, line 14, strike ''would be appropriate'' and insert ''may be appropriate to redress a violation of subsection (a)''.

On page 30, line 6, strike ''section 403'' and insert ''subsections (b) through (d) of section 403''.

On page 30, lines 17 and 18, strike ''section 405'' and insert ''subsections (b) through (h) of section 405''.

On page 31, between lines 3 and 4, insert the following:

(5) COMPLIANCE DATE.—If new appropriated funds are necessary to comply with an order requiring correction of a violation of subsection (b), compliance shall take place as soon as possible, but no later than the fiscal year following the end of the fiscal year in which the order requiring correction becomes final and not subject to further review.

On page 31, line 13, after ''(b)'' insert ''except''.

On page 31, between lines 17 and 18, insert the following:

(3) ENTITY RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for categories of violations of subsection (b), the entity responsible for correction of a particular violation.

On page 32, line 6, insert ''and the Office of the'' before ''Architect''.

On page 32, line 6, strike '', and to the'' and insert ''or other''.

On page 32, lines 7 through 9, strike '', as determined under regulations issued by the Board under section 304 of this Act,''.

On page 35, line 13, strike ''and'' and insert a comma.

On page 35, line 14, insert before the semicolon the following: '', and any entity listed in subsection (a) of section 210 that is responsible for correcting a violation of this section, irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs''.

On page 36, line 3, strike ''(a) and (f)'' and insert ''(a), (d), (e), and (f)''.

On page 36, lines 4 and 5, strike ''(a) and (f)'' and insert ''(a), (d), (e), and (f)''.

On page 36, lines 15 through 17, strike '', as determined appropriate by the General Counsel pursuant to regulations issued by the Board pursuant to section 304''.

On page 37, line 4, strike ''section 405'' and insert ''subsections (b) through (h) of section 405''.

On page 37, line 12, strike ''section 6(b)(6)'' and insert ''sections 6(b)(6) and 6(d)''.

On page 37, line 14, strike ''655(b)(6)'' and insert ''655(b)(6) and 655(d)''.

On page 37, line 16, strike ''section 405'' and insert ''subsections (b) through (h) of section 405''.

Beginning with page 37, line 24, strike all through page 38, line 4, and insert the following:

(6) COMPLIANCE DATE.—If new appropriated funds are necessary to correct a violation of subsection (a) for which a citation is issued, or to comply with an order requiring correction of such a violation, correction or compliance shall take place as soon as possible, but not later than the end of the fiscal year following the fiscal year in which the citation is issued or the order requiring correction becomes final and not subject to further review.

On page 38, between lines 18 and 19, insert the following:

(3) EMPLOYING OFFICE RESPONSIBLE FOR CORRECTION.—The regulations issued under paragraph (1) shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (a), the employing office responsible for correction of a particular violation.

On page 38, line 23, after ''General Counsel'' insert '', exercising the same authorities of the Secretary of Labor as under subsection (c)(1),''.

On page 39, line 3, strike ''and''.

On page 39, line 4, after ''Assessment'' insert '', the Library of Congress, and the General Accounting Office''.

On page 39, lines 12 through 14, strike '', as determined under regulations issued by the Board under section 304 of this Act,''.

On page 41, lines 17 and 18, strike ''Subject to subsection (d), the'' and insert ''The''.

On page 42, line 25, strike ''section 405'' and insert ''subsections (b) through (h) of section 405''.

On page 44, line 1, strike ''section 405'' and insert ''subsections (b) through (h) of section 405''.

On page 44, line 8, strike ''graphs (1) and'' and insert ''graph (1) or''.

On page 44, line 8, before ''may'' insert a comma.

On page 45, line 1, strike ''(c)'' and insert ''(d)''.

On page 45, line 6, strike ''(d)'' and insert ''(e)''.

On page 45, line 20, strike ''(d)'' and insert ''(e)''.

On page 49, line 9, strike ''(e)'' and insert ''(f)''.

On page 49, line 14, strike ''(d)(2)'' and insert ''(e)(2)''.

On page 49, line 18, strike ''(d)'' and insert ''(e)''.

On page 50, line 3, strike ''witness''.

On page 54, strike line 11, and insert ''than December 31, 1996—''.

On page 56, line 25, insert ''Senate'' before ''Fair''.

On page 57, line 1, strike ''of the Senate''.

On page 67, line 16, strike ''issuing'' and insert ''adopting''.

On page 68, line 15, after the semicolon, insert ''and''.

On page 73, line 3, before the period insert ''under paragraph (1)''.

On page 75, line 4, before the period insert '', except that a voucher shall not be required for the disbursement of salaries of employees who are paid at an annual rate''.

On page 75, line 4, after the period insert the following: ''The Clerk of the House of Representatives and the Secretary of the Senate are authorized to make arrangements for the division of expenses under this subsection, including arrangements for one House of Congress to reimburse the other House of Congress.''.

On page 75, between lines 4 and 5, insert the following:

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—The Executive Director may place orders and enter into agreements for goods and services with the head of any agency, or major organizational unit within an agency, in the legislative or executive branch of the United States in the same manner and to the same extent as agencies are authorized under sections 1535 and 1536 of title 31, United States Code, to place orders and enter into agreements.

On page 75, line 5, strike ''(b)'' and insert ''(c)''.

On page 77, line 9, after ''after'' insert ''receipt by the employee of notice of''.

On page 80, line 24, strike ''(b)'' and insert ''(a)''.

On page 88, line 18, before ''this section'' insert ''section 404 and''.

On page 89, line 21, strike ''may'' and insert ''shall''.

On page 90, line 11, strike ''(d)'' and insert ''(e)''.

On page 90, line 14, after ''be,'' strike ''may'' and insert ''shall''.

On page 90, line 25, strike ''paragraph (1)'' and insert ''subsection (a)''.

On page 91, line 5, strike ''407'' and insert ''405(f)(3), 407,''.

On page 93, strike lines 3 through 8, and insert the following:

(c) HEARINGS AND DELIBERATIONS.—Except as provided in subsections (d), (e), and (f), all proceedings and deliberations of hearing officers and the Board, including any related records, shall be confidential. This subsection shall not apply to proceedings under section 215, but shall apply to the deliberations of hearing officers and the Board under that section.

On page 94, line 12, strike ''102(b)(2)'' and insert ''102(b)(3)''.

On page 105, lines 7 and 9, insert ''of 1990'' after ''Act''.

NOTICE OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Wednesday, January 18, and Thursday, January 19, 1995, at 9:30 a.m. on each day, to receive testimony from committee chairmen and ranking members on their committee funding resolutions for 1995 and 1996.

