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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. KNOLLENBERG].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 13, 1995.

I hereby designate the Honorable JOE KNOLLENBERG to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, other than the majority and minority leaders, limited to 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. STUPAK] for 5 minutes.

OPPOSE THE LAW ENFORCEMENT BLOCK GRANT PROPOSAL

Mr. STUPAK. Mr. Speaker, today we will begin debating H.R. 728, the law enforcement block grant proposal.

With violent crime still the No. 1 concern of most Americans, the voters should know why this proposal will do nothing to decrease instances of violent crime. In fact, having been a police officer for 12 years, as a police officer, we get angry when we hear these proposals about new crime bills, angry because crime is an emotional issue. But unfortunately it is always being used for political purposes.

Crime is not political. Crime is not Democrat nor Republican. It is not independent. It is personal. Crime violates the self-respect of every individual touched by crime, and elected officials who play politics with crime, or try to seize upon the fear of crime for political gain do a disservice to this country, to their constituency, and to the civility of our own country.

For the past 7 years, there had not been a crime bill. In August 1994 we passed a crime bill.

In the past, crime bills were always defeated because this group or that group or a President would veto a crime bill. While they were busy playing politics with crime, crime has tripled. Violent crime has gone up 300 percent. It has tripled in the last 10 years. Yet the number of police officers on the street helping to combat violent crime has only gone up just a mere 10 percent.

So why are we here today on H.R. 728 after 4 months of passing a crime bill? Pure and simple, we are here because of politics. We are here because one group is trying to capitalize and repeal the work we did in 1994 merely for political purposes.

H.R. 728 will repeal the promise, the provisions to put 100,000 more police officers on the street. They want to take that money for 100,000 more police officers on the street and replace it with a massive block grant program that allows money to be spent with no restrictions, a massive block grant program like we did in the late sixties and early seventies called the Law Enforcement Administrative Agency. The LEAA, Mr. Speaker, was a failure and a very costly one for this country.

For instance, the block grants that were granted in 1968 and 1970 went like this. In Louisiana, a sheriff purchased a tank saying it would be necessary for crowd control. In Indiana, $84,000 in LEAA funds were block-granted so they could purchase an aircraft that could be used to fly the Governor around the State. Well, in fact, it did come to Washington once to pick up some Moon rocks and went back to Indiana, really a swell crime-fighting program there.

In Alabama, the LEAA funded a police cadet program. Over $117,000 was put out for costs of this program that went to the payment to the sons, the friends, and relatives of other high State ranking officials. One State used the money to make a manual, and you know what, the manual turned out to be nothing more than a copy of an existing Federal publication. Another city used the LEAA block grant funds to buy a police car, a Chevrolet Impala. It had no police markings, it had no sirens, it had no flashers. It was used as a private vehicle for the mayor. The city of New Orleans spent $200,000 in block grants to buy land. Other law enforcement officials did LEAA block grant funds for financial investments. In fact, 33 cents on every dollar spent in LEAA funds went for outside consultants, for administrative costs.

So we are here today with H.R. 728 to redo the pork of Christmases past, to bring back these block grants. The Republicans are going to dismantle the police on the street, the cops on the street program, to go back to block grants.

Since the 1994 crime bill was passed on October 1, it became effective, we have placed 17,000, authorized 17,000 new police officers to be placed in our communities to do community policing.

In a letter dated February 6, the President of the Fraternal Order of Police stated, ''We strongly support your resolve to fight any repeal of the funding earmarked for the hiring of 100,000 police officers.'' February 7, a letter

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from the executive director of the National Association of Police Officers writes, ''Representing over 3,500 police unions and associations and 175,000 sworn law enforcement officers, we ask it not be devastated.''

Mr. Speaker, as we begin this debate, I ask that Members look seriously upon the fallacies of H.R. 728. Let us not play politics with crime, and let us put forth and keep the 100,000 police on the street program.

REAL REFORM IS SAY ''NO'' TO PAC'S

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. HORN] is recognized during morning business for 5 minutes.

Mr. HORN. Mr. Speaker, a few weeks ago America listened during the State of the Union Address as President Clinton stated his support for campaign finance reform. He said to Congress that ''We have a lot more to do before people really trust the way things work around here. * * * I ask you to just stop taking the lobbyist perks. Just stop.'' He also added that ''we should also curb the role of big money in elections by capping the costs of campaigns and limiting the influence of the PAC's.''

The President's speech reminded me of a speech I heard 2 years ago. In his 1993 State of the Union Address, President Clinton said, ''I'm asking Congress to enact real campaign finance reform. Let's reduce the power of special interests and increase the participation of the people.''

I remember who the first two Republicans were to give him a standing ovation on those remarks, the then-whip, current Speaker, and myself.

Regrettably, the President let America down over the last 2 years. While Americans demanded reform, and while a bipartisan group in Congress worked to enact real reform, the President did nothing. Oh, yes, he said, ''Let's cut it for the President, let's cut it for the Senate, but, by the way, leave it alone in the case of the House, $5,000 in the primary, $5,000 in the general from PAC's. For a total of $10,000.''

Reformers in the last Congress, from both parties, advocated reform that would limit, and even ban, political action committees. While we worked, the President stood silently on the sidelines and allowed his party's congressional leaders to block the bipartisan campaign finance reform bill. The so-called Synar-Livingston bill would not eliminate PAC's, but it would have reduced the amount they could give from $5,000 in an election to $1,000, the same limit as the maximum for an individual contributor.

Some of those congressional leaders are gone now, sent home or relegated to the minority by the voters last November. With this change in Congress, I hope we are also getting a change in the President's views. With the President's support, we can enact legislation that will carry out his goals, and the goals of many of us in both parties.

Let me repeat his goals: ''Reduce the power of special interests and increase the participation of the people.''

I ask my fellow Representatives, what better way is there to reduce the power of special interests than to get rid of political action committees, commonly known as PAC's? And what better way is there to increase the participation of the people than to require that a majority of a candidate's money comes from the people who live in the district that the candidate seeks to represent?

Those are the changes that I support. Those are the changes that many in this Chamber support. I hope the President's words will be followed up with action, action that indicates that he supports these goals too.

Campaign finance reform is a serious issue, and a vital one. but recently there has been far too much noise around what I consider a side note. The President attacked Congress for accepting gifts from lobbyists. He focused his criticism on the $10 lunch, and on the $50 golf outing. I do not play golf, so I do not know much about that. But I ask my fellow Representatives, what difference does rejecting a $10 lunch make if you still accept the $10,000 campaign check from the same special interest? I tell you that $10 lunches are not the reason special interest groups have so much influence in Washington these days; $10,000 campaign checks are the reason.

In the days following the President's address, there have been a number of statements from Members of Congress supporting the President's ''Just say no to lobbyists'' idea. I want to take a moment to look at those claims of support.

By my count, 32 Members have now taken the ''say no to lobbyists'' pledge. I heartily salute six of them, three Republicans and three Democrats, for truly saying ''no.'' These six reject not only the $10 lunch and the $50 golf game. They also reject the most lucrative gift of all: The $10,000 campaign check. As in my case, they do not accept PAC money. So, to my six friends, I salute you.

But my reason for standing before you today is not only to salute that bipartisan group of six. The American people deserve to know that a Member who pledges to say ''no'' to lobbyists is truly saying ''no.'' In an effort to let the voters know which members truly say ''no,'' I want to point out one fact: The 26 other Members who claim to say ''no'' to lobbyists are in fact still saying ''yes'' to the biggest gift of all. According to the Federal Election Commission's December 22, 1994, report, these 26 Members accepted an average of $275,000—and a median of $224,000—from PAC's. How much of a difference does a declined $10 lunch make, relative to a quarter of a million dollars from special interest PAC's?

Again, I am not up here to make a partisan statement. Of the 26 members that I refer to, 6 are Republicans.

I am up here, Mr. Speaker, to try to shed a little light on the serious issue of reform. Banning $10 lunches, whatever symbolic value such a change may have, is not reform—it is not reform because the same lobbyist who cannot buy you lunch can still hand you a $10,000 campaign check. I say we all must truly reject lobbyists' influence by rejecting all PAC money. The influence of PAC's is a national scandal. The elimination of PAC's will be a long overdue reform.

FURTHER OPPOSITION TO LAW ENFORCEMENT BLOCK GRANTS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. FILNER] is recognized during morning business for 3 minutes.

Mr. FILNER. Mr. Speaker, I am here to join with my colleagues and following the leadership of the gentleman from Michigan [Mr. STUPAK] in rising in opposition to H.R. 728, the so-called Law Enforcement Block Grants Act.

What H.R. 728 does is reduce our commitment to putting 100,000 new police officers on the streets of this Nation, and it eliminates, yes, it eliminates the emphasis that has proved so important in cities all across this Nation, and that is the emphasis on community oriented policing.

Every national police organization virtually opposes H.R. 728 and the concepts included therein. They know that community policing works. They know that H.R. 728 provides no guarantees that a single penny of these new block grants will actually go to the police forces of our Nation.

I represent a good part of the city of San Diego, the sixth largest city in this Nation, a city that has many urban problems, where crime is considered the No. 1 concern.

We in San Diego have pioneered the concept of community oriented policing over the last decade. I served on the San Diego City Council for 5 years before I came to Congress and have direct experience with the walking teams, the neighborhood concepts that we have instituted.

I represent neighborhoods that have traditionally been hostile to police forces because of certain history and certain behavior and certain attitudes. Yet those same neighborhoods literally gave standing ovations to the cops that now serve their neighborhoods. They know that community policing works, because it allows those police officers to get to know the neighborhoods that they actually patrol and allows the people in those neighborhoods to get to know them.

You will not find the officers on the walking patrols in San Diego sitting behind desks or processing mail. They are out there on the streets, in the schools, in the neighborhoods, in the

parks, knowing those who are residents, knowing the children, knowing the merchants, and actually being effective in the fight against crime.

We have seen partnerships form, as community and police forces work together to fight crime. In San Diego in every major category of crime we have seen a reduction of at least 10 percent in the last year alone.

Community policing works. We should not allow it to go as H.R. 728 provides. Let us make sure that our comprehensive fight that we have mandated in the crime bill last year proceeds. Let us not move backward. Let us oppose the cut to community policing.

Let us defeat H.R. 728.

WELCOME TO PARKER TRAVIS GERRO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas [Mr. BARTON] is recognized during morning business for 3 minutes.

Mr. BARTON of Texas. Mr. Speaker, last December my sister, the only sister that I have, had a bouncing baby boy born on December 18, 1994. It is her first child and just a delightful young man.

I would like to read into the RECORD an announcement of Parker Travis Gerro's birth. I want to point out to my colleagues that the poet is not myself but my sister.

WELCOME TO PARKER TRAVIS GERRO

On December 18, '94
A precious life began;
A Texas-style Republican,
Was born to Mike and Jan.

The Gerro's are ecstatic;
Uncle Joe Barton, too.
A new Conservative in Arlington
Is a baby dream come true.

Mr. Speaker, we are delighted to have this young man in the world today. We hope his life is happy, healthy, and productive.

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

Mr. BARTON of Texas. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, let me join in welcoming a new conservative Republican in Parker. We want to make sure he grows up so he can have the fruits of a great nation.

FOREIGN POLICY ESTABLISHMENT TRYING TO DERAIL NEXT STEP OF CONTRACT WITH AMERICA

Mr. Speaker, the foreign policy establishment has gone into high gear trying to derail the next step of the Republican Contract With America, and that is going to be debated this week.

We say that no U.S. troops will be under foreign military command.

Our bill ends the Clinton policy of sticking American soldiers into every trouble spot around the world, and in 40 years of sticking the American taxpayers with most of the costs of the U.N. operations. Last November the American people said they wanted a change in foreign policy. We in the new Republican majority are listening to the people, not the liberal foreign policy elite.

Mr. BARTON of Texas. I thank the gentleman for his comments.

IN SUPPORT OF DR. FOSTER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I take the floor today to proudly say I support Dr. Foster, and I am anxiously awaiting the first moderate Republican who does not live in Tennessee to join me.

I think what has happened to Dr. Foster is absolutely scandalous. There has been more distortion of the truth and more churning around this than I have seen in a very, very long time.

Let us talk about what is going on today. Today we see Vice President GORE going to Tennessee to visit Dr. Foster's program, the I Have a Future Program. The I Have a Future Program is targeted at teens, at teens who are highly vulnerable, and the fact that they might become pregnant. And guess what, it has had a long, long track record, and it is working and working very well.

It has worked so well that George Bush gave Dr. Foster one of his points of light for this program. Not only that, he was part of Lamar Alexander's advisory team. Now those are both Republicans the last time I looked, and they were both aware of this program and thought it was a great program.

But when you look at America and America's problems, if we have a future, we have to have a national program dealing with teen pregnancy.

□ 1250

We have thrown a lot of words at it. We have done a lot of finger waiving at it, we have done the Federal nanny role. We have done all sorts of things, but we have not had very many programs that work.

I think this administration is to be complimented for finding a gentleman who has bipartisan support, a gentleman who has a program that works and wants to put him in the national level so we can learn from that and tackle it.

If America has a future, babies having babies is not the way to go. That is the way to end up as a Third World, developing nation because many, many of the boxes are already colored in when babies have babies, and so many sad cases.

I think we should salute him.

Let me talk of some of the things that you have heard thrown around that I think are on the verge of being ridiculous. The latest has been that Dr. Foster sterilized some very, very critically mentally retarded patients in the 1970's and wrote about it. Well, first of all he wrote about it. He is not trying to hide it.

And second, over 60,000 severely mentally ill people were sterilized from the turn of the century into the late 1970's when we found new and better ways to do this.

Why did the medical practice do it? Why did they do it? It sounds so cruel and so awful by 1995 standards. Well, because at that time there was a sanitation reason, that young women who were severely mentally handicapped had no idea how to deal with their monthly period, and it was a terrific sanitation problem. Plus, the chances of their becoming pregnant because they had no idea what this was all about was also a critical problem.

The entire medical community was doing this as a means of handling it. Thank goodness we now have medication; we have much better ways that seem more humane to us.

But, yes, he did it, yes, he admits he did it. The entire medical profession was doing it at that time. And he wrote about it. And I am sure he wished he did not have to do it, and now he has the tools to do it, so no one has to do it.

Now we are going to hang a man on this? For crying out loud, everything in everyone's profession changes from time to time because of advances.

So I think that is the latest one that comes forward that everybody gets very upset about for no reason except they just want to get rid of Dr. Foster.

The other issue we have heard about is, when he was first asked about abortion, he did not give the same number he gave a little later. He said less than a dozen, and it turned out to be 39.

This is a man in his sixties who has been in practice for a very long time. If he was making a living by doing abortions, he would have starved to death by now. No one could accuse him of doing these lightly; 39 is not a large number.

But the other thing, as a woman, that troubles me is no one ever asked what were these cases like? Was the woman's life in danger? Had this been a rape or incest case? Just as no one asked about the cases of the severely mentally retarded, what condition they were in, why the medical profession thought that was the only choice to go forward? No, all we are hearing is that this man cannot go forward, this is terrible the administration has done it again, on and on and on.

I hope that we say a woman does have a right to choose, and that means nothing if the doctor does not have to listen, and that we as Americans are mature enough to get on with their nomination and get on with fighting teen pregnancy.

IN OPPOSITION TO H.R. 728

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Oregon [Ms. FURSE] for 3 minutes.

Ms. FURSE. Mr. Speaker, I am rising today in strong opposition to H.R. 728. The reason I am doing this is not just because I have a personal dislike of this bill but because ever since I was elected I have met regularly with the law enforcement community in my district in Oregon, and they are opposed to this bill.

Why are they opposed to this bill? Why am I opposed? Well, it is a strange bill; it promises a lot of things, it delivers absolutely nothing except tremendous hardship for our police communities who are trying to do community policing, trying to do prevention.

H.R. 728 will mean less police on the streets and less money to prevent kids from committing crimes. It will cut a program that works well, the GREAT program. Why is it a good idea to put some money into prevention? Because it is a very, very much cheaper program; you put a few dollars into prevention and you keep a kid from crime. You put that person in jail, and it is going to cost us $24,000-plus per year.

But you do not need to take my advice on this matter. You really need to take the advice of the law enforcement community. I say to my colleagues, you do not just have to just join me in voting ''no''; let us, all of us, join the National Association of Police Organizations, Fraternal Order of Police, the Brotherhood of Police, the major city chiefs, the National Troopers Coalition, the National Sheriffs Association, the Police Foundation, the National Black Police Foundation. And they join with other organizations, like the Child Welfare League of America, the Children's Defense Fund.

I want to say to my colleagues, we are not all experts in every issue, but we can go to the experts. We can ask them what they think about each piece of legislation. I do that. I ask you to join with the law enforcement community of this country and vote ''no'' on H.R. 728. It will be bad for our communities, it will be bad for our kids, and it will be horrible for our budget.

VOTE ''NO'' ON H.R. 728

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois [Mr. DURBIN] for 5 minutes.

Mr. DURBIN. Mr. Speaker, I would like to join the effort of my colleagues in discussing H.R. 728, which will be considered by this House of Representatives today and tomorrow.

There are three issues before us: police, prevention, and pork.

On the police side, we passed a crime bill last year. President Clinton made it clear that he wanted to put 100,000 new police on the streets of America to make our neighborhoods and homes safer.

I represent a congressional district in downstate Illinois, small-town America. I can tell you from my town meetings, my contacts with people I represent, that this is exactly what they want to see. They want to make sure that there is a policeman in a car, patrolling at night, on the weekends, keeping a eye on their homes, watching out for their families, looking for anything that might be suspicious. That is basically what they are looking for.

Last year's crime bill would deliver it. In fact, last week President Clinton announced in my congressional district, one of many, I might add, 54 new police who will be working in those towns, in those villages, in those cities and counties because of the crime bill we passed last year, 54. A downpayment in my district on a national promise to put 100,000 police on the street protecting us.

The second thing that we were committed to in that crime bill is something that every law enforcement official that I have spoken to supports. They have all said, ''Congressman, give us more cops. Build more prisons, but don't think that will solve the problem. You can't build prisons big enough or fast enough to stop crime in America. You have got to do something to prevent crime.''

That is part of the program that we passed last year in the crime bill.

Some of my colleagues on the Republican side of the aisle mock these crime prevention programs. They like to tell you stories about waste and how it is not going to work. I wish some of them would sit down and talk to the policemen I have worked with. I wish some of them would join these policemen as they go into the classrooms under their program, a program conceived under President Reagan's administration, to alert our kids to the dangers of narcotics.

Prevention pays off. Kids learn the dangers of narcotics, stay away from them, do the right thing with the right information. Good prevention, the kind of prevention we want to encourage.

So, with the police and with the prevention, why are we returning now to the crime bill, for goodness sake? It has to do with pork, the third P. Because, you see, the Republican approach in H.R. 728 wants to take all the money that will be earmarked for new policemen and hand it over to mayors and local officials and let them in their judgment decide how to spend that money.

You might say what is wrong with that? Surely they will do the right thing? Part of maturity is learning from past mistakes.

In the early 1970's we tried exactly what the Republicans want to try now. We called it the Law Enforcement Assistance Administration; high-sounding, money from Washington, down to the local level, saying to local officials, ''Go fight crime.''

Do you know what happened? Do you know what happened to those Federal dollars when they got down to the local level? One out of every three dollars was spent on consultants—not on cops, on consultants.

The Governor of one State decided he would take his law enforcement money and buy a jet plane for his State, a jet plane.

Another one bought a tank in a small rural town. They kind of went crazy. They bought equipment they did not need. Instead of putting police on the beat, they ended up a lot of buddies and friends with consulting contracts, and the net result of it, it did not work.

Now the Republicans want to return to those thrilling days of yesteryear, turn the money over to the local officials, and let them have it.

Well, let me tell you something: We need cops, not consultants. A lot of people say, if Congress passed the crime bill, why are we considering a new crime bill just a few months later? The answer, my friends, will not be found with police but with politics.

I think the people in this country are sick and tired of folks who are trying to dance around this law and order and crime issue to get a vote, trying to find a new partisan stand to say, ''We are tougher on crime.''

The President came up with an idea that was sound, was backed on a bipartisan basis last year in the crime bill: 100,000 cops in America. It is going to pay off in a lot of the small towns that I represent, and I think it will pay off nationwide.

But if it is going to work, we have to stop this Republican effort with H.R. 728.

I am happy to join with my colleague from Michigan, Congressman STUPAK, who, before he came to Congress, was a professional law enforcement officer. He has been out there, wearing the shield, putting his life on the line. His judgment on these issues means a lot more to me than the judgment of political consultants who would have us undo a crime bill which is moving in the right direction, a bill dedicated to more cops and prevention and one that does not leave us wide open for pork.

COMMUNITY POLICING IS SUCCESSFUL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. HOLDEN] for 3 minutes.

Mr. HOLDEN. Mr. Speaker, I rise toady in favor of the Conyers-Schumer substitute that will be offered later on this afternoon.

I say to my friends on the Republican side of the aisle that I have voted for many of the pieces of legislation that they have brought forth in this this session of Congress because I agreed with them and I felt they were right.

But I urge my friends to reconsider what they propose doing to the cops-on-the-streets program. I have spent 14 years in law enforcement, 7 as a county sheriff. And I believe in my heart that if we are going to win the war against crime, to make a significant contribution to reducing crime, we need more police officers on the street.

A clergyman friend of mine once told me that 85 percent of success in anything is physical presence. All of us know that is true in politics. But if you ask anyone in law enforcement what they think about the physical presence of police officers on the street, they will tell you that it works, it will reduce crime, it will have the neighborhoods be involved with the community, and would have a positive reflection on the crime rate.

I also say to my colleagues on the other side of the aisle that they should spend time in their districts, where we had police community grants awarded last year. I did that this past weekend. I spent time in the borough of Pottstown, which received Federal funding for two police officers about 10 months ago. They have reduced the crime rate in that borough because they have the physical presence of police officers walking the beat and being involved in the community.

I also was very fortunate to have 24 municipalities in my district last week who were awarded funds to hire one additional police officer. I believe that is going to have a great effect on reducing the crime rate in those municipalities.

I urge my colleagues to please reconsider what they are proposing this afternoon, please reconsider what they will do to the program that will put 100,000 police officers on the street.

We do not need to have examples, as the gentleman from Illinois said, of abuse in the grant program. We need to have the police officers on those streets, fighting crime. I urge my colleagues to support the Conyers-Schumer substitute this afternoon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 2 p.m.

(Accordingly, at 1 o'clock and 4 minutes p.m., the House stood in recess until 2 p.m.)

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. COMBEST] at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, You have made the rivers and oceans and all the mountains, You brought into being people from every place on this Earth and You have done all things for our use and for our satisfaction. But more than all those gifts, O God, You have breathed into us the very breath of life, You know our names and You know our needs even before we ask. We offer this prayer in gratefulness of these blessings, for the opportunities before us, and for the comfort of Your eternal presence. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado [Mr. SKAGGS] come forward and lead the House in the Pledge of Allegiance.

Mr. SKAGGS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 178. An act to amend the Commodity Exchange Act to extend the authorization for the Commodity Futures Trading Commission, and for other purposes.

S. 257. An act to amend the charter of the Veterans of Foreign Wars to make eligible for membership those veterans that have served within the territorial limits of South Korea.

The message also announced that pursuant to section 8002 of title 26, United States Code, the Chair announces on behalf of the chairman of the Committee on Finance, a substitution in the membership of the Joint Committee on Taxation. Mr. DOLE has resigned from the Joint Committee and will be replaced by Mr. HATCH for the duration of the 104th Congress only. Therefore, the membership of the Joint Committee on Taxation for the 104th Congress is as follows: Mr. PACKWOOD, Mr. ROTH, Mr. HATCH, Mr. MOYNIHAN, and Mr. BAUCUS.

The message also announced that pursuant to section 1024 of title 15, United States Code, the Chair, on behalf of the Vice President, announces the following majority appointments to the Joint Economic Committee: Mr. MACK, chairman; Mr. ROTH, Mr. CRAIG, Mr. BENNETT, Mr. SANTORUM, and Mr. GRAMS.

PERSONAL EXPLANATION

Mr. COBLE. Mr. Speaker, on Friday last I was not present on the floor when the rollcall vote for H.R. 666 was taken, the Alien Deportation Act. Had I been present and on the floor, Mr. Speaker, I would have voted ''aye.''

REPUBLICAN CONTRACT WITH AMERICA

(Mr. COBLE asked and was given permission to address the House for 1 minute.)

Mr. COBLE. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will: Force Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget—we have done this.

It goes on to state that in the first 100 days, we will vote on the following items: A balanced budget amendment—we have done this; unfunded mandates legislation—we have done this; line-item veto—we have done this; a new crime package to stop violent criminals—we are doing this now; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for families to lift Government's burden from middle-income Americans; national security restoration to protect our freedoms; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; Government regulatory reform; commonsense legal reform to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

SUPPORT THE VOLKMER CRIME BILL

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I rise today to offer a comprehensive crime bill that will really do something about crime instead of what the House has been doing the past few days. My bill will really build prisons, my bill will repeal the ban on semiautomatic rifles and shotguns, and my bill will put people behind bars who use guns and not let them back out in a revolving door.

Mr. Speaker, we need massive firepower to stop crime in this country and what I am seeing the House do now is fire BB's. The House tried this piecemeal approach at combating crime last year and look where it got us. My bill will return the right of law-abiding citizens to own the gun of their choice and at the same time build prison cells to make sure that if a criminal does a crime they will do the time.

Mr. Speaker, I realize the present Judiciary Committee will not see fit to move this comprehensive crime bill, but instead will continue down this piecemeal approach that we all know will have the same success in the other body as it did last year. If you really want to support a crime bill that focuses on criminals I ask you to support my bill.

WE MUST REFORM LAST YEAR'S CRIME BILL

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute.)

Mr. HAYWORTH. Mr. Speaker, President Clinton's crime bill of 1994 was either a masterstroke of genius or it was a joke wrapped around a sham surrounded by a barrel of pork. I'm inclined to agree the latter possibility is closer to the truth.

The proponents of last year's crime bill proclaimed from every rooftop that 100,000 police would be put on the streets. What they didn't tell anyone was that local governments had to cough up 25 percent of the cost of fielding these police officers. With most local and State governments cracking under the strain of other Federal mandates, many localities could not afford yet another mandate.

Mr. Speaker, we must reform last year's crime bill and help local governments by giving them block grants instead of punishing them with more mandates.

Local control and local problem solving from those on the front line combating crime, that is the key, not one-size-fits-all from an idiocracy ensconced on the banks of the Potomac.

Mr. Speaker, Americans spoke last November 8. They continue to speak through this Contract With America. We will enact it and we will get tough on crime.

TIME TO SHINE BRIGHT LIGHT ON MEXICAN BAILOUT

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, if NAFTA is such a great deal why are we bailing out Mexico?

We need answers and open debate on this and many other questions concerning the Mexican bailout.

It is just flat out wrong for at least 20 billion taxpayer dollars to be put at risk without congressional debate and action. Our willingness to duck—or even talk about—this tough political issue is an object failure of the Congress to meet its constitutional responsibilities.

Congress—not the President—controls the power of the purse and Congress needs to vigorously protect the taxpayers' money. That's why the Banking Committee should favorably and fully act on the resolution of inquiry so we can get some real answers.

Mr. Speaker, we're in the dark and the American people want answers. It's time for Congress to shine a bright light on the Mexican bailout.

REFORMING OSHA REGULATIONS

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, let us talk about disincentive. In a typically bizarre manner, OSHA has created a rule that provides a disincentive for employers to look out for the safety of their workers. If an employer voluntarily starts a study to see if their employees are at risk due to exposure to chemicals or hazardous materials, OSHA requires that employer to keep medical records for their employees for the duration of their employment plus 30 years.

Employers are not required to do these self-studies, but if an employer wants to begin a voluntary self-study, OSHA makes the costs so prohibitive that no employer in his or her right mind would every try. What employer wants to keep medical records on employees for over 50 years? Mr. Speaker, this is just another example of an agency with no common sense. This is why we need regulatory reform and a moratorium on new regulations until we can sort all this out. OSHA is one agency that needs to be restructured, reinvented, or just plain removed.

STOP THE GRAVY TRAIN FOR RUSSIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, you heard about Boris, now get a load of Yuri. That is right, Yuri Luzhkov, mayor of Moscow, next President of Russia. Secret meetings, secret budgets, secret records, secret million dollar deals. This guy Yuri makes Boss Tweed look like mother Teresa, but he is a prototype, Congress, of new Russian politicians. He hires his family so he can save money on the car pool.

Meanwhile, they are laughing all the way to the bank with our $12 billion. To boot, it is being put in a Russian bank.

I think Boris and now specifically Yuri leave a lot to be denied, and I say Congress should stop this $12 billion gravy train for Russia and invest it in America. I think these guys are no Thomas Jefferson.

THE FIRST 40 DAYS

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, this is day 41 of the new Congress. And what have we really accomplished? Plenty. We passed the balanced budget amendment to the Constitution, unfunded mandates reform and the line-item veto. This week we are working to pass the final piece of the crime package that will insure criminals spend their time behind bars in prison, so law abiding citizens do not spend their time behind bars in their homes.

Many of us ran for this office on the promise to take power from Washington and return it to the people closest to the problem. Our bill to fight violent crime recognizes that local governments know best how to deal with the problem. It gives them the tools, then gets out of their way.

Yesterday, President Clinton's Chief of Staff said Washington politicians should direct crime-fighting dollars. Well, President Clinton may think Washington knows best, I think the American people know best.

With this bill we continue to keep our promises to bring real change to Washington, to keep our contract on track and to fight violent crime with local solutions, not Washington-knows-best conclusions.

NOMINATION OF DR. FOSTER FOR SURGEON GENERAL

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, the radical right opposes Dr. Foster's nomination for one reason, and one reason only: because he performed abortions.

The other objections are just a smokescreen. This is not about Dr. Foster's credibility and it is not about hysterectomies. It is about the right to choose.

The American people will not allow a narrow band of extremist special interest groups to derail Dr. Foster's nomination. The majority of Americans do not want the right to pick our Nation's next Surgeon General.

The new anti-choice majority in Congress wants to use this nomination to take American women backward. They want to completely roll back the right to choose. This is just the opening round in that battle.

Mr. Speaker, we will not back down. We will not tolerate the harassment of doctors, whether it occurs in front of clinics or on Capitol Hill. Dr. Foster is in this fight to the finish and he is going to win.

PASS H.R. 728 NOW

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, crime in America is out of control. By the time I finish speaking, an American citizen will be robbed and two more will be assaulted. Someone will be a victim of rape within the next 4 minutes in this country, and before we move on to the legislative business at least one American will be murdered.

Mr. Speaker, those statistics are scary. They scare the American people and they scare law enforcement officials. The only ones who are not scared are the criminals.

The grants included in the so-called crime bill last year had so many strings that most State and local governments could not or would not accept them.

Mr. Speaker, let us cut the strings, let us give local law enforcement officials the power to fight local crime. Let us pass H.R. 728 now, before one more American becomes just another statistic.

ABORTIONS—SAFE, RARE, AND LEGAL

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, is the issue Henry Foster's nomination to be Surgeon General? No, that is not the real issue. What is really going on? This nomination has become the battle ground over abortion rights.

President Clinton could not have put it better. Abortion should be safe, legal, and rare. Yet the Foster nomination has been seized upon by those who would criminalize choice. They see it as a chance to further their extreme agenda.

Now we learn that last fall the Senate Republican Campaign Committee gave tens of thousands of dollars to the Right to Life Committee. The purpose: to increase the number of votes to criminalize choice.

□ 1415

Let us get it straight—safe, rare, and legal.

MISLEADING INFORMATION FROM THE WHITE HOUSE ON THE CRIME ISSUE

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, the President never ceases to amaze me. He has this incredible habit of setting up these ridiculous straw men for the express purpose of making him look good when someone knocks them over. He has misled us on the issue of Social Security, and now he is trying to mislead us on crime.

The President says he will veto any bill that goes back on his promise of 100,000 new police officers, but like most Clinton promises, the 100,000 new policemen were a hoax from the start to the finish. As Republicans made clear last year during the debate on the crime bill, the Clinton bill would only result at most in 20,000 new cops.

Today I placed a phone call to one of the mayors in my district, the mayor of Calumet City. Last year his city received a grant, a $1 million grant to fund 13 new police officers. Now, he says, the realities or the strings of the President's program have set in. His city council has only been able to find funding for its 25-percent share, the match it has to put up, for 6 out of 13 of those officers. The local share totals $800,000 over 3 years.

Calumet City's problems highlight the problems of the President's program. It is not working. It must be changed.

CONFIRM DR. FOSTER

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to say that the nomination of Dr. Henry Foster as Surgeon General of the United States is a choice of great vision.

This nomination should not and must not be about how many abortions Dr. Foster has performed. Those who oppose a woman's right to choose must take that fight somewhere else. Every woman in America has the right to choose—that is the law of the land. Dr. Foster has done nothing wrong.

Dr. Foster has done a great deal that is right. He has become a leading authority on reducing infant mortality and preventing teen pregnancy and drug abuse.

This is a man who has spent a lifetime working to improve the lives of others. It is clear to me that Dr. Foster should be confirmed as Surgeon General. There are no more questions that need to be answered. Dr. Foster should be confirmed and he should be confirmed now.

U.S. MILITARY FORCES FACED WITH BUREAUCRATIC U.N. LEADERSHIP

(Mr. BRYANT of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. BRYANT of Tennessee. Mr. Speaker, the study of recent military conflicts and peacekeeping missions have led to two conclusions: First, in the case of major conflict, the massive presence of U.S. forces is necessary to defeat the aggressor or to contain the threat; second, our American forces must be given the necessary military means and freedom of action to accomplish these goals. Operation Desert Storm has rightly been held as a prime example of a U.S.-led international military force.

Unfortunately, the hope and the lessons of Desert Storm have been lost as we have squandered them away in Somalia and even more in Bosnia.

Over 40 years NATO has successfully preserved the peace and freedom of its members against a threat by the Soviet Union and its allies, but instead of celebrating our success, NATO today must confront a crisis that tears at the very fabric of that alliance.

At the heart of this problem is the fact that in Bosnia, NATO cannot act without the consent of the United Nations and its local representative. An inflexible, time-consuming dual military command structure also have proven to be an invitation to disaster.

The Armed Forces of the United States are the preeminent fighting machine in the world today. They are the best trained, best skilled, best equipped, and best led.

Mr. Speaker, the brave young men and women in the Armed Forces deserve better than to be placed under the command of foreign nationals acting on behalf of the United Nations in a faceless bureaucracy. That is why the National Security Revitalization Act is so important.

THE CRIME ISSUE LEADS TO THREATS OF PARTISANSHIP

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, last week the Republican Party put through a bill to change last year's bill providing prison construction funds. They said last week that we had given the States too much discretion and we needed here in Washington to tell the States more what to do.

Today and tomorrow they are going to put through a bill that is exactly the opposite. They are going to try to undo what we did last year regarding money for prevention and for police because they say it does not give the States enough freedom.

What is the common threat? Why were they for restricting the States last week and for untying the States this week? Because they fear that President Clinton and the Democratic Congress has this year succeeded, and they are desperately eager for partisan purposes to undo that success.

That would not be so bad if it were not for the consequences. In my district and in districts all across this country police officers have been hired for what they thought was a 3-year period under the Clinton plan of last year. For partisan purposes, the Republican program would disrupt that. It would say to the people who hire policemen and the policemen hired that they are not going to have the assurance of the 3 years.

Mr. Speaker, surely they can find other areas in which to express their partisan desires.

REPEAL RAMSPECK

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, today I am introducing legislation to end a powerful, but little-publicized perk associated with Congress. My bill will repeal the Ramspeck Act, which for 55 years has quietly allowed former congressional and judicial employees to burrow into the civil service—given priority consideration over all other applicants, and full seniority when hired—upon the retirement, election defeat, or

death of their employer, Today the Ramspeck Act is a 55-year-old solution to a problem that no longer exists—namely the hiring and retention of congressional staff. I think we all agree that we have hard-working, dedicated staff, and this is in no way meant to denigrate them or the work they do. But to give any applicant for a Federal job such preferential treatment is wrong—and I hope my colleagues will join me in working to end this practice which smacks more of who you know than how good a job you can do.