For further information concerning these hearings, please contact Christine Ciccione of the committee staff on 224–8921.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, January 11, 1995, to conduct a full committee business meeting to organize for the 104th Congress.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, January 11, 1995, for purposes of conducting a business meeting. Items to be considered include the committee's budget resolution for a 2-year period, March 1, 1995 through February 29, 1997; and changes in committee rules and organizational changes in full committee and subcommittee jurisdiction.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 11, 1995, at 10 a.m. to hold a business meeting to vote on pending items.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be permitted to meet during the session of the Senate on Wednesday, January 11, 1995, for the purpose of holding a business meeting to select a chairman and vice-chairman, approve a budget, and approve its rules.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Federal job training programs, during the session of the Senate on Wednesday, January 11, 1995, at 9 a.m.

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

COMMITTEE ON SMALL BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, January 11, 1995, at 4 p.m. The committee will hold a full committee organizational meeting to consider and adopt committee rules and the committee budget resolution.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 11, 1995, at 3 p.m. to hold a closed business meeting.

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

ADDITIONAL STATEMENTS

RECOGNITION OF HARRY CLEMMONS

● Mr. GORTON. Mr. President, today I recognize Harry Clemmons, Kennewick School District's middle school director, for his leadership in fighting school violence.

Last January, I organized a meeting of over 200 parents, teachers, administrators, and students. At this conference I listened carefully to the concerns and ideas of those in attendance. While I heard many varied and different suggestions, one theme was constant. Innovative and resourceful programs which educators work hard to plan and execute deserve more recognition. I therefore promised to recognize, on a monthly basis, a school or school program that is outstanding and innovative. The school violence prevention programs that Harry Clemmons has successfully implemented are worthy of such recognition.

It is time we took the steps necessary to regain control of our Nation's schools. In Washington State, for example, violent crimes by youths have doubled in number in the past decade, despite a 3-percent reduction in the youth population. Our superintendent of public instruction recently released her annual report of weapons in Washington State schools for the 1992–93 school year. A total of 2,237 incidents of possession of firearms or dangerous weapons on school premises were reported by school districts and approved private schools.

The prevalence of such incidents is constantly increasing, as is the variation and types of weapons. We must address this problem now. We must ensure the safety of our children in school and provide a learning environment free of violence and disruption.

Mr. Harry Clemmons and his innovative prevention programs should continue to be promoted throughout Washington State, as well as the entire United States. Recognizing that a problem exists and taking the initiative to develop successful programs is the key to improving our education system.●

REGARDING THE ECONOMIC CRISIS IN MEXICO

● Mr. D'AMATO. Mr. President, while American diplomats and foreign policy pundits hand-wring over various crises in Eurasia and the American military is hand-holding the doomed in a number of Third World quagmires, an economic crisis of alarming proportions is threatening to engulf our nearest neighbor to the south. Could there be a better example of the failure of our foreign policy than the potential collapse of Mexico?

I believe that charity begins at home. Mexico and Canada are part of the American family. Yes, we bicker. We snipe. We engage in the kind of heated battles only family members could get away with, but, in the end, it is the family ties that bind.

We can no longer take our good neighbors for granted. Our national security and our economic well-being are inextricably linked to the health and stability of Mexican society and the Mexican economy. We face a far greater threat from instability in Mexico than we will ever face from open conflict or economic chaos in most of the places American diplomatic attention and foreign aid are currently focused.

We must help the Mexicans stabilize the peso, to renegotiate their debt, and to develop an economic strategy of long-term investment and growth that will improve the quality of life of all Mexicans, and, by extension, the quality of life of all Americans.

To do as we have been doing, to focus on the problems of other continents while ignoring our own, is asking to worrying over a distant storm as wolves gather in our backyard.●

ORDERS FOR THURSDAY, JANUARY 12, 1995

Mr. LOTT. Now, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Thursday, January 12, 1995; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders be reserved.

I further ask unanimous consent that there then be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with the following Senators to be recognized under the following limitations: Senator GRASSLEY for 10 minutes, Senator THOMAS for 10 minutes, Senator SIMPSON for 10 minutes, and Senator CONRAD for 30 minutes.

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

CONSIDERATION OF S. 1

Mr. LOTT. Mr. President, under a previous unanimous-consent agreement, at 10 a.m. Thursday, the Senate will begin consideration of S. 1, the unfunded mandates bill for debate only prior to 2 p.m. Therefore, there will be no rollcall votes prior to 2 p.m. on Thursday.

Mr. DASCHLE. Mr. President, as I understood the unanimous-consent agreement last night, there would be no amendments laid down prior to 2 o'clock, and I would just want to confirm that with the distinguished majority whip.

Mr. LOTT. I believe that was the understanding, that there would be debate only until 2 and no amendments offered until after 2 p.m.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

1994 MEN OF THE YEAR

Mr. BYRD. Mr. President, recently I received a newspaper insert from the St. Louis Post-Dispatch concerning the selection of 2 of our former colleagues as the 1994 St. Louis Men of the Year.

Former Senators Tom Eagleton and John Danforth were selected to receive this prestigious designation by 19 of their fellow citizens, each of whom had been chosen in the past for this same award. They are the 41st and 42d individuals to be so honored by the St. Louis Post-Dispatch since the award was first established in 1955.

I congratulate the Post-Dispatch on its excellent selections of this dynamic duo. Both of these men were shining lights when they served here among us in the Senate, and they have both obviously continued to shine and inspire in private life.

Jack Danforth was a voice of reason and moderation in the Senate. He was a credit to his party precisely because he was never a slave to the party line. Senator Danforth's calm reasoned approach to the issues of the day, no matter how politically charged gave him enormous credibility of the type that is so needed in the Senate today. His presence is sorely missed in the Chamber.

Senator Tom Eagleton is a personal friend, and has been for many years, in addition to being an individual for whom I have tremendous respect and admiration. Over the years, Tom Eagleton has stayed in touch with my office, and he is never too busy to weigh in when the battle needs his energy and his force of character. Senator Eagleton brought to this chamber an irrepressible personal and intellectual honesty which was apparent in his floor statements and in the positions that he took on the issues of the day. If one wanted to hear the unvarnished truth, no matter how unpopular it might be to utter, one could always look to Tom Eagleton to come to the point, and to state with eloquence and with logic the bottom line. Common sense has been called genius dressed in its working clothes. Tom Eagleton has an abundance of that often too-scarce commodity.

I congratulate both Senator Eagleton and Senator Danforth. They have brought great credit to the Senate by their service in the body and now as private citizens. St. Louis is much the richer for the Senate's loss in the case of these two fine former Members.

Mr. President, I ask unanimous consent that an insert from the St. Louis Post-Dispatch be printed in the RECORD at this point.

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

[From the St. Louis Post-Dispatch]

THE 1994 ST. LOUIS MEN OF THE YEAR: THOMAS F. EAGLETON AND JOHN C. DANFORTH

(By Mary Kimbrough)

For the second time in its history, the St. Louis Man of the Year Award is given to two men, Thomas Francis Eagleton and John Claggett Danforth, who have represented Missouri in the United States Senate, one who left the Senate in 1986; and one who will officially retire on January 3.