THE CASE AGAINST BLOCK GRANTS FOR LAW ENFORCEMENT

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, last year, Congress made a promise to put 100,000 new police officers on our streets. Today, Republicans are ready to break that promise. The Republican crime bill does not devote a single dollar for cops on the beat. Instead, it creates block grants to the States, which may sound like a good idea, but we have been down this road before.

The last time we tried a similar block grant program for law enforcement, States used the grant money to buy land, cars for politicians, jet planes, financial investments, and to pay for consultants.

By contrast, the crime bill we passed last year is already working to put more police in our neighborhoods. My hometown of New Haven, CT, has nine new officers on the beat, already.

Our local law enforcement, our mayors, our chiefs of police, and our sheriffs have all thanked us for the cops on the beat program. Members of Congress have a choice to make today. Will you stand with law enforcement, or will you stand with the practitioners of politics-as-usual? Stand with the cops, pass the Conyers-Schumer amendment.

SUPPORT URGED FOR THE NATIONAL SECURITY REVITALIZATION ACT

(Mr. CHAMBLISS asked and was given permission to address the House and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, this week the House will take up H.R. 7, the National Security Revitalization Act. H.R. 7 represents a vital statement of priority and policy for the future of this Nation's military.

H.R. 7 offers a much needed policy redirection in the area of U.N. peacekeeping operations. Too many Americans have experienced the painful costs associated with the ever-expanding peacekeeping role of the United Nations.

This country has raised and trained the most effective military machine the world has ever known. And yet, how can we allow our sons and daughters to be put under inferior command and control?

H.R. 7 restricts the President's ability to subordinate U.S. troops to U.N. command and control by requiring Presidential certification of such an arrangement and by restricting the funding required for U.S. forces engaged in U.N. operations.

We owe it to our military men and women to pass H.R. 7 and resist weakening amendments.

BIPARTISAN SUPPORT FOR THE CRIME PACKAGE WELCOMED

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, while in my congressional district this past weekend, constituents expressed both their pleasure and astonishment that elected officials were able to keep a campaign promise. Citizens appreciate the swift and successful manner which the crime legislation has passed through the House.

People appreciate the bipartisan support the crime package has and will continue to receive. They overwhelmingly support the new crime bill which: First, Controls the endless number of death row appeals; second, extends the good-faith measure under the exclusionary rule; and third, ensures that convicts serve at least 85 percent of their sentence.

Today, we will debate the Local Government Block Grant Act which grants local communities greater control in the battle against crime.

I can assure you that law enforcement, as well as the taxpayer, appreciate this help to fight crime. The Contract With America is helping to rebuild the public's trust in Congress.

WORLD STILL THREATENED BY NUCLEAR WEAPONS, DEFENSE REVITALIZATION NEEDED

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, the big lie has been spread over the past few years across this country that the world is a safe place to live in now than it was 5 years ago. Well, the fact of the matter is there are as many nuclear weapons in Russia today as there were before the Soviet Union broke apart, and in China they have the second fastest growing economy in the 1980's in all of Asia, and they are using their new found economic power to rebuild their military machine.

In the next 5 years it has been estimated that countries will have an intermediate range missile capability to launch nuclear weapons across continents.

Mr. Speaker, I am proud to take part in H.R. 7, a bill that not only will strengthen our national defense but finally take power away from the United Nations and return it where it belongs, back with the Armed Forces of the United States.

IN SUPPORT OF GIVING BLOCK GRANTS TO LOCAL GOVERNMENTS TO FIGHT CRIME

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, if President Clinton needs any proof that his crime bill is misguided, he only needs to look out the window right here in Washington, DC, where the police chief has come out in support of the Republican idea to give block grants to local government. He knows the truth of what Republicans have been saying for years—that Washington simply does not have all the answers. This one-size-fits-all approach to crime control is completely wrong and contrary to whatever disinformation or misinformation we may have heard from the other side of the aisle.

It is a very simple system. The local communities get to use this money for one of four purposes—more cops, more equipment, police in schools, or prevention. So they get to use this for prevention programs as long as they have law enforcement officers involved in them. The DARE Program will not go away. In fact, it is the perfect program that could be used in this way. This is something that ought to be supported. Clearly, it is being attacked by the President for the wrong reasons, and all he has to do is listen to Chief Thomas in Washington.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 521

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 521.

The SPEAKER pro tempore (Mr. COMBEST). Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. SAM JOHNSON of Texas. Mr. Speaker, on rollcall vote 118 on passage of H.R. 668, the Criminal Alien Deportation Improvements Act, I was unable to be here due to travel constraints.

Had I been able to vote, I would have voted ''yea.''

LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 79 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 79

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for

consideration of the bill (H.R. 728) to control crime by providing law enforcement block grants. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed ten hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1430

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 79 is an open rule providing for the consideration of H.R. 728, the Local Government Law Enforcement Block Grants Act of 1995. This act authorizes a total of $10 billion in direct block grants over 5 years to assist State and local governments in their fight against crime.

Specifically, the rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Judiciary Committee. After general debate is completed, the bill shall be considered for amendment under the 5-minute rule for a period of time not to exceed 10 hours.

The rule makes in order the Judiciary Committee amendment in the nature of a substitute as the original bill for purpose of amendment, and the committee substitute shall be considered as read. Finally, the rule provides one motion to recommit, with or without instructions.

Once again, under this rule the Chairman of the Committee of the Whole may give priority recognition to those Members who have caused their amendments to be printed in the CONGRESSIONAL RECORD prior to their consideration.

Preprinting of amendments in the RECORD is not mandatory, Mr. Speaker, and no Member of this body will be denied the opportunity to offer his or her proposal during the time allocated under the rule for amending under the 5-minute rule.

The majority members of the Rules Committee recognize both the need for and the value of informed debate on important legislation such as the one we are about to consider today.

We strongly encourage Members to preprint their amendments in the future not only to receive priority status, but also to alert our colleagues as to the number and types of amendments that are likely to be offered on the House floor.

Mr. Speaker, House Resolution 79 brings to the floor of the House the last of six comprehensive measures reported by the Judiciary Committee to combat crime in the United States. H.R. 728 is an especially important piece of legislation because it gets at the heart of the Federal, State, and local partnership, which is needed to effectively reduce crime, and reduce the threat of crime, in our society.

Mr. Speaker, while the Federal Government loves to take a high profile in the fight against crime, the overwhelming majority of crime falls within the jurisdiction of State and local authorities. As a result, the real burden of fighting crime falls preeminently to States and localities.

The challenge for us then, Mr. Speaker, is to define our role in such a way that we can productively assist localities in fighting and preventing crime without getting in their way, in other words, without micromanaging, as we are prone to do.

Mr. Speaker, the Federal Government does have a role to play in keeping our cities and communities safe from crime, but any support from Washington, be it financial or otherwise, must not lose sight of the fact that communities across the United States face many different types of crime.

What works to fight crime in my own hometown of Glens Falls, NY, may be vastly different from what is proven to be effective in Columbus, OH, or Sanibel, FL.

Mr. Speaker, those of us who supported the unfunded relief bill so fervently, earlier this month, did so because we fear that the vital partnership between Federal, State, and local governments is terribly off-balance.

That partnership—that critical relationship—between America inside the beltway and outside the beltway, is being threatened by the arrogance of power in Washington which presumes that the Federal Government is the only source of good ideas and practical solutions.

Too often, Washington's one-size-fits-all approach to a problem, or even a perceived problem, stifles innovation, and chokes off creativity at the State and local levels. In so many instances, Washington is all too eager to impose its will when a local problem can be more effectively addressed by a local solution.

Mr. Speaker, H.R. 728 is the commonsense solution to restoring balance to the Federal, State, and local effort to confront crime.

Unlike last year's crime bill, this legislation allows the Federal Government to fulfill its role in assisting local governments in their fight against crime, without prescribing the specific steps which must first be taken, in order to receive much-needed Federal assistance.

Very simply, it provides localities with the resources they need to respond to their unique crime situations with their own solutions—with no strings attached and no matching fund requirements, I might add.

Let me just point out to my colleagues that this bill does not hand over a blank check to our communities, for them to spend taxpayer dollars in any way they see fit. While H.R. 728 delivers maximum flexibility to local governments, it also requires accountability, and ensures that grant funds are being utilized to fight crime.

Mr. Speaker, the Local Government Law Enforcement Block Grants Act represents a real and meaningful commitment by the Federal Government to assist localities in combating crime.

By supporting this rule Mr. Speaker, we bring to the floor of the House of Representatives the final installment in the new Republican majority's comprehensive anticrime strategy.

And in so doing, we give life to one more crucial element in our Contract With America—our commitment to making our cities and neighborhoods safer, and more prosperous.

I urge adoption of this rule, and urge my colleagues to support the underlying legislation so that local governments can have the freedom and flexibility they require to fight crime in their communities with their own unique solutions.

Mr. BEILENSON. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding the customary one-half-hour debate time to me, and I yield myself such time as I may consume.

Mr. Speaker, as the gentleman explained, this resolution provides a rule with a 10-hour time limit for the consideration of H.R. 728, the Law Enforcement Block Grants Act of 1995.

While I shall not oppose the rule, we in the minority are concerned about the nature of the rule. It is not the type of rule the new majority continues to promise, especially for legislation as significant as H.R. 728, a piece of legislation that represent a dramatic shift in national policy.

The most significant restrictions that the Republicans on the Committee on Rules included in this rule is the 10-hour time limit on the amendment process. My colleagues should fully understand the implications of this restriction: The time limit is not applied to debate time only. It is instead a repeat of the device we first saw last week in considering another of the crime bills. This a restriction on all time, including the time required for voting itself.

This is, therefore, a constraint on debate during the amendment process and, in the opinion of this gentleman, an extremely objectionable restriction. Unfortunately, an attempt by the gentleman from Massachusetts [Mr. MOAKLEY] to strike this time limit, was defeated by the Committee on Rules last week.

Mr. Speaker, we are disturbed about the nature of this rule. It is a continuation of the pattern we already have begun to detect in the majority's attempt to deliver the open rules it has long advocated and promised, but rules that turn out to be truly open in name only.

The majority claims to be providing open rules when the result is, in effect, a process that closes down and restricts debate during the amendment process.

We are aware of the fact that the majority wants to complete consideration of all of the bills included in its so-called Contract With America within the first 100 days. And I suspect they will be able to do so. But some of these bills are, in fact, very major, very serious pieces of legislation, which should not be rushed. The truth if the matter is that we have all year to consider these bills and, if necessary, we could take a few additional days beyond the 100 to consider them.

The chairman of the Committee on the Judiciary, Mr. HYDE, said in his testimony to the Committee on Rules that this is, the ''most controversial of the six crime bills being presented to us by the majority party.''

So all we are trying to suggest, Mr. Speaker, is there is a better way of doing this than what we seem to be currently embarked upon. We are suggesting respectfully that we start consideration of these bills under an open rule, with no restrictions on time. If the proceedings drag on too long, if dilatory tactics are apparently being used, then we can do what we usually do in such circumstances, get unanimous consent that further consideration of amendments to the bill be limited to some specific period of time.

□ 1440

Let us not start the process with time restraints that might not be necessary or, to the contrary, might well prevent the adequate consideration of major amendments to the bill.

The bill itself, Mr. Speaker, is very controversial, certainly the most controversial element in the Contract With America crime package. It seeks to dismantle the core of the bipartisan crime bill enacted last year by eliminating the program to put an additional 100,000 State and local enforcement officers on the beat and by eliminating virtually all of the specific crime prevention programs in the new law.

In place of these carefully targeted programs, the bill would establish a new block grant program which is strikingly similar to the program administered by the law enforcement assistance administration, which was finally eliminated by the Reagan administration.

As our colleagues on the Committee on the Judiciary wrote in their dissenting views in the committee report on the bill, H.R. 728, the bill breaks the promise Congress made last year to the American people that we would put 100,000 new police on the streets to fight violent crime, and it also destroys the promise Congress made to our people when we approved carefully targeted crime prevention programs.

Unfortunately, H.R. 728 itself guarantees absolutely nothing in the way of increasing the number of police on our streets. It will actually cut spending for police and crime prevention. We are being asked to consider a bill that has a very real chance of wasting a good part of the $10 billion cost of the bill to taxpayers with no specific goals up front and with no specific results to show in the end, and all in the name of flexibility. In fact, unlike the contract's bill on prison construction, which included very strong restrictions and requirements for use of the funds, this bill permits spending for categories so broad that there is no doubt that some grants will simply disappear into municipal budgets. That is exactly the history of the block grants program with the law enforcement assistance administration, which the Alabama State attorney general called ''A politician's dream for the biggest pork barrel of them all.'' We are, all of us, confronted with some difficult choices in considering this bill. Most of us are all for local governments deciding what to do about crime or about education or about welfare, for that matter. But we are not all for voting on behalf of the taxpayers we represent to send money to other levels of government without knowing how it will be used. It is bad enough, it is often embarrassing, to find out sometimes that money we have voted for Federal programs has not been wisely spent, and it is worrisome and potentially irresponsible in the extreme to vote funds for local programs whose purposes are not even clearly set out in the legislation itself and whose use we will have very little control over.

Yes, in theory it is nice to give the responsibility to local levels of government, but it is we who are voting to make taxpayers' money available. And it is we who will and who ought to be eventually held responsible, for the wise use of that money.

I am only suggesting that we may well be getting ourselves into a similar situation to the one in which we found ourselves with respect to the LEAA block grants which, as many Members will recall, we stopped funding a decade or so ago.

Mr. Speaker, the programs we enacted just last year have only begun to work. We should allow them to continue so that more police will be on the streets of our communities and more criminals are locked up.

To repeat, we shall not oppose this rule despite our continuing concerns about the use of the time limit on the amendment process.

I ask my colleagues to approve this resolution so that we may start consideration today of this important legislation and of the important amendments that would help correct its many provisions.

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

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

I heard the word ''pork barrel,'' the connotation that these local governments, these local police chiefs, these local sheriffs were going to spend this money in ways that were not important.

I would just like to read the part of the minority Democrat report on this bill before us. It says, ''Proponents of this bill argue that these Federal dollars, taken from the taxes of hard-working Americans all over the land, should be showered back without meaningful guidelines, all in the name of local control. We say,'' this is the Democrat minority, listen to this, Mr. Speaker, ''We say that mindlessly obstinate and ideologically inspired mantra,'' let me repeat that, because I doubt if the people I represent back home would understand that kind of elitist verbiage, let me go back and read it for a minute, ''should be showered back without meaningful guidelines, all in the name of local control. We say that mindlessly obstinate and ideologically inspired mantra will result at the end of 5 years in billions of dollars being thrown down a rat hole.''

Now, who said that? This is signed by the gentlewoman from Michigan, JOHN CONYERS, the gentlewoman from Colorado, PATRICIA SCHROEDER, the gentleman from Rhode Island, JACK REED, the gentleman from New York, JERROLD NADLER, the gentleman from California, XAVIER BECERRA, the gentleman from North Carolina, MELVIN WATT, the gentleman from New York, CHARLES SCHUMER, the gentlewoman from Texas, SHEILA JACKSON-LEE, the gentleman from Virginia, ROBERT C. SCOTT, and all but two, because one, I think, is a freshman, all of these but two, when they talk about money going down a rat hole, made the National Taxpayers Union's list of big

spenders. And I think they have made it for a number of years in a row.

For anyone to say that the local sheriffs and local police chiefs do not know best how to spend this money, believe me, they have been living inside this beltway too long. It is time they went home to outside the beltway.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS], one of the most articulate and knowledgeable Members of this body. We are so fortunate to have the gentleman upstairs on the Committee on Rules; he is in the midst of his third career now. He was an Intelligence Agency officer for many years, he was a successful private sector policeman, and he now is one of the best Congressman in Washington.

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

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Glens Falls, NY, for that extraordinarily over generous introduction. I am petrified to say anything, lest it be disproved.

Mr. Speaker, what we have got in front of us is a modified open rule which actually has got a time limit on it, which is the only reason it is not a full open rule. It is a time limit of 10 hours of debate. The 10 hours of debate was thought to have been more than adequate by the Members who have brought this to the Committee on Rules for consideration, the type of rule we are bringing to the floor. And in fact, it was, I think requested pretty much by everybody, and we specifically asked if the chairman of the committee had an objection. He said, no, he felt it would be all right. So I think we are well within the spirit of an open rule, if not technically a full open rule, if it is modified.

We did have a lot of discussion, again, at the request of the chairman of the committee, and the ranking member. Excuse me, it was the ranking member who agreed that 10 hours would be enough as well as the chairman. And both the ranking member and the chairman themselves suggested that we have something like an hour and a half or so of general debate. Well, we had planned for an hour and a half but, in discussing this in the Committee on Rules, we brought that back to 60 minutes of general debate. Actually, on the motion of a member of the minority, because there was a feeling that we had taken care enough of the general debate in this and more time that way for amendments. And that seems a reasonable proposition.

So we have carved a rule here that has actually considered the time very, very carefully. And we think we have got one that gets as much time as we need focused on the areas that it needs to be, both in terms of general debate and in terms of amendments for all Members who come forward and deal well under the 5-minute rule. Once again, we have put in what we think is the very helpful preprinting option. It is not a requirement. It is not a mandate. It merely allows every Member to tell us ahead of time what his or her amendment will look to the legislation. That allows Members to become acquainted with those amendments. It allows the proponents of those amendments to get some support for their amendments going. And frankly, I think it enhances the process of deliberation and helps us get better laws enacted when we understand what it is we are talking about. We have more time to digest them and we have the opportunity to ask questions of the proponents of these amendments that occur to us not at the last minute but through a deliberative process, after having reviewed what amendments might come forward.

Basically, I think it is better government.

I want to speak just for one second to the bill itself. In the Committee on Rules, we had some concerns from the ranking membership side on behalf of the ranking member about accountability. Are we somehow or other dodging accountability by going to these community development grants? And the answer, in my view, as member of local government, having graduated from local government to the Congress, if that is the right term, is that I do not think there was less accountability at the local level. I think that there was more accountability at the local level.

It is very simple. That is where the front lines are. When someone is down there and they are at municipal meetings or their country commission-type meetings, or state meetings, they generally have more people directly interested in the audience looking at them, eyeball to eyeball, and giving them their opinions, usually rather unrestrained.

□ 1450

Mr. Speaker, I think I can honestly say I do not remember times when there is more interest in the agenda at the local level than when the sheriff is doing his annual budget, or when the police departments are doing their annual budgets in the municipalities. Those are the times when the scrutiny really happens. That is when you get the really impassioned testimony about crime, or need for more police on the street, or need for specific programs tailored to the individual requirements of the community, not the one-size-fits all mandates from the Federal Government which are so wasteful and so often so off target.

I believe, Mr. Speaker, that the question, the shibboleth that somehow there is no accountability in this program is not a valid observation. I would report further on that, Mr. Speaker, that in fact we have put in some safeguards to make sure there are report-back systems, there are monitoring systems, and, indeed, there is some built-in accountability and scrutiny under the legislation that has been proposed.

The other thing that I think needs to be pointed out, Mr. Speaker, is that we sometimes have mischaracterized what is going to happen, it seems, in this bill, that somehow or other all the police are going to no longer be on the beat. I have heard all kinds of hyperbole and exaggeration. That could not be further from the truth. What is going to happen is that locals who have a direct first-hand confrontational day-to-day existence with the criminal element are going to be able to take resources which they desperately need and put them right where they need to deal with the criminal element. I think that makes a lot of sense. I think it is a much better, more straightforward deal than saying, ''We are going to give you a bunch of money to go out and hire some policemen for a few years, and then we are going to take the money away from you. Then you are on your own.'' You have created a false expectation, you have created a serious problem, a level that the local governments cannot sustain, and the only recourse they have is either to retire those policemen, those law enforcement officers, or to raise taxes, by and large.

We saw it with the CETA program. We saw it loud and clear. I was in local government at the time and I know we got left hanging out there. I am afraid that is what would happen if we did not fix this bill as we propose to do under this legislation.

I, for one, Mr. Speaker, feel this is a decided improvement. While we have given it a great rule, so we will have plenty of debate on this and the other subjects that are certainly worth debating. I hope that, when all is said and done, that not only do we have the distinguished gentleman from California [Mr. BEILENSON] not opposing the rule, we appreciate his support, but we also have him not opposing the legislation. We will wait to see how the debate comes out.

I thank the gentleman from New York for yielding time to me.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Greensboro, NC [Mr. COBLE] who is not only a member of the Committee on the Judiciary but is also a member of the Subcommittee on Crime, and one of the very articulate members of this subcommittee.

Mr. COBLE. Mr. Speaker, I want to thank the gentleman from California [Mr. BEILENSON] for his courtesy. I thank the gentleman from New York [Mr. SOLOMON] for yielding time to me.

Mr. Speaker, I have spoken very infrequently during this 104th session of the Congress, but I have done a powerful lot of listening. I think this must be, Mr. Speaker, probably the most loquacious legislative body in the world. A lot of my colleagues, and good friends thought they might be, I think they find complete ecstasy in the

sound of their own voices. I, conversely, do not particularly like the sound of my voice, as evidenced by my previous reticence, so I will be brief today.

Mr. Speaker, I want to direct attention to section 11 of H.R. 728, and specifically to the advisory board and what constitutes membership thereof. Under the present prescription of the bill, members to the advisory board must be representatives from police or sheriffs, No. 1; a local prosecutor, No. 2; a local court, No. 3; the public school system, No. 4; and a local community organization, charitable or otherwise.

In that fifth category, Mr. Speaker, I think it would be advisable for someone subsequently to seriously consider the input of the various parks and recreation departments throughout the country. To begin with, parks and recreation officials serve an essential component of any crime reduction strategy, as well as being uniquely cast in their respective communities to be able to attract the generated assistance from the private sector, financial and otherwise. The reason I emphasize this second feature, Mr. Speaker, I do not think that every program that surfaces necessarily has to be sanctioned, endorsed, subsidized by the Federal Government, which, of course, means subsidized by taxpayers.

I met last week with officials from parks and recreation facilities throughout the country, and perhaps other Members did as well, and they are vitally interested in this.

Perhaps, Mr. Speaker, as the day advances, I would say to the gentleman from California [Mr. DREIER], who has replaced the gentleman from New York [Mr. SOLOMON], I may want to engage in a colloquy with the gentleman from Florida to indicate the importance of the input of parks and recreation, and perhaps maybe have language or a statement of the managers in conference to emphasize and to illustrate the significance of the input that would be felt if parks and recreation officials are to be considered.

I realized that they are not precluded under the present bill, but neither are they specifically identified, Mr. Speaker. Having said all that, Mr. Speaker, and again, I thank the gentleman from California [Mr. BEILENSON] for his kindness, I hope that parks and recreation people, who do contribute very obviously to reducing crime, will get more than a fair shake as we finalize this bill.

In closing, Mr. Speaker, I will say that Members may not hear from me again for some time to come, but I assure the Members I will be listening.

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

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Missouri [Mr. VOLKMER].

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

Mr. VOLKMER. Mr. Speaker, I am not going to ask for a record vote on the rule before us, but I was very tempted to do so, because this is not an open rule.

It is interesting to me that the majority now considers a rule that lets some amendments come up and not others as an open rule. This rule requires all amendments that have not been taken up by the House within the time limit of 10 hours, they are no good. Members cannot bring them up. That is a closed rule, Mr. Speaker. That is not an open rule.

It is interesting to me, Mr. Speaker, that, I think it is today, even Roll Call has caught it. Roll Call even points out that the Republicans are not doing what they said they would do in the Contract With America. They said ''We will have an open rule.'' They said we would be able to offer our amendments. Now, lo and behold, they are not doing it on this bill, and they did not do it on a previous bill.

Why are they not doing it on this bill? It is very obvious to me why they are not. If Members read this dog, and that is what it is, or a turkey, that is a better description, maybe, of it, we will find that the gentleman that earlier talked about this rule and the bill, they were talking about how our police chiefs and how our sheriffs back home were going to be able to get this money and use it to fight crime.

Mr. Speaker, Members had better read the bill. This means the gentleman from North Carolina [Mr. COBLE], when he was talking on the rule about all the debate that is going on in the House and all the things he is hearing and everything, I suggest to the gentleman from North Carolina, he had better start reading the bills. He could spend time a lot better.

When Members read this bill, there are several things in it that I do not believe anybody has really talked about yet. I hope we discuss it in this 10 hours.

One is, a sheriff does not get to get the money. The police chief does not get to get the money. It is a unit of local government that gets the money.

Now, what input does the police chief or sheriff have in it? Each unit of local government has to have an advisory committee to the local government, and they have to have at least one hearing, and they have to have a meeting.

There is the sheriff there or the chief of police, and there is also a prosecuting attorney, there is a judge, and anybody else that the local government wants to put on it. There are a whole bunch of people. They can put 50 people on it if they want to, and there is one law enforcement official on there.

□ 1500

They are going to make a recommendation to the unit of local government. Well, after they make their recommendation, what can they recommend? Well, they can recommend whatever their imagination can dream about that would help with law enforcement and fighting crime, because there is no limit. I want everybody to read right here on page 2 of the bill: ''Amount paid to a unit of local government in this section shall be used by the unit for reducing crime''—that is a limit, has to be for reducing crime—''and improving public safety.'' That is all. As long as it is reducing crime or to improve public safety.

I can tell you back in my district, folks, that we have some people with imagination. Right now we probably need some courthouses fixed up and we do not have the funds for it. Maybe we can get some money to fix up the courthouses, especially where the prisoners might be kept. That could help reduce crime and combat crime. Or maybe we cannot get a new limousine under this bill but we can get a new chief of police car because that is not in the budget and they do not have the money to buy it but we can get him a new car. That can be a Cadillac, or maybe just a Chrysler Fifth Avenue, not quite a Cadillac. It will not be a limousine.

How about the prosecuting attorney back home—that is what we call them, we do not call them district attorneys, maybe you do—but some of them may need new secretaries. They may need, say, an assistant prosecutor, and that is not in the budget, it is not supplanting funds, so we are going to hire some new secretaries and we are going to hire some other people. And maybe need some new equipment in there and get some new equipment in there and get some new equipment.

For those of you who have a lake or two in your State, I am sure you can get some boats on that lake to help fight those people going around in those boats that are drunk. That is combating crime. Is driving a boat while drunk now a crime? It is in some States, quite a few. You can get yourself a nice boat, as long as it is not a yacht under this.

Use your imagination, folks if this bill ever becomes law. Use your imagination, because the only restriction is it has to so-called be reducing crime and improving public safety.

What did that do under the old program that we got rid of because of all the pork and all the abuses in it? Well, back then some people thought that a tank was a good thing to have, to use a tank to reduce crime. The director's office, different people, same office, said that was fine to reduce crime. You need a tank down there, I think it was in Louisiana. They need that tank.

I know we are prohibiting yachts, but we are not prohibiting any kind of boats. We are prohibiting limousines, but not every good car has to be a limousine. That means I could buy, how about a Jag? Yes, that is not a limousine. My police chief needs a Jag. That is what this one will do. That is what you are going to do under this.

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

Mr. VOLKMER. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. It has been fascinating listening to the statement that my friend the gentleman from Hannibal has gone through here. In fact, the only thing that I could conclude is that those local elected officials who are going to be purchasing Jaguars, boats on lakes, additional secretaries for their prosecuting attorneys' offices are no longer accountable to the same people who sent us up here.

The only thing I can conclude is that there is in fact no desire on the part of local elected officials to respond to the pressing needs of crime that exist within their jurisdictions. Am I correct in concluding that?

Mr. VOLKMER. Oh, no, no, we are going to take care of those, too. I am just saying you do not restrict these other things. You do not restrict them at all.

You are saying as long as you are doing it to stop crime or, I will use your exact words again that are in the bill, right there at page 2.

Mr. DREIER. If my friend would further yield, I will tell him exactly what we are trying to say.

Mr. VOLKMER. All it has to be is reducing crime and improving public safety. That is it.

Mr. DREIER. If my friend would yield on that point, what we are trying to say is very simply that we believe, my State being 3,000 miles to the west of here, that the people who are on the front line are better equipped to make those decisions rather than those of us 3,000 miles away. It is not nearly the distance to Missouri, but obviously we are in a position where we are convinced that those local elected officials should have the opportunity to make those decisions for themselves rather than our dictating to them exactly what should be done.

I just met a few minutes ago with the mayor of Fresno, CA, who told me that he felt very strongly that the opportunity to have the choice made right there in Fresno rather than in Washington, DC, will go a long way toward dealing with the crime problem that they have.

I suspect that in the Show-Me State, they are going to be much better off making the decision for themselves rather than having us in fact dictate it to them. I thank my friend for yielding.

Mr. VOLKMER. I disagree. I do not think we have to dictate it.

Mr. DREIER. That is exactly what the status quo does.

Mr. VOLKMER. But I do think you can tighten the purposes up quite a bit more and narrow them quite a bit more than you have done.

What we have attempted to do and some of us feel that one of the major items facing this Nation, especially in our major metropolitan areas, is the fact that they cannot afford the police that they need. They cannot afford the police that we need.

So you take the police away. You say, ''Well, you can have an option,'' but you reduce the amount that can be used totally from the present law into this, what can be used for police, if every bit of this money in your bill was used for the police.

Mr. DREIER. We are not taking away the police.

Mr. VOLKMER. The biggest thing we can do you help undo, and you leave it open. The gentleman says, ''They're not going to do those things.''

Well, who bought the tank? Who bought the tank? The tank was bought by law enforcement people under the old LEAA grant. You are saying they will never do that again, they will never do anything like that? No?

Well, gentlemen, you should have been here back in the 1970's and early 1980's.

Mr. DREIER. I think my friend knows it is a new day and I suspect the local elected officials will not be doing that.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 7 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. I thank the gentleman for yielding me the time.

Mr. Speaker, I think this will be the first time I have ever debated on the House floor about the content of a rule. The Committee on Rules is one of those committees that is stacked pretty heavily in favor of the majority and generally when they decide on a procedural matter and that matter comes to the floor, it just kind of goes right through on a partisan vote. So in some respects it is kind of banging your head against the wall to come and speak.

I am not speaking generally on the content of this rule today but only on one particular aspect of it that I think my colleagues and the American public need to be aware of.

Mr. Speaker, this rule provides for 10 hours of debate, they say. What they do not say very loudly is that included in that 10 hours is voting time. I think the American people need to understand what that means, because if there is a recorded vote on the floor of the House, every recorded vote takes 15 minutes. Under the Speaker's policy announced earlier he has extended that recorded vote to 17 minutes. So that if there are 10 votes, 10 amendments on this bill, then that is 2½ hours gone to voting on those amendments. If there are 20 amendments on this bill, that is 5 hours gone just in the time that it takes to vote on those amendments. So we are left not within 10 hours, as the majority would have the American public believe, but then we would be left with half of that time because all the rest of the time would be spent in the voting process, not in the debate process.

Mr. Speaker, I am on the Committee on the Judiciary, and I will tell you that we had over 20 amendments being offered in the Committee on the Judiciary on this bill. In that body, we do not even have one-tenth of the membership of the House of Representatives. There are 435 Members of this House.

Mr. Speaker, I just want my colleagues to do the basic arithmetic on this. If 2 percent of the Members of this House have a sufficient interest in this important bill to come and offer an amendment, that is over 10 votes, or approximately 10 votes.

□ 1510

If 5 percent of the 435 Members of this House have a sufficient interest in this important bill to want to offer an amendment, then we have already used up more than half of the 10 hours of debate time simply on the voting process.

So, my objection to the rule does not really have to do so much with the 10 hours, but the allocation of that 10 hours or a substantial part of it simply to the voting process.

And I will tell Members that last week we got to the point just to keep Members from offering amendments that they had on a bill, that they started asking for votes so that Members would not even have the time left to offer the amendments because the voting time would take up more time than the debate time.

America, that is no way to run a democracy. That is no way to run a democracy. We ought to at least have time to debate these issues. This is an issue, this is a bill that the President of the United States indicated over the weekend he has a personal interest in, a political interest in. So we know it is going to be a heavily debated issue, and yet we will spend our time walking back and forth and using up our time in the voting process.

I think we ought to defeat this rule and let us have some real debate in this House.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] has 10 minutes remaining and the gentleman from California [Mr. BEILESON] has 10 minutes remaining.

Mr. DREIER. Mr. Speaker, may I inquire of my friend whether he has any remaining speakers?

Mr. BEILENSON. We do not, Mr. Speaker.

Mr. DREIER. I would like to make some closing remarks myself.

Mr. BEILENSON. Mr. Speaker, I will close by saying I appreciate very much and strongly support the comments made by our friend, the gentleman from North Carolina.

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

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from California is recognized for 10 minutes.

(Mr. DREIER asked and was given permission to revise and extend his remarks, and to include therein extraneous material.)

Mr. DREIER. Mr. Speaker, this issue is one that many have said is the most controversial of the six crime measures that we are scheduled to consider and I have a difficult time understanding why this is the most controversial of the measures that have been considered, and I say that for several reasons. We have had this ongoing discussion here about the issue of local control, and the role that people will play at the local level in making determinations as to how the resources through this block grant program will be expended.

It seems to me that everyone, Democrat and Republican alike, needs to recognize that at the local level people who are on the front line dealing with issues of crime are much better equipped than we are here in Washington, DC, to deal with that.

Last year we had an extraordinarily vigorous debate on the President's crime bill which came forward. We all know that there was at the very end a compromise that was struck and some Republicans supported it, and during that time last fall as we were proceeding with this and the President stood regularly with cadres of police officers behind him at press conferences, I received calls from local elected officials in the Los Angeles area urging me to support the President's crime bill. The main reason they did was that there was a guarantee as far as they were concerned that they would get 100,000 police officers on the street, who would dramatically turn the corner on the very serious crime problems that we face in our communities.

One of those city officials happened to be the city manager of the city of Monrovia which is in the San Gabriel Valley part of the area I am pleased to represent. He is a registered Democrat. He and I engaged in a very spirited discussion on the issue of the crime bill and he told me that the only responsible thing that I could do was support that crime bill last year.

Well, I did not for a number of reasons, I think the most important of which was that we all concluded that we would not get 100,000 police officers on the street.

I got a letter that came just a couple of days ago, the end of last week from Rod Gould who is city manager of Monrovia, again a registered Democrat and one who wanted me to support that crime bill last year, and we had debated it. I will include this entire letter in the RECORD. But I would like to share one paragraph from this letter Mr. Speaker.

It says, ''You and I have had several talks about the merits/demerits of the 1994 crime bill.'' He finally came to the conclusion we were right and he said, ''You correctly pointed out that this $30 billion bill would not put nearly 100,000 police officers on the streets of America.'' He said, ''The City of Monrovia strongly supports the idea of combining the major portions of the bill into block grants for cities to allocate as they see fit to officers, equipment, training, jails or social services. This approach has worked well for years in the area of community development, and it would be welcomed by municipalities across the country.''

Mr. Speaker, I include that entire letter at this point in the RECORD.

The letter referred to is as follows:

CITY OF MONROVIA,
OFFICE OF THE CITY MANAGER,
Monrovia, CA, February 6, 1995.

Hon. DAVID DREIER,
Covina, CA.

DEAR CONGRESSMAN DREIER: I have been meaning to write and add my congratulations to you on your remarkable rise in authority and responsibility since last November. I have had the pleasure of tracking your progress in the papers and on CSPAN. You are to be commended for your tireless effort to streamline Congressional operations. Your leadership of the House debate on unfunded mandates made us all cheer. You have given your district in the San Gabriel Valley a powerful voice on the hill, and all Americans benefit from your undaunting attempts to reduce fraud and waste in government.

The Monrovia City Council is firmly on record as opposing further federal and state unfunded mandates. We are currently grappling with the open-ended stormwater requirements under the National Pollution Discharge Elimination System (NPDES). Any assistance you could give us in ratcheting this regulation back a few notches would be most appreciated by all cities.

You and I have had several talks about the merits/demerits of the 1994 Crime Bill. You correctly pointed out that this $30 billion bill would not put nearly 100,000 police officers on the streets of America. The City of Monrovia strongly supports the idea of combining the major portions of the bill into block grants for cities to allocate as they see fit to officers, equipment, training, jails, or social services. This approach has worked well for years in the area of community development, and it would be welcome by municipalities across the country.

Thanks again for your ongoing concern and interest in local matters as you shape national policy and the federal governing structure.

Sincerely,

ROD GOULD,
City Manager.

That is the reason that I find it difficult to believe that this is the most controversial crime measure of the six that we are considering, because across this country we are finding a strong level of support from local officials.

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

Mr. DREIER. I yield to the gentleman from California.

Mr. BEILENSON. Mr. Speaker, that quotation simply was from the gentleman's own chairperson, the gentleman from Illinois [Mr. HYDE], who said in his view this was the most controversial of the bills. It was not we who said it; it was your own chairman who said so.

Mr. DREIER. Mr. Speaker, I thank my friend for pointing that out and I disagree with the chairman of the committee. I guess that was concluded because of the fact that controversy existed in the Committee on the Judiciary when debate proceeded.

All I am saying is that the controversy probably did not come from the chairman of the committee, it probably emerged from members of the Committee on the Judiciary who believe very strongly that Federal control on this issue would be more important than local control, and I believe that is why Chairman HYDE concluded it was controversial.

All I am saying is I am hard pressed to see why it is a controversial issue. And the reason I say it is that these messages have come through very clearly. Again, Jim Patterson, the mayor of Fresno, CA, was in my office about 1 hour ago and he talked about how important it is for us to move ahead with this block grant concept. And I hope very much that the controversy that existed in the Committee on the Judiciary will not exist here because I believe Members on both sides of the aisle, as I said, this Democrat city manager from Monrovia believes this is an important thing for us to pursue, and I hope very much that we can.

This is an amendment process which allows for open debate. To call this a closed rule, as the gentleman from Missouri [Mr. VOLKMER] did I believe is really totally inaccurate because we will be operating with this 10-hour limitation under the 5-minute rule.

□ 1520

We are simply putting an outside time limit on the consideration for amendments. Any amendment that a Member has to offer that is germane will be able to be considered, and a Member can stand up and simply make that proposal here.

So we are proceeding with a very fair and balanced procedure, and I hope that we can bring about what people at the local level believe is necessary for them to turn the corner on this serious crime bill that we have.

I urge support of this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

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

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

Mr. BEILENSON. Mr. Speaker, I am trying to understand what I think is the complicated parliamentary situation that we are in now. If the Chair

will bear with me, I have a series of inquiries.

Mr. Speaker, is it correct to say that whenever a committee reports a bill, the rules of the House require the report to include a detailed analytical statement as to whether that bill may have an inflationary impact on prices and costs in our Nation's economy?

The SPEAKER pro tempore. The gentleman is correct.

Mr. BEILENSON. Mr. Speaker, may I inquire further whether the rules of the House provide a general exception for reports from the Committee on the Judiciary.

The SPEAKER pro tempore. The answer is no. They do not.

Mr. BEILENSON. Mr. Speaker, continuing my parliamentary inquiry, do the rules of the House permit the Committee on Rules to report a special order waiving the inflation impact requirement?

The SPEAKER pro tempore. That is correct.

Mr. BEILENSON. Further, Mr. Speaker, am I correct in saying, however, that the rules reported from the Committee on Rules and adopted just now by the House did not waive the inflation impact requirement?

The SPEAKER pro tempore. That is correct.

Mr. BEILENSON. Continuing my inquiry, if I may, the report on a block grant bill from the Committee on the Judiciary, House Report 104–24, does not discuss whether the block grant bill will have an inflationary impact on the Nation's economy. There is a section titled ''Inflationary Impact Statement'' on page 20 of the printed report. That section discusses the inflationary impact of the proposed constitutional amendment to balance the budget and, in fact, by the way, claims the balanced budget amendment will have no significant impact on the U.S. economy. Truly, Mr. President, this section in the entire report does not comply with the rules of the House, specifically clause 2(l)(4) of rule XI. Am I correct?

The SPEAKER pro tempore. The report does appear to refer to another measure.

Mr. BEILENSON. I do not intend to press the point of order. I am only trying to understand the parliamentary situation.

Am I correct to say that, because the Committee on the Judiciary violated the rules of the House and did not provide to the American people an explanation of the potential inflationary impact of the block grant bill, and because the Committee on Rules did not waive the requirement, because of this, could any Member now raise a point of order?

The SPEAKER pro tempore. If such a point of order were raised, the Chair would rule on that point of order at that time.

Mr. BEILENSON. Mr. Speaker, if then the point of order were raised and it were ruled by the Speaker to be in order, what would be the effect of that point of order? Would it delay the consideration of the block grant bill until either the Committee on the Judiciary fixed the defect in its report in a supplemental report or the Committee on Rules reported another rule waiving the requirement?

The SPEAKER pro tempore. The bill would be recommitted if the point of order were sustained. The Committee on Rules could report out a new rule dealing with the point of order.

Mr. BEILENSON. I thank the Chair for his responses. I will conclude my inquiries, if I may, sir, by asking whether this is a unique or even unusual parliamentary situation? Because it seems to me, Mr. Speaker, that so far in the 104th Congress, we are in this situation on almost every rule we have considered. On the unfunded mandates bill, a parliamentary inquiry established the committee report was defective, and the rule had not waived the point of order. On the balanced budget joint resolution, the rule, as reported, also failed to include the proper waivers to cover another defective report. When we pointed this out, the rule was amended on the floor. The rule on the Taos Pueblo Indian land transfer bill also did not waive the necessary points of order to fix a defective report. In addition, the rule did not allow for instructions in the motion to recommit, violating clause 4(b), rule XI. The point of order on the rule was not pressed when the majority agreed to amend the rule on the floor, and the rule on the Butte County land conveyance bill did not contain the waiver made necessary because the bill was reported out of the Committee on Resources without a quorum being present.

Here again, we are having passed a rule that failed to waive the necessary points of order to protect a defective report.

I thank the Chair for giving us the opportunity to ask these questions and will not press any potential point of order that may be available to us.

The SPEAKER pro tempore. The Chair thanks the gentleman for his observations.

Pursuant to House Resolution 79 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 728.

□ 1525

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 728) to control crime by providing law enforcement block grants, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume simply to make the point initially that what we are dealing with here today is a bill which will consolidate two programs that were passed in the last Congress under one local community block grant system for $10 billion.

Those programs were the President's Cops on the Street Program and the so-called prevention programs that were allocated in categorical grants last year. In both of those combined together, there was a total of about $16 billion of a $30 billion crime bill that passed this Congress and became law.

This bill would as I said, consolidate the prevention programs and the Cops on the Streets Program into a single community block grant program in the tune of $10 billion to let the local communities decide for themselves how to spend the money that they receive under this block grant proposal, rather than having the Federal Government tell it.

I was very disappointed to hear the President's radio address this past Saturday in which he said should this bill go to his desk, if I heard him correctly, he would veto it, because he felt it would undermine or destroy the Cops on the Streets Program.

This is especially disappointing, because I recognize what I hope he will in time come to recognize, and that is there are thousands of high crime rate communities around this country, who will not be taking advantage and not be able to take advantage of the President's Cops on the Streets Program that is now law, because they simply cannot afford to do so, and there are also thousands of communities that will not find the so-called prevention grant programs that are spelled out by last year's bill, those kinds of programs which they can utilize and they will never apply for those programs.

Consequently, the only way to remedy that defect is by passing the bill that is before us today, H.R. 728, and getting the President somehow convinced to let it become law or sign it into law or have enough Members to override his veto, because it is only if we do that that we will provide the maximum flexibility to the communities, the cities and counties of this country, to decide on their own what they want to do with this money, whether that is hire a new cop or whether that is to pay overtime for police or whether that is to buy a new police car or whether that is to extend the prevention program of their choice, whether that prevention program is one that is labeled in one of those previous grant programs or not in order to reduce crime in those communities.

Mr. Chairman, with that in mind, I yield such time as he may consume to the gentleman from Illinois [Mr.

HYDE], chairman of the Committee on the Judiciary, if the gentleman is prepared to give an opening statement here at this point.

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

Mr. HYDE. Mr. Chairman, I thank my friend, the gentleman from Florida [Mr. MCCOLLUM], chairman of the Crime Subcommittee. I will not take much time to explain the details. I would rather he would.

But I just want to say I as quoted as saying this is the most controversial bill. I want to make it clear that it ought not to be the most controversial bill, but it was treated as such in the Committee on the Judiciary by the furor of the resistance of the minority party in transferring any authority away from Washington, where apparently all wisdom resides, out to local communities.

This bill illustrates the philosophical difference between the two parties. Everybody wants to stop crime. Everybody is interested in doing something about the crime problem. But there we diverge. The Democratic Party thinks and acts and believes that Washington, DC, the Federal Government, must dictate down to the most minute detail how these funds are going to be spent, because Daddy knows best. That is a philosophical commitment they have had on welfare and almost every issue—that wisdom trickles down, if you will, one of their favorite phrases, when we talk about economics—from Washington to the local communities.

□ 1530

On the other hand, it is our belief, the Republican belief, that local governments know best, that government is best which is closest to the people, which understands the problems that are indeed local.

Somebody said once, a famous person, a famous Speaker of this House, ''All politics are local.'' Well, a lot of crimefighting is local. People in Boise, ID, have different problems and different needs than people in New York City or Bangor, ME, or Pensacola, FL. We have a very diverse country. We have diverse communities, and each has different needs.

I was—I do not want to say shocked—but I was saddened to hear local government maligned on this floor earlier today, and even by the President, who assumes from the beginning that this is going to be pork, that local government officials are not concerned about local circumstances and fighting crime and adding to public safety.

It is our belief that local government officials are honorable people, they have been elected by their constituents, who live very close to them. They want to fight crime, and they can do it more effectively because they have superior knowledge. They are on the scene.

Now, it may well be that certain communities need after-school sports programs, tutoring programs, neighborhood watch programs; to put more police in the schools, put metal detectors in the schools, put better weapons in the hands of their police, put more prosecutors in the courtrooms, build boot camps for first-time offenders, build drug courts, put more communities at ease by having community policing.

There is an infinite variety of remedies that can be applied to this exacerbating problem, but let us trust the local people to do it.

So, to assume in the beginning that they cannot handle it, that they are going to waste it profligately, on pork, is an insult, really. It demeans public officials in the myriad, thousands of cities and towns around this country.

We believe that the best government is closest to the people and most responsive to their needs. That ought not to be too tough to understand, but it is indeed a defining issue, one more defining issue between the Democratic Party and the Republican Party.

We trust local government, and I can assure you there are safeguards in this bill, advisory councils which involve the people. That is a great phrase, ''We the People.'' I suggest that these advisory councils that will be looking at this money and looking at how it is spent will be composed of people in the community, law enforcement, education, municipal officials. And, they will see that the money, which, after all, are tax dollars and collected from the same long-suffering taxpayer; whether the money goes to the State or to the Federal Government, it is the same money, is wisely spent.

And so to assume in the beginning it is going to be wasted or spent for pork does a great disservice to local governments across this country.

I guess not only do we think Washington does not always know best, but we have more faith and trust in local government officials than does the minority party.

This is an important bill, a significant bill. It is going to help fight crime. It is going to give the flexibility to local government to meet their situations.

The mayor of New York, I was present in a room when he said, ''I don't want any more policemen, I need technical help.'' That may be true in many areas. So let us let them decide, let them spend the money. We will be watching, the community groups will be watching, the advisory councils. If they misstep, it will not go ignored or unacknowledged, and it will be corrected.

So I am proud of this bill, I am proud of the work that the gentleman from Florida, BILL MCCOLLUM, the gentleman from Wisconsin, Mr. SENSENBRENNER, the gentleman from New Mexico, Mr. SCHIFF, and everybody on our committee has done, and I hope it gets the support of a majority of this House.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strenuous opposition to the measure before us.

Before I get into some other remarks, let me just respond about the newfound trust that the majority party has in local government. We trust local government as well. as a matter of fact, we not only trust them, we listen to them. And when we listen to them, we listen to the policemen that they say we do not trust, the policemen that we are listening to in the Fraternal Order of Police, who say that the crime bill that divided out the prevention program from the Cops on the Beat Program was the way to go. The international Brotherhood of Police Officers, their chiefs and police officers, saw that the 1994 crime bill created a community police program of 100,000 policemen. That was what they wanted to do. The Major Cities Chiefs representatives, we just talked to them only an hour ago, and they again are here urging that we turn down this proposal that the Republican majority has dreamed up.

The National Association of Police Officials, police organizations, with Bob Colley, a 30-year police officer from Detroit, are all testifying 100 percent on behalf of the 1994 crime bill: namely a return to community police as a separate program and not put it into a block grant with prevention, so that we may not end up with the Hobson's choice of either prevention or police.

The National Organization of Black Law Enforcement Officers are strongly in support of the modification that we will shortly offer to keep 100,000 community police in a separate position. This shows we do not just trust our local government, we hear them and we trust them and listen to them and then act on that premise.

So the police officers organizations—and they represent the rank-and-file policemen and police chiefs—are for the proposal which we will shortly offer to restore 100,000 policemen in a separate program. The Sheriffs Association, the National Sheriffs Association, have our support, the Police Executive, the Police Executives Research Forum, has our support. former police chief Hubert Williams, of the Police Foundation, has our support.

There are eight police organizations, foundations, brotherhoods, all supporting the plan that we will shortly bring to restore the fundamental provisions in the 1994 crime bill that will create 100,000 community policemen. Funds for 17,000 new police have already been certified by the Attorney General and will shortly be on the beat, if they are not already.

Now, the Republican majority has replaced a prevention and COPS Program that we know works, with a 1970-style revenue sharing program that we know

has failed. That is why we are not supporting it. We had that experience. It did not work. This is the pork program that we do not want to have put into law.

Why are we doing this? The 1994 bill is only a few months old, it is working fine; let us continue and not create the incredible confusion that will result from having to pull it. The Republican program is $10 billion worth of pork, and it will end up, I predict, in getting very few cops, very little for prevention programs, no guarantees for crime reduction, no money for the programs that mayors and community leaders tell us are needed to reduce crime, no accountability.

Mr. Chairman, this is a $10 billion taxpayer giveaway that we are being asked to support; the formlessness of the block grant program is begging to be abused. We know the program will fail, because of our experience with the Law Enforcement Assistance Administration Program, which did not work 35 years ago.

The Members of this body should make no mistake, this block grant formula is nearly identical to the failure structure of the 1970's program. And what did it bring us?

□ 1540

Well, at one university a $300,000 study to assess the need for a looseleaf encyclopedia on law enforcement; in one State, the purchase of aircraft used by the Governor and his family primarily for traveling. In another area, a national accounting firm was paid $27,000 for a government manual that we later found already existed.

Mr. Chairman, it is a boon for consultants who, by the way, got one-third of the funds according to these surveys.

We have boondoggle after boondoggle that makes us know that the police chiefs, the Fraternal Order of Police Officers, the foundations, organizations, are all correct. We need to return to a separate category of community police, and that is what we propose to do.

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to, first of all, respond to the gentleman from Michigan [Mr. CONYERS] on these comments about all these police organizations supporting last year's version and not supporting ours. We can all get down here and have litanies of who supports what and who does not. I do not know what good that does, but I can say that it is a split decision at this point if we add up who is and who is not on the list of them. For example, the National Association of Chiefs of Police strongly support our block grant approach as opposed to last year's cops on the street version, and that is also true of the Law Enforcement Alliance of America, it is true of the Memphis Police Association, the Southern States Police Benevolent Association, the American Federation of Police, the Police Superior Officers Association in Trenton, NJ; we have any number of individual lodges of the Fraternal Order of Police, though maybe their national office wants to go, and the board of directors, the other way; the Oklahoma Sheriffs Association.

I have right here in front of me a copy of a newspaper article recently where the chief of police right here in Washington, DC, says that he much prefers the version that we are going to offer because the city of Washington, DC, does not have the money or the ability to take advantage of the Cops in the Streets Program the way that the President has put it forward, but they could take advantage, and get some new police and some support for their police in this city of ours right here that we all know has such a very high crime rate, and the list goes on and on.

I do not think the debate today ought to be over how many police support which program. I think the debate should be on the merits of what is the better position, and I think clearly we have the better position. There are always going to be some communities that benefit more by this than others do. My own city of Orlando, FL, while its police chief and mayor strongly support our block grant program as a growth city, we are going to hire more police officers anyway and obviously get an advantage out of the President's proposal because he is saying, look, we will pay 75 percent of the first $20,000 or $25,000 each year for 3 years of hiring a new police officer, whereas another community, which was not, maybe, going to plan to hire them, like the city of Orlando, that finds that to be a very beneficial thing because it helps pay something they were going to pay for anyway. Somebody else would not find that to be the case, and in many communities, thousands of communities around the country were not planning to hire police, who now find themselves in the position of having to look at this in the cold, hard light of day and the dollars they have available, and they clearly cannot afford to do that.

We are going to hear a lot more about that over time. Let me describe briefly what H.R. 728, the Local Government Law Enforcement Block Grant Act of 1995, does.

Mr. Chairman, it is the last of six crime bills I introduced in connection with the Republicans' Contract With America. In many ways, it represents the central differences between the policies of last year's crime bill and the policies of the new Congress, and, as the gentleman from Illinois [Mr. HYDE] our chairman of the Committee on the Judiciary, said a few minutes ago, in many ways it represents succinctly the differences in political philosophy between Democrats who controlled this Congress for 40 consecutive years and the new Republican-controlled majority. Republicans generally believe in government which governs best governs least. We believe in limited Federal Government. We believe government closest to the people, in the case that we are talking about here today, the cities and the counties of our Nation, are the best government for making decisions, and in this case that is precisely what this bill does. It delegates to those cities and communities around this Nation the decision-making authority to decide how best to fight crime in their communities, either with more cops, or prevention or whatever.

Last year's bill said Washington knows best when it comes to fighting crime. Local governments were offered more police, so long as they agreed to pay most of the costs for those additional police and to use them for community policing. Last year's bill also said that America needed billions of dollars in crime prevention spending, but only the kind of crime prevention that a liberal-controlled Congress favored. Well, Mr. Chairman, the American people, in poll after poll and at the ballot box, stated clearly their objection with that kind of so-called crime fighting strategy.

H.R. 728 before us today takes the opposite approach. It says that Washington does not know best when it comes to fighting crime. It says that local governments are capable of determining what their needs truly are. It recognizes that better than 90 percent of all crime is local and not Federal. It says that the President's cops project, created in the heat of presidential politics, is not beyond question, and that, if it is what America's localities actually desire, they will prove it when they spend their block grants that they get under this bill.

Mr. Chairman, there is a role for the Federal Government to assist the States in the fight against crime. But such assistance must appreciate that the problems vary from State to State and community to community. We must avoid a one-size-fits-all approach, even as we reject micromanagement. Support from Washington cannot come at the expense of flexibility.

H.R. 728 leaves to local governments the decision regarding what their funding priorities should be. It neither requires that funds be spent on police officers, nor on prevention programs, it leaves that decision to local governments, which understand their crime problems far better than we do. Under H.R. 728, localities can fund police on the beat, or prevention activities, or anything in between. The act simply requires that those funds be used to reduce crime and improve public safety.

At the same time, the act ensures that there will be fiscal and programmatic accountability as the funds are utilized. The opponents of local control argue that this act will become another LEAA. They cite horror stories from the 1970's when the Federal Government gave money go the States

which was then passed along to local recipients. But a fair and thoughtful examination of this bill that is before us today, should lead any unbiased observer to see that this is a new day and a new approach.

Under section 103, units of local government must submit an application which ensures that a local advisory board has been established and has reviewed the application. The advisory board's membership must include a representative from the local police department or sheriff's office, the local prosecutor's office, the court system, a local community group active in crime prevention, and a representative of the local public school system. This advisory board is an important way to ensure that a range of views are considered as localities' grant applications are being completed. The advisory board will further ensure a healthy dose of public scrutiny during the application process.

Section 103 also includes fiscal and accounting requirements to ensure that grant funds are properly managed. Moreover, the gentleman from Illinois [Mr. HYDE] the chairman of the Judiciary Committee, will be offering an amendment later today, to set aside up to $60 million each year for oversight and accountability activities. There are many other differences between this initiative and the days of LEAA, and we will highlight those differences as the debate on this bill continues.

H.R. 728 repeals title I of the 1994 Crime Act, the public safety and policing section, and replaces it with a block grant program to provide funds directly to units of local government to assist them in their efforts to improve public safety. The use of grant funds includes, but is not limited to hiring, training, and equipping law enforcement officers and support personnel; enhancing school safety, and establishing crime prevention programs.

It is important to note that units of local government may use funds under section 101 for purposes other than those specifically identified, so long as they are used to reduce crime and improve public safety. The act provides maximum flexibility to localities while ensuring that funds are used to fight crime.

The act requires that grant funds supplement and not supplant State or local funds and there will be an amendment to the act to add a 10 percent match requirement to further assure that only the most worthy programs are supported by the block grants.

The bill authorizes a total of $10 billion for the block grants over 5 years, with $2 billion to be distributed in each of fiscal years 1996 through 2000. Units of local government can apply for funds each fiscal year. The formula for determining grant amounts is straight forward. It directs funds where they are most needed by taking into account the severity of crime and the population of a locality. Having examined the alternatives, I believe that the current formula is the most equitable method of distributing resources, and that it keeps funding anomalies to a minimum.

Mr. Chairman, H.R. 728 is precisely what the voters demanded on November 8. The majority of Americans said, ''We want less government control coming out of Washington.'' They said, ''We want government policymaking to be closer to the people where it will be more accountable to the taxpayers.''

□ 1550

Finally they said that we do not want anymore expensive, unrealistic, pork programs coming out of Washington.

H.R. 728 meets those demands. It provides resources for localities to respond to their unique crime problems with their own unique solutions. Make no mistake, this bill will provide more money with greater flexibility to the vast majority of localities throughout America than last year's crime bill.

Also for those who might be concerned with what happens to the cops the President handing out money to some communities who can afford them in this fiscal year, they are protected and their funding for the full 3 years is also protected so they do not lose the opportunity for getting more police or the police that they have already gained. Some have said that we have obliterated that, and that is not true.

Mr. Chairman, the Local Government Law Enforcement Act of 1995 is an important way for the Federal Government to assist localities in dealing with crime without getting in their way. It is a rejection of the Washington-knows-best mindset that gave us the 1994 crime bill. and it provides far more resources for the counties, cities, and towns of America to develop homegrown solutions to their unique crime problems.

Mr. Chairman, I urge my colleagues to support the bill.

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

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Michigan for yielding this time to me.

Mr. Chairman, I think that this crime bill is a very, very interesting issue, and for anyone watching this, it must be very confusing to hear one side saying one thing and the other side saying, ''No, that's not right, it's just the opposite.''

So where is the truth? I must say that I just came from a press conference where the Federal Order of Police, the International Brotherhood of Police Officers, the major city chiefs, the National Organization of Police Officers, the National Organization of Black Law Enforcement Executives, the National Sheriffs Association, the Police Executive Research Forum, and the Police Foundation had representatives there saying that in order to retain the police that we got under last years's bill, we really should stand firm and vote against the one today.

I know we just heard the opposite, so what do we believe and where do we go? Not only that, but why is it so important to sort all of this out?

First of all, I tend to believe the people who are in the field, the police officers. Having been on the Armed Services Committee, I found the biggest mistake we have always made year after year is that we never talk to the people who are out there trying to implement the stuff; we only talk to the people here in Washington who are trying to sell the stuff.

Yes, there may be a few local cities that do not agree, but the tremendous ground swell across the country is that they prefer last year's bill which targets police officers. And then we hear people say in answer to that, ''Well, why should Washington say that? Why shouldn't it be up to the localities?''

Well, one of the reasons it is not up to the localities totally is because this is a partnership and because really the localities are supposed to be taking care of crime anyway, and the only reason the Federal Government got into this is that the localities felt they were totally overwhelmed. So if the localities felt they were overwhelmed by crime and violence in their neighborhoods and in their cities and they said to the Federal Government, ''Please, please send resources,'' and since we all know the Federal Government does not have a lot of extra resources to send, because we would do much better to do debt-sharing than revenue sharing, and not only is there the threat of crime but there is the threat of the debt, we would be very stupid to send money out with no strings attached. So if we are going to send it out, we felt we ought to be prioritizing what it had to be spent for and put it into things that people agreed upon were the most concrete and realistic approach. And the No. 1 thing everyone seems to constantly agree upon is that we need more police officers, that if we see community policing, that is when crime rates go down; if we see more police out there so that they are not under the strain and stress of overwork or whatever, we see crime rates go down. The cities tell us they cannot get more police because it is so costly. So that is why we targeted the money, and that is why they say we need to continue targeting this money. I think that is very important.

Now, most localities would spend the money very well if we did not tell them that. Many of them would probably hire cops, but there would be some that would not. That was our lesson of LEAA, and as we all know, they say those who do not learn from history are condemned to repeat it.

So the prior bill does not totally micromanage in any way, shape or form, but it does say, ''If you want

Federal dollars, then you are going to get more police.'' I think that is critical.

There are other parts in this bill that I think we lost out on, and that I find to be very sad. One is community schools. We all know the saying that it takes a village to raise a child. Well, in most of our villages, everything has collapsed except the schools. The community schools grant under the prior bill was one that we had more applications for than anything else. People understand that. The schools are there. It makes sense to utilize them in a much broader sense. It certainly makes a lot more sense to do that than go to orphanages, for heaven's sake. If we can utilize these on a full-day basis or an evening basis or weekend basis to help lift young people up rather than just focus on locking young people up, it makes a big difference. So that community schooling item would be gone if we do not pass this through. In other words, the interest last year was to bring everything to the table and see what the things are that we really need, because we in the Federal Government are not sitting around here awash in surpluses, for heaven's sake. Yet crime is foremost on people's minds. If we are going to send this money to localities, we should put some constraints on it, not micromanage, but put constraints around it, and I think they have done a very good job of coming up with one-page forms that people have to fill out. That is all there is to it. It is not complex, but we want to make sure that when we spend the money, we get police officers, or that when money is spent, community skills are rebuilding so that they lock something into that community. And we want to make sure that the Federal tax dollars are being spent in ways that we know are very effective crime-fighting ways.

There is no better way to fight crime than with police. I think that is why most police officers in this country have been very supportive of the prior crime bill, and I think that is also why people have been supportive of the prior prevention balance that was put in there.

So I urge the Members to try to listen to this debate and ask, what would you do? If you were representing the Federal Government and you were representing a Treasury awash in red ink and you are now going to share some of this money with communities because they say they are under siege, do you not think some direction should be given? Should it be totally to ''go and spend it well. We know you won't mess up?''

Most of them will not, but some will, and if they will, we will all get condemned and people one more time will not believe that the Federal Government can do anything well.

I thought last year's bill was the perfect balance, or as perfect a balance, I guess, as one could have. I would just hope that we can leave that in place because I think to take any of the strings off, to cut the strings off and say, ''Here it is'' at a time when we have such debts would be something most people would be a little leery of and would say, ''Why don't you just keep the money in Washington, then, and deal with the threat of debt rather than the threat of crime?''

I think this makes sense, and I would hope the Members would proceed on that basis and support the bill as we know it and as it is going forward, since police officers find that it is working very well.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], a member of the committee.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of H.R. 728.

Last Saturday President Clinton in his weekly radio address came out strongly opposed to this bill, saying that it would do away with the commitment that he and Congress made on the 100,000 cops on the beat that were promised in last year's crime bill. Unfortunately, the President is sorely misinformed on how much money is available in his own crime bill, and I believe he ought to apologize to the American people for spreading such misinformation around.

□ 1600

Let us look at the numbers in last year's crime bill and what is proposed in H.R. 728, and the American people will see that H.R. 728 has the potential of putting more cops on the beat than the crime bill that President Clinton signed into law last year.

Last year's crime bill provides $8.8 billion for community policing over a 6-year period. That is $1.47 billion a year. If the President says that that will pay for 100,000 police on the beat, that means that there is an average Federal payment of $14,700 per police officer.

The average cost of a police officer is about $70,000 a year, including the training and equipment expenses, as well as the expenses of hiring a new employee. That means that only about 21 percent of the total commitment of 100,000 cops on the beat will end up being funded by the Federal Government. So 21,000 cops is in the Democrat crime bill, which is a far cry from the 100,000 that the President and the supporters of last year's crime bill are claiming.

If you put it another way, if you subtract the Federal funding of the $8.8 billion from what it would cost to put 100,000 cops on the beat, the local communities will have to come up with $33 billion more in property tax revenue in order to put that number of police officers on the beat.

So the numbers that the President talked about simply do not add up, and I think that he and those who are using the 100,000 number ought to withdraw those claims quite promptly, because the money from the Federal Government simply is not there.

Now, with all of these figures on the table, why is H.R. 728 a better approach? First, it increases the block grant for police to a potential of $10 billion over 5 years. It takes away the strings that local governments have to put property taxpayers' money into paying for some of those expenses. The $10 billion a year is on the assumption that the local communities would spend all of the Federal money on more police and none of it on prevention programs, such as midnight basketball and prisoner self-esteem.

Second, it is the local communities that decide how this money should be spent. What is true in New York City and what the needs are in Detroit is not necessarily what the needs are in Menomonee Falls, WI, or Orlando, FL, or some districts that are completely rural.

The beauty of block grants is that each community makes that determination for itself following a review of the advisory committee that was outlined by the gentleman from Florida [Mr. MCCOLLUM].

Now, I think that the advisory committee and the types of public hearings that have to be held before the actual expenditures are made is the perfect check against money being wasted by local government. But even if it is, that determination can be made by the voters in each local jurisdiction when they go to vote to reelect their mayors or town chairmen and their council members, because come election time, the mayor that has fettered away Federal law enforcement funds on things that do not make any sense at all would be hard pressed to explain to the voters of his or her community why the decision was made.

So that accountability and that responsibility to the voters of a particular community is the best check against the dissipation of the Federal funds to things that are not effective that there is.

Let us face it: Press and public scrutiny of government decisions at all levels of government is much stronger now than it was during the terrible years of the LEAA. I want to put my faith in local government. This whole question and this whole debate is a question of money and a question of control. I think that local government will do a much better job in spending this money wisely than keeping the control in Washington and the U.S. Department of Justice.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I represent a city in my First Congressional District in Connecticut, a city that has very many exciting things about it. But like many cities in this modern day, we have some terrible problems.

Two years ago the problems really became much worse. We had the invasion of three different gangs, and the people in our town became very worried, not only worried, they became frightened. We had drive-by shootings; we had car hijackings. We had situations where people were thought to be somebody else and got shot.

Understandably our citizens remained disturbed, and people like myself who pretend to have some answers and hold ourselves out as elected officials who should be able to help, were equally disturbed. I really wondered what to do next. How could I help?

But something very positive happened and that was the crime bill we passed last year.

There were three things in that crime bill that held out hope to the people of my city. The first thing was additional cops. In that bill the cop program provided additional police for city streets. We had done other things. The Governor had sent in the State police, but that was so expensive it could only last a little while. We had a Federal crime task force, very needed, still going on, but people could not see these results quickly. They could see additional police in the streets.

The second thing that the crime bill did was it allowed preventive programs. Anybody who understands what was happening could see that these gangs are made up of very young individuals, and if we did not have alternative activities for these young individuals, they would go into the gangs.

So these preventive programs endorsed by everybody in law enforcement could be part of a solution to fight gang violence. We should keep those preventive programs so there is hope for the next generation. These activities not only included group sports but activities that help young people to stay in school and resist peer pressure.

The third thing we had in last year's bill was the concept of community policing. You have additional police, and where do you put those additional police? You put them on the streets of the individual neighborhoods. You put them where people can see them. You put them where people can talk to them. They get to know the neighborhood, the neighbors get to know them. When crime occurs everyone including the police know what is happening.

Mr. Chairman, the bill we passed last year was a good bill. I think we should keep that bill. It gives people hope that gang violence can be addressed and our cities can survive as safe places in which to live.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF], a member of the committee.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this weekend the President of the United States said, obviously referring to this bill, H.R. 728, that he would oppose, perhaps veto, any bill that would jeopardize the number of police officers that would have been provided to communities under the bill that was passed last year.

I have two responses. First of all, Mr. Chairman, I want to say that this bill could provide even more police officers than were provided in the last crime bill. The fact of the matter is that this bill offers total flexibility between police programs and prevention programs to the communities, unlike the highly structured bill that was passed last year.

If the issue is police officers, then communities are free to use all of the money under H.R. 728 for the sole purpose of hiring police officers. This will generate more police officers than could ever be provided under the bill that we passed last year.

I think the real issue, and this is my second point, is not the number of police officers; it is micromanagement. In the crime bill as we passed it last year, for the police programs, for the prevention programs, are paragraph after paragraph and page after page of how to run your communities if you want to apply for these grants, and that is really the issue here. The crime bill passed last year sought to micromanage from the Congress and from the Federal Justice Department how communities are running their activities.

We recognize that a large share of fighting violent crime is at the local level, and therefore we tell the local governments use the funds as you think best, and you do not have to fill out a long application to Washington explaining to them in advance how you are going to set up programs that you think benefit your communities first. That is why, Mr. Chairman, the House should pass H.R. 728.

Mr. SCHUMER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, let me just say that this last part of the crime bill is probably the most important part of the crime bill that is before us, and it will determine, without any doubt, whether there is real balance in the bill. We have done the prisons part of the bill already. Many of us are worried even though we stand for the proposition that there ought to be tougher and increased sentencing, that the money will not go there and do it.

Now we have the same type of worry from the opposite end on these parts of the bill, because the block grant proposal that is part of H.R. 3 is unfortunately so wide open that just about anything can happen. Read the language and you will see that the money can be spent on anything at all.

□ 1610

If we stand for one thing in this crime bill, if we stood for one thing in 1994 and should stand for one thing in 1995, it is, no matter what else happens, there ought to be 100,000 new cops patrolling the streets. Cops are good for prevention and for punishment. In the whole crime bill last year, there were many on the left who objected to the prevention parts. There were many on the right who objected to the punishment parts. There were many on the right who objected to the prevention parts. But no one objected to the cops. And yet the Republican proposal in one fell swoop says, there may be 100,000 cops or there may not be 100,000 cops. That is their basic problem.

Similarly, the Republican proposal has no guarantee of any type of prevention or of all types of prevention. The block grant is so wide that unlike the crime bill that is now law, money could go to the wildest and craziest prevention schemes. My colleagues, the basic problem with the proposal is that when we give a block grant, we are never certain where the money ends up. Some of it ends up in worthy purposes, but much of it is either wasted or spent on purposes the Congress, the taxpayers never, never envisioned. So there is a serious problem.

Tomorrow morning I will be offering an amendment that guarantees the 100,000 cops, along with the gentleman from Michigan [Mr. CONYERS]. That amendment will probably be the most important amendment in terms of crime fighting that any Member of this body will vote on for this entire Congress. This evening we will have some amendments that talk about keeping the prevention programs and some of the specific prevention programs, like drug courts and community schools that make a great deal of sense.

But the bottom line is this, my colleagues, do we want prisons and police and prevention or do we want pork? Because all the cries of last year that there could be pork in the crime bill will be hollow cries if this amendment is not agreed to and if the bill passes. Because there is no antipork provisions in this bill. We tried to put them in. We tried to put certain limitations without imposing mandates on the localities. But they are not there.

Is it any wonder that every major police organization supports the Schumer-Conyers amendment? None at all. Because, again, they know the money will go to police. And the police are what the American people need above all.