The footsteps of the two honorees, one a Democrat, one a Republican, have trod parallel paths. Both are graduates of Country Day School. Both are graduates of eastern universities, Eagleton of Amherst, Danforth of Princeton, and of Ivy League law schools, Eagleton of Harvard University, Danforth of Yale University.

Both became practicing attorneys. Both served as attorney general of Missouri.

Both carry distinguished St. Louis family names, were intrigued in boyhood by politics and joined lively discussions of national and world issues around the dinner table.

Although they did not know one another well in St. Louis—Eagleton was ahead of Danforth's class at Country Day—they became good friends in Washington. Both of them would cross party lines in their voting records.

''We decided that working together for Missouri was the right thing to do,'' said Eagleton. That was their common concern.

When Eagleton retired, Danforth paid tribute. ''When most candidates are going negative,'' he said in his remarks from the Senate floor, ''when many candidates are taking cheap shots, Tom Eagleton is and will remain the standard for what politics should be—for decency and fairness and principle.''

They will be honored at ceremonies at 10:30 a.m., Friday, Jan. 6, in the John M. Olin School of Business at Washington University. A reception will follow.

Eagleton and Danforth were selected by former recipients of the award, established 40 years ago by the St. Louis Globe-Democrat to recognize outstanding civic contributions, leadership and service to the community. When that newspaper ceased publication, previous honorees joined to maintain the annual award and carry on the tradition. For the past eight years, the St. Louis Post-Dispatch has served as sponsor of the annual award.

THOMAS F. EAGLETON

Tom Eagleton bounces through life like a sacked Joe Montana jumping off the turf and brushing off the bruises. A devout Cardinal fan—the baseball variety—he charges through his day like Pepper Martin barreling into a hapless catcher. And he's on the telephone more often than Joe Torre calling the bullpen.

At 65, Eagleton is many persons. Retired U.S. senator, political scientist, college professor, TV commentator, newspaper columnist. He is the sandlot kid grown to senior status, the urbane civic statesman in shirt sleeves, sometimes disheveled, his gray hair a bit mussed, turning up the volume of his voice as he leads the charge.

For the born-and-bred sports buff with a lifelong love affair with politics, a perfect world is an exuberant, scrappy, warm-hearted world of good talk and good friends, of family and a St. Louis Rams-Kansas City Chiefs Super Bowl in the new stadium, of rousing arguments and politics and the law and the Democratic party.

But he also knows the imperfect world that can be down and dirty, a world of war and want, of crime and poverty and people killing each other on the streets and on the battlefield. From the windows of his law office on the top floor of a sleek downtown office building, he can look through the Arch, symbol of progress, to see poverty and pain.

Thomas Francis Eagleton deals with both worlds with humor and energy and grace. And sometimes with righteous outrage.

After his retirement from the Senate, he was invited to a partnership in the legal firm of Thompson & Mitchell, with a charge to continue to serve this community. In his eighth year off the political fast track he may have tempered a little—but just a little—the jittery lifestyle described by a Post-Dispatch reporter at the time he left Washington.

''He still bounds around corners talking 90 miles a minute, whips into a room with 40 things on his mind * * * and generally vibrates like an oversized sparkplug.''

His lifestyle is much calmer now that he has returned to his legal career. He and his wife, the former Barbara Smith, parents of a grown daughter, Christy, and son, Terence, make their home in Clayton.

Barbara, whom he married in 1956, learned to share his political activism during his career. When they moved back to Missouri, she organized the Women's Democratic Forum, now with some 350 members, who meet regularly to hear distinguished speakers on current issues.

Neither Christy nor Terence has shown any inclination to enter politics. Christy is in Washington, engaged to be married and working with International Sprint. Terence is a television producer in New York.

''Politics is not for everyone,'' said their father. ''It's a unique profession and for whatever reason, you have to immerse yourself in it. When I was in the Senate, I went back to Missouri nearly every week. That's one of the down sides. I didn't have time to take my children to baseball games or school functions. I didn't have enough leisure time with my children.

''The best politics is back home.''

Now that he is relieved of that pressure, he has found the time to write, to teach, to lecture and, as an ardent sports fan, to follow his cherished Cardinals.

''I like the day games,'' he said, with the fervor of a unabashed fan. ''That's old-fashioned baseball. I'm there nearly every Sunday afternoon. I will be thrilled when the Cardinals once again play on grass.''

But this year, he has been concentrating on another sport, working with the determination of a bulldozer to bring the National Football League back to St. Louis.

At the request of Congressman Richard Gephardt, Mayor Freeman Bosley and County Executive Buzz Westfall, he has headed FANS Inc., a civic committee devoted to persuading the Los Angeles Rams to move here.

''Politics was all consuming,'' he said. Now football is all consuming.''

But Eagleton hasn't lost his passion for politics and history, and his love for America and St. Louis. This passion and this love are his heritage. To continue this heritage, the Federal Courthouse now under construction in downtown St. Louis has been named the ''Thomas F. Eagleton Federal Courthouse.''

He was born into an Irish Catholic home on Tower Grove Place in South St. Louis, where politics was polished to a fine art, and named for his immigrant grandfather. He and his older brother, Mark Jr., were the sons of Mark D. Eagleton, prominent figure in city politics and one-time candidate for mayor, and Zitta Eagleton, Mark's gentle and soft-spoken wife, who was determined that one boy would be a doctor, the other a lawyer.

That's just what they would do. Mark Jr., went to medical school and became a prominent St. Louis radiologist. He died in 1985. Tom also had a half-brother, Kevin, a St. Louis lawyer-businessman.

Tom would follow in the career footsteps of his father, a strong-willed, strong-voiced attorney, whose closing courtroom arguments are said to have been heard through open windows up and down Market Street.

A Bull Moose Republican, with the progressive stripe of Theodore Roosevelt, Mark Eagleton left his party in 1944 when his hero, Wendell Willkie, was denied re-nomination for a second run at the White House. He became a Democrat, and publicly announced his support of Franklin D. Roosevelt for a fourth term.

Four years earlier, the senior Eagleton had taken his son to the party convention in Philadelphia where the exuberant 11-year-old met Willkie, Robert Taft, Thomas E. Dewey and other party leaders.

''I decided I was for Dewey because he was handing out more buttons and horns and hats.''

Many years later, his eyesight failing, Mark Eagleton would sit in the Senate Gallery to hear his younger son take the oath of office. He would remember and be glad that he had given this rookie senator a good start in their robust after-dinner conversations.

Sometimes Zitta finished her meal alone. Tom and Mark Jr. would eat as fast as they could to keep up with their dad who would then escort them into the living room to start the evening discussion.

''Our three favorite subjects were history, baseball and politics,'' Tom recalled. ''Of course, politics had a lot of side issues. Frequently, we argued so much that without knowing it we switched sides to keep the argument going. That is where I first became interested in politics.''

All three loved the Cardinals and each year when the boys were quite young, the whole family went to spring training.

''Mother was dragooned,'' said Eagleton. ''She didn't abhor baseball but she sure didn't love it the way we did.''

The boys were enrolled in a half-day school in a quonset hut. Zitta would pick them up at noon and take them to Al Lang Field, the ballpark.

''We would stay in the Bainbridge Hotel where all the players stayed and eat in the dining room with them. I remember especially Pepper Martin, Terry Moore and Howard Krist, a relief pitcher. Krist was very kind to us.

''Dad was a member of the St. Louis Board of Education and he used to take me with him to meetings at 911 Locust. That was between 1937 and 1943. I would sit out in the audience.

''Those were very exciting times. There were great arguments and debates and I said to myself, 'Wouldn't it be interesting doing something like that?'

''I had begun to focus on the Senate when I was in high school at Country Day. But there, and in college, I was the tactician, the pseudo Jim Farley. I didn't run for anything. I was interested in the strategy.''

After graduating from Country Day, Tom went to Amherst where he received his bachelor of arts degree before going on to Harvard University for his law degree.

Then, after graduation and a stint in the Navy at Great Lakes, he came back to St. Louis, carrying with him that dream of public office.

Over the next 12 years, he was elected, in turn, St. Louis circuit attorney, Missouri attorney general and Missouri lieutenant governor, chalking up aggressive and noteworthy records in each office.

No longer was he a young Jim Farley. Now he was learning to plan his own career strategy, sometimes a bit homespun, sometimes

more costly in shoe leather than in sophisticated political advertising. He talked to the people face to face. That was, and is, the Eagleton style. His sense of humor was his trademark.

So in 1968, at the age of 39, according to an informal biography from his office, ''Tom Eagleton loaded his wife, two children and the family dog into his station wagon and headed for Washington.''

He had reached his ultimate career goal. ''I had achieved that. I didn't lust (to use President Carter's word) for anything higher.''

Despite that, in one of the low spots of his career, he almost snagged the brass ring in 1972 when George McGovern, the Democratic nominee, chose him as his running mate. Three weeks into the campaign, he pulled out after revealing, with true Eagleton candor, that he had been undergoing medical treatment for depression.

''People thought it would get me down,'' he said. ''It did not overwhelm me. I took it as a facet of life, a difficult facet of life, but I never viewed it as irreparably catastrophic.

''I never had any great ambition to be vice president nor did I ever have any notion I would run for the presidency.''

He would be re-elected to the Senate twice, and in June 1984, he announced he would not seek a fourth term.

Now, after eight years as ''Tom Citizen,'' he looks back on those days, surrounded in his office by shelves filled with books on history and politics. In 1974, he added his own to America's library of public servants' books, ''War and Presidential Power; A Chronicle of Congressional Surrender.''

On his wall are photographs, many of which picture his special presidential heroes, Franklin D. Roosevelt and Harry S Truman.

Eagleton also brought back to St. Louis many happy memories of special triumphs and bitter disappointments, but he carries no nostalgic desire to return to the thick of government and the partisan warfare in the Congress. In fact, he has seen both parties ''atrophy.''

''The two-party system is almost deceased. Back then you were proud to be a member of your party. You supported the platform.

''The only current need of the two-party system is to nominate someone for the presidency every four years, but the strength of the two parties has just withered away.''

Was there a single moment, a single vote by his colleagues, that made him want to pull out of politics? No, he said, it was more a build up of disillusionment. The joy in the job had not dimmed, but the cost of campaigning had grown and the campaigns had grown ugly and ''everlastingly long.''

''As I raised funds for my last race, in 1980, by contemporary standards it was cheap. It was $1.2 million compared to today's standards of $5 million and up.

''I found fund raising to be increasingly distasteful. Back in those years you could raise practically all you needed in Missouri. But as politics was developing during that era, the fund raising became all the more intense. You had to go nationwide with a tin cup begging for funds.''

In the early days, it was easier and a lot more fun.

As a member of the Committee on Environment and Public Works, he led in the enactment of the Clean Air and Clean Water acts. On the Committee on Labor and Public Welfare, he authored the ''Right to Read'' program. His Older Americans Act is the basis of federal social services for the aging.

But he is especially proud of one piece of legislation, the so-called Eagleton amendment to the American involvement in the war in Southeast Asia.

''We had withdrawn from Vietnam but we were still carpet bombing in Cambodia. The Eagleton amendment stopped that. For all practical purposes that ended American participation in that dreadful war.''

As Charlotte Grimes wrote in the Post-Dispatch at the time of his retirement, ''It, along with the War Powers Act that limited presidential authority to send troops into combat, was a culmination of sorts: Eagleton had campaigned for the Senate on a platform calling for an end to the war in Vietnam.''

Even though he is no longer a lawmaker, Eagleton keeps a close eye on the Congress and, especially, on America's continuing involvement in foreign affairs.

An astute observer and prognosticator, he predicted before the November elections that the Democrats ''would take a pretty good licking.

''We will have gridlock government for two years. It will be a war of words between the White House and the Congress.''

As for engagements abroad, he continues to be, as he was in the Senate, a centrist able to cross party lines.

''I was opposed to sending military forces to Haiti but so far it has worked pretty well. But the problem is how do we get out of there. We will have to leave some troops and a lot of money. Haiti can no more be made into a democracy today than I can fly to the moon.

''Democracy is a very sophisticated form of government. The Haitians are not sophisticated people. They have an 80 percent illiteracy rate.

''I think the two philosophical extremes are both wrong. One is that we are the world's policeman, that it is our job to intervene in all sorts of places, send our army, send our air force and bring peace and justice to anyone we think ought to have it.

''Then there is the old, stale position of Robert Taft, that our only business is between the Atlantic and the Pacific, maybe Canada and Mexico, but nothing else is any of our business.

''That is equally wrong. We have some global responsibilities, for instance, the Middle East. I was never embarrassed to say that when President Bush went to Kuwait, the reason was oil because oil is indispensable to Europe and Japan, and to us, so that is an area where we were obliged to do something.

''There are finite limits to what we can do and what we can undertake. There is no magic line to be drawn. You cannot put in 50 words or less where we should go, how we should go. To define American foreign policy in 50 words cannot be done. You have to decide case by case if this is something in the direct American interest.

Then, turning the telescope around, he focused on problems closer to home.

''I think we are in a very ugly, negative time,'' he said. ''I have never seen the public so turned off not only by politicians as such but by the political process. Federal, state, county, municipal. They want no part of it.''

However, he said, ''I think that 90 percent of the people in the House and Senate are there, in their own minds, to do the right thing.

''The work is stimulating, challenging, exciting. Dealing with situations where you think maybe you are doing the right thing: that outweighs the shortcomings.

''We are called a participatory democracy. That means that for its strength and vibrancy people have to participate. Write your congressman. That's a participatory democracy. But instead of that, we are sort of a complaining, griping democracy.