In conclusion, I would say to my colleagues, do not march in lockstep. The contract is doing pretty well. We have passed a lot of provisions, but we know that it is a lot better to guarantee the police than let local government spend it on sometimes good purposes but sometimes misused purposes.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me say that I stand here in this well as a Republican Member that worked in support of the crime bill that was passed by Congress last year. I thought it was a good crime bill. I

stand here today, Mr. Chairman, because I believe this is a much better crime bill.

When we talk about the law enforcement block grant sections that are under discussion today and will be voted on through today and tomorrow, I believe that that local discretion that we give our municipal leaders and our police commissioners is vitally important.

Let us be honest about things. In many cities such as my own, our mayor came and said that this money would not be used under the old crime bill to hire one additional police officer for the city of New York. Because after 5 years, when the Federal subsidy ran out, he, we, simply could not afford to continue that funding. Instead, he would use it as was allowed by the——

Mr. SCHUMER. Mr. Chairman, will the gentlewoman yield?

Ms. MOLINARI. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, is the gentlewoman aware of the provisions that the mayor of our city fought for for permanent computers, permanent replacement that would keep cops on the beat long after the 5 years?

Ms. MOLINARI. Absolutely.

Mr. SCHUMER. Then, how can the gentlewoman say that New York, that her city, my city, the city we love, would not get cops after 5 years? The very provisions we wrote in the bill would make sure that they get cops for all the years this computer system is working.

Ms. MOLINARI. Reclaiming my time, Mr. Chairman, I think that is a bit misleading to the American public who believes that under the crime bill passed last year that the city of New York would be able to go out and in fact bring on more police officers to the city of New York.

Mr. SCHUMER. That is exactly what will happen under last year's crime bill, according to the mayor.

Ms. MOLINARI. What it does is, it frees up the police officers. It does not add new police officers. Let me just say that the mayor of the city of New York has that very same discretion to utilize those funds to accomplish the very same purpose and, more importantly, additional purposes.

Something that was left our of last year's crime bill, in terms of the allowable uses of funding for officers such as the city of New York, would be that police officers who can be hired and trained now could be used to enhance school security measures and establishing crime prevention programs that may include things like citizen patrol program, sexual assault and domestic violence programs, programs intended to prevent juvenile crime, using our existing police officers to expand their abilities to deal with the growing and different trends of crimes in our streets and particularly in the city of New York.

I think this is a very valuable allowable use of crime prevention funds that will enable our police officers, maybe not to add an additional person, although I do not think last year's crime bill will have added an additional person, but to allow those police officers to accomplish their jobs in a much more professional and dedicated manner.

I offer my wholehearted support to these improvements made in this particular area of the crime bill.

Mr. SCHUMER. Mr. Chairman, I yield myself 2 minutes.

I would ask the gentlewoman, is she aware of the provisions in the existing crime bill?

Ms. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentlewoman from New York.

Ms. MOLINARI. Mr. Chairman, yes, I am.

Mr. SCHUMER. Could they not do all of the things the gentlewoman talked about?

Ms. MOLINARI. I think that is debatable.

Mr. SCHUMER. Why? What is debatable about it?

Ms. MOLINARI. Mr. Chairman, if the gentleman will continue to yield, the language in last year's crime bill does not specify that we have a better opportunity of getting these grants if we can put forth a program that shows, for example, that this money would be used toward training police officers in domestic and sexual abuse.

Mr. SCHUMER. The gentlewoman is absolutely unfortunately correct. Specific provisions in last year's crime bill that the mayor of New York City sought would allow training of police officers and other types of things.

Ms. MOLINARI. The exact language is the grants may be used to procure equipment, technical or support systems or pay overtime.

Mr. SCHUMER. Exactly, that is in last year's bill as well as this year's bill.

Ms. MOLINARI. That was in last year's bill. That does not extend to this year's bill.

Mr. SCHUMER. It does, indeed, because this year's bill is even broader. It could be spent on those purposes. Would not the gentlewoman admit if New York City would not want to spend an additional nickel on police of any sorts, that that would be permissible under the present proposal, but it would not be permissible under the present law, last year's proposal; is that not correct?

Ms. MOLINARI. Mr. Chairman, I would submit that under this current crime bill, the city of New York has tremendous flexibility to deal with the problems that are affecting the city of New York. If my colleague will recall, our mayor stood here and said midnight basketball is a valuable prevention program. Many of the colleagues from other areas——

Mr. SCHUMER. Reclaiming my time, Mr. Chairman, what I would simply say here is, very simply, that our bill, and I do not think the gentlewoman has contradicted this, despite what she is talking about, midnight basketball, our bill would allow the money to go for many police uses. The existing proposal would not require any money to go to police. It could well be that not a nickel would go to police. There in lies the difference.

Mr. Chairman, how much time does each side have?

The CHAIRMAN. The gentleman from New York [Mr. SCHUMER] has 9 minutes remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 1 minute remaining.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT], a member of the committee and the subcommittee.

☐ 1620

Mr. SCOTT. Mr. Chairman, a lot of motivation has been ascribed to some Members of the minority as to the furor over this bill. I want to make it clear that my furor is focused on the cut of $2.5 billion from prevention and police, where it can make the most difference in responding to the problem of crime. We have debated whether or not the local government or the Federal Government will decide how the money will be spent. We have had examples of local law enforcement block grants with LEAA, but I want to make it clear that my personal furor is over the $2.5 billion that the communities will have less to deal with.

We have seen drug courts which operate at one-twentieth of the cost of other programs and result in an 80 percent reduction in crime. We will have less money for those programs. We have seen community policing, very effective in reducing crime. Police officers have been put on the street as a result of last years's bill. We will have less money to do that. Prevention programs, reducing crime, less money to do that. We have heard of some organizations supporting the bill. We have not heard whether or not they support the $2.5 billion cut.

Mr. Chairman, I would hope that we would restore the $2.5 billion so the communities will have more money with which to fight crime.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise today to join my colleagues in opposing H.R. 728, the Local Law Enforcement Block Grant Act, and in supporting the Conyers-Schumer substitute which will be debated later this evening. The streets of my district, the Third District of Connecticut, are safer today because of the 1994 crime bill. Streets are becoming safer across this country because we are putting more police officers on the beat.

Mr. Chairman, last weekend I met with local law enforcement officials

and mayors in my district. They reiterated their support for community policing, and they asked me, ''Why are you unraveling this bill? It is working. Give it more of a chance to work.'' The 1994 crime bill was passed and signed into law just last August. It is not even into effect for 6 months. They regard this as a bill that has already provided funding for 32 additional officers in 10 municipalities in my communities. They were united in their support for the course of this landmark legislation, and the course it has charted. The 1994 crime bill struck the right balance between prisons, police, and prevention. The bill was tough on criminals, as it should be, but it also recognized that the best way to deal with crime was to prevent it from happening in the first place. That means more community policing, more cops on the beat.

The 1994 crime bill guarantees that 100,000 more police will be on our streets by the year 2000. The Republicans' bill does not guarantee that even one new police officer will be hired over the next 5 years. Without the kinds of guidelines that were included in the 1994 bill's block grant programs, there is no guaranty that State and local officials will ever spend any resources in support of community policing and cops on the beat.

My police chiefs reminded me of prior law enforcement block grant programs that did not have guidelines, the kind we are talking about in the 1994 bill. They told me that they saw spending on cars for politicians, airplanes, and cash for consultants; even, I might add, armored tanks. The Conyers-Schumer substitute would restore funding that the 1994 crime bill promised the States and localities by putting back money into the Cops on the Beat Program. This was a promise that was made to the American public. I urge my colleagues to support our police and our communities by keeping our commitment to the cops, keeping our commitment to this program, programs that are making our streets safer, and the people who live in our communities feel more safe. Take a stand in support of our cities, our police, and our youth, Mr. Chairman, and support the Conyers-Schumer substitute.

Mr. WATT of North Carolina. Mr. Chairman, would the Chair advise me how much time remains on each side?

The CHAIRMAN. The gentleman from North Carolina [Mr. WATT] has 4½ minutes remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 1 minute remaining.

Mr. WATT of North Carolina. Mr. Speaker, I would advise the other side that we have no other speakers other than myself.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has the right to close, and the gentleman from North Carolina [Mr. WATT] would then be recognized, if he seeks recognition.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, let me speak for a minute or two about what this debate and this bill is not about, and then talk a little bit about what it is about.

Mr. Chairman, we have heard in this debate that this is about whether the local government has control of this situation or whether the Federal Government has control of the funds. I think the debate that we will engage in shortly, Mr. Chairman, as we try to amend this bill, is about what will be effective in the crime-fighting context.

If we really think about it, Mr. Chairman, I have never seen any local government official or State government official who would refuse funding from the Federal Government, whether it has some strings attached to it or whether it has no strings attached to it.

If we ask a local government official ''Would you rather have money that does not give you any guidance about how to use it,'' they will say ''Give me the money.'' If we ask that same local government official ''Would you take some money that gives you some guidance about how to use it,'' they will say ''Give us the money. We need the money because we have a crime-fighting problem.''

Therefore, the real issue here is not about whether we give the money to the local government, with some constraints or guidance, or no constraints and guidance. It is about having some mechanism for accountability.

Mr. Chairman, the real issue, as the gentleman from Virginia [Mr. SCOTT] has indicated during the course of this debate is whether we are going to have some programs that are dedicated to prevention and some programs that are dedicated to putting additional police officers on the street.

By knocking down the wall between the prevention programs and the police programs and saying we are just going to give you block grants, not only do we give more discretion to the local officials, and they will love it and say ''Thank you; we do not want you to tell us anything about how we should use these funds,'' but what we are also doing is eliminating the opportunity we have for accountability for those funds at our level.

Mr. Chairman, it is our responsibility to build in some accountability in this process. My point, Mr. Chairman, is that we should have had in the last crime bill and we should have in this bill a process for evaluating and forcing local government officials, or if we retain last year's programs in place, the Federal Government, to have an evaluation process.

Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. CONYERS].

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 1 minute.

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

□ 1630

Mr. CONYERS. Mr. Chairman, if I have ever seen a piece of legislation that might be a candidate for a veto, I think the block grant is it. I think replacing 100,000 policemen on the street and a prevention program that works versus a $10 billion giveaway with no guarantees that takes $2.5 billion out of prevention is the wrong way to go and is likely to run into great difficulty with the Clinton administration.

The amendment that I am going to offer with my colleague from New York and many other Members supporting would effectively strike the block grant program, replace it with the bipartisan police and prevention package that we had in the last bill and won the support of Governors, mayors and, yes, law enforcement officials at the local level.

So rather than cutting the authorized amount to $10 billion, it would fully authorize the two packages at $12.5 billion.

Mr. Chairman, if I've ever seen a candidate for a veto, this block grant is it. It replaces 100,000 cops on the street and prevention programs that work, with a $10 billion givaway that has no guarantees to cut crime.

Our amendment would effectively strike the block grant, and replace it with the bipartisan cops and prevention package, that has won support among Governors, mayors, law enforcement officers. Rather than cutting the authorized amount to $10 billion, it would fully authorize the two packages at $12.5 billion.

Mr. Chairman, interestingly after all is said and done in this debate, three things remain clear:

First, the Republican majority has not told us how this block grant differs from LEAA in the 1970's. What specific guarantees exist in the text of this bill to ensure against the enormous waste we experienced with LEAA?

Second, not only has the Republican majority refused to tell us how this differs from the failure of LEAA, it has refused to identify any experience that is more compelling than the date of the authorized prevention programs. They have not responded to the empirical data—such as the California study, the data on drug courts, or early childhood intervention—all of which show us the promise of these programs;

Third, the Republican block grant will not guarantee a single new police officer. Our amendment here will guarantee the promise of both 100,000 new cops and smart programs that ultimately reduce tax expenditures rather than waste them.

This is a choice between making every American safer by putting 20 percent more police on our streets—or putting every American's pocketbook at risk with a 100-percent federally funded giveaway of $10 billion. A choice of a prevention package written on the past 20 years of experience at the local level, or a block grant that failed 20 years ago. Let's

not go back to failed polices of the past. Let's move forward in the 1990's with programs that we know will work.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the debate that we are now commenced in that will run over the better part of 10 hours today and tomorrow is offering the most striking difference to the American people between the two parties that we have had in a long time on the floor of the House.

Republicans basically believe in limited government, believe in a local block grant program for the crime prevention and the police opportunities that we have to fight crime, and the Democrats have always believed in the Federal Government knows best and that is what was in their crime bill last year.

We have a real opportunity to make a difference here when we vote on the local crime bill programs that we are offering out here in the next day or two. What is good for New Brunswick, GA, is not the same as what is good for Sacramento, CA or Madison, WI. The local communities know best. They should make that decision. That is what this debate is all about. We are going to decide that out here. I trust when it is all said and done, this Congress will give the right to the local communities to fight crime as they see fit, to make the decision of whether they want a new cop or whether they want a prevention program and to make sure that every community with a high crime rate in this country can participate and not exclude some as the present law does.

Mr. GEJDENSON. Mr. Chairman, I rise to express numerous concerns about H.R. 728. At the outset I would like to commend the gentleman from Michigan, Mr. CONYERS, and the gentleman from New York, Mr. SCHUMER, for their efforts over the last week to improve these so-called crime bills that our Republican colleagues have brought to the floor. They have raised many important issues which have not been given proper consideration by the other side in their rush to bring bill after bill to the floor in order to meet an arbitrary 100-day deadline.

H.R. 728 is the final blow to the most comprehensive crime fighting legislation ever passed by Congress. The Crime Bill struck a smart balance between punishment and prevention. It had the support of police, local officials, Governors, community leaders, teachers, recreation directors, and many others across the country. Most importantly, it responded to the calls of the American people for safer neighborhoods by establishing a grant program to put 100,000 new police officers on our streets. Thanks to Herculean efforts by the Justice Department, funds have already been directed to thousands of communities, large and small, to hire approximately 17,000 new police. Importantly, these officers will be involved in community policing. Community policing has been proven successful over and over again in reducing crime and improving relations between law enforcement personnel and residents. Almost nothing works better to deter crime than having officers highly visible in the community.

I say almost nothing because stopping crime from ever occurring works better than anything else to make our communities safe. By taking steps to address the root cause of crime—drug abuse, lack of educational and economic opportunity, and the decline of the family—we can prevent it from occurring in the first place. The Crime Bill took this proactive approach by allocating a small portion of the funds available to local communities for a wide range of worthwhile initiatives. Funds would be available for education, job training, anti-gang programs, drug treatment and after school and summer activities. Importantly, the bill did not impose solutions or program designs on communities. Instead, it provided broad discretion to communities to develop programs to meet their particular circumstances.

Mr. Chairman, H.R. 728 will change all of this. It guts the prevention side of crime fighting, the proactive side, to fund more prisons and police, the reactive side. Of the $5 billion previously allocated to prevention, this bill shifts $2.5 billion to build more prisons according to a formula established by legislation passed by the House last week. Unfortunately, few states meet the requirements to receive funding and some estimate that states will have to spend $60 billion on prison construction so that they can incarcerate prisoners long enough to qualify for assistance down the road. For my colleagues who are concerned about unfunded mandates, alarm bells should be going off.

The remaining $2.5 billion will go into a new program relating to police officers. Unfortuantely for the American people, this new program takes several steps backwards. First, it does not require that new officers to be engaged in community policing and may not result in 100,000 new police being put on the street. People want officers out of their cars and the station house and onto the streets of their neighborhoods. Communities which utilize community policing have seen their crime rates go down and relations between the police and residents dramatically improve. The Crime Bill encouraged this effective policy nationwide.

Virtually every major police organization in the country is opposed to altering the provisions of the Crime Bill relating to cops on the beat. The National Association of Police Organizations, the Law Enforcement Steering Committee, the Fraternal Order of Police, the National Sheriffs Association and the Police Executive Research Forum all strongly support the current program. Many of these groups are concerned that the provisions of H.R. 728 will not put 100,000 new police on our streets. I fail to see why the House would want to pass a bill which our law enforcement professionals say will undermine our efforts to put additional cops on the street. This is just another example of the unintended consequences of certain Republican policies which are not being provided careful scrutiny in committee.

I am also troubled by the fact this legislation eliminates the requirement that local communities pay part of the costs of hiring additional officers or buying new equipment. Law enforcement is a local function. Virtually no one in this chamber would argue that the Federal Government should begin paying for local police. Assistance in the Crime Bill is designed to provide a rapid infusion of new officers to meet the challenges of violent crime. The Federal Government agreed to pay the vast majority of the costs, but asked local communities to make an investment as well. It only makes sense to ask communities to make a commitment to the safety of their residents. With a voluntary program, it makes even more sense to ask participants to pay part of the cost.

The need for a local contribution is more acute in light of efforts to pass a balanced budget amendment. I would like my Republican colleagues to explain how they plan to balance the budget by developing voluntary programs designed to meet profoundly local needs that don't require the local entity to put up any money? I know it is politically expedient to eliminate the local contribution. However, from a public policy and a budgetary standpoint, the things that should matter the most around here, this makes no sense. The Crime Bill struck a balance in this area, a balance which this bill destroys.

Finally, by eliminating support for prevention, I believe this bill will actually undermine efforts to substantially reduce crime in this country and drive up the costs of law enforcement. During debate on the Crime Bill last year, we all heard from communities across the Nation which have experienced substantial reductions in criminal activity when they set up after school programs, anti-gang initiatives, or provided job training to young people. Crime went down because kids had constructive things to do with their time and they were being given opportunities to do better in school or to learn a new skill that will help them get a good job down the road. Communities plagued by gang violence worked to combat it with programs to educate youngsters about the negative side of gangs and the list goes on and on. The bottomline is that communities are getting real results with prevention programs, results they aren't getting by sending more people to prison.

Prevention makes sense for several reasons. First, it is proactive, it works to reduce crime before it ever occurs, before the police have to be called and before someone goes to prison. The most effective way to make our communities safe is to stop crime in the first place. Second, prevention is probably the most cost-effective way to reduce crime. A community can invest $25,000 in an anti-gang initiative which can serve countless young people. On the other hand, it costs about the same amount to incarcerate a single violent criminal for one year. We get a much greater return on the first $25,000 than we do on the second. For people who want the Government to spend the American taxpayers' money wisely, nothing makes more sense than investing in prevention.

Mr. Chairman, this bill takes a giant step back in the fight against crime. It does not guarantee that 100,000 new police will be put on the streets, it does not stress community policing, and it repeals what I believe are the most cost-effective crime fighting programs. Major law enforcement organizations and our Nation's mayors and other elected officials have strong concerns about this bill. Moreover, it puts political expedience before good public policy by funneling billions to localities without requiring them to make an investment as well. I urge my colleagues to defeat this measure and preserve the existing cops on

the beat program as well as badly needed prevention initiatives.

Mrs. VUCANOVICH. Mr. Chairman, I rise in support of H.R. 728. During the last session, the Democratic-led Congress passed a crime bill riddled with problems and weaknesses. Most notably, it would have spent billions of dollars on questionable social spending disguised as crime prevention.

The crime bill also placed so many conditions on local governments to receive Federal funds to hire more police that many could not even afford to apply for these funds.

To make matters worse, it assumed that all police departments needed or wanted to hire more police, ignoring the reality that many strongly felt that they could use the money in more effective and efficient ways—such as modernizing outdated equipment and hiring civilian office workers to move desk cops out on the streets.

Last year, I tried to offer an amendment to give local law enforcement flexibility to use these grants for these other important purposes—only to be rejected by the Rules Committee.

H.R. 728 addresses both problems. It authorizes $10 billion of block grants over 5 years for law enforcement, replacing the police and crime prevention sections of the crime bill.

These grants can be used, among other things, to hire new officers, purchase equipment and technology directly related to law enforcement, pay overtime to current officers, enhance school security and establish citizen neighborhood watch programs. In other words, the $4 billion in mandated social spending in the crime bill are gone and police departments now have the flexibility to spend Federal funds as they see fit.

After all, they are the ones on the front lines in the war on crime and certainly know better than Washington bureaucrats how to more effectively combat our crime problem.

Mr. Chairman, I am also very pleased that H.R. 728 preserves the Violence Against Women Act provisions in last year's crime bill.

This section created Federal penalties for interstate stalking or domestic abuse, strengthened existing Federal penalties for repeat sexual offenders and required restitution to victims in Federal sex offense cases. In addition, it created a civil rights violation for violent crimes motivated by gender, allowing victims of such crimes to sue for damages or court-ordered injunctions.

The act also authorized $1.6 billion over 6 years for programs to fight violence against women.

Mr. Chairman, H.R. 728—in combination with the other crime bills passed by the House during the past week—is a vast improvement on last year's crime bill and I urge my colleagues' support of this legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, we all recall last year's unfounded cries by the GOP that the 1994 crime bill was loaded with pork. Well, I've got news for you and the American people watching this debate today. H.R. 728, the Local Government Law Enforcement Block Grants Act, is the true oinker. This thing squeals so loud, you'd think we were considering a farm bill instead of a crime bill.

Last year, the body made a commitment to the American people that we would tackle their concerns about crime with a targeted, smart, understanding approach and we did just that. Unfortunately, my Republican colleagues have decided to ditch this approach in the name of political expediency and, ironically, have left a pigsty in their wake.

H.R. 728 is an absolute boondoggle. This legislation promises a whole heck of a lot, but guarantees absolutely nothing but the potential for abuse: $10 billion of taxpayer funds will be shuttled to States and localities for the broad, general purpose of reducing crime and improving public safety with no specific goals up front and no indications that these funds will be spent responsibly.

Like the old Law Enforcement Assistance Administration grants that were plagued by mismanagement and fraud and finally terminated during the Reagan administration, grants under H.R. 728 could potentially go toward the purchase of so-called police patrol cars employed by high-ranking local officials for personal use, to support patronage jobs in law enforcement agencies, or to fund crime consultants whose only aim is to bilk the government.

My constituents strongly supported the addition of 100,000 officers to walk the streets, interacting in a positive way with average citizens and community leaders, strengthening the ties between law enforcement and localities, creating a safer environment in which our children can grow. Residents of several neighborhoods in my district in Chicago, such as North Lawndale and Austin, have been successful for some time now in organizing citizen partnerships with local authorities to tackle problems as they arise and ensure the continued vitality of the areas in which they work and live. In addition, suburbs in my district such as Maywood and Bellwood, IL, have worked diligently to create viable community policing programs and are in the process of starting these programs with the help of the 1994 crime bill.

H.R. 728 severely jeopardizes this progress. In fact, under this bill, there are no assurances that a single police officer will be hired.

Even more distressing is the fact that most all prevention moneys from last year's comprehensive crime legislation are gone, including the $1.6 billion in long-awaited funds for the Local Partnership Act to grant cities the resources necessary to implement proven, cost-effective and much-needed health and educational crime prevention programs. Gone with that act is the 10-percent Federal set-aside I was able to include which would have provided localities across the Nation with the incentive to partner with small minority or women-owned businesses. I guess the GOP would rather build walls around some of the most disadvantaged areas of our cities and towns than provide relief and the hope of a successful future to hundreds of small enterprises and the neighborhoods in which they are located.

Also gone are the following: $810 million in grants for a variety of after-school and summer programs for at-risk youth involving education, tutoring, and job preparation; $626 million for up to 15 model programs intended to expand community services and new prevention strategies in high-crime, low-income areas; $270 million for local community development corporations to implement vital economic revitalization projects such as those being undertaken on the West Side of Chicago, in my district, with the help of organizations like Bethel New Life, Inc.; and $45 million in BATF gang prevention and education initiatives.

So as you can clearly see, we have before us a bill that substitutes uncertainty and irresponsibility for clarity and accountability. The American people have hardly called for such an extreme reversal.

Mr. Chairman, my Republican colleagues have rejected the common sense notion that giving individuals and families a greater stake in their communities, as we did in last year's crime legislation, is the best way to attack and deter lawlessness. They have rejected the belief that we need to provide hope and opportunity where there is little or none. They have rejected the fact that the threat of punishment and retribution neither prevents nor stops crime from occurring on its own. I strongly suggest we reject their irrational attempt to gut the 1994 crime bill. Vote ''no'' on H.R. 728.

Mr. MCCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Mr. MCCOLLUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. MOLINARI) having assumed the chair, Mr. GUNDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 728) to control crime by providing law enforcement block grants, had come to no resolution thereon.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PERMISSION FOR CERTAIN COMMITTEES TO SIT DURING 5-MINUTE RULE

Mrs. VUCANOVICH. Madam Speaker, I ask special leave that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule:

Government Reform and Oversight; the Judiciary; Science; Small Business; and Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

Mr. SKAGGS. Madam Speaker, reserving the right to object, I just wanted to make sure that all of this had been cleared. We have determined with our leadership that it has.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 79 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 728.

□ 1635

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 728) to control crime by providing law enforcement block grants, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 728

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 ''Local Government Law Enforcement Block Grants Act of 1995''.

SEC. 2. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Title I of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

''TITLE I—LAW ENFORCEMENT BLOCK GRANTS

''SEC. 101. PAYMENTS TO LOCAL GOVERNMENTS.

''(a) PAYMENT AND USE.—

''(1) PAYMENT.—The Director of the Bureau of Justice Assistance, shall pay to each unit of local government which qualifies for a payment under this title an amount equal to the sum of any amounts allocated to such unit under this title for each payment period. The Director shall pay such amount from amounts appropriated to carry out this title.

''(2) USE.—Amounts paid to a unit of local government under this section shall be used by the unit for reducing crime and improving public safety, including but not limited to, 1 or more of the following purposes:

''(A)(i) Hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel.

''(ii) Paying overtime to presently employed law enforcement officers and necessary support personnel for the purpose of increasing the number of hours worked by such personnel.

''(iii) Procuring equipment, technology, and other material directly related to basic law enforcement functions.

''(B) Enhancing school security measures by—

''(i) providing increased law enforcement patrols in and around schools, whether through the hiring of additional law enforcement officers or paying overtime to presently employed officers;

''(ii) purchasing law enforcement equipment necessary to carry out normal law enforcement functions in and around schools;

''(iii) equipping schools with metal detectors, fences, closed circuit cameras, and other physical safety measures;

''(iv) gun hotlines designed to facilitate the reporting of weapons possession by students and other individuals in and around schools; and

''(v) preventing and suppressing violent youth gang activity.

''(C) Establishing crime prevention programs that may, though not exclusively, involve law enforcement officials and that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood watch and citizen patrol programs, sexual assault and domestic violence programs, and programs intended to prevent juvenile crime.

''(D) Establishing or supporting drug courts.

''(E) Establishing early intervention and prevention programs for juveniles to reduce or eliminate crime.

''(F) Enhancing the adjudication process of cases involving violent offenders, including the adjudication process of cases involving violent juvenile offenders.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'violent offender' means a person charged with committing a part I violent crime; and

''(B) the term 'drug courts' means a program that involves—

''(i) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

''(ii) the integrated administration of other sanctions and services, which shall include—

''(I) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

''(II) substance abuse treatment for each participant;

''(III) probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

''(IV) programmatic, offender management, and aftercare services such as relapse prevention, vocational job training, job placement, and housing placement.

''(b) PROHIBITED USES.—Notwithstanding any other provision of this Act, a unit of local government may not expend any of the funds provided under this title to purchase, lease, rent, or otherwise acquire—

''(1) tanks or armored personnel carriers;

''(2) fixed wing aircraft;

''(3) limousines;

''(4) real estate; or

''(5) yachts;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

''(c) TIMING OF PAYMENTS.—The Director shall pay each unit of local government that has submitted an application under this title not later than—

''(1) 90 days after the date that the amount is available, or

''(2) the first day of the payment period if the unit of local government has provided the Director with the assurances required by section 103(d),

whichever is later.

''(d) ADJUSTMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Director shall adjust a payment under this title to a unit of local government to the extent that a prior payment to the unit of local government was more or less than the amount required to be paid.

''(2) CONSIDERATIONS.—The Director may increase or decrease under this subsection a payment to a unit of local government only if the Director determines the need for the increase or decrease, or if the unit requests the increase or decrease, not later than 1 year after the end of the payment period for which a payment was made.

''(e) RESERVATION FOR ADJUSTMENT.—The Director may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of local government in a State if the Director considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of local government in the State.

''(f) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

''(A) paid to the unit from amounts appropriated under the authority of this section; and

''(B) not expended by the unit within 2 years after receipt of such funds from the Director.

''(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

''(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to units of local government.

''(g) NONSUPPLANTING REQUIREMENT.—Funds made available under this title to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of funds made available under this title, be made available from State or local sources.

''SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title—

''(1) $2,000,000,000 for fiscal year 1996;

''(2) $2,000,000,000 for fiscal year 1997;

''(3) $2,000,000,000 for fiscal year 1998;

''(4) $2,000,000,000 for fiscal year 1999; and

''(5) $2,000,000,000 for fiscal year 2000.

''(b) ADMINISTRATIVE COSTS.—Not more than 2.5 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1996 through 2000 shall be available to the Director for administrative costs to carry out the purposes of this title. Such sums are to remain available until expended.

''(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

''SEC. 103. QUALIFICATION FOR PAYMENT.

''(a) IN GENERAL.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this title.

''(b) PROGRAM REVIEW.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this title.

''(c) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of local government qualifies for a payment under this title for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

''(1) the unit of local government has established a local advisory board that—

''(A) includes, but is not limited to, a representative from—

''(i) the local police department or local sheriff's department;

''(ii) the local prosecutor's office;

''(iii) the local court system;

''(iv) the local public school system; and

''(v) a local nonprofit, educational, religious, or community group active in crime prevention or drug use prevention or treatment;

''(B) has reviewed the application; and

''(C) is designated to make nonbinding recommendations to the unit of local government for the use of funds received under this title;

''(2) the chief executive officer of the State has had not less than 45 days to review and comment on the application prior to submission to the Director;

''(3) the unit of local government will establish a trust fund in which the government will deposit all payments received under this title;

''(4) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

''(5) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

''(6) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this title shall be audited in compliance with the Single Audit Act of 1984;

''(7) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this title or that the Comptroller General reasonably requires to review compliance and operation;

''(8) a designated official of the unit of local government shall make reports the Director reasonably requires, in addition to the annual reports required under this title; and

''(9) the unit of local government will spend the funds made available under this title only for the purposes set forth in section 101(a)(2).

''(d) SANCTIONS FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

''(A) has taken the appropriate corrective action; and

''(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

''(2) NOTICE.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

''SEC. 104. ALLOCATION AND DISTRIBUTION OF FUNDS.

''(a) STATE SET-ASIDE.—

''(1) IN GENERAL.—Of the total amounts appropriated for this title for each payment period, the Director shall allocate for units of local government in each State an amount that bears the same ratio to such total as the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available, bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such years.

''(2) MINIMUM REQUIREMENT.—Each State shall receive not less than .25 percent of the total amounts appropriated under section 102 under this subsection for each payment period.

''(3) PROPORTIONAL REDUCTION.—If amounts available to carry out paragraph (2) for any payment period are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1) for such period, then the Director shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

''(b) LOCAL DISTRIBUTION.—

''(1) IN GENERAL.—From the amount reserved for each State under subsection (a), the Director shall allocate—

''(A) among reporting units of local government the reporting units' share of such reserved amount, and

''(B) among nonreporting units of local government the nonreporting units' share of the reserved amount.

''(2) AMOUNTS.—

''(A) The reporting units' share of the reserved amount is the amount equal to the product of such reserved amount multiplied by the percentage which the population living in reporting units of local government in the State bears to the population of all units of local government in the State.

''(B) The nonreporting units' share of the reserved amount is the reserved amount reduced by the reporting units' share of the reserved amount.

''(3) ALLOCATION TO EACH REPORTING UNIT.—From the reporting units' share of the reserved amount for each State under subsection (a), the Director shall allocate to each reporting unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

''(4) ALLOCATION TO EACH NONREPORTING UNIT.—From the nonreporting units' share of the reserved amount for each State under subsection (a), the Director shall allocate to each nonreporting unit of local government an amount which bears the same ratio to such share as the average number of part 1 violent crimes of like governmental units in the same population class as such unit bears to the average annual imputed number of part 1 violent crimes of all nonreporting units in the State for the 3 most recent calendar years.

''(5) LIMITATION ON ALLOCATIONS.—A unit of local government shall not receive an allocation which exceeds 100 percent of such unit's expenditures on law enforcement services as reported by the Bureau of the Census for the most recent fiscal year. Any amount in excess of 100 percent of such unit's expenditures on law enforcement services shall be distributed proportionally among units of local government whose allocation does not exceed 100 percent of expenditures on law enforcement services.

''(6) DEFINITIONS.—For purposes of this subsection—

''(A) The term 'reporting unit of local government' means any unit of local government that reported part 1 violent crimes to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available.

''(B) The term 'nonreporting unit of local government' means any unit of local government which is not a reporting unit of local government.

''(C)(i) The term 'like governmental units' means any like unit of local government as defined by the Secretary of Commerce for general statistical purposes, and means—

''(I) all counties are treated as like governmental units;

''(II) all cities are treated as like governmental units;

''(III) all townships are treated as like governmental units.

''(ii) Similar rules shall apply to other types of governmental units.

''(D) The term 'same population class' means a like unit within the same population category as another like unit with the categories determined as follows:

''(i) 0 through 9,999.

''(ii) 10,000 through 49,999.

''(iii) 50,000 through 149,999.

''(iv) 150,000 through 299,999.

''(v) 300,000 or more.

''(7) LOCAL GOVERNMENTS WITH ALLOCATIONS OF LESS THAN $10,000.—If under paragraph (3) or (4) a unit of local government is allotted less than $10,000 for the payment period, the amount allotted shall be transferred to the chief executive officer of the State who shall distribute such funds among units of local government whose allotment is less than such amount in a manner which reduces crime and improves public safety.

''(8) SPECIAL RULES.—

''(A) If a unit of local government in a State that has been incorporated since the date of the collection of the data used by the Director in making allocations pursuant to this section, such unit shall be treated as a nonreporting unit of local government for purposes of this subsection.

''(B) If a unit of local government in the State has been annexed since the date of the collection of the data used by the Director in making allocations pursuant to this section, the Director shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

''(c) UNAVAILABILITY OF INFORMATION.—For purposes of this section, if data regarding part 1 violent crimes in any State for the 3 most recent calendar years is unavailable or substantially inaccurate, the Director shall utilize the best available comparable data regarding the number of violent crimes for such years for such State for the purposes of allocation of any funds under this title.

''SEC. 105. UTILIZATION OF PRIVATE SECTOR.

''Funds or a portion of funds allocated under this title may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 101(a)(2).

''SEC. 106. PUBLIC PARTICIPATION.

''(a) IN GENERAL.—A unit of local government expending payments under this title shall hold not less than 1 public hearing on the proposed use of the payment from the Director in relation to its entire budget.

''(b) VIEWS.—At the hearing, persons shall be given an opportunity to provide written and oral views to the unit of local government authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment from the Director to the entire budget.

''(c) TIME AND PLACE.—The unit of local government shall hold the hearing at a time and place that allows and encourages public attendance and participation.

''SEC. 107. ADMINISTRATIVE PROVISIONS.

''The administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968, shall apply to this title and for purposes of this section any reference in such provisions to title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be deemed to be a reference to this title.

''SEC. 108. DEFINITIONS.

''For the purposes of this title:

''(1) The term 'unit of local government' means—

''(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

''(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

''(2) The term 'payment period' means each 1-year period beginning on October 1 of any year in which a grant under this title is awarded.

''(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 104(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

''(4) The term 'juvenile' means an individual who is 17 years of age or younger.

''(5) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

''(6) The term 'Director' means the Director of the Bureau of Justice Assistance.''.

(b) CONFORMING AMENDMENTS.—

(1) Part Q of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed effective on September 30, 1995.

(2) Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be used in accordance with such part as in effect on the day preceding the date of the enactment of this Act.

(3) Effective on the date of the enactment of this Act, section 1001(a) of the Omnibus Crime Control and Safe Streets Act is amended—

(A) in paragraph (3), by striking ''Q,''; and

(B) by striking paragraph (11).

SEC. 3. CONFORMING AMENDMENTS.

(a) OUNCE OF PREVENTION COUNCIL.—

(1) IN GENERAL.—Subtitle A of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) FUNDING.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under subtitle A of title III of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as in effect on the day preceding the date of enactment of this Act.

(b) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(c) MODEL INTENSIVE BLOCK GRANT PROGRAMS.—Subtitle C of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(d) FAMILY AND COMMUNITY ENDEAVOR SCHOOLS GRANT PROGRAM.—

(1) IN GENERAL.—Subtitle D of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) FUNDING.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under subtitle D of title III of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance such subtitle as in effect on the day preceding the date of enactment of this Act.

(e) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(f) POLICE RETIREMENT.—Subtitle H of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(g) LOCAL PARTNERSHIP ACT.—

(1) SUBTITLE J.—Subtitle J of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) FEDERAL PAYMENTS.—Chapter 67 of title 31, United States Code is repealed.

(3) TABLE OF CHAPTERS.—The table of chapters at the beginning of subtitle V of title 31, United States Code, is amended by striking the matter relating to chapter 67.

(4) FUNDING.—Notwithstanding the provisions of paragraph (2), any funds that remain available to an applicant under chapter 67 of title 31, United States Code, shall be used in accordance with such chapter as in effect on the day preceding the date of enactment of this Act.

(h) NATIONAL COMMUNITY ECONOMIC PARTNERSHIP.—Subtitle K of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(i) URBAN RECREATION AND AT-RISK YOUTH.—

(1) RECREATION.—Subtitle O of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) URBAN PARK AND RECREATION RECOVERY.—(A) Section 1004 of the Urban Park and Recreation Recovery Act of 1978 is amended—

(i) by striking subsection (d); and

(ii) by redesignating subsections (e) through (k) as (d) through (j), respectively.

(B) Section 1005 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting ''and'' at the end of paragraph (6), by striking ''; and'' and inserting a period at the end of paragraph (7), and by striking paragraph (8).

(C) Section 1007(b) of the Urban Park and Recreation Recovery Act of 1978 is amended by striking the last 2 sentences.

(D) Section 1013 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking ''(a) IN GENERAL.—'' after ''1013'' and by striking subsection (b).

(j) COMMUNITY-BASED JUSTICE GRANTS FOR PROSECUTORS.—Subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(k) FAMILY UNITY DEMONSTRATION PROJECT.—Subtitle S of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(l) GANG RESISTANCE AND EDUCATION TRAINING.—(1) Subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) Notwithstanding the provisions of subparagraph (A), any funds that remain available to an applicant under subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as in effect on the day preceding the date of enactment of this Act.

(m) CLERICAL AMENDMENTS.—

(1) The matter relating to title I in the table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

''TITLE I—LAW ENFORCEMENT BLOCK GRANTS

''Sec. 101. Payments to local governments.
''Sec. 102. Authorization of appropriations.
''Sec. 103. Qualification for payment.
''Sec. 104. Allocation and distribution of funds.
''Sec. 105. Utilization of private sector.
''Sec. 106. Public participation.
''Sec. 107. Administrative provisions.
''Sec. 108. Definitions.''.

(2) The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to subtitles A, B, C, D, G, H, J, K, O, Q, S, and X of title III.

(3) The table of contents of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the matter relating to part Q of title I.

The CHAIRMAN. The bill will be considered for amendment under the 5-minute rule for a period not to exceed 10 hours.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHIFF: Strike subparagraph (B) of section 101(a)(2) of the Violent Crime Control and Safe Streets Act of 1994, as amended by section 2 of this bill, and insert the following:

''(B) Enhancing security measures—

''(i) in and around schools; and

''(ii) in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.

Mr. SCHIFF. Mr. Chairman, we take an approach in this bill that quite obviously one can see from the general debate not everyone is in accord with, and I strongly suspect that those Members who do not want our approach will vote no, virtually regardless of what amendments are and are not accepted here today.

Nevertheless, in accordance with our approach, I want to explain my amendment. Our amendment, as has been stated a number of times, is a block grant program to units of local government in which they can decide the best use of their funds. That may in fact be for more police. It may be for what we have come to call prevention programs. It may be for some combination of each. Our bill would leave that to the discretion of local government.

Nevertheless, we do in H.R. 728 provide several illustrations at least of what Congress has in mind for local governments to look at. These are not mandatory and they are not restrictive, just because we list several areas, such as hiring of police, is not totally restrictive on how local government should in fact use the funds. But it shows at least what Congress is considering. We then at that point defer to their discretion as local government officials elected essentially by the same constituencies that we have and that sent us here.

More particularly, Mr. Chairman, the bill states that the funds can be used, by way of illustration again, for the purpose of enhancing security, and the bill mentions as an illustration enhancing security of schools.

What I would do in this amendment is to keep the illustration of enhancing security at schools. I doubt that there is any State, probably no local government that does not have some problem in security somewhere in its schools. However, I would add in addition to that, and again we are illustrating here, units of local government can already use these funds to enhance security, they can already use it to enhance security at schools and anywhere else, but just to make that fact clear, to make clear that schools are not all-encompassing and that nothing is left out, I would add the words that the local governments could use the funds

to enhance security at schools and in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.

We had a debate in the Committee on the Judiciary about the fact that some communities have a special incidence of crime at reproductive clinics.

□ 1640

I want to say that I helped cosponsor and helped pass the Federal law we passed which made it a crime to use violence and otherwise illegally interfere with people's access to reproductive clinics.

That is indeed one problem that is faced in certain communities, but not all communities. In Albuquerque, NM, which I have the privilege of representing, in the last Christmas season holidays the Albuquerque police department put a substation in the parking lot of the largest shopping center. As we might expect, crime went down in that shopping center dramatically. It had been rather high up until then with attacks, shoplifting, break-ins and so forth. The subject is without limit.

There could be any number of special areas, locations, facilities that a unit of the local government feels needs enhanced security and my amendment would illustrate this could be used by the local government in any such place whether it is a reproductive clinic, a mall, a school, a neighborhood, any other place that the unit of local government feels has a special risk of being subject to crime.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the gentleman from New Mexico would just stay a minute I would like to ask him a couple of questions about his amendment, if I may. As I read the bill, and correct me if I am wrong, the only limitations actually on any unit of local government is on line 21, page 2 of the bill where it says for reducing crime and improving public safety. Is there any other limitation?

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I do not believe there are any other limitations as set out in the bill.

Mr. VOLKMER. After that it says including but not limited to. Included but not limited to is everything on page 3 where the gentleman is amending, is that correct?

Mr. SCHIFF. The gentleman is again correct.

Mr. VOLKMER. Yours is a limitation of the language on page 3; it is not a limiting amendment.

Mr. SCHIFF. If the gentleman will yield further, and I appreciate the gentleman yielding, all of the examples given in the bill as drafted are illustrations. The operative language, as the gentleman from Missouri pointed out a little bit earlier, is that the grants can be used for these ideas but not limited to these ideas.

I am merely in my amendment expanding the illustrations that we gave in terms of enhancing security, because it was suggested in the Committee on the Judiciary that a local government could not use such funds to enhance security at areas other than schools and particularly at reproductive clinics, and my amendment is intended simply to make clear by way of illustration that wherever a unit of government has a need for enhanced security they can provide it. I yield back to the gentleman.

Mr. VOLKMER. What the gentleman is saying to me and making clear is under the bill as it is written, if a unit of the local government feels it is necessary to have policemen around abortion clinics they can have all of the police around the abortion clinics that the Federal Government will fund them under this.

Mr. SCHIFF. If the gentleman will yield, the gentleman is exactly correct. They can use police to enhance security wherever they feel there is a special need to enhance security. My amendment is not absolutely authorization, it is an illustration.

Mr. VOLKMER. If they feel and the Attorney General would feel it is for reducing crime and improving public safety, that is the limitation. It does not make any difference what the gentleman's amendment says.

Mr. SCHIFF. Basically the gentleman is correct in that my amendment is an illustration and the local governments are free to make this choice. There were some who felt that was not clear enough, which is the reason for my amendment.

Mr. VOLKMER. The gentleman's amendment is to make it clear we can use moneys from these funds to have people that are picketing at abortion clinics go to jail.

Mr. SCHIFF. It could be used to help local law enforcement identify wherever they felt that a special incidence of crime, that is up to them to decide in their communities.

Mr. VOLKMER. Reclaiming my time, what the gentleman is telling me, this bill is really going to restrict pro-life people from picketing abortion clinics, and I am glad to hear about that.

One other thing that I noticed in here is that I remember I did not vote for that crime bill last time, I think the gentleman might remember that. I thought it was pretty lousy. In fact, I put a bill in this morning to repeal the whole thing and start brand new, because I think yours is lousy too and you do not do much better.

We had a big discussion on the same floor of the same House last August, ranting and raving about midnight basketball. I find midnight basketball and I find morning and afternoon and evening basketball in here. You want basketball, you name it, you can have it any time you want it. It is not even limited to midnight. Any kind of basketball, as long as local units of government feel it is necessary to reduce crime and improve public safety. That is what I find in this, and I find a lot of other things.

It is very interesting, and I yield to the gentleman from Illinois [Mr. HYDE] because earlier on during debate I was over in my office and doing some work around the office, and I listened to him and how he believes so strongly in local government and how great local government is; and local government, I agree, sometimes it is and sometimes it is not.

Mr. HYDE. Just like Washington.

Mr. VOLKMER. I am going to yield in a minute.

I remember the gentleman was here and I was here when we found out all of these things about LEAA and we were not happy. Then I find in this bill the local government may not be quite, may not just be quite the local government that the gentleman told us because right in here in the bill it says we do not want them buying tanks or armored personnel carriers, fixed-wing aircraft, limousines, real estate.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. Mr. Chairman, I find that and that tells me the gentleman does not trust local government, because surely his local government the way he described it in general debate would never do this.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I am glad to yield to the gentleman from Illinois.

Mr. HYDE. I hope the gentleman knows I supported LEAA. I voted for it. I had some concerns and they were good concerns because the LEAA was mismanaged. We correct that in our bill, but I supported LEAA. Did the gentleman know that? I do not think he did or he would not have brought it up.

Mr. VOLKMER. I do not think I would have supported something that even President Reagan, this House, and our Senate at that time found there was such gross abuses in by local units of government, using it for things it should not have been used for.

Mr. HYDE. We correct that here. We have ways of correcting that. We learned from LEAA, and we are building on that experience.

But would the gentleman yield on the Schiff amendment?

Mr. VOLKMER. Sure. I am glad to yield on any amendment.

Mr. HYDE. The gentleman knows how I feel about abortion and am very much opposed to killing unborn children. But I suggest to the gentleman that under the block grant concept wherever the public safety is at risk, and this is in the judgment of the local officials, they are permitted to employ policemen or security anywhere in

their community where they think the public safety is at risk.

Now this could be around abortion clinics, and I know the gentleman feels that is picking on the pro-life moment. I regret that. I do not want to pick on the pro-life movement, but if safety is jeopardized, then it seems to me the local community authorities have the right and ought to have the right to have policemen there protecting the public safety, and I do not see that as a violation of my commitment nor the gentleman's commitment to the pro-life cause.

Mr. VOLKMER. If I still have time remaining, I would just like to comment to the gentleman that a local unit of government, if it sees fit under this bill, can make a specific proposal to the Attorney General's office, to the Department of Justice, specifically asking for dollars to employ people in order to protect clinics because there are too many picketers around the clinics and proposals can come in for that specific purpose and be studied for that specific purpose under this bill the way it is written.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. Yes, I yield to the gentleman from Illinois.

Mr. HYDE. Only if in their judgment the public safety is endangered. Surely the gentleman does not want the public safety endangered by any group that is picketing.

Mr. VOLKMER. I do not want the public safety, but I think a lot of times the people that are out there picketing are not endangering anybody. We have had this discussion; I thought we were on the same side.

Mr. HYDE. We are on the same side. We are on the same side. But nobody has the right to violate and create a threat to public safety.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] again has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 1 additional minute.)

Mr. VOLKMER. Mr. Chairman, I think I have tried to point out some of the things that are severely wrong with this bill, and I think it goes too broad, permits any and every thing that you can use your imagination for if you are a member of local government. And one thing it does not do, it does not let the chief of police in my local town make a decision about it. It lets all of the other people make that decision. It does not let my local sheriff decide, it lets other people make that decision.

It depends on who can persuade that unit of local government what they best need the money for. And if I remember, I doubt if there are very many communities to say that have all kinds of money laying around, and they do not need some money for a lot of things and they are the ones that are going to decide what their priorities are.

□ 1650

And if that priority is to have some more police or security at abortion clinics, then that is what they will make it for.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, sometimes legislative history is more interesting than other times. This particular amendment from my friend, and the gentleman from New Mexico, has such an interesting history that I feel compelled to share it with my colleagues, because I think it is a nice effort but ultimately an unsuccessful one, and I believe it will have to be improved upon tomorrow by our colleague from Colorado.

Let use even begin the education process now, because one of the major issues we now have before us is whether or not the constitutional right of women to get abortions, if they choose, will, in fact, be fully protected. That is under attack, it seems to me, with regard to the nomination of Dr. Foster, but there is also a collateral attack here in the House. What we have in this amendment is basically an effort to deflect our defense.

The bill came before us in the Committee on the Judiciary with the language that the gentleman from New Mexico has described, which says, under this bill, local governments can do pretty much what they think necessary for law enforcement. But that is not all it said. If that was all it said, I suppose that would have been the end of it. But it went on to give some illustrations. It went on to say in language of the legislation, including but not limited to, and it listed some things in the bill that the Republicans brought forward. Presumably these were favored programs, programs they wanted to highlight. They were not just wasting words. They were not legislatively binding on the local communities, but they felt it was important to highlight certain things, and then when we got to committee, two Republican members for the committee felt that even further highlighting was necessary.

The gentleman from New Mexico himself offered one regarding violence. I thought it was an excellent one. I thought it was a very good idea to highlight that these could be used for violence against women and domestic violence. The gentleman from North Carolina, a former police official, said well, wait a minute, some people think we are anti-drug courts; drug courts are a good idea, and I want to show that drug courts are possible under this. we thought both amendments were a good idea. We supported them. Then the gentlewoman from Colorado said,

> Look, we have a serious problem in this country with deadly violence being used against people who are trying to provide abortion or other health services for women, and we want to highlight that.

By the exact same logic that said you highlight drug courts and you highlight domestic violence and other things that were in the bill, we are afraid in some communities people will not understand that you can use these to protect clinics. This is a matter of great sensitivity to my district where two young women were killed in the town of Brookline only recently for doing nothing other than trying to provide these services. So the gentlewoman from Colorado, quite sensibly, said, ''This is what we should do.''

It seems to me from my distance some uncertainty from the other side of the aisle as to how they should respond. The gentlewoman from Colorado was simply following their lead and said, ''This is important. Let us not have any confusion at the local level. Let us highlight it.'' She accepted an amendment offered by the gentleman from Florida to her amendment. But the chairman of the committee said, ''This is a bad idea.'' He did not want you to appear to be sanctioning in some way what goes on at these clinics. He opposed it. It became clear the gentlewoman from Colorado would bring it up on the floor.

So my friends on the other side have a bit of a dilemma, because they are not men and women who like violence. They are men and women conscientiously opposed to it. Some of them had a problem appearing too specifically to be defending the right of these reproductive clinics to get safety. so what has emerged but the amendment from the gentleman from New Mexico. It was not in the original Republican bill. It was not presented when the gentleman had other amendments in the committee. It is proposed to try to deflect the gentlewoman from Colorado. I think it is a perfectly harmless amendment and have no objection to it. People should understand our friend from Colorado is harder to deflect than they may have thought. I am surprised they do not realize that.

Many of us still believe, given the violence that has been very specifically directed at abortion providers on an interstate basis, given the controversial nature of that protection unfortunately in some communities, it is still important to make it clear to people beyond doubt that police overtime and other facilities can be used under this bill to protect reproductive clinics and, therefore, I welcome the gentleman from New Mexico, and I appreciate his desire to shield some of his colleagues from having to take a tough vote.

I have to say it does not seem to me to work. I think that having adopted this amendment, it will still be relevant to have the amendment of the gentlewoman from Colorado.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

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

Mr. CONYERS. I thank the gentleman for his recollection of the processes by which this amendment came to the floor. What this could be called is the big duck amendment, because

what we are going to try to do now is get around——

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(At the request of Mr. CONYERS and by unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, I further yield to the gentleman from Michigan, the ranking minority member.

Mr. CONYERS. The gentlewoman from Colorado [Mrs. SCHROEDER] was clearly planning to offer an amendment that would specify that funds may be used to protect reproductive health clinics which have been targeted for violence lately around the country. This amendment appears to be a roundabout way of addressing that concern and a way for Republican Members to avoid a straight up-or-down vote on whether to provide special protection for our abortion clinics.

And it will not work, because it fails to specify that Congress recognizes the need to protect the reproductive health centers. That is what is in trouble now.

Mr. FRANK of Massachusetts. Let me say, reclaiming my time, we are talking not just about public buildings. We are talking about some facilities that might be private. In committee, the gentleman from Florida said, ''Well, wait a minute, you do not want to give public funds to private facilities to buy equipment with.'' We said, ''That is right.'' The gentlewoman accommodated that. It might be appropriate, however, to lend certain facilities to certain locations for certain time.

So this does not obviate the need to point it out. When you begin to look at the examples, if there is an example anywhere of violence in this country which is fairly widespread sadly, it is violence aimed at these clinics, and therefore, it is certainly, if they are going to single things out, something that ought to be singled out.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

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

Mr. CONYERS. I hope the gentlewoman will continue to offer the same provision she offered in the committee, because we need to have it clearly discussed and debated on the floor.

Mr. FRANK of Massachusetts. I do think the gentlewoman from Colorado is to be congratulated, because she got us started early. I do think that absent the gentlewoman from Colorado our friend from New Mexico would not have been up with the first amendment, and I thank our friend from Colorado for getting into this so early. As I said, I understand the motivation. I understand the notion it would be nice to avoid the issue, but I think the question of safety for reproductive clinics is too important to be folded into a kind of parliamentary sidestep.

Therefore, while I will vote for this, I will also vote with the gentlewoman tomorrow.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

Let me thank the gentleman from Massachusetts for his recollection and let me thank the gentleman from New Mexico for his amendment.

But there are some questions that I have about the gentleman's amendment that I would like some clarifications on. The amendment I was planning to offer would allow Congress, or would allow local authorities, to pay overtime for law enforcement officers in protecting women's reproductive health care clinics.

Do you feel your amendment is broad enough to include that, the overtime issue?

Mr. SCHIFF. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. In my opinion, my amendment, well, once again, I just have to back up to say again, we are talking about illustrations here. I think the operative authorization language is already there, and I think that authorization language would allow the payment of overtime for police officers to provide security at reproductive clinics if the unit of local government thought that was necessary.

I would just add, at least as an illustration, we are pointing out to the unit of local government they can provide security many other places.

Mrs. SCHROEDER. So then I kind of hear that as the answer is ''no.''

Let me say the one thing I worry about the gentleman's amendment not being inclusive enough also on is that the gentleman says in and around any facility or location considered by the unit of local government to have a special risk. Now, what I was trying to do in my amendment is say that lots of localities have been hesitant to enforce this right of women to have access to a health care clinic, and I think that that might be the big duck in which local communities could duck out from under this. They could say, ''Well, we do not consider it dangerous,'' because that is really the qualifier on it.

What I would like to ask the gentleman from New Mexico is, if this would be possible, because I think he is trying hard, and I appreciate what he is trying to do. What if we were to offer an amendment to the gentleman's amendment, first, you would have (i), ''in and around schools,'' which has no qualifiers in front of it.

□ 1700

What if you then had (ii), ''in and around women's reproductive health clinics,'' again with no qualifiers, like schools, and then you could do other facilities that have qualifications. We could draft that and make that an amendment to the gentleman's amendment. I think that would be clearer on point because the issue here being one of a constitutional right that we think has a much higher Federal level of calling than just random crime. I think that would then give this a little more status, and we would believe then it would be a little clearer to the communities that this is indeed what Congress intended by this amendment.

Mr. SCHIFF. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. I thank the gentlewoman for yielding.

I just have to say, as an aside, and as a supporter of the law that passed in the last Congress making it a Federal offense to commit violence, to prevent people from entering reproductive clinics, not simply for picketing them, as was referred to by a previous speaker, perhaps is a matter for another hearing. The prosecutions with which I am familiar that the Federal Justice Department has brought under that act appear to me to be duplications of prosecutions brought under State law.

So the representations that the States are not enforcing the law, which is the representation I accepted when I supported that act, I would like examined perhaps at a hearing. I mention that because of the gentlewoman bringing up the subject.

Mrs. SCHROEDER. If I may reclaim my time, I do not think we are communicating. What I am saying is clearly what I want to do is send a strong message from this Congress to local officials that with this money comes the ability for them to then have no excuses for protecting women's constitutional rights because we spoke before on that very clearly when we passed the prior bill.

Now, there may be some ancillary issues. I understand what the gentleman is saying. But I do not think that message gets through with the gentleman's amendment, because he has that qualifier on it. That is why I am saying could he accept a substitute that would specifically list women's reproductive health facilities? Because then I think it is standing there clearly, saying we will not accept excuses to localities who get money and then do not use it.

Mr. SCHIFF. If the gentlewoman would yield further, I made the point at the point the gentlewoman reclaimed her time, just in response to the lady's point that there are localities that are reluctant to protect reproductive clinics, that is the representation on which I voted to make it a Federal offense to use violence to interfere with entrance to reproductive clinics.

I am merely pointing out——

The CHAIRMAN. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

(On request of Mr. SCHIFF and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mrs. SCHROEDER. I yield further to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I just want to say with respect to that issue that the gentlewoman has raised, I have not seen the Federal Justice Department prosecute cases primarily where local government or State government has not prosecuted. I have seen duplication of prosecution, the same individual prosecuted twice. I am again saying that that may be a matter of further inquiry.

Also I wanted to respond with respect to the gentlewoman's suggested amendment, I would oppose the additional amendment for this reason: As we discussed the matter in the Committee on the Judiciary, there was universal agreement, as I understand it, that in every State there are locations where schools have a security problem. There was no move by either side of the aisle to remove, as an illustration, enhancing security at schools. I feel past that point, that different localities have different threats to their security and different needs of law enforcement.

I think in a number of localities the gentlewoman's point is quite correct, there is a threat of violence at reproductive clinics. I do not think that has been shown to be all over the Nation.

I make it as clear as I can, in terms of Congress' intent, that my illustration even if it were operative, which it is not, would allow the communities to provide additional security support at reproductive clinics or anywhere else in their communities they felt it was needed.

Mrs. SCHROEDER. Reclaiming my time, I feel bad that we cannot get agreement to add it here as freestanding, because at that point I think we can prevent having an amendment later on.

The reason I feel that way is the gentleman from New Mexico and I seem to be agreeing that the reason we got into this in the clinic violence bill last year was that we were afraid localities were not doing their job in some places. Now, the gentleman feels like maybe there is duplication. I do not think that is the issue.

The issue is: Are we putting a qualifier on this so that localities can continue to refuse?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding.

I would also point out, Mr. Chairman, that many, many Americans would not have the benefit of having been on this floor when we had this debate. There would be uncertainty. There would be localities——

The CHAIRMAN. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has again expired.

(On request of Mr. FRANK of Massachusetts and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.

Mr. FRANK of Massachusetts. Will the gentlewoman continue to yield?

Mrs. SCHROEDER. I do yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman again for yielding.

The point is there will be differences about how to spend this money locally.

Local governments are not monolithic. Some people will say, ''Well, they list this and they list that, they list schools, they do not list the clinics. It is disfavored. It is not one of the things that they wanted us to do.''

We understand it is all optional locally, but if you did not think there was any point in listing things, you would not have listed things in your bill. You would not have added amendments listing things in committee.

We believe, to resolve any dispute because we know protecting reproductive clinics is an issue that is debated at local levels, whether you should or should not, unfortunately; therefore, since it is likely to be debatable, we think for you to have listed in your bill some issues and left this one out specifically by name would be a mistake. That is why, in addition to this, we think the gentlewoman's amendment would be necessary.

Mr. SCHIFF. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. I thank the gentlewoman for continuing to yield.

Mr. Chairman, in response to the gentleman from Massachusetts [Mr. FRANK], again we are dealing with illustrative language. I was sensitive to the argument made in the Committee on the Judiciary that even where you were proceeding with illustrations, there could, by omission, be an implication that something is not intended by Congress. The amendment I am offering is as all-encompassing as I can make it, that the local government can select any location or facility where they think they have a security need to enhance security with a block grant under this bill.

Mrs. SCHROEDER. Reclaiming my time, that is precisely why I do not think the gentleman is getting where he wants to go without specifically listing health care clinics, because he does say, when it comes to any other facility, it is qualified ''as the local community's saying it is needed.'' And that qualification, as far as I am concerned, is the qualification that kills it and does not send the clear, resonating message that we think Federal funds should go to protect Federal constitutional rights.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman.

Mr. Chairman, if this did not separately say schools, there might be an argument. But it separately says schools and a lot of other things.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. HYDE. Mr. Chairman, we are going to revisit this debate when the gentlewoman offers her amendment. So we are in for a bit of a debate here.

Just in passing, I must say, if it were not so tragic, it would be amusing. The wordsmiths on the other side use euphemisms like reproductive rights when they are talking about abortion. Why do they not call it abortion? Let us be intellectually honest. Or is there something unpleasant about that word? There is nothing reproductive about killing an unborn child. The gentlewoman wants to elevate reproductive health clinics, anything but what she really means, which is abortion clinics, or abortion mills. She wants to elevate that to a very special place where the bill, the block grant program, will specify they get special protection.

Now, I am not against abortion clinics getting protection by the police if they reasonably expect violence or a threat to safety. I say that clearly.

The gentleman from Missouri may not agree with me, but threats to safety; it is the business of government to protect people from threats to safety. So I have no problem with that.

What I have a problem with is elevating abortion clinics to a special status over other places where an awful lot of killing really goes on.

In 1993 there were 1,946 people killed in New York. In the great District of Columbia there were 454 murders. In Chicago, my city, there were 845 murders. How many cab drivers have been murdered in their cabs?

We cannot specify every place, every location, every convenience store, every liquor store, every currency exchange that is going to be threatened by robbery and people with guns that are going to kill people. Communities where there are gangs that are armed; you cannot spell it all out, especially in the block grant program.

□ 1710

I agree with the gentleman from Massachusetts, when we start eroding the notion that this is within the call—it is the call of the local government, by suggesting drug courts and suggesting violence against women, we have ourselves eroded the concept of the block grant. I could not agree more; logic forces me to do that. However, because we did it two times does not mean we need to do it 20 times.

Now what we are doing here with the amendment offered by the gentleman from New Mexico [Mr. SCHIFF] is we are broadening the concept that wherever the public safety is threatened, and that includes abortion clinics, if

the gentlewoman does not blanch at the term—it includes that, but to specify them gives them a status that I am, frankly, unwilling to yield, and that is where I come down.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Missouri.

Mr. VOLKMER. It will be very brief because, as my colleague knows, I am just amazed about the support for this bill in general because of what it does do as far as abortion clinics, and as my colleague knows, we have people out there that are picketing, taking their time, their youth, their adults, their grandfathers, their grandmothers, and everything. They are trying to save unborn babies. That is where the crime is. I say to my colleague, ''That's what's happening, and the way I read this bill, you're just going to help it happen.''

Mr. HYDE. Does the gentleman say they are entitled to freedom of speech?

Mr. VOLKMER. I say they are entitled to freedom of speech and freedom to walk down there, and what I am afraid of is that in the name in some localities they will get these Federal funds, and they will put people down there so they cannot do that——

Mr. HYDE. I appreciate what the gentleman says, and indeed the gentleman and I are on the same side.

I just want to say the reason the gentlewoman's subsequent amendment is flawed is it continues to erode the notion of block grants, which is that the call for where these policemen should go and with what equipment shall be made by the unit of local government, not us here in Washington. It is that simple.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. May I yield to the gentlewoman from Colorado and then to the gentleman from Massachusetts?

Mrs. SCHROEDER. First of all, let me explain to the gentleman from Illinois why these are called reproductive health care centers.

Mr. HYDE. Please do.

Mrs. SCHROEDER. That is because most women of reproductive age get their entire health care through their reproductive years through these clinics.

Mr. HYDE. If they just performed abortion, the gentlewoman would not want them protected?

Mrs. SCHROEDER. I am not afraid to say the word ''abortion.'' But I must tell the gentleman, if you look at most of these clinics——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

(On request of Mrs. SCHROEDER and by unanimous consent, Mr. HYDE was allowed to proceed for 1 additional minute.)

Mrs. SCHROEDER. I say to the gentleman, if you look at these clinics, you will find that it is a very, very small percentage of what people are doing. Basically, they're going for family planning information, for mammograms, for breast checks, for Pap smears, for the whole range of services, and many even extend services to the children.

Mr. HYDE. And 1½ million abortions a year in this country.

Mrs. SCHROEDER. But their problem is that what has happened is, as the gentleman knows, is that this is a constitutionally protected right, but localities have been under seige because of people going beyond just passive—no one has any problem with free speech, but they are going on with a very aggressive type approach to it, and that is why I feel, if we do not put clinics in there free standing, then it will not override communities who were refusing to protect them, and I think Federal money ought to go for federally constitutional rights. I think that is a very important——

Mr. HYDE. Mr. Chairman, if I may reclaim my time, I think under the block grant concept it ought to be up to local government. If they want to send police there, they ought to send them, and, if they do not, they ought not, and we should not tell them how to deploy their policemen.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like it to be made clear that the debate going on now is whether the authority to send in protection should reside at the local level or not, and in the amendment offered by the gentleman from New Mexico it resides at the local level.

In the discussion with the gentlewoman from Colorado [Mrs. SCHROEDER], she does not want it to reside, the decision of whether police are to be provided or not for these clinics—she wants it to be specifically in this legislation that reproductive health centers shall be protected. Why? Because that is the focus of where the violence is occurring.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, the gentleman is absolutely right. What we do not want is localities to be able to use the resource scarce rule to protect women from a federally—from a Federal constitutional right, and if they are getting resources from the Federal Government, but then refusing to protect the Federal taxpayers, half of whom are women, and all of them pay exactly the same amount men do, I do not want them to be able to use some other criteria. So that is why I think it very important it be free standing rather than it be modified.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. As soon as I say this:

It has been made clear by the gentleman from Illinois that we are trying to duck whether there will be a direct authority to protect these clinics in this crime bill or whether it will be left in some discretionary pool with a lot of other problems in which they may or may be included.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, my friend from Illinois is one of the most intellectually honest people here, and he has just made clear why so many of us will be supporting the gentlewoman's amendment tomorrow. He is conscientiously, and firmly, and on principle opposed congresses legalized abortion, and he says he does not want abortion clinics or other reproductive clinics included in this bill by name because it would give them a status that he does not want them to have.

Yes, I want them to have the status. The status is as entities that are known as eligible for protection against murder and protection against criminals. Once we begin to list some things—there are two and a half pages of specific examples in the bill my Republican friends brought forward—if we list some things and do not list others, we put them—apparently the gentleman agrees—in a disfavored category.

There was not any controversy about a lot of what the police do in this country, but there has unfortunately been controversy about protecting Planned Parenthood and other clinics that provide these services, and at this point, having mentioned some of these things, if after the gentleman from Illinois has been honest enough to say he is opposed to mentioning abortion because he does not want to see them get that status, if tomorrow the gentlewoman's amendment is voted down, it will be correctly interpreted as one more step on the part of some people who want de facto to take away the legal protected status of abortion because they will have passed a bill in which some things have been mentioned, others will have not been mentioned, and my colleagues will have specifically repudiated, if my colleagues vote down that amendment, protection for abortion clinics.

There is some controversy, as I said, at the local level. What we are doing is saying this: ''We want to send a clear signal to people at the local level, without any debate about it, that it is possible for you to use your Federal funds this way,'' and the only reason to oppose the gentlewomen's amendment that makes any sense is the one conscientiously articulated by the gentleman from Illinois. He is so strongly opposed to abortion that he does not want us to call attention to the fact that they have this status where they are eligible for protection. That, to me, is a reason to pass it.

Mr. CONYERS. And so, even if we accept, or if the Schiff amendment passes, it does not change the underlying problem that has been raised in

committee about protecting reproductive health clinics. We cannot get around it, my colleagues. We have got to face it. We are the Congress. This is where the issue is going to be decided, the rubber hits the road. There is no way we can collapse it into some general language that will include anything and everything and then leave it to the discretion of local officials to pick it up.

I say to my colleagues, ''This is the big duck amendment. Whether you like it or don't, it doesn't change the problem that victims of the violence at health clinics need protection, and I urge that we keep this in mind as this debate moves on.''

□ 1720

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. SCHIFF].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment, one that was not printed in the RECORD, the technology assistance amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER:

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Add (c) TECHNOLOGY ASSISTANCE.—(1) The Attorney General shall reserve 1% in FY 1996 through FY 1998 authorized to be appropriated under subsection (a) for use by the National Institute of Justice in assisting local units to identify, select, develop, modernize and purchase new technologies for use by law enforcement.

The CHAIRMAN. The gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Chairman, I think this should go fairly simply. This is about the National Institute of Justice, which many of us feel with this amendment we are going to be able to avoid many of the pitfalls that we saw with LEAA. This is basically a new group that has really started that is kind of like what the firemen have had all along. It is a group that tests the different equipment, that can tell you what works and what does not work. When you have got over 17,000 police entities and their average number of cops per police entity is like 12, you know they do not have their own R&D department. When they go to purchase stuff, the only people they are getting objective information from is the vendor, and we all know that might be a little slanted. Caveat emptor rings loudly.

So this is a group that has really gotten a terrific track record in doing R&D and transferring military technology to law enforcement and trying to get a much better deal for the taxpayer every way around. What they have done with bulletproof vests, with fingerprinting, with all sorts of standards, I think is long overdue. The firemen had this ages ago.

So I think if the gentleman from Florida can accept this?

Mr. MCCOLLUM. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Florida.

Mr. MCCOLLUM. I think the gentlewoman from Colorado has worked up a fine amendment. What I understand it would do is it sets aside 1 percent per year for the National Institute of Justice for these purposes. That would amount to roughly $20 million a year for the life of the bill.

Mrs. SCHROEDER. The gentleman is absolutely correct. There are three people. When 17,000 entities come knocking at the doors, they are going to need a little more help.

Mr. MCCOLLUM. If the gentlewoman would continue to yield, while the subcommittee has not had the opportunity to hold the kind of hearings we would like to on the National Institute of Justice programs which the gentlewoman has represented and several members on the committee, including Mr. SCHIFF, are aware of, we want to put this in the bill because it is the suitable place to go to set aside the money. But after the time has passed here and we get off the floor, we are going to hold some hearings in our subcommittee before this bill winds up going to conference with the Senate and see what all we can learn to help further enhance this.

For right now, I think this is a very appropriate provision, I would like to do this, and I accept the amendment in the spirit in which it is offered.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Florida, because he has been wonderful on this, as has the gentleman from New Mexico, a cosponsor, and the gentleman from New York [Mr. SCHUMER]. We have a real bipartisan agreement on this one. I really appreciate the remarks of the gentleman from Florida.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mrs. SCHROEDER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, first of all, I want to commend the gentlewoman for drafting this amendment. We have discussed this at great length. We are pretty much in agreement, Mr. Chairman, that oftentimes modern law enforcement officers are Wyatt Earp in a car. Many of the attachments they have in terms of what they have available to them in the way of technology have not changed for many, many decades.

I am pleased to say it is starting to change around the country, from simply computer access within police automobiles, to research going into items such as smart guns, in this particular case a police officer having a weapon that cannot be fired unless he or she, that is that officer, is in fact holding that weapon. A large number of the police officers shot in the line of duty across the country are shot with their own weapons.