''In time, we will work ourselves out of this mood. I don't know when; it won't be overnight. But unless the people have some degree of confidence in the public decision-making process, there will be great agony. There is simply not that degree of confidence today.''

A man of Tom Eagleton's optimistic nature can't stay grumpy long. But he is also a realist.

''I really hate to say this, but in all candor I see things getting worse before they get better. Maybe there has to be a shared sense of sacrifice. If things are not going well, we've got to get together and turn this thing around. There was such a shared sense during the Great Depression. Everyone had a shared sense of 'We've got to get out of this.' We don't have that now.

''But the economy is pretty darned good. It ought to be good enough for someone to get re-elected president.''

For St. Louis, he has the same mix of optimism and realism. ''I am generally optimistic about the greater metropolitan area. I wish I could be more optimistic about the inner city. When Ray Tucker was mayor, we had 900,000 people. Now it's down to 380,000. The tax base goes down and the needs for public services continue or even increase.

''What would I do if I were selling the city of St. Louis?

''Transportation. Railroads. Airlines. MetroLink is a real plus. Fine universities. Fortune 500 companies. Excellent and aggressive banks. A skilled workforce.

''But the St. Louis school system isn't what it should be. Housing in the city is not what it should be. Distribution of health care is uneven. Well, you say, there are Clayton and Ladue and other county communities. But if the urban center atrophies, the area as a whole atrophies.

''Simply because you live in Clayton or Ladue, you cannot be smugly complacent and say everything is fine. Everything isn't fine. We are all in this together. If the city of St. Louis goes down, it will, in time, take the rest of the area with it.''

But Eagleton, the sports buff, has done more than his share to lure what he believes would be a real plus for St. Louis—NFL football.

''It is an indicia of a town's future. Right or wrong, St. Louis, to be a city of the future, has to have the identification of major sports teams.''

With his undying enthusiasm and positive outlook, every time he goes to a Cardinals baseball game, he's thinking home run.

Now, he's added another word to his wish list.

Touchdown!

JOHN C. DANFORTH

It was a few days after the November elections. Voters had swept the majority party out of power like fragile leaves blown away by the autumn wind. With the Republicans' stunning victory, Missouri's senior senator, Jack Danforth, could have known even greater power and influence than he has acquired in his 18 years on Capitol Hill.

But this is not what he wanted. To serve in the Senate had been his dream since boyhood. After three terms, however, he decided against running another time and opted to leave the promised land on the Potomac to discover ''life after politics.''

He will find that life in St. Louis. Jack Danforth is coming home to stay.

On this autumn afternoon, relaxed and comfortable in a red plaid woodsman's shirt and rough trousers, he sat in his Clayton office and talked of his political and personal philosophy, of the career he was leaving behind, and of the new chapter of his life.

His manner was reflective and deliberate. His deep voice carried power without a hint of bluster. He often paused to consider an answer, then spoke with the decisiveness of a

man who harbors no doubt about his convictions, but his conversation was brushed with humor and a grin often lightened his face.

At 58, though his graying hair has caught up with the distinctive white forelock, he is young enough to make a major change in the focus of his life.

''I had always thought I wanted there to be an end to my political life and a beginning of something after my political life,'' he said. ''There was just a sense that I didn't want my self-identity, the way I viewed myself, as a person who had to be in public office, who had to win the next election. I wanted there to be life after politics.''

And so, the Lincolnesque figure, nurtured in childhood by a grandfather who dared him to reach for the best, and loving parents who helped spur him on his way, has traded the nation's Congressional halls for the St. Louis law firm of Bryan Cave and his Washington mailing address for one in suburban St. Louis.

Thus he is returning to his roots as St. Louis is a part of him and of his heritage. He was born and reared here, grandson of the late William H. Danforth, founder of Ralston Purina, son of the late Donald and Dorothy Clagget Danforth, brother of Dr. William H. Danforth, retiring chancellor of Washington University (1977 Man of the Year), business leader Donald Danforth Jr. and Dorothy Danforth Miller.

He graduated from Country Day School before entering Princeton University and, later, Yale Law School and Yale Divinity School. He married the former Sally Dobson, who lived across the street when they were teen-agers. Their four daughters and one son, though living their early lives in Washington, have maintained their ties to St. Louis and three of them make their home, here.

The Danforths are a close clan, bound not only by family ties but also by their obvious affection and respect for one another.

But even with this major change in his life, for John Claggett Danforth, scion of this distinguished St. Louis family, reared in comfort and affluence, one essential part of his life will not be altered or be left behind—his deep and personal religious faith.

A politician in priestly robes, with a bachelor of divinity degree and a law degree, Danforth has conscientiously carved time from his senatorial duties to give early morning communion to parishioners in St. Alban's Episcopal Church in the shadow of the Washington Cathedral. In this new chapter of his life in St. Louis, he will carve time from his legal duties to continue to serve his church.

But Danforth is no pious recluse from the world. Rather, he is a quiet-spoken, resourceful activist, a low-key missionary, translating his faith in God into work for man.

That's why he has founded InterACT, a project for St. Louis congregations of all faiths, designed to create opportunities for church members, as organized groups, to give help to boys and girls of the inner city. This will be a major emphasis of his life in St. Louis.

''I hope it all works out,'' he said. ''There is a big leap between a concept and actually doing it. I just want to be the catalyst.

''InterACT is built around three interrelated concepts. The first is that religious people have a claim on them to live beyond themselves. It is the love commandment, 'Love your neighbor as yourself,' but the opportunities to do it aren't always apparent.

''The second premise is that religion, a word that comes from the same root as ligaments, should hold things together. Religion should be something that binds society but so often it is the opposite.

''I think there are a lot of opportunities for religious people to do things beyond themselves, not as individuals only but as members of congregations.

''The third is the obvious need of kids in the inner city.'' Danforth calls them the 20th century ''widow and orphan'' of Biblical days.

A staunch believer in the separation of church and state, Danforth does not base his political opinion solely on the doctrine of his Episcopal denomination. But neither can he ignore his moral and ethical convictions inculcated in childhood, honed as a divinity student and solidified as a minister of the gospel.

While he is a loyal and committed Republican, he has known the political risk every senator on both sides of the aisle must face, of voting one's conscience if it conflicts with the party's position. He also has heard the screams from the press and voters who disagree with him. But that's nothing new for an office holder and Danforth has thickened his skin.

''There is a lot of room for humility in working out your political position because as the Bible says, 'My ways are not your ways and your thoughts are not my thoughts.' You can't claim that your position on tax legislation or trade legislation or the crime bill is something that directly is a pipeline to God. It's more of a question of just trying to do your best and work things out.''

Still, he has kept his finger on the pulse of his constituents, even as he views the world around him not as a narrow, militant partisan but as a moderate, and politics as the art of compromise.

''People think politicians have lost touch with the voters. Not true. They are completely in touch. They can fly back and forth to seek constituents. They can take polls. They can have focus groups, find out within a margin of error of three percentage points what people think. They're very much aware of the next election, maybe too much so.

''However, having said all that, it's also important to be something more than a weathervane or someone who has his finger out to see where the currents are blowing. Because then you stand for nothing and all you want to do is to get yourself elected.

''What it really comes down to, if there is a conflict, of course you have to vote your conscience. But you do it with a lot of agonizing and a lot of listening and a lot of recognition that on some of the things you vote for you may be wrong. Particularly, if you view politics as the business of compromise, there are really few things you view as absolutely terrific.'' The crime bill, he said, would be an example.

''It was a mix, with good things and bad things. You do your best and you listen to the public. But a lot of people were phoning in saying to vote against it and I voted for it. All complex legislation is like that.''

He supported former President Carter and voted with many Democrats on ratification of the Panama Canal Treaty because he considered it ''the only responsible vote to cast.''

''Some issues are hard. That one was not. It was a very clear case as far as I was concerned. It would have been such a mess had we not ratified the treaty, I did not view this as a party line issue.

''I am very comfortable with the basic Republican concept that government should be limited and the fundamental Republican principles that government should operate with a light touch and not a heavy hand. The one thing that keeps the Republicans together is economics, trying to keep taxes low, trying to keep spending low.''

Moving with steady grace, Danforth has risen through his party's hierarchy, taking on more responsibilities and gaining power and prestige. At the time of his decision to leave the Senate, he had attained the rank of 21st in seniority among the 100 senators.

He was senior member of the Finance Committee, the ranking Republican member of the Committee on Commerce, Science and Transportation, which he chaired in 1985–86, the first Missouri senator to chair a major legislative committee since World War I.

He was a principal author of legislation to require strict on-the-job testing for drug and alcohol use by key transportation workers, to strengthen federal and state laws against drunken driving, to improve the inspection of safety equipment on commercial trucks and buses, to establish national standards for licensing professional drivers, to increase the safety of passenger vehicles, and to expand and modernize airports and the air transportation system.

In the 102nd Congress, he was the principal sponsor of the Cable Television Consumer Protection Act to stimulate competition in the cable television industry and provide local authority over rates in markets where service is a monopoly.

He has also been concerned with health care costs, with efforts to improve education, to stimulate rural economic development, to encourage soil conservation, to increase Federal support for basic scientific research and to reduce world hunger and malnutrition.

Of all his achievements as a senator, he is most proud of the Civil Rights Act of 1991, providing for fairness in hiring, promotion and other employment practices.

Recent Supreme Court decisions, ''had really turned the clock back on civil rights.

''I don't think you can do that. I wanted to remedy that.'' Also, he wanted his party in the forefront of the fight for civil rights.

A major disappointment was the 1986 tax act. ''It started out as a good concept and turned sour. The problem was that in order to come up with additional revenue to make the numbers add up in conference, the bill had to scuttle more and more from the tax code that I felt was important.''

As co-chairman with Senator Bob Kerry of a commission to study entitlements—Medicare, Medicaid, Social Security and the Federal Retirement System—he has concluded that entitlement spending will consume in the next couple of decades all tax revenues ''except for what we pay for interest on the debt and by about 2030 we won't even be able to pay interest on the debt.''

What can be done? ''There is a variety of things, all of them painful. You could means test or adjust the cost of living formula. It is like a disease. The earlier you deal with it, the less painful the cure, the longer it goes, the more painful the cure.''

The commission's findings describe the economic future that will confront Americans during the first quarter of the 21st century if the Nation fails to act.

''The picture that they paint is unsettling. The findings are not, however, a prediction of the future. They are merely the product of current budget policies if our course is not changed. A better future for America can be secured if the country embarks on the course of long-term reform.''

However, he said, ''We have a system of government which is ingenious and brilliantly devised more than 200 years ago by people who really put it together right. We have this very diverse country with all of these people, all of these different backgrounds and beliefs, and they come here from all over the world and bring so much.''

The complex issues with which he has dealt in the Senate could not have occurred to the boy Jack Danforth nearly a half-century ago as he sat in the Senate gallery to listen and watch. Certainly, he could not

have envisioned himself among those men. But that trip to Washington changed his life.

''My parents had taken Don and me East partly to attend Bill's graduation from Princeton. I remember going to the Senate chamber, sitting in the balcony and thinking, 'Gee, I would like to do that sometime.' ''

And so in that hour was born a dream that would not be denied. Neither of his parents was interested in politics as a career but it was typical of them, Jack said, that they supported and encouraged whatever their children chose.

''It was a wonderful childhood. They were both very loving and supportive of us. They thought of us as different individuals. They were non-directive. They didn't tell us what to do. Rather, they encouraged our strengths.

''Donald Danforth was really a wonderful father, a very kind man and very loving. Every memory I have of my father is of a loving father, of a man who liked to hug us a lot.

''With my brothers and sister and me, it was never fear that motivated us. It was a desire to make our parents proud. That, to me, is the great motivator. Even now that they are gone, I want to make them proud and make my wife proud, and our kids proud.

''For our children, it is the same. We are very proud of them. They are also very different. And they are really good kids. They have good values and are nice people.''

None has chosen to follow him into politics although two have followed him into the law. The eldest, Eleanor (Mrs. Allan IV) Ivie, lives here and keeps busy rearing her three sons. Mary (Mrs. Thomas) Stillman has her law degree and is assistant dean at Washington University. She is the mother of a boy and girl. Dorothy (Mrs. Johannes) Burlin, known to the family as D.D., also is a lawyer, practicing under the name of Danforth. Johanna (Mrs. Timothy) Root, known as Jody, is a hospice nurse in Connecticut. Thomas is a senior at St. Olaf College in Northfield, Minn.

''In our family, the dinner table was and is important. That was the time you knew the family would be together. We weren't going to watch television. We would sit there and talk.

''At the Senate I frequently got home late but it was still important for us to be together. I would always ask the children, 'Tell me about your day.' Sally is the same way. It's important just to find the chance to show interest in kids and to take pride in them, to find something they can do well and appreciate that, to let them know you feel they are terrific. Everyone has something that you can appreciate and praise.''

Although Jack's desire to go into the ministry did not blossom until his college days at Princeton when he happened to have a free hour in his class schedule and a faculty advisor suggested a religion course in ethics. ''I liked that course and took another and ended up majoring in religion. I was really interested and decided between my junior and senior years that I wanted to go into the seminary so I entered Yale Divinity School.

''It was soon apparent that this was not for me as a full-time career. The parish ministry was something I was not equipped for so I reverted to my original idea to go to law school and by the time I started unwinding my career path I was two years into Divinity School.'' So in 1963, he received both degrees.

But Jack Danforth had a third string to his bow—politics. In 1968, in his first race for public office, Missouri attorney general, he achieved the first Republican victory in a statewide race in more than 20 years and began a period of reform and two-party politics in Missouri.

He was re-elected in 1972, went to the Senate four years later and was re-elected in 1982 and 1988.