That technology goes even further than police officers. We could prevent some of the tragedies that happen when children get hold of firearms if we could simply keep applying that technology. So advancement in this area is very necessary.

Although our side has not from the committee entertained very well the idea of reserving and earmarking funds for various purposes, and I strongly support the fact that we will oppose some amendments coming later in that regard, I think that this is very appropriate for this reason: Small police and small sheriff departments cannot be expected to have the resources to do all of the analysis necessary to know what technology is presently on the shelf and available to them, and how it works and the cost and so forth. Therefore, a centralized department, in this case the NIJ at the Department of Justice, has been selected for that purpose.

I have to say, as the gentleman from Florida indicated, there is at least some reservation as to whether the NIJ is the right agency to do this right now, and that is a matter that we may have to discuss if that amendment is accepted and the matter goes to conference with the other body.

I want to say wholeheartedly the concept offered in this amendment is a great improvement in the bill, and will greatly benefit law enforcement.

Mrs. SCHROEDER. Mr. Chairman, reclaiming my time, I thank both gentlemen for their support. It is one of the ways we will be spending the rest of the funds a lot smarter and will hopefully not repeat the LEAA problems we had before.

Mr. SCHUMER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I just want to say that I think that this is an excellent job done by the gentlewoman from Colorado [Mrs. SCHROEDER], the gentleman from Florida [Mr. MCCOLLUM], and the gentleman from New Mexico [Mr. SCHIFF]. It is really essential that we take military technology and apply it so that we can have law enforcement and use it. And the amount of technology, when I was chairman of the subcommittee we explored this, is enormous. With a little bit of help, they can take that technology and convert it.

So I think this is an excellent, excellent amendment. I am delighted the other side will accept it. I know I have talked to the gentleman from Florida, and our subcommittee will have hearings and go further in terms of exploring. I have a particular interest, of course. I see my good friend from New York [Mr. BOEHLERT] is in the Chamber. Rone Laboratories, in upstate New York, is helping out here, and they are very able to do that.

So overall this is a very, very good idea, and I hope that all Members accept it. The technology, Mr. Chairman, is unbelievable. The idea that a police officer might be able to just point a ray in a certain direction and see who has

an armed weapon on him, the ballistics tracing types of technology, the ways of finding all these things out are just enormous, and we ought to be using them.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I want to thank the gentleman from New York, because I did mention his leadership too. The gentleman had some wonderful hearings. I always figure if you can get a double bang for the people's buck, which is what you are doing with this, it is great. Not only that, but our military is going to need that too, because they are looking more like law enforcement officers every day. This has been a very exciting program, and I thank the gentleman for his leadership.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this Schroeder amendment, and I am glad to hear the conversation ongoing here between the gentleman from New Mexico [Mr. SCHIFF], the author, the gentlewoman from Colorado, and my colleague from New York [Mr. SCHUMER].

Currently, H.R. 728 contains no money for research and development of law enforcement technologies, and this amendment would appropriate a mere fraction of the block grant authorizations for 3 years to focus on the development of technology assistance.

This is critical. Wyatt Earp would recognize much of today's police technology, and it has been a long time since Wyatt Earp was around. Law enforcement officers must be afforded the opportunity to take advantage of new technologies to take that proverbial bite out of crime and to prevent injury and alter the balance of powers criminals possess to control America's streets. I want the good guys to have all the technology they need on their side.

All over America we have outstanding research facilities. In my own congressional district, Rone Laboratories, one of the premier military laboratories anywhere in the world, with responsibility for command, control, communications, and computer technology, is working cooperatively with the National Institute of Justice to develop the type of technology that our law enforcement officials can effectively use to wage war on crime. It is an exciting concept. I applaud the initiative and effort of the gentlewoman from Colorado.

I once again thank my colleague from New Mexico, and the chair of the subcommittee, Mr. MCCOLLUM, for outstanding leadership in this area, and the chairman of the full committee, Mr. HYDE. We want the good guys to have what they need. All of us want to stop the bad guys, the guys we are after. With technology advancements that make them better able to do what they want to do, and when our guys try to get in there, they do not have the equipment they need.

□ 1730

There are all sorts of possibilities. One could hold something the size of a pack of cigarettes in their hand and point it at a crowd and be able to detect a weapon instantly. They could detect illegal substances under special circumstances. There are all sorts of exciting developments taking place in the marketplace out there.

The other thing that really thrills me and should thrill all of us is the fact that we are getting such magnificent cooperation from our military laboratories. They are reaching out. They are making available their expertise to work in sensitive areas like this.

So I rise in the strongest possible support of this amendment, and I urge my colleagues to give it the attention it deserves and to take advantage of it, because it is good for America.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in vigorous support of this amendment. The continuing episodes of violence directed against women's reproductive health care clinics across the Nation and the providers and patients that work at and utilize such facilities are an outrage. We must put an end to these growing attacks once and for all.

Last year Congress passed legislation containing provisions making it a Federal crime for a person to physically restrict or bar access to a medical facility for the sole purpose of dissuading or stopping someone from receiving reproductive health services. In addition, this legislation contained provisions not only to allow women and clinics the ability to obtain injunctions against protestors employing blockades, but also to permit victims of attacks by blockaders to sue for damages as a result of such brutality. However, more can and must be done. The Schroeder amendment greatly assists in this regard.

This amendment would allow H.R. 728's local law enforcement block grant funding to be used to improve security measures at women's reproductive health care clinics to protect patients and providers against violence directed at the free exercise of their constitutional rights. This funding could be used for overtime pay for law enforcement officers, security assessments, and the purchase of materials, such as bulletproof glass, to enhance the physical safety of clinics.

Mr. Chairman, the most recent shootings in Massachusetts and Virginia accentuate the urgent need for action to further protect the safety and privacy of all individuals who support a woman's constitutional right to choose. We must continue to grant all levels of government the necessary authority to act when abortion protestors go beyond the legitimate exercise of their opinions to acts of terrorism and violence against those who have made different decisions.

I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE: On page 9, strike lines 3 through 8, and insert the following

''(v) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1996 through 2000 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provision of this title, and assuring compliance with the provisions of this title and for administrative costs to carry out the purposes of this title. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended.''

Mr. HYDE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the question of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Chairman, I am offering this amendment on behalf of the gentleman from Virginia [Mr. SCOTT] and myself. We both came up with almost the same idea and that was to provide funds to the Attorney General to oversee the compliance with this act by local units of government. And the idea of the gentleman from Virginia [Mr. SCOTT] was to make sure that the programs they were overseeing were effective. So we put them both together in one amendment, and this provides that funds will be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this title and assuring compliance with the provisions of this title and for administrative costs to carry out the purposes of this title.

The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

Now, not more than 3 percent of the amounts that are appropriated is to go to this fund, but it can be as much as $60 million a year. That $60 million would be given to the Attorney General, as I have said, to assure compliance and the welcome addition of the gentleman from Virginia [Mr. SCOTT], effectiveness with the act and to carry out the purposes of the act.

The Attorney General must establish and execute an oversight plan, and I would say not because we do not trust local government but to ensure the success of the bill's intent.

I think this adds to the oversight requirement of this $10 billion. I think it is a very useful amendment.

Mr. Chairman, I yield to the gentleman from Virginia [Mr. SCOTT] who is the cosponsor of this good amendment.

Mr. SCOTT. Mr. Chairman, I rise in support of this amendment and congratulate the gentleman from Illinois

for introducing it and working with me and others to have in it a provision that will review the effectiveness of these expenditures.

Mr. Chairman, we are going to spend $30 billion fighting crime in these various bills. This amendment will ensure that that money is well spent. It provides for the evaluation of programs, which is extremely important so that other localities may get the benefit of the experience from some programs that work, and unfortunately, some programs that do not work.

So with this amendment, Mr. Chairman, we will see that this money is well spent. Localities can benefit from each other's experience, and that the actual prevention programs will actually go to preventing crime.

I thank the gentleman from Illinois for introducing it.

Mr. HYDE. Mr. Chairman, I thank the gentleman for his valuable contribution.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, on our side, we are delighted that the cooperation has been worked out between the chairman and the gentleman from Virginia. We are delighted to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ACKERMAN

Mr. ACKERMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ACKERMAN: Page 12, after line 7, add the following new paragraph:

''(10) PREFERENCE FOR FORMER MEMBERS OF THE ARMED FORCES.—The unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this title. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference.''

Mr. ACKERMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

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

Mr. ACKERMAN. Mr. Chairman, I am pleased to offer this amendment to H.R. 738, the Local Government Law Enforcement Block Grant Act. My amendment employs a very innovative approach to tackling two very critical problems currently facing our Nation.

My amendment would assist in the fight against violent crime while also helping to alleviate the unemployment that has resulted from the downsizing of our Nation's military. Since the end of the cold war, thousands of members of the military have been involuntarily separated or have been released from active duty as wide scale downsizing has forced cutbacks in military personnel.

This amendment simply requires that local law enforcement agencies, in applying for grants under this bill, provide a preference for veterans who are victims of our downsized military as a condition of receiving funds for additional law enforcement officers.

Providing these former soldiers, sailors, airmen, and marines with meaningful employment, our communities will benefit from the experience and dedication that they have already demonstrated in serving our country.

What a great way to recruit people for our local police enforcing agencies. People who are in shape, people who are well trained, people who have experience with the use of firearms, young men and women who have a great deal of discipline. Bringing these veterans in from the cold to fight our domestic war on crime will let the enemy know how serious we are about crime and will not let their wanton acts go unpunished and that crime does not pay.

I urge my colleagues to support this amendment. I think it makes good common sense.

Mr. MCCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not use the 5 minutes. I think the gentleman has offered a good amendment. I am prepared to accept it. I do want to make a couple of points about it, though.

First of all, as I read it, it provides that in order to get the funds, one of the qualifications that the unit of local government must have to give is that it has established procedures to give members of the Armed Forces that he has described, to give them a suitable preference in the employment of persons as additional law enforcement officers under the funds that are made available in this title.

The preference is going to be set forth as far as how it would work by the Department of Justice under the Attorney General and under the Secretary of Defense.

What I want to make clear is my reading of this does not indicate that the local units of government are required to hire armed services personnel who are retired, but if they come forward and they do apply and there is a notice provision in here for some notice to be given to those who are coming out of the services, that they will be given a suitable preference to be determined based upon what the Attorney General and the Secretary of Defense have worked out, as well as the nature of what the local unit of government has.

I would like to make sure that my interpretation of this is correct.

Mr. Chairman, I yield to the gentleman from New York [Mr. ACKERMAN], to confirm that what I am stating is indeed the sense of his amendment.

Mr. ACKERMAN. The gentleman's interpretation is absolutely correct. It does not require the hiring. It just creates a veterans' preference within the statute so that they would get a certain amount of points depending on the system that is used in the local municipality.

□ 1740

Mr. MCCOLLUM. Reclaiming my time, having gotten that assurance from the gentleman, Mr. Chairman, I have no desire to keep the time any longer. I will support the amendment.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I compliment the gentleman from New York [Mr. ACKERMAN]. This is a provision that is used in other parts of the law already, and it tracks it. I think it is very important that we use this for giving suitable preference in the employment of persons as additional law enforcement officers, and for that reason, Mr. Chairman, I support the amendment and hope it will be unanimously agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ACKERMAN].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the amendment printed in the RECORD?

Mr. SCHUMER. I do not believe the amendment is printed in the RECORD, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHUMER: Page 6, strike the word ''or'' on line 10, and insert the following after line 11:

''(6) consultants; or

''(7) vehicles not primarily used for law enforcement.''

Mr. SCHUMER. Mr. Chairman, this amendment is a very simple one. This basically puts some limitations on the wide-open nature of the Republican bill, H.R. 728. The problem, of course, is that the bill as drafted is so broad and so wide open, while things could be spent for a noble and worthwhile purpose, such as police or prevention programs, it could also be spent on anything under the Sun, and what we are

trying to do here is prevent that from happening.

Very simply, Mr. Chairman, in committee, a majority of the committee, although not the majority of the other party, prohibited tanks, airplanes, limousines, and yachts from being used for these funds. Why did we come up with examples like that? Very simply, the reason we came up with examples like that is that these types of things had actually been used.

Mr. Chairman, the now-Speaker of the House, then when he was a Member of Congress, said, and let me quote, and this is quoting from Speaker GINGRICH only 6 months ago, he said ''If they say to me, in the name of fighting crime, will I send a $2 billion check to cities, many of which have destructive bureaucracies, to let the local politicians build a bigger machine with more patronage, my answer is 'no.'''

The same day he said ''If we have to choose between paying for a directed purpose, such as building prisons, I can defend that. What I cannot defend,'' and this is Speaker GINGRICH, ''is sending a blank check to local politicians across the country for them to decide how to spend it.''

Mr. Chairman, if there was anything that rebutted the presumption from the other side that this bill is good for America, it is Speaker GINGRICH's words 6 months ago.

What has changed? Are things any different? Most of the very same mayors and county officials who were in office then are in office now. They are the same local politicians across the country, and we should not send them or give them a blank check; Speaker GINGRICH's words. Yet, that is just what the majority party seeks to do in its bill.

What is going on here, Mr. Chairman? Something that had more restrictions on it a while ago, now, even broader, is perfectly OK. It does not add up. It does not make sense.

Speaker GINGRICH knew what he was talking about. The old LEAA program, which had less money and more restrictions than the Republican bill, paid for this. If Members cannot see it, it is an armored personnel carrier, an M113–A3, bought in Louisiana.

It paid for this, an airplane that was used to fly the Governor of Indiana around the country. In fact in one of its most famous trips, it went to Washington, DC, to pick up Moon rocks, a great law enforcement purpose. The LEAA Program was rescinded in disgrace.

Speaker GINGRICH was right. To send local politicians across the country a blank check makes no sense. Then why, Mr. Chairman, in the bill before us is that just what the majority party seeks to do? It does not add up.

Therefore, Mr. Chairman, the amendment I have, and I could think of a long list of purposes that we should not spend this money on, but certainly consultants, why did I pick consultants? One-third, fully one-third of the LEAA money, the old law enforcement money that had more restrictions than H.R. 728, more restrictions than H.R. 728, a third of the money was spent on consultants.

These consultants did not wear badges, did not have guns, did not put their lives in danger. It was pork.

Mr. Chairman, I say to my colleagues, lots of other LEAA money was spent on vehicles for the emolument of local officials. That was pork. Let me say to my colleagues, Mr. Chairman, if we pass H.R. 728 without the amendments that the gentleman from Michigan [Mr. CONYERS] will offer this evening, and the gentleman from New York, I will offer tomorrow morning, we are looking for such trouble. We are looking for the kinds of pork that we have not seen for ages.

Mr. Chairman, the other side says ''Send it all to the local governments,'' but Speaker GINGRICH was right. There are lots of local politicians who will misspend the money just as well as Federal politicians might.

The CHAIRMAN. The time of the gentleman from New York [Mr. SCHUMER] has expired.

(At the request of Mrs. SCHROEDER and by unanimous consent, Mr. SCHUMER was allowed to proceed for 3 additional minutes.)

Mr. SCHUMER. Mr. Chairman, the gentleman is right. There are just as many local politicians who will waste and fritter away the taxpayers' money as there are Federal politicians.

What we seek to do in our proposals, Mr. Chairman, is simple. We say to the localities ''Yes, we want you to spend the money on 100,000 new cops on the beat. We want you to spend the money on things like drug courts, but we do not want to let you fritter away all these dollars for anything you want.''

I say to my colleagues who are thinking of voting for H.R. 728 without these amendments, take the wisdom of Speaker GINGRICH. He knew. He knew how bad it would be to put together a huge block grant with no, no restrictions on it. He knew in his wisdom that there would be planes that could be bought with this money.

Under the new Republican bill, until our amendment, planes could have still been bought; armored personnel carriers. Why some police officer in Louisiana needed an armored personnel carrier is beyond me, but much worse than that is the fact that the Federal Government let him buy it.

Under these provisions, they would be powerless to stop them. We could have the President, the Attorney General, the Speaker, the minority leader telling the locality ''You cannot buy these things,'' but they would still have the right to buy them under H.R. 728.

Mr. Chairman, this is one of the times where I agree with the Speaker. The Speaker is right. We should not be giving localities all the money they want for anything they want. He said it, not 10 years ago, not 5 years ago, but in June 1994, a mere 8 months ago.

Mr. Chairman, let us all listen to him. Let us not be so wedded to a bill that was quickly drafted in the heat of the campaign last year, and instead, improve it, build upon the crime law, but not rip it up, start all over, and then rue the day.

That is my concluding comment to my colleagues. I would say to anyone who votes for this wide-open blank check to the localities, 2 or 3 years from now, they will live to regret it, because the amount of waste that will occur will be enormous.

Mr. MCCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think this amendment is perfectly fine. I welcome the effort of the gentleman from New York [Mr. SCHUMER] in improving our bill. He has put forward two areas which probably should be cordoned off, or at least it would improve it to do that, consultants or vehicles not primarily used for law enforcement, as areas where we would not want them to spend the money.

We probably could think of a whole litany of things out here if we kept working at it. For the most part, he has covered all of them that he could think of that the LEAA which is ever accused of violating.

My own judgment is that the word ''consultants'' could probably use a definition somewhere in the definitions section. I am sure the gentleman would not want that term to include what is in the bill right now, and that is the fact that we may utilize the contracts that local units of government may have with private, non-profit entities or community-based organizations to carry out the purposes funded, to prohibit that phrase, if we indeed go to the term ''consultant'', because obviously, non-profit entities or community-based organizations would not be people we would not want to receive money under this bill.

□ 1750

So I think the term consultant perhaps needs to be defined, but I understand what the gentleman is getting at.

What I would just like to comment on during the brief time I am up here on this amendment is that LEAA, the law enforcement assistance program of years past that the Democrats are so fond of saying is very similar to this, it is going to be abused again, we are going to be abused by this process, was quite different from what we are dealing with today.

First of all, that program was designed specifically for innovation and experimentation. In fact, the moneys that went to the states and not to the local communities in that case, though the States may have given some of that money to them, that money was specified by us to be used only for experimental or innovative practices. It was designed to require that the States

and the local communities in spending that for law enforcement purposes be creative. They could not spend it for routine law enforcement or tried-and-true law enforcement procedures and they could not spend it for what we would consider to be prevention programs today. That is quite a different matter from what we have got forward in this bill.

I would say that when you are charging them with coming up with new ideas and experimenting and putting a lot of money out there, maybe the past Congresses that passed it should have been wise enough to have foreseen that you were charging them with going off and trying to find new ways to spend money that would involve some things that would be pretty absurd at times because they could not spend it for normal law enforcement practices.

However, this bill today that we have before us is designed in just the opposite fashion. We do not have a problem with some creativity, but it is open-ended in the sense that local communities may spend this money for anything which will help them fight crime in their local communities. I would submit that since we have an advisory board specifically set up that include a broad range of local community to decide what is best for that community and we have elected local officials making these decisions as bodies, not individually, but we have the county commissions and the city commissions making them, it is far less likely that the moneys will be spent on absurd projects under this bill than may have been under the old LEAA program which is quite different.

Plus the fact under this legislation we have got all kinds of accounting checks and reporting requirements and oversight by the Comptroller General that is involved. So I would submit that it is highly improbable that this money will be misspent and that the program that we are seeking to accomplish here, the fighting of crime in the local communities, by its very nature requires giving this discretion to local governments, because Washington certainly does not know best how to fight crime which is 90 percent or better a local problem under local criminal laws.

I submit that what is good for any community on the West Coast is not necessarily good for one in the South or the Midwest, or who knows? Every community is different. It is absurd for us to try to dictate to those communities how to do it.

The very nature of providing flexibility contains within it the inherent risk that upon occasion, some local unit of government, some officials of government, elected by the people in their local communities, will act irresponsibly, will act in ways that you and I would not like them to do, and I fully expect that that is going to happen in a very tiny fraction of the cases where this money goes out. I would be remiss in not saying it is going to happen.

But I think that the risk of that happening and the occasional misdeeds that will occur because local elected officials are not responsible in some cases is going to be far outweighed by the good that is done, by the flexibility that is provided in this legislation as opposed to what was there in the last Congress.

What we had in the last Congress was far too narrow. It passed in a way that many local communities cannot take advantage of it. We had categorical grants saying, ''If you follow these things and do just this stuff, then you can get the money for these prevention programs, but you can't do it, for other prevention programs that might be better for your communities, you can't get any money for that.''

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has expired.

(By unanimous consent, Mr. MCCOLLUM was allowed to proceed for 1 additional minute.)

Mr. MCCOLLUM. In the Cops on the Street Program, we said, ''Here is how you are going to go about it. If you have this matching grant program, 75 percent of the money will be paid for by the Federal Government for the first $20,000 or $25,000 to hire a new cop.'' Since the average cost of a new cop is about $60,000 a year to hire him and outfit him and put him out on the street, for 3 years we did pay a small fraction but not nearly as much as a cop costs for that period of time. Then after the 3 years, the local community had to pay 100 percent of it if they submitted for a grant. We have found that in the process of the first few months of this grant program under last year's Cops on the Street Program, a lot of communities are saying to us, ''We can't afford to do that. We're not going to take advantage of it.''

So our flexible approach is far better and the downsides to it are minuscule compared to the upsides and the positive approach the Republicans are offering today in this bill to let the local, county and city governments of this Nation spend $10 billion to fight crime at the highest crime rate level cities and communities around the country in the way that they best see fit and know how.

I, therefore, commend the gentleman for this amendment, it is a fine improvement, but I think his points other than that were not well-taken.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has again expired.

(At the request of Mr. SCHUMER and by unanimous consent, Mr. MCCOLLUM was allowed to proceed for 2 additional minutes.)

Mr. MCCOLLUM. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding.

The gentleman is raising problems with LEAA. We agree it had problems. But what Speaker GINGRICH was referring to in these quotes was not the LEAA. It was the LPA, the Local Partnership Act which was in last year's bill which was virtually the same thing as the block grant proposed this year. So I would like to ask the gentleman, when the Speaker says, ''What I cannot defend is sending a blank check to local politicians across the country for them to decide how to spend it,'' how is the program in H.R. 728 any different than that quote from the Speaker? Where is the difference?

Mr. MCCOLLUM. Reclaiming my time, I can say to the gentleman that first of all the Local Partnership Act grant is $1.5 billion to the highest tax rate cities, not the highest crime rate cities.

Second, I did not hear the Speaker say that, I do not know the context in which it was said, and I cannot defend him one way or the other today about that comment.

But I would say to you that whatever he said, the fact of the matter is that the broad programs we are offering today provide the widest latitude of flexibility and conform the most to Republican principles of letting that government govern best which governs closest to the people. That is the local, county, and city governments. Consequently, when it is spread out to all of the governments to participate in, not just a narrow few as were under that LPA grant for $1.5 billion who were the highest tax rate cities in the country, we have a far different scenario than what we had in that bill last Congress.

I think that whatever else is said about this, we are going to let every community in this country participate that has a crime rate problem, and it is a very positive improvement over last year's bill which was very narrow in scope with each of the categorical grant programs, as well as very narrow in scope of the conditions that were placed with regard to the cops on the street program which thousands of communities, including Oklahoma City for one, cannot participate in, say they cannot.

So I accept the gentleman's amendment but I do not accept his premise.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I was going to give some more examples and make some more arguments, but at the conclusion of the comments of the gentleman from Florida, I am going to save them, because we are prepared to accept the amendment at this time.

I commend the gentleman. We already have several items included. It was thought that consultants ought to be added, and I think the gentleman may want to indicate how we might even qualify that further.

I yield to him at this point.

Mr. SCHUMER. I would be happy.

The gentleman from Florida makes a good suggestion. That is, that we make sure that consultants do not include nonprofit community organizations

that are involved in crime fighting itself, and I would suggest we do that in report language.

Mr. CONYERS. Mr. Chairman, I think it is a great idea. We will take care of that, because it is true that sometimes community organizations do end up in a consulting capacity, and that is the last thing in our minds to in any way limit or inhibit their working under the provisions of this bill.

With that, I indicate my support for the amendment.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield further?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding. I guess the gentleman from Florida is gone. But I would just say, everything he is talking about did not answer the question, in all due respect to him. He was talking about the Speaker's language saying you cannot send the localities a blank check.

□ 1800

The gentleman from Florida is saying it is correct to send the localities a blank check, and I do not see how to defend that in any way other than it is a 180 degree turn, and some of the frustration we on this side have is that it seems a lot of what is in the contract, particularly on the crime bill, was not really designed to improve the crime bill. Anyone who thought this so convincingly in June would not draft something that was a blank check. I would argue to my colleague that it was simply done as a way of saying well, I am different and it is a bad way to go, and let us forget that mistake and let us go forward and pass something that makes sense.

So I thank the gentleman for yielding. Again I stand by the fact that Speaker GINGRICH said open block grants to communities is a blank check, we should not to it. And now we have a complete reversal. I say he was right then, he is wrong now.

Mr. CONYERS. In addition, of course, this combines police grants, so what we are having now is a choice between every kind of prevention and nonprevention you ever imagined, plus the opportunity to not use police because there is not a separate category for community policing.

I support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the amendment printed in the RECORD?

Mr. WATT of North Carolina. It is not Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 21, after line 16, insert the following:

''(7) In no event shall the term 'improving public safety' be interpreted to allow the use of any funds appropriated under this title for the construction or improvement of highways, streets or roads.''

Mr. WATT of North Carolina. Mr. Chairman, a real problem I have with this bill has been illustrated by the last amendment which was adopted, and that is the question of how the bill is drafted.

It leaves the field wide open for interpretation of about anything at the local level to be eligible for funding under this bill.

The particular place which this amendment is designed to address is throughout the bill where amounts are to be paid to units of local government for improving public safety. There is no definition in the bill for what improving public safety means. In my congressional district there are some cities is that when we talk about public safety the first thing that they go to is not crime in the neighborhoods, police on the streets, or something of that kind, but public safety has the connotation of increased traffic, roads, streets, something that will help to improve the flow of traffic in and around the city.

Let me make it clear that I do not have any problem with improving subject safety by building more streets or improving highways or improving roads, but in this particular bill, which is a crime bill, there should be no question that these funds should not be eligible for being used in that way.

So I thought we better have something in the bill that gave some definition to this concept of improving public safety. I thought about trying to come up with a definition for improving public safety, and I really had some serious problems trying to draft the language that would cover that issue without creating more problems than I solved. So instead of trying to craft a definition for improving public safety, I at least thought we ought to back out this one element that could be interpreted as a means of improving public safety. In fact, it does improve public safety to improve the streets and roads and highways in a particular city. And I do not have any problem with that. But I could not come up with a crafted way, an ingenuous way to define improving public safety, which is really one of the problems that I have with this bill.

I do not think the local officials are going to be able to, we are not going to be able to tell the local officials at the local level what improving public safety means any more than we can define that term in the bill.

So, we have this broad, open, three words, ''improving public safety'' that we could about convert to any kind of construction or definition or interpretation that local government officials want to put it to, and that is a serious problem in this bill. At least if this amendment is adopted it will be clear that it is not a traffic bill that we are dealing with here, it is serious crime, or crime unrelated to traffic, even though there is nothing here in my amendment that would remove the funding from drunk driving or criminal activity other than traffic offenses.

But I would just say to my colleagues here that as the bill is drafted now, traffic offenses and trying to solve problems of traffic in cities could just as easily fall under the category of improving public safety as criminal conduct, and I encourage my colleagues to please support the amendment.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have to say to the gentleman from North Carolina that I rise to oppose his amendment. The gentleman from Florida who is our subcommittee chairman I believe accepted the last amendment because there is or at least there was some demonstrated abuse of funds under the former law enforcement administration that dealt with grants for the purpose of fighting crime.

However, the fact of the matter is that we wanted to make that recognition, I will still take our approach in this bill of block grants over the micromanagement that is in the crime bill that passed last year. More specifically with respect to this amendment, when the gentleman said, ''in no event shall the term improving public safety be interpreted to allow the use of any funds under this title for construction or improvement of the highways, streets or roads,'' I would first of all say the reference to improving public safety is taken out of the paragraph that he says reduce crime and improve public safety as the purpose of the bill. And more specifically to roads, I would point out that one of the reasons to authorize the payment of funds in the crime bill that passed last year is increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots or garages, so that could be viewed under the gentleman's amendment as improving a road in such a way that would not be allowed.

We have already allowed in the crime bill that crime occurs in roads and streets, like highway robbery, if you will, carjacking and so forth, and there could be action taken towards a street or road which a community does believe is for the purpose of reducing crime and improving public safety.

For that reason I rise in opposition to the gentleman's amendment.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I am surprised to hear the gentleman concede that funds under this bill could in fact be used to improve roads and highways and streets. I thought clearly that was not a purpose of this bill.

Is the gentleman sure that he wants to concede that point?

Mr. SCHIFF. Reclaiming my time, I do not think that is what I said to the gentleman from North Carolina. I pointed out that a provision of funding in the crime bill that passed last year allows increased lighting for roads, and under the gentleman's amendment that could be interpreted that the improvement in lighting is some kind of improvement to a road that is not allowed, when the improvement in lighting was found by its inclusion in this bill, last year's crime bill to be for the purpose of fighting crime.

I just want to say that the gentleman is taking this out of context. The purpose of grants, block grants are for the purpose of reducing crime and improving public safety, and we believe that local officials that do not use the funds for that purpose are not going to be local officials for much longer.

I yield again to the gentleman from North Carolina.

Mr. WATT of North Carolina. I appreciate the gentleman yielding, and I want to make three quick points in response. First of all, the one instance the gentleman has referred to where there is a reference to reducing crime and improving public safety is on page 2.

□ 1810

But I would point out to the gentleman that on page 6 there is a provision dealing with maintenance of public safety which is not connected with reducing crime in any way, and there are other examples in this bill where improving public safety is used. So I think the gentleman is mistaken in that respect.

Second, I have made no argument about lighting. My amendment goes to streets, roads, and highways, and if there is something in last year's bill about lighting at bus stops, I would not think that would related to either roads, highways, or streets, and if we are superseding last year's crime bill, then I am not sure why we would be debating that issue anyway. Because this language, I would think, goes beyond last year's crime bill.

Mr. SCHIFF. Reclaiming my time, I just want to point our again that improved lighting for a street could, under the gentleman's amendment, be determined to be improving that street and, therefore, not allowed under our bill.

But I want to steer back to the central idea of this bill, H.R. 728. We are going to trust the local communities. Nobody has denied on our side that not all of the past experiences have been perfect in that regard.

But when compared to the experience of Washington micromanagement, it is a whole lot better, and that is why I urge defeat of the gentleman's amendment.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, one of the problems with this whole process is it does not seem as if we fully understand what happens in the local municipalities and the local processes as it relates to budgeting, and that is even more important as we consider the fact that at every level there are reductions in budgets as various mayors try to find the best means of resolving their budget conflicts.

All over this country today there are those who are trying to bridge the gap that they might be able to provide a level of service but, at the same time, deal with the reality that they cannot tax themselves out of problems that are endemic to the cities. In so doing, a community, a block grant for police, a block grant for anything, represents the potential as a tool to be used in almost any way to be able to try to bridge those budget gaps.

I think a classic example may well be as we consider what has happened with community development block grants. They were intended for the purpose of insuring that many of these urban communities were rebuilt. In point of fact, in too many instances, those community block grants are nothing more than the difference between what it takes for a city to be able to not have to go out to the bond market and for it to balance its budget by the use of Federal resources. I think we all would have to agree that any local politician who is concerned about the next election, seeing the resources that are now available to them in a community block grant over which they have absolute control, with no direction from Washington, with no mandates in terms of how those funds would be spent, could easily provide justification that what they are spending the money for is, in fact, in the interest of public safety.

If you consider what we are talking about and the number of bills that are before us, the number of bills that will be before us in the next few days, when you talk about welfare reform, when you talk about not providing people a decent kind of wage on which to live, when you talk about all the conditions that are endemic to the schools and other circumstances in these communities, you are doing to drive more people onto the kind of census that makes up this ever growing prison population. While you are doing that, you could easily make arguments then that your justification for spending money in various areas that are not defined within the bill might well fit within the rubric of public safety.

I think what we are doing, in fact, is giving to those who are local representatives in government an opportunity to have before them resources that would not otherwise be available. They will do as they have done with the community development block grants, they will not use the money for policing issues, they will not use the money for public safety issues, they will use the money to be able to bridge that budget gap.

If you look farther at community development block grants in some major cities where they have taken those moneys not to create housing, not to be able to rebuild communities, not to economic development vehicles, rather, they have used those moneys so they might provide in some instances security, housing that is warehoused by the city, that would not be considered within the interest of development of housing. I could see likewise one can just as easily argue you could make those funds available for providing security in areas the city would otherwise have to do it, but now would not have to do it by virtue of the fact that they have the benefit of a community block grant.

These block grants are nothing more than a giveaway. It is a form of welfare. It is a form of a subsidy that allows for somebody who is in power who has the authority over a budget to say this is where I want the money to be targeted and, you know as well as I do, and I am a former educator, I can tell you if you give me a few minutes and you give me a lot of money and knowing that dollars are fungible, I will figure out a way to make those dollars usable for whatever I can justify them to be usable for. That is what we are making available for the cities, and we need to stand and be honest about that.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from New Mexico.

Mr. SCHIFF. I wonder is the gentleman saying he opposes community development block grants?

Mr. FLAKE. I oppose community development block grants that are given to those who are in power who do not do what those community block grants are designated to do, and in too many instances, there is a history that community block grants do not do what we have historically designed them to do when we have made community block grants available from Washington.

Mr. SCHIFF. If the gentleman will yield further, either community development block grants exist or they do not. Is the gentleman in favor of repealing the whole issue of community development block grants?

Mr. FLAKE. I would not repeal the whole issue of community development block grants. What I would do though is set some specific mandates on how those funds are being used as is the case with the amendment that is before us right now where it says there are specific things you can do and specific things you cannot do, because as we try to solve a particular problem, the block grant is developed for that reason, for that reason alone.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we know the difference between improving lighting

and improving the roads, and improving the lighting would have a significant impact on crime in an area and could be supported.

I know many localities trying to build roads who would be praised for spending this money on road building rather than crime fighting. This funding is for crime prevention, and thankfully we did have some money put into the bill a few minutes ago which would have the effect of evaluating programs for their effectiveness in preventing crime. But road building is one where we would not have to wait for the evaluation.

Mr. Chairman, I would hope that we would adopt the amendment.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding.

I just wanted to reemphasize the point that I simply do not understand why there would be opposition to this amendment. There is nobody, I think, on this floor or in this Congress who thinks that the purpose of this bill is to improve roads, highways, or streets. And yet the language in the bill, improving public safety, is clearly broad enough to cover that kind of activity.

For the life of me, I cannot understand why we make an issue of this simply to send a message to the public. I guess that we have crafted the perfect bill, and our language cannot be improved; surely, the proponents of this bill, the sponsors of this bill, do not believe they have crafted a perfect bill, and I just for the life of me cannot understand the opposition to this amendment.

I would ask my colleagues to, please, be sensible about this. Make this clear. There are enough loopholes and gaps in this bill without leaving this loophole and gap for local communities to drive through.

I can tell you that in some areas traffic is the major issue that is affecting the people, and there is no problem with addressing the issue of traffic.

But let us do it in a transportation bill, in a roads bill. Let us not leave open the opportunity to address that concern in what we are calling a crime bill in the name of just the sense that they have some perfect bill here. It is not a perfect bill. There are all kinds of problems with this bill, and this is just one of them.

We ought to at least close this one gap.

□ 1838

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SCHIFF. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No 119]

ANSWERED ''PRESENT''—417

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

□ 1839

The CHAIRMAN. Four hundred seventeen Members have answered to their name, a quorum is present, and the Committee will resume its business.