In this public life, he has received numerous honors. The most recent—as co-recipient with Chancellor Danforth—is the Regional Commerce and Growth Association's Right Arm of St. Louis award.

In 1988, one of the greatest honors in America—the vice presidency—might have been his, rather than Dan Quayle's.

James Baker, who was handling George Bush's 1988 campaign, asked him to submit material as a potential choice for the office, and although he was far from enthusiastic, he sent it.

''I was at the convention just one day. I had just returned home when I got a call from Bush saying he had selected Quayle as his running mate. ''I said, 'I'm happy to hear that.' Bush said in disbelief, 'You are?' ''

Even the top office has never tempted him. ''It would be too pre-emptive of my life. The only reason to run for president is to win and if you win, that's all you are for the rest of your life.

''No, once I am out of the Senate, I am not a senator. You are not a senator for the rest of your life. You close the book on that even though it was a wonderful chapter.''

Now that John Claggett Danforth has come home again, the book is opened again for the next chapter.

SELECTION COMMITTEE

Thomas F. Eagleton and John C. Danforth were selected as the 1994 St. Louis Men of the Year by 19 citizens, each of whom had been chosen in the past for the award. They are the 41st and 42nd to be so honored since the award was first established in 1955.

Listed on the selection committee, and in order of their receiving the honor, are the Rev. Paul C. Reinert, S.J., chancellor emeritus of Saint Louis University; Howard F. Baer, former president of the A.S. Aloe Co. and retired chairman, Bank of Ladue; Harold E. Thayer, retired chairman, Mallinckrodt Inc.; W.L. Hadley Griffin, chairman of the executive committee, Brown Group Inc.; Lawrence K. Roos, retired president of the Federal Reserve Board of St. Louis; Edwin S. Jones, retired chairman and chief executive officer of First Union Bancorporation and The First National Bank; Dr. William H. Danforth, chancellor of Washington University; William H. Webster, former director of the Central Intelligence Agency and the Federal Bureau of Investigation; Zane E. Barnes, retired chairman and chief executive officer of Southwestern Bell Corp.; Clarence C. Barksdale, vice chairman of the board of trustees, Washington University; G. Duncan Bauman, retired publisher of the St. Louis Globe-Democrat; Sanford N. McDonnell, chairman emeritus, McDonnell Douglas Corp., Charles F. Knight, chairman and chief executive officer, Emerson Electric Co.; Lee M. Liberman, chairman emeritus, Laclede Gas Co.; August A. Busch III, chairman of the board and president of Anheuser-Busch Cos. Inc.; Dr. Peter H. Raven, director of the Missouri Botanical Garden; William E. Cornelius, retired chairman, Union Electric Co.; Osborne E. ''Ozzie'' Smith, shortstop for the St. Louis Cardinals; and H. Edwin Trusheim, chairman, General American Life Insurance Co.

Twenty-one recipients have died: David R. Calhoun Jr., chairman of the board of St. Louis Union Trust Co.; Major Gen. Leif J. Sverdrup, chairman of the board of Sverdrup & Parcel Associates Inc.; Ethan A.H. Shepley, chancellor of Washington University; Stuart Symington, United States senator from Missouri; Morton D. May, chairman of May Department Stores Co.; Thomas B. Curtis, United States congressman from Missouri; August A. Busch Jr., chairman of Anheuser-Busch Cos. Inc.; Edwin M. Clark, president of Southwestern Bell Telephone Co.; H. Sam Priest, chairman of the Automobile Club of Missouri; James P. Hickok, chairman of The First National Bank in St. Louis; Dr. Charles Allen Thomas, board chairman of Monsanto Co.; James S. McDonnell, chairman of the board of McDonnell Douglas Corp.; William A. McDonnell, chairman, The First National Bank in St. Louis; C. Powell Whitehead, chairman of General Steel Industries; Frederic M. Peirce, chairman of the board of General American Life Insurance Co.; Maurice R. Chambers, chairman of the board, Interco, Inc.; George H. Capps, president of Volkswagen Mid-America Inc. and Capital Land Co.; Armand C. Stalnaker, chairman of the board, General American Life Insurance Co.; Edward J. Schnuck, chairman of the executive committee, Schnuck Markets Inc.; Robert Hyland, senior vice president of CBS and general manager of KMOX and KLOU–FM Radio; and Donald O. Schnuck, chairman of the board, Schnuck Markets Inc.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

ORDERS FOR TOMORROW AMENDED

Mr. LOTT. Madam President, I have a couple of unanimous consent requests which have been checked with the Democratic leader and have been cleared.

So at this time I ask unanimous consent that the orders for tomorrow be amended to reflect that the period for morning business be extended to the hour of 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each and that at 10:30 the Senate begin consideration of the unfunded mandates bill.

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

MEASURE PLACED ON THE CALENDAR—H.R. 1

Mr. LOTT. Madam President, I ask unanimous consent that H.R. 1, the House companion bill to the congressional coverage bill, be placed on the calendar.

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

ORDER OF PROCEDURE

Mr. LOTT. Madam President, finally, if no further business is to come before the Senate—I only see one other Senator waiting to speak. After the conclusion of the remarks by the distinguished Senator from Pennsylvania, I ask unanimous consent that the Senate stand in recess as previously ordered.

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

Mr. LOTT. I yield the floor, Madam President.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE DEATH PENALTY

Mr. SPECTER. Madam President, within the past week, the State of Texas has executed a man named Jesse Jacobs for murder in a case which, in an unusual twist, will severely hamper law enforcement and thwart the use of the death penalty as a deterrent against murder.

In this case, the State of Texas first convicted Jesse Jacobs on a murder charge and then convicted his sister, Bobbie Jean Hogan, for the same murder, articulating very different factual circumstances as to how the murder was committed.

In the first trial involving Jesse Jacobs, the State of Texas contended that he had, in fact, committed the murder, based largely on his confession. At the time of trial, Jesse Jacobs recanted his confession and said, in fact, that he was trying to protect his sister. The jury convicted him of murder in the first degree with the death penalty, which was later imposed. Between that trial and the execution of Jesse Jacobs, which occurred within the past week, the State of Texas indicted his sister, Bobbie Jean Hogan, and said that she, in fact, had committed the murder, and she was convicted of homicide in the second trial.

When the case reached the Supreme Court of the United States, the court refused to hear the appeal of Jesse Jacobs on the ground that Jacobs had presented no newly discovered evidence requiring Federal review, which is a very startling finding under the facts of this case.

The decision by the Supreme Court not to review Jesse Jacobs' case was 6 to 3. And Justice John Paul Stevens said this in asking the Supreme Court to review the case: ''It would be fundamentally unfair to execute a person on the basis of a factual determination that the State has formally disavowed,'' because when Jacobs was convicted of murder, it was on the State's representation that he had, in fact, pulled the trigger. Later, the State found different facts, that it was not Jacobs who had pulled the trigger but that it was his sister, Bobbie Jean Hogan, whom he had sought to protect.

I submit, Madam President, that this case poses a very material problem in a number of directions. First, on the facts, I think that Jacobs was entitled to have the case reviewed because of the very unusual circumstances where a later investigation disproved his confession and in fact showed that what he had said at trial when he recanted—that is took back his confession—that it was his sister, was true, because the State then proceeded to prosecutor the sister. Beyond the palpable unfairness to Jacobs, who was executed, without the Supreme Court even reviewing the case, this is a real threat to the continued use of the death penalty, which I believe is very important for law enforcement in the United States.

I served as an assistant district attorney in Philadelphia for some 4 years, tried many cases of violence, robbery, murder, rape, and later was district attorney of an office handling 30,000 prosecutions a year, including some 500 homicide cases. I have found in that experience that the death penalty is a very effective deterrent against violence.

The death penalty has been imposed relatively little since 1972 when the Supreme Court of the United States in a case called Furman v. Georgia, said that the death penalty was unconstitutional, unless very stringent standards were set where the State proved a series of aggravating circumstances which overbalanced any mitigating circumstances which the defendant might produce—that is, that it was a very horrendous offense. And all the people on death row at that time had their convictions invalidated. During the course of the intervening years since 1972, there have been other Supreme Court decisions which further limited the applicability of the death penalty. So that in the most recent statistics available, with some 2,800 people on death row, only 38 cases had the sentence of death carried out.

The statistics show that when the death penalty was being enforced, the homicide rate was much less than it is in the period since 1972 when the death penalty had not been enforced. In my own State of Pennsylvania, there has been no carrying out of the death penalty since 1962.

My conclusion, as a former prosecuting attorney, that the death penalty is, in fact, a deterrent was based on many, many cases, where I saw professional burglars and robbers who were unwilling to carry weapons because of the fear that they might commit a killing in the course of a robbery or burglary, and that would constitute murder in the first degree, as a felony murder.

There is a vast volume of evidence to support the conclusion that the death penalty is an effective deterrent, although I would say, at the same time, that many people disagree with the statistics, and there are many people who have conscientious scruples against the imposition of the death penalty, which I respect. But it is the law of 36 of the States of the United States that the death penalty is valid and in effect.

There is a move in many other States—in New York now, with the newly elected Governor; in Iowa at the present time, and other States—to reinstitute the death penalty because of the conclusion of most people that it is an effective deterrent against violent crime and we should use every weapon at our disposal to try to curtail crimes of violence, which is the most serious problem facing the United States on the domestic scene.

I submit, Madam President, that if we impose the death penalty in a callous or unreasonable fashion that we are going to lose the death penalty. The death penalty remains a penalty which the American people want enforced, as demonstrated by poll after poll, with more than 70 percent of the American people favoring the death penalty. In the U.S. Senate during the recent votes, more than 70 United States Senators consistently voted in favor of the death penalty, as they did on my Terrorist Prosecution Act, for the imposition of the death penalty for terrorists anywhere in the world who murder a U.S. citizen.

But if we are to retain the death penalty, we are going to have to use it in a very careful way. If we are to find cases like the Jacobs case, where a man is executed after the State represents, in an affirmative way, on the subsequent trial of his sister Hogan that, in fact, the materials presented to the jury in the Jacobs case, where the jury imposed the death penalty, were false, then that is going to undermine public confidence in what we are trying to do.

For the past 5 years, I have tried to change the Federal procedures on Federal review of death penalty cases because today it is ineffective. There are some cases which go on in the Federal courts for up to 20 years, where the death penalty is not imposed because of arcane and illogical decisions in the appellate courts; where the case goes from the State courts to the Federal courts, back and forth on many occasions, because of the Federal procedural law which requires what is called exhaustion of State remedies. The case will go to the Federal court, which will send it back to the States, saying there has not been an exhaustion of State remedies, and back to the State and back to the Federal courts.

So that the legislation which I have pushed would give the Federal court jurisdiction immediately, on the conclusion of the State supreme court that the death penalty is imposed with time limits providing fairness to the defendant, but an end to the ceaseless round of appeals.

My bill was passed by the Senate in 1990, but was rejected by the House. I believe in this Congress, the 104th Congress, there is an excellent opportunity to have those changes made in the application of Federal procedures so that the death penalty will again be an effective deterrent. And it is effective only if it is certain and if it is swift,

which is not the case at the present time. The death penalty is, in effect, a flagship of punishment under our criminal justice system. So, that the when the criminals know that the death penalty is a laughing stock, it impedes law enforcement in a very generalized way.

So when I read about the execution of Jesse Jacobs in Texas under circumstances which are going to undermine public confidence in the death penalty, may make it harder to get a reform of Federal law to handle the cases in a timely way so that they are decided in approximately 2 years instead of 20 years, and where the use of the death penalty may be undermined generally, that is very counter to the interests of society and effective law enforcement.

It is obviously fundamentally unfair, as Justice John Paul Stevens said and three Justices who wanted the Supreme Court of the United States to review this case.

I believe that the Congress is going to have to enact legislation to correct what is happening in the Supreme Court on these procedural matters. When they hand down decisions on constitutional grounds, that is it, unless there is a constitutional amendment. But when they establish their own procedural rules as to when they will review a State case involving the death penalty, that is a matter where the Congress can legislate because we can establish the standards under which jurisdiction attaches and under which the Supreme Court and the other Federal courts will consider these cases.

This case has not received the kind of attention which is really warranted. There are so many events that happen every day and so many matters which come across the television screens and in the newspapers and on the radio that there is not a great deal of opportunity to focus on this kind of a matter.

I had been looking for a few minutes when the Senate was not otherwise engaged. I regret keeping people here for a few minutes, but I think this is an important matter which will require the attention of our Judiciary Committee so that there will be some realistic and reasonable standards by the Supreme Court of the United States in the interest of fundamental fairness to defendants, and also so that we can retain the death penalty and speed up the process so that it can be an effective weapon for law enforcement

I thank the Chair and I thank the attending staff, and I yield the floor.

RECESS UNTIL TOMORROW AT 9 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess.

Thereupon, the Senate, at 7:17 p.m., recessed until Thursday, January 12, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate January 11, 1995:

THE JUDICIARY

LACY H. THORNBURG, OF NORTH CAROLINA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE ROBERT D. POTTER, RETIRED.

JOHN D. SNODGRASS, OF ALABAMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE E.B. HALTOM, JR., RETIRED.

SIDNEY H. STEIN, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE PIERRE N. LEVAL, ELEVATED.

THADD HEARTFIELD, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE ROBERT M. PARKER, ELEVATED.

DAVID FOLSOM, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE SAM B. HALL, JR., DECEASED.

SANDRA L. LYNCH, OF MASSACHUSETTS, TO BE U.S. CIRCUIT JUDGE FOR THE FIRST CIRCUIT, VICE STEPHEN G. BREYER, ELEVATED.