□ 1840

RECORDED VOTE

The CHAIRMAN. The pending business before the House is the demand of the gentleman from New Mexico [Mr. SCHIFF], for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 230, not voting 10, as follows:

[Roll No. 120]

AYES—194

Abercrombie
Ackerman
Andrews
Baesler
Barcia
Barrett (WI)
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)

Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoyer
Inglis
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Laughlin
Lazio
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
McCarthy
McDermott
McKinney
McNulty
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—230

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Istook
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—10

Becerra
Chapman
Crapo
Geren
Gibbons
Jefferson
Matsui
Meek
Tucker
Wilson

□ 1846

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1850

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the chairman for recognizing me for 5 minutes. I normally do not take a vote on an issue personally, but I think I need to say some things to this body.

Mr. Chairman, I came earlier today and offered the amendment that just failed to the leadership on the majority side in an effort to try to work with the majority leadership to improve this bill. There is not a person in this House who believes that this money should be used to build streets, roads or highways. There is not a Member of this House who believes that the funds under this bill ought to be used for highways, roads or streets. And I tried to offer this amendment in such a way just to clarify that issue. And I won the voice vote.

During the course of the debate on the rule, I pointed out to the Members of this body and to the American people that the time required to come over here and vote on an amendment is included in the 10 hours of public debate time that is allocated for this bill.

Immediately before I had offered my amendment, the other side had just agreed to an amendment similar to this. So I am beginning to wonder here what is going on in this body. We are marching in lockstep, doing things that make no sense in the context of public policy, denying Members that right to clarify the wording of a bill, maybe taking out personal animosities and concerns from last week on the content of this bill, because this vote makes no sense in the context of what we are doing here.

I want to just make it clear to my colleagues over here, if this vote is designed to send a message to MEL WATT, which I am inclined to think that it is, as I speak here, I will tell them that I will send a number of amendments that they will not like for their consideration. If they want to single me out and discipline me by calling for a vote on something that everybody in the House agrees to and tell their soldiers to march, contrary to public policy, contrary to what everybody in this House knows the intent of this bill is, then somebody have enough nerve to come to my face and tell me that. Because if they want to declare war, then I am up to it, and I will tell them that I am ready to start the war right here.

But I will not be personally insulted. I will not be personally singled out. And I will not have them march like toy soldiers on issues of public policy without exposing what they are doing to the American people.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, what the gentleman is saying is, maybe some of the Members did not quite understand, what I understand what he is saying is that an amendment that previously delineated what they meant was accepted by the other side; correct?

Mr. WATT of North Carolina. That is correct.

Mr. VOLKMER. And this amendment, which really, I think, is clear to everybody, I do not think, surely, maybe there is, maybe the gentleman is a little wrong, maybe they really want to use this money, crime fighting money, for roads and highways and streets. Maybe the gentleman missed the boat. Maybe that is really the way they want to use the money. But it does not appear that that would be a proper use of it. I agree with the gentleman.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, if the gentleman will continue to yield, if that is not so, then the only purpose of them asking for the vote and taking all the time is because, the gentleman feels, it was he that offered the amendment. In other words, perhaps if it was someone else that offered the amendment, the amendment may have been accepted.

Mr. WATT of North Carolina. Perhaps I should let the gentleman offer the next amendment.

Mr. VOLKMER. I do not think I am in any better shape than the gentleman is.

Mr. WATT of North Carolina. Well, perhaps I should select somebody else of another hue to offer the amendment.

I thank the gentleman.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am sorry that the gentleman from North Carolina, who offered the amendment, felt that my opposition to it was based in some way in some personal fashion. I would point out that in the last vote, 12 of my party voted with the gentleman and 14 Members of his party voted with me against it.

I want to make two points. First of all, if we have misjudged the situation, I cannot say, but we had received ideas that amendment after amendment after amendment was going to be offered. We have seen drafts that included no purchase of rocket launchers, no purchase of farm equipment.

Now the majority party in the Committee on the Judiciary helped to pass an amendment to this bill which provided several limitations such as the gentleman from North Carolina is talking about. We said things like no purchase of limousines and no fixed wing aircraft, and so forth.

Second of all, the gentleman from Florida, the chairman of our subcommittee, accepted an amendment offered by the gentleman from New York [Mr. SCHUMER], which said no use of consultants and no use of unconventional vehicles for the police department.

The point is, our belief was these amendments were going to come endlessly, not necessarily for their individual merit, but to make the general point that there are Members here who do not approve of the block grant approach and intend to oppose this bill no matter how many amendments are accepted.

We accepted some amendments as an acknowledgment that, in fact, there have been past problems with block grants. Most of us continue to support H.R. 728 because we think the block grant is still appropriate when compared to Washington and congressional micromanagement.

My point is that nothing here was designed or intended to be personal to the gentleman from North Carolina in any way. It was just to stop what we thought was a flurry of these amendments, duplicative in spirit, if not in letter.

Second, Mr. Chairman, I have to say, with the utmost regard to the gentleman from North Carolina, I want to say that this particular amendment was a mistake. When we say that no money can be used for roads, that could be no lighting to improve security, it could mean no rerouting of traffic to prevent gang attacks and to prevent carjackings.

I was given one example by the gentleman from California [Mr. BILBRAY] of a road built to a county jail.

Mr. Chairman, I yield to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I tried to discuss this item. I crossed over the aisle and discussed it with the gentleman from North Carolina. I did have a concern and I think that that kind of communication was nothing personal on my vote. I was not in lockstep.

The fact is that we built an $800 million facility trying to fight crime in the county of San Diego, and one of the major problems we had, too, is that we had to spend over a million dollars to get from the adjoining road to the site where we could build this facility.

Now, I am sure my colleague from North Carolina did not mean to create that kind of barrier from being able to utilize these resources for different types of crime activity, but this was one that was a good example of where there would have been a legitimate facility built, legitimate expense that would have been blocked by his amendment.

□ 1900

That is why I voted, not because I was in lockstep on this side of the aisle, but because, from practical application, I saw that this could be a barrier from doing what the bill wants us to accomplish, and that is fighting crime.

Mr. SCHIFF. Mr. Chairman, I just want to say in conclusion once again that it was our belief we would be debating these amendments for the entire 10 hours of this bill, which essentially made the same point over and over again, which we think we have recognized in accepting the amendments we have offered.

More importantly, Mr. Chairman, I believe this particular amendment offered by the gentleman from North Carolina [Mr. WATT] inadvertently, I am sure, would have precluded legitimate uses of law enforcement money.

Mr. SCHUMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the gentleman from California [Mr. BILBRAY] has made just the point that we on this side of the aisle wish to make, which is if there was a need for a road, even if the road would be used by law enforcement personnel, there are State funds to do that, there are Federal highway funds to do that, et cetera.

The very point is, Mr. Chairman, in this large block grant concept, we could stretch the definition so far that we could do almost anything, and the money would be so dissipated that the actual bang for the buck in law enforcement would be next to nothing. Therefore, Mr. Chairman, I think the amendment of the gentleman from North Carolina [Mr. WATT] was very well advised. I do not care if there is a road going from one prison to another. If you ask the American people ''Should the money in the crime bill, whether it be a Democratic crime bill, a Republican bill, or a bipartisan crime bill, go to building roads from one place to another, no matter what the purpose?'' they would overwhelmingly say no. That is the very reason the gentleman from California [Mr. BILBRAY] makes the point that we wish to make, the gentleman from North Carolina, myself, and all of us on this side of the aisle. That is that the block grant proposition, despite good intentions, it will pave the road, so to speak, for all sorts of kinds of things that will be built with this money that no one had any idea of, that have nothing to do with real law enforcement, and it will end up being a gigantic, big barrel of pork.

AMENDMENT OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WISE: At page 4, after line 19, insert

(G) ''Enhance programs under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968.

Mr. WISE. Mr. Chairman, we have been talking to the majority. I believe it will be acceptable. This amendment is very simple. It simply says that for purposes of the block grant, that the local governments can use the block grant for the same purposes that they presently receive Byrne funds for. The Byrne grant is authorized under a separate law. The Byrne grant begins its appropriations, or its authorized amount begins to be reduced each of the next years up until the year 2000. What this simply says is that for those programs that local governments have found useful, and there are 22 of them that are permissible under the Byrne grant, for those programs that they can use the block grant moneys for those Byrne programs.

To give some examples, in West Virginia, for instance, one of the most successful programs has been the DARE, drug abuse resistance education programs. Byrne moneys can be used there. Police officers teach the DARE Program. Another one that has been very helpful, and I think goes right to the heart of what the majority bill hopes to do, is the multijurisdictional drug task force. Once again, Byrne moneys can be used to bring, in rural areas particularly, to bring the many county and local governments together, working with the State and Federal authorities in ways that they have not been able to do today to work on drugs.

Mr. Chairman, I would ask that this be approved and that the amendment be adopted which would permit the 22 purposes of the Byrne grant, that the local governments be able to use the block grant moneys here to implement those programs.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. WISE. I am happy to yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I think the gentleman's program is excellent. We support it. We already have, as Members know, the Byrne grant programs. The fact of the matter is this was never intended, our bill, to in any way keep programs that have Byrne grant program funds from receiving additional moneys out of this bill. There is total flexibility for the States to do that.

The gentleman's amendment guarantees that. I support it.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WISE. I am happy to yield to the gentleman from Michigan, the ranking member of the committee.

Mr. CONYERS. Mr. Chairman, this is an excellent amendment. The gentleman is attempting to reimpose some needed structure to the completely unmanageable and formless way the block grant programs are structured, so I commend the gentleman. I think we will accept it unanimously on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. WISE].

The amendment was agreed to.

The CHAIRMAN. The Chair wishes to inform the membership that it is the intention of the Chair, to the best of his ability, to rotate recognition for the purpose of offering amendments between Republican and Democrat.

It was the mistaken belief of the Chair that the gentleman from West Virginia [Mr. WISE] was seeking time to strike the requisite number of words. Obviously he was seeking time of offer an amendment. Therefore, the gentleman from New Jersey [Mr. MARTINI] should have been recognized first.

AMENDMENT OFFERED BY MR. MARTINI

Mr. MARTINI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTINI: Page 8, after line 19, insert the following new subsection:

''(h) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 90 percent of the costs of a program or proposal funded under this title.

Mr. MARTINI. Mr. Chairman, I rise today as a member of the Republican Task Force on Crime to offer an amendment that I believe is essential if this House wants to make sure the Local Government Law Enforcement Block Grants Act, H.R. 728, is a credible program to fight crime.

As written, Mr. Chairman, H.R. 728 is a good bill. Block grants will combine the extra resources our communities need to combat crime with the added flexibility to use that money in ways that best suit them.

I support the bill, Mr. Chairman, and believe it brings us a long way toward our goal. However, Mr. Chairman, we can make a good bill even better, in my opinion. The localities are being given the money without having to put up any of their own funds.

With no direct financial stake in the program, I fear many local governments will not officially use the money we offer them. If the program is a waste, they lose nothing. It is a classic case of easy come, easy go.

The amendment offered by my colleague, the gentleman from Delaware [Mr. CASTLE] and I seeks to address this problem by implementing a matching provision in which local governments will be required to put up 10 percent of the grant they receive. Even this small matching amount will protect the integrity of what we are attempting to do.

Mr. Chairman, as a former local official on both the county and municipal level, I know these kinds of matching provisions bring accountability to local units of government. It is accountability that this amendment seeks to do.

The 10 percent matching provision is not as large as those contained in last year's crime bill, and the amendment does not infringe at all upon the wise latitude given the localities that is the cornerstone of H.R. 728.

Mr. Chairman, this year this House has taken many actions to preserve for our constituents and to tell our constituents that we understand their money is a scarce resource, and we can no longer afford to spend it on wasteful projects.

It is not that I begrudge the amount of money in block grants this bill proposes; rather, fighting crime is one of the most important functions of our government, and I wish we could afford to spend more in this area.

What the Martini-Castle amendment does do is force localities to be as careful with their Federal money as we have committed ourselves to be with the Federal taxpayers' dollars. Even the smallest amount of investment made by a locality will give local officials a stake in the success or failure of a program, and help assure us that our block grants are being put to good use.

I urge my colleagues to support this amendment and strengthen what is already a very good bill.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MARTINI. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, under the gentleman's amendment, any community of any size would have to come up with 10 percent of any application or grant that they receive as a result of an application, is that right? Is that the way I understand it?

Mr. MARTINI. They would have to have a 10-percent matching provision for any grant that they would be eligible for under this program.

Mr. VOLKMER. Mr. Chairman, I would ask the gentleman, is that a cash 10 percent, or is that in kind 10 percent, or what is it? What is that 10 percent.

Mr. MARTINI. It would be a matching 10-percent cash. That would be the intention of the amendment.

Mr. VOLKMER. It would be in cash, Mr. Chairman, I would ask the gentleman, not in kind?

Mr. MARTINI. Preferably in cash.

□ 1910

Mr. VOLKMER. I just wanted to clarify it so I would know.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. MARTINI. I yield to the gentleman from Delaware.

Mr. CASTLE. The answer is it is a cash match. It is not an in-kind match in any way whatsoever.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, here we are again. After hearing that we were against block grants 4 months ago on the majority side, we are now enthusiastically for block grants.

All during the hearings and markup of this bill, you were against any matches in the Committee on the Judiciary, and now out of nowhere comes an amendment printed by the chairman of the subcommittee no less but offered by the distinguished gentleman from New Jersey, a 10-percent match.

Is there any rationale that we may employ to account for where this miraculous change of opinion has come about?

You have quite a few positions on these matters that seem to be changing the more we examine this bill.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida, the subcommittee chairman.

Mr. MCCOLLUM. I thank the gentleman for yielding.

The reason why is that we believed that we need to have a match in here. It is a better accountability proceeding.

Mr. CONYERS. So did we.

Mr. MCCOLLUM. We picked a 10-percent figure because after checking with the mayors, this seemed to be the reasonable amount. That amount would require the least discomfort, and a lot of the communities that could not afford larger matches would be able to afford this. We came up with a 10-percent figure, printed it in the RECORD, so it is not a big surprise to you. The task force of the gentleman from New Jersey [Mr. MARTINI] who worked with it on our side of the aisle is the one who has offered it today.

Mr. CONYERS. After hearing all your rhetoric against matching, I am glad that we at least have a point of agreement here. I guess that means that all of the discussion and debate against matching funds in the crime bill was not as important or valid as I thought you were making it.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. There may have been some Members who argued against matching on my side of the aisle but this one was not one of them. I argued against the fact that the police grant program, there was not nearly enough money out there because it cost $60,000 a year instead of $20,000 or $25,000 to be able to put a police officer on the street. But I never argued against a match.

Mr. CONYERS. You do not recall yourself saying somewhere along the line that communities could not afford the police grants because there was a matching requirement?

Mr. MCCOLLUM. If the gentleman will yield, I have argued all along they could not afford it partly because of the 25-percent matching requirement and partly because and mainly because that the total cost of putting a new police officer on the streets instead of being the base number figured by the Department of Justice for a new police officer's salary at $20,000 or $25,000 was more like $60,000 a year to get him out on the street. Plus the end of that program was down the road 3 years from then and the local communities had to pick up 100 percent of the grant program then. That is what I argued for.

Mr. CONYERS. That is why we have measures brought to the floor. We go through the committee hearings, we go through the markup, then we come to the floor and then you say, ''Well, perhaps there is something to matches and we'll put one in.

So, look, this is a new position you have arrived at. I am happy about it. I have no objection to it. I just wanted to point out that I had not heard about it before, and it was printed in the RECORD and offered by the gentleman from New Jersey. So, so be it. I think it is an appropriate time to do it. We probably will not have any other chance to debate.

Mr. HOKE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio.

Mr. HOKE. I think this reflects two things. No. 1 is the compelling quality of your own persuasiveness in bringing these things forward. Second, is the good things that happen when we have an open rule. We are actually debating, we are listening.

This is an amendment that is brought to the floor, not least of which because there has been persuasion on both sides of the aisle. We have got better legislation as a result of it. I think we ought to all celebrate.

Mr. CONYERS. Would the gentleman need more time? I am happy to hear that. As a matter of fact, I was waiting for someone to realize that these were our arguments.

Mr. HOKE. We are very grateful.

Mr. CONYERS. Under those circumstances, I think that this is an amendment that we cannot resist.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Delaware.

Mr. CASTLE. I think the gentleman from Nebraska [Mr. BEREUTER] in a moment will speak to perhaps a different percentage, but I thought it would be interesting to discuss a little bit how we got to the 10-percent figure because we did start looking at higher numbers.

The gentleman from New Jersey [Mr. MARTINI] has worked in local government and was very helpful in terms of working all this out. What we were trying to do basically was to get a threshold number that would make the local communities realize that they are buying into something. We have all seen the complete open-ended block grants for everybody——

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

(At the request of Mr. CASTLE and by unanimous consent, Mr. CONYERS was allowed to proceed for 1 additional minute.)

Mr. CONYERS. I continue to yield to the gentleman from Delaware.

Mr. CASTLE. We attempted to find a number in which the local communities would be involved but would not be such a high hurdle that they could not do it. And after a lot of discussions with a lot of local officials, we came out with a number of 10 percent. That is how we got to that number.

We feel it does exactly what you have talked about and we should bring the local communities into it and we get rid of the extraneous and perhaps unnecessary and unwarranted applications that might be made.

Mr. CONYERS. I am sorry you did not put my name on the amendment when you offered it. I did not realize how effective we had been.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Delaware.

Mr. CASTLE. I am sure the gentleman from New Jersey [Mr. MARTINI] would be glad to add your name to the amendment.

Mr. CONYERS. It is too late now.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Martini-Castle amendment. I think this bill must have some method of accountability in order to ensure that the grant money is not misused. A 10-percent match requirement would at least help ensure that local governments will have a financial interest in the success of the grant. Instead of local governments considering that grant money to be in effect free money, more care will be taken to ensure that the grants are not wasted. Oftentimes I think it can be shown that the degree of local concern will increase proportionately to the amount of matching grant.

Mostly I rise today, however, to tell my colleagues that I really thought a larger grant amount was appropriate. I have an amendment prepared to the amendment for a 20-percent grant, but in an abundance of caution and with some consultation with local officials and especially my colleagues, I am going to support the 10-percent matching grant requirement, insisting, as the gentleman from Delaware said, that it is a cash match.

My experience that leads me to the conclusion that we have to have a matching grant comes from serving on the State crime commission in the late 1960's and early 1970's when we had a number of excesses with the LEAA program. One of the excesses that came about, I think, related directly to the fact that we had no sufficient matching requirement.

In the existing crime bill, last year's bill that was enacted, there are matches that require 10 percent in some instances, in some cases as high as 40 percent. We have got some difficulty in local governments apparently with some of the higher matches. I think the 10-percent match is perhaps a bit minimal, but I believe that the will of the body would support a 10-percent amendment, and I am going to ask my colleagues to support on both sides of the aisle the initiative by the gentleman from New Jersey [Mr. MARTINI] and the gentleman from Delaware [Mr. CASTLE], and I want to associate myself with their effort and with the remarks of the gentleman from Michigan in support of the matching requirement.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Florida.

Mr. MCCOLLUM. I want to thank very much the gentleman from Nebraska for his comments. It was partly because of his influence on me and discussing this over some time that we decided that a matching program was absolutely essential to accountability. I want to compliment him on coming out today just as I want to make sure on your time, I compliment appropriately the gentleman from New Jersey [Mr. MARTINI] and the gentleman from Delaware [Mr. CASTLE] who have worked so well, one in local government, the other in a State capacity in the past who have seen the need for something of this nature.

We did work very, very hard to come up with a right number. Not everybody is in agreement on that number, but it is one which is acceptable to the vast majority of our cities and county government officials.

I thank the gentleman for acquiescing in the 10 percent. I appreciate his yielding. Like him, I urge the support of this amendment.

Mr. BEREUTER. I thank the gentleman for his kind remarks. I would say that I appreciate the fact that the gentleman listened to some Members

on our side of the aisle and to the comments that we had in Republican conference on the need for a matching requirement. Our colleagues have taken the initiative. I urge my colleagues to support the Martini amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. MARTINI].

The amendment was agreed to.

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AMENDMENT OFFERED BY MR. MFUME

Mr. MFUME. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MFUME:

Add at the end the following new title:

TITLE II—DRUG COURTS

SEC. 201. DRUG COURTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as section 2301; and

(3) by inserting after part U the following new part:

''PART V—DRUG COURTS

''SEC. 2201. GRANT AUTHORITY.

''The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for programs that involve—

''(1) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

''(2) the integrated administration of other sanctions and services, which shall include—

''(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

''(B) substance abuse treatment for each participant;

''(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

''(D) programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant who requires such services.

SEC. 2202. PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.

''The Attorney General shall—

''(1) issue regulations and guidelines to ensure that the programs authorized in this part do not permit participation by violent offenders; and

''(2) immediately suspend funding for any grant under this part, pending compliance, if the Attorney General finds that violent offenders are participating in any program funded under this part.

''SEC. 2203. DEFINITION.

''In this part, 'violent offender' means a person who—

''(1) is charged with or convicted of an offense, during the course of which offense or conduct—

''(A) the person carried, possessed, or used a firearm or dangerous weapon;

''(B) there occurred the death of or serious bodily injury to any person; or

''(C) there occurred the use of force against the person of another,

without regard to whether any of the circumstances described in subparagraph (A), (B), or (C) is an element of the offense or conduct of which or for which the person is charged or convicted; or

''(2) has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

''SEC. 2204. ADMINISTRATION.

''(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

''(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

''(c) REGULATORY AUTHORITY.—The Attorney General may issue regulations and guidelines necessary to carry out this part.

''(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

''(1) include a long-term strategy and detailed implementation plan;

''(2) explain the applicant's inability to fund the program adequately without Federal assistance;

''(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

''(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

''(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

''(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the drug court program;

''(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

''(8) describe the methodology that will be used in evaluating the program.

''SEC. 2205. APPLICATIONS.

''To request funds under this part, the chief executive or chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

''SEC. 2206. FEDERAL SHARE.

''The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2205 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. In-kind contributions may constitute a portion of the non-Federal share of a grant.

''SEC. 2207. GEOGRAPHIC DISTRIBUTION.

''The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made.

''SEC. 2208. REPORT.

''A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this part.

''SEC. 2209. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

''(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

''(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

''(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.''.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40231(b), is amended by striking the matter relating to part V and inserting the following:

''PART V—DRUG COURTS

''Sec. 2201. Grant authority.
''Sec. 2202. Prohibition of participation by violent offenders.
''Sec. 2203. Definition.
''Sec. 2204. Administration.
''Sec. 2205. Applications.
''Sec. 2206. Federal share.
''Sec. 2207. Geographic distribution.
''Sec. 2208. Report.
''Sec. 2209. Technical assistance, training, and evaluation.

''PART W—TRANSITION-EFFECTIVE DATE-REPEALER

''Sec. 2301. Continuation of rules, authorities, and proceedings.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in paragraph (3) by striking ''and U'' and inserting ''U, and V''; and

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

''(20) There are authorized to be appropriated to carry out part V—

''(A) $100,000,000 for fiscal year 1995;
''(B) $150,000,000 for fiscal year 1996;
''(C) $150,000,000 for fiscal year 1997;
''(D) $200,000,000 for fiscal year 1998;
''(E) $200,000,000 for fiscal year 1999; and
''(F) $200,000,000 for fiscal year 2000.''.

SEC. 202. STUDY BY THE GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall study and assess the effectiveness and impact of grants authorized by part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as added by section 50001(a) and report to Congress the results of the study on or before January 1, 1997.

(b) DOCUMENTS AND INFORMATION.—The Attorney General and grant recipients shall provide the Comptroller General with all relevant documents and information that the Comptroller General deems necessary to conduct the study under subsection (a), including the identities and criminal records of program participants.

(c) CRITERIA.—In assessing the effectiveness of the grants made under programs authorized by part V of the Omnibus Crime Control and Safe Streets Act of 1968, the Comptroller General shall consider, among other things—

(1) recidivism rates of program participants;

(2) completion rates among program participants;

(3) drug use by program participants; and
(4) the costs of the program to the criminal justice system.

Mr. MCCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order on the amendment.

Mr. MFUME. Mr. Chairman, I am particularly happy the distinguished gentleman from Florida has a concern because the amendment actually grew out of a program that found its genesis in Florida, and the distinguished Members of the Florida delegation I am sure will understand after I have an opportunity to discuss it, why it is so very important.

Mr. Chairman, I rise to offer this amendment to H.R. 728, an amendment that would continue the Drug Court Program as enacted by the Violent Crime and Prevention Act of 1994. The Drug Court Program included in the list of programs targeted for elimination under H.R. 728 is an effective and valuable crime fighting tool, with the kind of proven results that Democrats, Republicans, and Independents want.

Although lumped, and I think lumped inadvertently with the prevention programs that this bill tends to eliminate, drug courts really are not a prevention program. Drugs courts would better be classified as an alternative punishment measure that has the indirect benefit of preventing crime.

Drug courts began as an innovative program by the State of Maryland. The gentlemen from Florida, Mr. MCCOLLUM, Mr. STEARNS, the other distinguished members of the Florida delegation I am sure can attest to the effectiveness of it in the State of Florida.

The State of Florida utilized a formula grant funding approach under the Byrne Memorial State and Local Law Enforcement Assistance Act to fashion what eventually became an alternative punishment and drug rehabilitation program.

The program was very successful in providing first time drug offenders with a second chance. I am not talking about the hard core drug user, I am not talking about the weekend user. I am not even talking about the recreational user of drugs. I am talking about that first time drug offender, that young boy or that young girl who experiments with taking a drug and then gets caught.

In the city of Baltimore there are currently 130 people who have been diverted to the Drug Court Program and away from what conceivably could have been a life of crime, certainly a life of drug abuse.

Of almost 200 people that have been involved in the program since its inception almost a year ago, only 10 of that 200 have dropped out. That means that out of every 20 nonviolent drug offenders who have been brought into the program in Baltimore, 19 out of that 20 has remained sober and clean, a surprisingly pleasant success rate.

The basic program includes intensive supervision of the participants by the court through drug testing and treatment and the prompt application of a graduated number of sanctions for failure to comply with the conditions of the program.

The program can be administered on a pretrial basis, it can be administered as a post-conviction program or it can be administered as both. That is up to the locale.

The Drug Court Program as we know it in various States has been so successful in reducing recidivism and providing drug offenders with an alternative to drug use that the crime bill that we have been talking about over and over again funded this as a separate entity in the 1994 act.

The cost of drug courts is about one-twentieth what it costs to put people in prison, and again let me point out that the recidivism rate is so very low that we end up cutting crime by 80 percent.

In my State of Maryland a unique consortium has been forged with representatives of the public defender's office, State's attorney's office, probation department, and treatment facilities work together to ensure adequate monitoring of treatment and supervision for the department.

Drug courts in Maryland provide drug treatment on demand and serve as an alternative to incarceration, again for first time drug offenders, thereby saving prison beds for the most violent of offenders in our society.

The program also provides job placement, it provides job counseling, it provides educational services and it even provides relapse prevention, in an effort to treat the problem and to provide intense supervision.

The drug courts programs that divert first time drug offenders from prison and then ultimately places them under strict court-enforced supervision is necessary and it is responsible. And as I said before, it is not Democratic, it is not Republican, it is not independent. It is the right thing to do and it is not something that we do not know about. The results are all over this society, and they have been shown to reduce recidivism rates and to return first time drug offenders to society as productive, law-abiding citizens.

Building more prisons does not necessarily do that. It may not be a bad idea but it does not do the same thing. So I would argue as we look at the first time drug offender that a young man or young woman or who for whatever reason experiments and gets caught, that we ought to make sure we do not do away with drug courts as we have known them and as they have worked so well.

The CHAIRMAN. Does the gentleman from Florida insist on his point of order?

Mr. MCCOLLUM. Mr. Chairman, I do not insist on my point of order. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. MCCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it does appear that since the gentleman is adding back in drug courts from last year's crime bill as a separate drug courts title to this bill, and in essence undoing the repealer of the money for that in the program, that indeed this is a germane amendment. But what it does do is add $1 billion in additional drug courts money and drug courts authorization to this bill, to the $10 billion that underlies the bill, and adds it specifically to the purposes of drug courts. It goes against the grain of the very essence of what we are attempting to do in this bill even though many of us, including the people here, support the general precepts of drug courts.

What it does is to set forth a specific categorical grant program for drug courts to protect them, to make sure that indeed the monies that are set aside go to drug courts and not to anything else. Drug courts I might add again, it is additional money separate and apart from the $10 billion that underlie this bill, so the way it is crafted, as I understand it, does not from my reading of it and my staff study of it, does not affect the underlying $10 billion, it simply authorizes another billion for drug courts.

But the thrust of the principle of this still violates the concept that we on our side of the aisle want, and that is to send back to the local communities a decision on what they want to do with money that we provide them under this bill. We would like for the cities and the county commissions of each local community to make their own decision as to whether they want a drug court or not. We set up a supervisory panel and require one be set up for all the cities and counties that get money under this bill that include officers or some person representing the local courts. In addition, of course, there is a local prosecutor's representative, a local police or sheriff's department representative, a local school system representative and a local representative of a prevention program of some type in the community who presumably, and I would assume in most communities the way it works on lots of things, get together, talk over what is best for this community with the resources that they get under this bill; and then they will say, OK, look, if we have the idea for a drug court, and I know there are a lot of judges and law enforcement community members, district attorneys and so on who get together and like this idea, if we think this is good for our community, then

let us use a portion of our money to supplement or to create drug courts.

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In some communities, drug courts are thriving right now without any Federal assistance. They got created without it. It would be nice to be able to help them. We would like to encourage them, but to suggest they work in every community is to suggest something I do not think is our duty to do, nor do I think it is the responsible thing to do.

There are plenty of places where it would work fine. There are lots of communities where it may not. I would suggest we should provide the resources here to let Spokane, WA, Sacramento, CA, Madison, WI, New Brunswick, GA, Orlando, FL, each of the communities wherever they are around the country decide for themselves if they want drug courts with this money and to use some of it to support it, not our setting it aside and saying, ''Look, here is a certain amount of money. If you want that money, come get it, because we in Washington know what is best for you as a drug court. By golly, we want to get as many of these drug courts out there as possible.''

I am not convinced every community ought to have a drug court. I am convinced they do work in a lot of communities. I would encourage them.

Our bill does do that. Our bill uses drug courts as a specific example of those kinds of things that we would list in order for local communities to look to for guidance of how they might use this money.

It is one of those that we have as sort of preferentially treated by that example, but everything in this underlying bill is including, but not limited to, so it allows local communities to decide yes or no or not at all.

And so I must oppose this amendment reluctantly, because I do like the concept of drug courts, reluctantly because I know the gentleman from Maryland has offered this with good intent, and reluctantly because I know how important it is to a lot of communities to have drug courts. But it destroys the underlying fabric and concept of the local community grant program that is in this bill, and I am opposed to it, and I do oppose this amendment and urge its defeat.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman and members, this is a measure that we should compliment the gentleman from Maryland [Mr. MFUME] for bringing to the crime bill.

The record is clear on this one. A study of 4,500 drug court participants between 1989 and 1993 showed that only 11 percent slipped back into criminal activity, which is a phenomenal accomplishment compared to the 60 percent recidivism rate for those who did not participate in the program.

Drug courts, which cost only $800 a participant, compared to $25,000 for incarceration, achieved these results through a tough court-supervised program of counseling, drug testing, and daily monitoring. Those who do not comply know the alternative is incarceration, and so it is more than a prevention program. It is really almost an alternative form that is very effective, and with our prisons facing massive overcrowding that has been mentioned constantly here, these courts offer an effective alternative for steering nonviolent first-time offenders away from crime toward a productive future as contributing members of society.

This is an important provision of last year's crime bill that I think many would welcome into the 1995 version.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Maryland.

Mr. MFUME. Mr. Chairman, I thank the gentleman for yielding to me.

Let me correct something that was said earlier by my colleague on the other side. This does not add new money. This simply takes the $10 million that was already there for drug courts which has been taken out and puts it back in.

Let me get to the heart of this particular effort. We always say in this body that we want to look at those programs that work, and we want to eliminate those that do not. Well, in the State of the gentleman from Florida [Mr. MCCOLLUM], he and the other distinguished Members of that delegation know this is where it found its genesis. It worked so well there it became a model for other States, including my State of Maryland.

You have got to remember this program is for the first-time drug offender, not the hard-core addict, not the weekend user, not the recreational user, but somebody's son or daughter who is in school, who might experiment with drugs and get caught. We put them in a program where 19 out of every 20 young people that go into it all have proven results. Recidivism rates are at an all-time low.

I dare say there is not another program that has that kind of a success record. So what we are saying here today is do we really want to, in all that we are doing, despite the partisanship on both sides, want to embrace a program that does what Democrats want, does what Republicans want, does what Americans want, independence; it creates the kind of results that make us feel proud and says to us in the process that we are able to go out and help young people before they go back and become the second-time offender, third-time offender, or the fourth-time offender and they have got a gun to your head or my head.

We are talking about somebody's son or daughter. I am not here to talk about pie in the sky. This is not an Mfume creation. This was born in Florida. The good people in Florida had the sense to embrace it and nourish it. It became so much of a national model in Maryland and elsewhere. It is working fantastically.

Might I say also that it is not mandatory. It says the Attorney General may make grants to the States, and so if a State does not want to participate, then it does not have to, but those grants go to specific things that deal with recidivism, with treatment, relapse prevention, and making sure we get young people away from drugs.

So I would just simply urge those who watch this debate and who are on the floor now to recognize that of all the things that we have come to embrace or to reject or to examine, that when it comes to drug courts, there is not another example that Democrats, Republicans, and independents can point to that has the kind of success in just the few short years that this has had.

I would urge all of my colleagues to find a way to allow themselves on this vote to go back and to restore the $10 million that was taken out for this program. This is not the kind of prevention program that the bill intends to do away with. This is not really a prevention program.

The end direct result may be prevention. This is a program intended to help young people who are first-time offenders, and I would strongly urge its adoption.

Mr. CONYERS. I thank the gentleman. His explanation has been thorough and quite convincing.

The fact of the matter is that we have permitted this in the bill, and what we are doing is putting a money amount to it.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just rise in support of the amendment and to reassert what my colleague, the gentleman from Maryland [Mr. MFUME], has said about the extraordinary success of this program.

I cannot sit here and fail to talk about something that I have had an opportunity to witness firsthand.

I know Judge Goldstein, who was the father of this program, and no later than just this week I received a letter from Judge Robert Fogan in Fort Lauderdale who presides in the drug court inviting me for the second time to speak to the graduates of the program and talking about the enormous successes that it has had.

Our colleagues on the other side of the aisle are constantly about the business of trying to figure out some way to put somebody in jail. Rightly, criminals should be.

The serious question becomes: When we do have something that does work, should we not see to it that it is maintained?

I think that this program can be replicated throughout this Nation, and pretty obviously is one that all Members of this House ought to support.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Maryland.

Mr. MFUME. Could the gentleman again talk about the phenomenal success that the program experienced in Maryland? Actually it is phenomenal wherever it occurred. It began in that State.

Mr. HASTINGS of Florida. It did begin in Florida. The judge in Miami that originated the program is still presiding in it and has had hundreds of success stories.

What is remarkable is that they show a 90-percent success rate, and then in terms of recidivism, it increases. They have situations where as much as 95 percent of the graduates do not return to a life of crime.

Now, how best then can we work to try to help people? You know something else, too, my colleagues, most of these people who talk about crime have not been in a criminal courtroom, have not had to sentence somebody, have not had to stand with somebody that was sentenced. They have this notion that comes from this air-conditioned Capitol about what happens on the street.

These judges are in the trenches in Florida, and in Maryland and elsewhere in these drug courts, and they see these youngsters. They are not the hardened criminals, but they are the people that can become the hardened criminals.

Mr. MFUME. If the gentleman will yield, let me add also that of the 200 young people in Baltimore that entered the program, 190 never went back to drug use, never. They stayed away from crime and everything.

□ 1940

So again I would appeal to Members on both sides of the aisle to understand that we are trying to help someone by preventing a set of possibilities that nobody wants in this society. This is not for hard-time drug users, this is not for junkies out on the corner, this is not for crack and cocaine users, this is not for recreational users, for the weekend user; it is for the first-time drug offender, somebody's son or daughter in your district or mine who in school experiments with a drug and gets caught.

We have to find a way to make sure that this program that is so successful—every editorial, everything you read about it reeks success—that we not do away with it in our effort to try to reform this package.

Mr. HEINEMAN. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, in deference to the gentleman from Maryland [Mr. MFUME], let the record clearly indicate that in the committee—and the gentleman from Michigan can speak to that and others in the Committee on the Judiciary—this issue was brought up at that time, and this issue was voted on at that time by the entire committee. Now, I am not one of those who has never been in a courtroom; I have been in many courtrooms in 38 years. I do have a feel for victims as well as people would have been arrested and are victims. I did offer up an amendment to the crime bill relative to drug courts, and it was at first unanimously adopted by both sides of the aisle.

Then there was an order to recommit and another vote taken, at which time it passed 20 to 15. It was not unanimous on that motion to recommit. Those folks on the other side of the aisle voted ''no'' to that motion to accept drug courts in the crime bill and those on this side of the aisle voted in the affirmative. That is how it made its way into the crime bill.

We are not insensitive. It was in inadvertently not given the standing in the crime bill that I thought it needed to have, and at that point we did pass it onto the floor.

So we are not unfamiliar with courtrooms and with this issue.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HEINEMAN. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to thank the gentleman for refreshing the memories of the members on the committee and the Members in the House because he is absolutely correct. I am hoping that the gentleman from Maryland has persuasively convinced him now to take the next step to create not only the permissive use that was accepted on the gentleman's own amendment, which was convincingly put to the Committee on the Judiciary, but that we carve out this modest sum of money to create an authorization for the same program that the gentleman in his career of police work has so long enforced.

Mr. HEINEMAN. I thank the gentleman.

I think what we are really talking about is what separates the philosophy on both sides of the aisle, on letting that be a grant whereby it is voluntary on the parts of those folks at the local level to use it as they see fit. And the gentleman from Maryland is putting a dollar figure on it.

Mr. CONYERS. If the gentleman would yield further, we persuaded the gentleman about block grants, we persuaded him about matching funds, and now we have to convince him of the wisdom of moving in support of the drug courts from a permissive use to an authorization. It is a small step.

Mr. HEINEMAN. Reclaiming my time, I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding.

I would point out that the gentleman is correct. I was a member of the majority that voted to put the gentleman's language into the bill to make it perfectly clear that drug courts are an important part of this legislation, and the funding is available. In fact, any community that wants to use all of the funding made available to that community for drug courts can do so under their bill, and, in fact, we have almost $2 billion per year made available so conceivably, if drug courts are the preference of each locality in the country, all of the money could be spent on drug courts.

I think they are a fine program. Some of the localities in my district are starting them and want to have this money available. Other communities in my district do not feel they need drug courts, and I think, as a result, we should make it plain that this program does have it available, the bill does that, but it does not sequester any funds in this program for any specific program.

I think if we are going to give the localities the flexibility to handle fighting crime at the local level in the manner they see best fit, we should leave the bill as it is with the specific language allowing drug courts, but nothing more.

Mr. CONYERS. Mr. Chairman, will the gentleman yield further?

Mr. HEINEMAN. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding again.

Of course, the gentleman understands the difference between leaving this in a block grant where it competes against an infinite number of others; the question is whether he feels convinced of the importance of this so as to lift it out of this infinite multitude of permissible items in the block grant to give it a life of its own. It would still, I say to the gentleman from Virginia [Mr. GOODLATTE], still be optional; it would still not be mandatory to anybody. But it would be rewarding a program that works. And that to me is the important comments that were made by the gentleman from Maryland [Mr. MFUME] and the gentleman from Florida [Mr. HASTINGS] that make it so important that we pass this amendment.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief. I just want to indicate that in a conversation with the head of our Office of Drug Policy just a couple of days ago, it was very clear that the utilization or the usage of drugs is now increasing. So I rise to support the request of the gentleman from Maryland [Mr. MFUME], his very succinct request, very frank and honest request, that not only do we applaud the fact that we use allocated dollars for drug courts but we isolate the language in the legislation and it is specific.

I simply want to say we have a drug problem in this country, the gentleman has highlighted the problem; I think it is one that should be addressed as it relates to first-time offenders.

Mr. MFUME. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from Maryland.

Mr. MFUME. I thank the gentlewoman for yielding.

Let me say directly to the distinguished gentleman from North Carolina [Mr. HEINEMAN] that I am heartened to hear his remarks. The fact that he tried in committee to do essentially the same thing is commendable, and I appreciate his courage in this effort here tonight, which was not successful and maybe because someone on my side of the aisle did not join with him.

Let me just say, though, that no one in this body has a license on purity on either side of the aisle. I would strongly say to the gentleman that I can empathize with his agony over having lost on something like that, and that is why I am so tremendously bent on trying to provide it myself.

Well, the gentleman won, but he did not make it this far. That is why we are trying to win again with it.

Let me just say one thing about block grants, which is important. If we are talking about block granting a basketball program that is one thing. That is an easy thing to do. Or block granting something else, it may be easy to do.

Drug courts are very specific. My fear is, if we do that, that what you will have is a drug court type A in this State, B in this State, and C in this. It will not be the same thing. It will not produce the same results, because there are no guidelines mandated in this instance that the Attorney General would carry out.

For instance, it says these courts shall provide mandatory periodic testing for the young person, first-time offender, for the use of controlled substances or other addictive substances, but substance abuse for each participant would be measured. There would be diversion, probation, and supervised training, and even the possibility of prosecution and confinement or incarceration, based on noncompliance with program requirements or, for that matter, failing to show satisfactory progress.

It goes on further: Programmatic, offender management, and after-care services, such as relapse prevention, would be there, that the Attorney General would issue further guidelines. You are not going to get that in block grant. What you are going to get with the States who are saying: ''Oh, drug courts, they work, let's go try one.'' That will not be the same thing.

So, since we have a program that works, and again I challenge Members of this body, anyone, to show me any program that works as well as this Nation in terms of recidivism rates, keeping them down, and success rates in helping the first-time young person who is abusing drugs. To say if you will just embrace this language, let us put back the money for drugs courts that we have taken out and do the right thing so that somebody's son or daughter whom we represent, whom they love, will not be in a position of believing that the Congress had an opportunity to act but did not.

□ 1950

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the gentleman from North Carolina won. It is here establishing or supporting drug courts in law enforcement block grants. I say to the gentleman, ''What we want to do, sir, is promote you. You have done a great job. You deserve this. And what you're doing is isolating this out, putting a lot more language around it.''

Remember, this is not a raw experiment any more. It is proven. Attorney General Reno tried it in Florida. Judges tried it in Florida. In Maryland it is working. I want to get this into Michigan.

So, what we are trying to say in our own stumbling way is, ''You did great. You have done well. Please accept our promotion on this side of the aisle.''

Mr. HEINEMAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from North Carolina.

Mr. HEINEMAN. Mr. Chairman, I say to the gentleman, ''Thank you. You did it as well tonight as you did it in committee; I have to say that.''

But, for the gentleman from Maryland, I believe that language that he read as it relates to the punishment and the sanctions are getting off track as it relates to the drug court sanctions within the language of the bill as it related to what came out of committee.

Ms. JACKSON-LEE. Mr. Chairman, I conclude my remarks by saying that drug usage is increasing. We need to do this in a bipartisan way and to respond to the needs of all of our States. I think effective drug courts will be part of the solution and not part of the problem.

Mr. CHABOT. Mr. Chairman, I move to strike the requisite number of words, and I will not use the 5 minutes in full.

Mr. Chairman, the only point that I want to make is I think we all agree here that drug courts can be very effective. In my community, the city of Cincinnati in Hamilton County, we are just getting under way with the drug court. I fully support the drug court. I supported the gentleman from North Carolina's proposal that we make, clearly in the language in this bill, the drug courts, the money can be used for drug courts; we all agree on that. Where we differ is that the gentleman from Maryland would like to put another billion dollars of tax dollars to be spent.

If we are going to actually move toward a balanced budget amendment, we have to be very careful, and for that reason I oppose an additional billion dollars.

I also think that we should not earmark for particular programs. I think the local communities know best what works in those communities.

For that reason, Mr. Chairman, I think we ought to give the flexibility to the local governments to decide how to spend those dollars, whether it is police officers, additional police officers, whether it is drug courts or whatever. Let us leave it up to the localities. I think they know better than the Federal Government does.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to be as concise as possible. The National Justice Institute, which was the subject of some of the discussion earlier, did a study a number of years ago where they sought to identify the correlation between crime, street crime, and drug use and found that in some of our Nation's largest cities that upward of 90 percent of the street crime over the course of their analysis was drug-driven. I think we all understand how the problem of drugs drives up some of the crime issues that we are trying to get at in this legislation and that there is no debate on either side of the aisle about the effectiveness of drug courts, and I would not want us to miss the opportunity.

I served on a panel appointed by our State court, along with the bar association, the defenders and others in Pennsylvania, to look at this issue and to move forward on drug court as an alternative to how we have been proceeding. Given the concern that the previous gentleman spoke about in terms of a balanced budget, if we look at the costs of prison construction, law enforcement, we can see that on the prevention side drug courts could actually save us money, and the only thing that I would hasten to add, as I conclude, is that one of the points we have to understand as a body is that on the issue of crime we do not want to have to create a circumstance in which one needs a victim in order for us to do anything, and if we work on the prevention side, we alleviate a great deal of pain, not just for the first-time drug offender, but for all of the victims of what could become a hardened drug user.

So, I would ask the house to sincerely and favorably consider the amendment offered by the gentleman from Maryland [Mr. MFUME].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. MFUME].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MFUME. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 266, not voting 8, as follows:

[Roll No 121]

AYES—160

Abercrombie	Barrett (WI)	Berman
Ackerman	Beilenson	Bishop
Barcia	Bentsen	Bonior

Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson-Lee
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—266

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Becerra
Chapman
Crapo
Gibbons
Jefferson
Matsui
Tucker
Williams

□ 2012

Mr. PETERSON of Florida and Mr. RICHARDSON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHABOT: Page 18, after line 22, insert the following:

''(9) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this title, if—

''(i) the attorney general of a State certifies that a unit of local government under the jurisdiction of the State bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government, and

(ii) but for this paragraph, the amount of funds allocated under this section to—

''(I) any one such specified geographically constituent unit of local government exceeds 200 percent of the amount allocated to the unit of local government certified pursuant to clause (i), or

''(II) more than one such specified geographically constituent unit of local government (excluding units of local government referred to subclause I and in paragraph (7)), exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i) and the attorney general of the State determines that such allocation is likely to threaten the efficient administration of justice,

then in order to qualify for payment under this title, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Director a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

(B) In this paragraph, the term ''geographically constituent unit of local government'' means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

Mr. CHABOT. Mr. Chairman, in the spirit of bipartisanship and cooperation, this amendment is also offered by the gentlewoman from California [Ms. LOFGREN], who will also address the House.

Mr. Chairman, this amendment addresses a concern raised in our Committee on the Judiciary markup, and I have been working with the gentlewoman from California [Ms. LOFGREN]. Many counties are responsible for administering the criminal justice system for all the other jurisdictions within their territory. They bear the costs of pretrial detention. They provide the county jails. They pay the prosecutors and the public defenders. And they are responsible for maintaining the courts and paying for the judges.

Clearly, arrests made by jurisdictions within these counties have significant implications for county budgets. What this amendment does, Mr. Chairman, is say that where the attorney general of a State, in his discretion, sees fit to certify that a county bears the bulk of prosecution or incarceration costs associated with violent crimes committed in a city within that county, and where the formula in this bill, nonetheless, allocates to one city government at least twice as much of the grant money, then the city and the county have to get together and agree on the ways that their combined grant money should be spent.

The same situation would obtain where a number of cities within a county added together would be eligible for a total grant amount exceeding 400 percent of what the county would get. If the state attorney general determines that such a situation threatens the efficient administration of justice, then the cities and the counties would be required to work together.

We do not change the allocation formula at all. But we do require that cities and counties work together when the allocation formula creates a real anomaly, which has occurred in a number of instances.

These allocation anomalies can arise, Mr. Chairman, because while the bill

quite properly allocates money largely on the basis of part 1 violent crimes occurring within the different jurisdictions, some regions of the country report at the county level crimes that in other regions are reported at the city level.

Thus, in some states, such as in Florida, the allocations between counties and cities appear roughly proportionate. Whereas in other states, such as my State, Ohio, there are some significant disparities between the jurisdictions that make the arrests and the jurisdictions that administer the justice after the arrests are made.

Where such disparities occur, the common sense solution is that the affected cities and counties work together to ensure that proper coordination occurs.

This amendment provides that cities and counties in this situation will apply jointly for the sums of money allocated them under the bill. And to that end, the amendment permits them to establish a joint local advisory board in satisfaction of the requirements of the bill.

In keeping with the guiding principle of this legislation, we do not tell these localities how they must coordinate their efforts. We leave them to do that, and each affected area may establish such mechanisms and policies as their local officials see.

Again, Mr. Chairman, this amendment leaves the bill's allocation formula in place and does not affect the amount of grant monies that will go to any given state. It only applies to require county-city coordination when, first, the county pays the majority of the costs associated with prosecution or incarceration, and, second, the city, on the basis of these crimes, is allocated at least 200 percent of the amount allocated to the county or a group of cities allocates 400 percent of what their county allocates.

I understand that this amendment has support of the chairman of the subcommittee, who along with the chairman of the subcommittee has done such an outstanding job working, quite frankly, night and day to get this legislation passed, to allow us to consider the criminal law reforms we have taken up over the last week.

I urge its adoption, and I understand at this point that it does have bipartisan support, that both the leadership on our side of the aisle and also the leadership on the other side of the aisle is in agreement.

□ 2020

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be brief. I have made no secret that I have philosophical problems with this bill overall. I did not agree with taking the $2.5 billion out of the local grant program and putting it in prisons. I think we ought to do a minimum setaside for prevention programs. Those are philosophical disputes that I have.

Nevertheless, to the extent that this bill passes, I think it is very important that this be a workable bill. I very much enjoyed working with the gentleman from Ohio [Mr. CHABOT] to make sure this does work well.

The issue that is really pertinent is when a city or cities gets a very large amount of money and the county gets comparatively less, the administration of justice will be defeated. We all know that it is important to arrest people who have committed crimes and who threaten our neighborhoods, but if the funds are not available to prosecute those individuals and to move forward in the process, ultimately the act of arresting somebody is not good enough.

We need to make sure that the entire system works, from arrest to prosecution to local incarceration, and ultimately, to prison, if that is the end result of the prosecution and conviction.

Therefore, Mr. Chairman, this remedy outlined by the gentleman from Ohio [Mr. CHABOT] and myself I believe will resolve this issue. I do not think it is controversial. It has been devised on a bipartisan basis, and I would recommend it to my colleagues on both sides of the aisle.

The CHAIRMAN. The Chair has been advised that the pending amendment was not printed in the RECORD.

Without objection, the amendment offered by the gentleman from Ohio [Mr. CHABOT] is considered as having been read.

There was no objection.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the more I briefly examine this amendment, the more difficulty I have with it, because it is not clear. Even though we like cities and counties to work together, I began thinking about how in the real world this is going to happen, I mean by us putting an amendment of this kind in.

It seems to me that in areas where a city has a large allocation of funds coming by virtue of the fact that there is activity that requires more funding under this bill, and the county has less, forcing the city and county together is going to operate to the detriment of the city.

It may be, I would say to the gentlewoman from California [Ms. LOFGREN], who herself is a former county official, better to let them work these differences out themselves, because it is not clear what we are ordering them to do in the amendment.

Mr. CHABOT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio, to give us a little more detail about the language contained.

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding to me.

First of all, Mr. Chairman, let me preface my remarks by saying that I spent half of my political career prior to being here in Congress as a city official, being a Cincinnati city councilman. I spent the other half being a county commissioner, so I have seen both sides.

What we have done in this bill, working with the gentleman's colleague, the gentlewoman from California [Ms. LOFGREN], is to come up with a formula here which sets out what we felt was a fair and equitable way for the parties to come up with a reasonable solution.

We are not dictating to those jurisdictions what the exact formula should be. We are saying they should get together and work it out among themselves, if they come up with a situation where there is really an anomaly.

Mr. CONYERS. Reclaiming my time, Mr. Chairman, I would say to the gentleman, are they not going to work it out anyway? I mean, if the gentleman is not giving them any specific direction, if this is just a hortatory couple of paragraphs, no problem.

If there is nothing specific driving them into an agreement, Mr. Chairman, then I feel less reluctant about it.

However, Mr. Chairman, what is it we are doing? Are we inviting them to cooperate?

Mr. CHABOT. If the gentleman will continue to yield, Mr. Chairman, the thing that will drive them to cooperate is they would not get the money if they did not cooperate, so they would be receiving Federal dollars here for law enforcement that would benefit both the city and the county.

It would be up to the city and the county to work together to come up with an agreement, because otherwise, Mr. Chairman, neither would get the money, so it is definitely to their advantage to come up with an agreement. We do not want to dictate exactly what that agreement needs to be, but it is in both of their interests.

Mr. CONYERS. Mr. Chairman, I would ask the gentleman, which entity would not get the money if they did not agree? Would they not all be eligible for a certain amount of money anyway?

Mr. CHABOT. If the gentleman will continue to yield, neither.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from California.

Ms. LOFGREN. Very briefly, although in a sense this is analogous to the plan in last year's bill that provides for a comprehensive plan as a condition precedent to receive the funds, but only in the limited circumstance where a city gets a disproportionate amount of money compared to a county, the intent is for those two entities to work it out as they would have in last year's crime bill, in a comprehensive plan, to make sure that the system works. I will give the gentleman an example.

Mr. Chairman, I understand that under this formula, Chicago would get in the neighborhood of $60 million, and Cook County would get $700,000. Cook

County is not going to be able to prosecute all the people that Chicago arrests unless they get together and figure out what they are going to do as a unit, so that is in the city's interest, it is in the county's interest, it is in the citizens' interests, and I think the precedent was really set last year.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Missouri.

Mr. VOLKMER. I was listening to this and I was curious about what the gentleman just said, Mr. Chairman. If we have a county in which we have a major city that is predominant in the county, and what this amendment, the way I am understanding this, listening to it, is, if that city is not able to persuade the county to work with them and make an application, nobody gets any money.

What it means to me, Mr. Chairman, is that the county can say ''OK, we want half the money. we get half, or we are not going to get any.'' Now wait a minute, Mr. Chairman. Is that really what the members want to do?

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 3 additional minutes.)

Mr. CONYERS. Mr. Chairman, I continue to yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, at first when I heard that everybody was in harmony about this amendment and everything, I was not paying much attention, but as I listened and listened I got more concerned about it all along.

That concerns me, to where I know not every city and county government get along; that not every city within a county and that county government get along. It is not like everybody is really happy with what is going on.

As a result of this, Mr. Chairman, what I am afraid may happen is that we are going to find local jurisdictions fighting with each other as to how much money they are going to get out of the total application.

To be honest with the Members, I will tell the gentleman, the chairman of the committee, I really do not care about this amendment, and I do not care about the bill, anyway. But I am afraid if it did become law that it is really going to bring strife out there more than anything else. I have serious concerns, also.

I would just say this, Mr. Chairman. What we are doing here is putting the political subdivision that has a large area, a large population and small eligibility into the driver's seat in terms of an accord being worked out at the peril of municipality not receiving anything. That, I think, would be a position we would not want to write into the bill, because it would put every city, particularly every major city, at a horrendous disadvantage.

Mr. Chairman, if we did not have the provision in, I think that agreement would have to come about anyway, but it might come about on parts where the county would not be involved.

□ 2030

After all, we have been working on crime grants, block grants, direct grants all along and we have been doing it without the sense that is implied in this particular amendment.

What I am saying is that at best I would like my two friends to withdraw this amendment, so that overnight we can give it a little bit more support, or else I would probably have to oppose it at this point.

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to speak very much in support of this essential amendment. There is an anomaly where you have a high crime rate city that is within the confines of a county and a shared responsibility for the administration of justice. Cook County is a perfect example, where the city of Chicago under the formula in the bill gets some $30 million, as I understand it, and that is because the crime rate in Chicago is high. However, the housing of the prisoners, the prosecution of the prisoners and all that administration costs belongs to Cook County. So Cook County gets $200,000 and the city of Chicago gets $30 million. Now, justice is served if both Cook County, and I might add the administration of Cook County and the administration of Chicago are very friendly, if both the county and the city apply together and the State attorney general determines that this anomaly exists so there is that protection, then the money is more evenly distributed and appropriately distributed as agreed to between the parties.

So this recognizes an anomaly. It is an effort to establish some equity and balance. This situation in Chicago and Cook County obtains in many other places around the country. Frankly, it just makes a more equitable, fair distribution of these essential funds.

Mr. CHABOT. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. CHABOT. Mr. Chairman, the gentleman very articulately spelled out the reasons why this amendment is important.

To use another example, in my community, the city of Cincinnati, when the city police officers make arrests, the criminals are basically then turned over to the county. The county prosecutes them, there are county judges and they are incarcerated at county expenses. So what we want to occur is some fairness and reasonableness, and for the city and the county to work together, and I think they will. I think the counties and the cities all across this country are very reasonable and will do that.

Mr. HYDE. The State attorney general makes that determination of this anomalous situation.

Mr. CHABOT. The gentleman is correct.

Mr. HYDE. This is an important amendment, it is not really that controversial, and I hope we will all support it.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California and the gentleman from Ohio. Both of these Members of the House are members of the Committee on the Judiciary and brought up at the earliest possible moment the fact that defining any formula for allocation of grants can be difficult, and in particular, the bill selects the part 1 violent crimes as determined by the FBI as the method to makes grants to various localities.

Using part 1 violent crimes, again as defined by the FBI, is probably the best overall way that anyone can come up with for such an allocation, but it is by no means perfect, and it may omit certain kinds of situations, in particular the one that is being addressed in this amendment right now where the higher number of crimes are in one jurisdiction and, therefore, the criminal activity is there and presumably the police department or sheriff's department is most active there, but another unit of government has responsibilities for those criminal cases generated by arrests that might occur, either housing in a county jail before trial or prosecuting the cases.

I think that while no formula is perfect, the amendment being offered here jointly is a very good attempt to solve a portion of the problem that exists in using part 1 as the system for awarding grants.

Ms. LOFGREN. Mr. Chairman, will gentleman yield?

Mr. SCHIFF. I yield to the gentlewoman from California.

Ms. LOFGREN. Just briefly, frankly I would have preferred that in every case localities would have to get together and put together a comprehensive plan in order to get any money. But that is not what this amendment does. It is a very narrow amendment that I actually wish would go further, that basically says when the city gets more than 200 percent of what the county has, you are going to have a problem. If those cities utilize that for police, the administration of justice will be impaired. In the case of smaller cities, it would be 400 percent. So I think this is targeted to a problem.

Perhaps it is not the perfect solution, but it is the solution we were able to come up with. It is only when the counties bear the cost of prosecution and incarceration. So I still think it resolves a problem that will be created by the bill absent this or something like this, because in the end both the cities, the counties and the citizens

want the bad guys to be arrested and then prosecuted, and unless we have something like this, the prosecution then may suffer.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I think we have had a sufficient discussion on the issue. I wanted to flag this problem. I am going to see if it is tracked in the old crime bill. I want to make it clear that this may come back up in conference. I withdraw any of my own personal feelings about it, but let me remind you, relations are not as harmonious as they are reported to be in Cook County and Chicago between the city and the county. I am delighted to hear how well the local governments work together. Unfortunately, I know better across the Nation that there are a lot of places where that is not the case. Also remember, please, that Chicago is not getting the money because they are Chicago. They are getting the money because that is where the crime is. That is where the problem is. The county does have to lock them up and have some prosecutorial responsibility, but Chicago is getting the bulk of the money because the way we have derived the formulas, they are entitled to it.

So I want everyone to know that, stay tuned on this. I will withdraw my reluctance about this amendment, because we have one more we would like to get through tonight before we conclude.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. CHABOT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 4, after line 19, insert the following:

''(G) Establishing the programs described in the following subtitles of title III of the Violent Crime Control and Law Enforcement Act of 1994 (as such title and the amendments made by such title were in effect on the day preceding the date of the enactment of this Act):

''(i) Ounce of Prevention Council under subtitle A.

''(ii) Local Crime Prevention Block Grant Program under subtitle B.

''(iii) Model Intensive Grant Program under subtitle C.

''(iv) Family and Community Endeavor Schools Grant Program under subtitle D.

''(v) Assistance for Delinquent and At-Risk Youth under subtitle G.

''(vi) Police Retirement under subtitle H.

''(vii) Local Partnership Act under subtitle J which made amendments to chapter 67 to title 31, United States Code.

''(viii) National Community Economic Partnership under subtitle K.

''(ix) Urban Recreation and At-Risk Youth subtitle O which made amendments to the Urban Park and Recreation Recovery Act of 1978.

''(x) Community-Based Justice Grants under subtitle Q.

''(xi) Family Unity Demonstration Project under subtitle S.

''(xii) Gang Resistance and Education Training under subtitle X''.

Page 9, after line 8, insert the following (and redesignate any subsequent subsections accordingly):

''(c) SET-ASIDE FOR PREVENTION.—Of the amounts authorized to be appropriated under subsection (a), the Attorney General shall allocate $1,000,000,000 of such funds for each of fiscal years 1996 through 2000 to carry out the purposes of subparagraph (G) of section 101(a)(2).

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHIFF. Mr. Chairman, I reserve a point of order for one moment to just read the amendment since it was not printed and we were just handed a copy.

The CHAIRMAN. The gentleman reserves a point of order.

□ 2040

Mr. CONYERS. Mr. Chairman, because of the lateness of the hour, I ask unanimous consent that each side be given 15 minutes on this amendment, for and against.

The CHAIRMAN. On this amendment and any amendments to this amendment?

Mr. CONYERS. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. SCHIFF. Mr. Chairman, reserving the right to object, would the gentleman consider 10 and 10, as it is 20 minutes to 9 at the present time?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, this amendment is pretty large.

Mr. SCHIFF. Mr. Chairman, I do not object to the gentleman from Michigan's request to 15 and 15.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes in support of his amendment, and the gentleman from New Mexico [Mr. SCHIFF] will be recognized for 15 minutes in opposition to the amendment.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment merely sets aside $5 billion in a separate block grant for the prevention programs formerly authorized in the 1949 crime bill but does not specify funding levels for each program. Local governments can choose which program is best for them.

Only 20 percent of last year's crime bill, that is $6 billion of the $30 billion total went for prevention programs. But the new majority cut $2½ billion here in favor of more prisons.

So what we are doing is creating a prevention program worth $5 billion in a separate block grant restoring each and every one of those that were struck in the 1994 crime bill.

This is a more cost effective approach because the prevention programs are essential to dealing with crime on the front end of the problem, nourishing the health growth of communities, and study after study shows that this dose of prevention will now avoid the most costly police courts and prisons that later come on.

Let us look at the data of just a few of them. The drug treatment program: A July 1994 study of the cost of treating 150,000 participants in drug treatment programs in California found benefits in a ratio of $7 in benefits for every $1 spent. Criminal activity declined by two-thirds, alcohol and drug use by two-fifths and health care costs by one-third. Recreational programs in Phoenix, AZ, crime was cut in half by keeping recreation centers open until 2 a.m. In Fort Myers, FL, juvenile arrests dropped 28 percent when the city built a new recreational center in a low-income area.

The costs of these programs is often as low as an amazing 60 cents per participant. President Bush selected one of the programs, midnight basketball in College Park, MD for one of the 1,000 Points of Light Program.

Gang intervention programs in Spokane, WA helped steer juveniles away from gangs while offering constructive alternatives.

The list goes on and on, but we want to eliminate once and for all the simplistic notion that all prevention programs are wasteful. We repeal them in favor of a no-strings block grant that we think will effectively reach some accommodation between the 1994 crime bill and the 1995 proposal that is before us in this bill.

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

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. Does the gentleman from New Mexico withdraw his reservation on the point of order?

Mr. SCHIFF. I do withdraw my reservation, Mr. Chairman.

The CHAIRMAN. The reservation of the point of order is withdrawn.

Mr. SCHIFF. Mr. Chairman, I rise in opposition to this amendment by the gentleman from Michigan, and the reason is not the sincerity of the gentleman from Michigan wishing to promote the fight against crime as he best sees it, but because I believe this amendment goes against the very nature of the purpose of H.R. 728.

It seems to me, Mr. Chairman, with the utmost respect, that those who do not agree with the philosophy of those of us who are advancing H.R. 728

should, when the time comes, simply vote against it, but not to change H.R. 728 in a way that changes its fundamental approach.

I believe that the gentleman's amendment makes those changes in two separate ways. The first change is the gentleman's amendment does more than simply reserve funds specifically for prevention programs as a general concept. The gentleman's amendment preserves certain programs that are found in the crime bill that passed in 1994, as I read his amendment word for word, as they appear in the crime bill of 1994.

One of the problems with that crime bill is after many programs there is page after page after page of restrictions and conditions, not simply illustrations but actually Washington dictating how the programs have to function.

This was somewhat lessened as we considered the crime bill twice last year, but I believe it is still present, and the idea of copying in H.R. 728 with all of the restrictive language and then micromanagement from the Congress and Justice Department is against the very grain of H.R. 728.

Second of all, Mr. Chairman, I have to acknowledge that even if that problem were not there, even if this were an amendment that simply said let us set aside a certain amount of funds for prevention programs and did not otherwise specify the prevention programs, and that is not what this amendment says, but even if it did, I would oppose it because, again, the philosophy we are advancing in H.R. 728 is to let communities decide what they need best for their communities.

It may well be that some communities feel the need to use all of their funds or almost all of their funds for more police officers, and that is fine with us. It may be that some communities decide that they must use all of their funds or almost all of their funds for prevention programs. That is also fine with us. And we believe that setting aside amounts for certain purposes that take away that flexibility from local governments is contrary, even without the other specifications, by copying word for word prevention from the crime bill into this amendment is a mistake and, therefore, I oppose the amendment.

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

Mr. CONYERS. Mr. Chairman I yield myself 30 seconds.

Mr. Chairman, No. 1, these programs are all grant programs that are utterly voluntary. Nobody has to choose them. They are not mandated into them. They are optional programs. They are programs that, incidentally, the Congress, including the Senate, the other body, agreed to in last year's law. So these are not new programs, and that is why if they sound familiar to the gentleman, they are.

Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from Michigan not only for yielding me the time but also for his leadership on this important prevention issue.

Let me say, ladies and gentlemen, that I feel that we do have to have a broad and comprehensive approach to this bill. We need tough punishment, and I supported more funding for prisons, and we need more cops on the beat, and we may have an amendment tomorrow on that.

But we also need prevention funds because we do not want to be in a situation in our society where we incarcerate and incarcerate and incarcerate, as we sadly must, when there are violent criminals and there is no hope.

If Members believe there is no hope at all, or if they believe Government should play no role in bringing hope so that young men and young women who are 12 and 13 and 14 are inevitably going to be criminals, then vote against this amendment.

But I do not think most people believe that. I think most people believe, yes, there are a few who are so damaged that they will become criminals no matter what we do. But there are many who have not been given the opportunities and the parenting and everything else, who, if a reaching hand could come out through a mentoring program or through a drug treatment program or through even a place where they get to congregate and play in a constructive way, that many might be turned.

□ 2050

The cost of these programs per individual is a heck of a lot cheaper than incarcerating them. Now, that should not be an excuse that we should not incarcerate. We must.

But there is no reason why we should not do both, and I would say to my colleagues I have seen program after program that works.

Drug courts take tens of thousands of young men and get them off the life of drugs before they become hardened criminals, mentoring programs where an adult, the only adult in these young people's lives, oftentimes spends an hour a day with an individual and sets him or her straight, sets the person straight.

In Roosevelt, LI, they have a program where every junior high school and high school student, and it is a very poor area, spends 1 hour a day with an adult, and the dropout rate plunged. The criminal rate plunged.

I would say to my colleagues there are prevention programs that work, that we have seen them, tested time and time again.

One of the lowest points in my public life was when every program was brandished as pork because it did not go to the right people or the right district or sounded the right way. This is not an issue of not punishing. This is not an either-or situation. This is for many people in this country and for many communities and many neighborhoods the only hope that there is. We should not turn away from it.

And so I would urge my colleagues in all sincerity to look at this provision and to try and pass it. Every program in this bill has model after model that has worked and saved the lives of the young.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I think that this vote on this amendment is the most important vote that we have faced this year.

You know, I have two small children. They go to a little inner-city elementary school, and none of the reasons why I ran for Congress was to make a difference in what they are facing and what their classmates are facing.

A watershed moment for me was a year ago October when I took my third-grader to school and they had found a dead body across the street, and the perpetrator was still loose, and I knew that if we did not do something different in this country that my children would not be safe and the other children would not be safe.

I knew something then, and I know it today, that part of the answer is prevention. As my mother used to tell me, and as our mothers told us all, an ounce of prevention is worth a pound of cure. We know that there is a Federal interest in safety or else we would not be doing this crime bill at all, and I think it is important that prevention of crime be part of this package throughout the country.

You know, when children get off on the wrong track early, we know they are going to get in trouble. We know they are going to cause pain to victims and their families, and we know that there is something, sometimes very little things, that we can do with children when they are 5 or 6 or 7 so that they will get on the right track. Those are the investments to make.

I believe that every locality needs to make them. I am a firm believer in local government and, in fact, I am not offended by much of the block grant nature of this bill and said so during the Committee on the Judiciary hearings. Nevertheless, I think we ought to let localities know who are going to participate in this Federal program that some section of that must be used for prevention. Let them use their own creativity. Let them meet local needs. But we need to prevent crime, because a child who is going to become a monster in Nebraska today could be in San Jose, CA, tomorrow, threatening my children.

Mr. SCHIFF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I agree with the need for crime prevention programs. I have to say that, as a career criminal prosecutor and also a defense attorney for

2 years, I have found it hard to identify specifically what does prevent crime.

During one period of my career I was a specialist in the prosecuting of what we call white-collar crimes, frauds, embezzlements, and so forth. I prosecuted individual after individual who dressed well, spoke well, was well educated, had a job, had a good income, but was greedy for more. As a result, they defrauded the public, they embezzled from their employer, they committed all kinds of crimes, not necessarily as crude as robbing a convenience store at gunpoint, but the intent to steal was just as glaring.

The problem is this amendment does not allow, in the words of the gentlewoman from Virginia, the ingenuity of local government. We tell them in this amendment what programs they have to have at the local level and the nature of crime prevention; that is one of the serious things wrong with this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. GOODLATTE], a member of the committee.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong opposition to this amendment, because it will defeat the purpose of this legislation, which is to create the kind of flexibility for State and local governments to fight crime that this legislation is all about, and I would say to the proponents of the amendment that, quite frankly, we right now have in this bill $2 billion a year, all of which can be used for prevention programs.

The bill itself specifically specifies, and I will read it, establishing crime prevention programs that may, though not exclusively, involve law enforcement officials that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood watch and citizen patrol programs, sexual assault and domestic violence programs, and programs intended to prevent juvenile crime, establishing or supporting drug courts, establishing early intervention and prevention programs for juveniles, to reduce or eliminate crime.

There are, in point of fact, hundreds of crime prevention programs all across this country that will effectively fight crime. The problem with this amendment is it only recognizes 10 of them and hands them over to the States and localities with all manner of strings attached to those programs with very specific guidelines that might be just fine in New York City but might not apply at all in Highland County, VA, in my district which has 2,500 people.

There is not a single community in my district with more than 100,000 people in it, and the way crime must be fought in different jurisdictions varies from jurisdiction to jurisdiction. That is also why we have taken the money from the Cops on the Beat Program and put it into this same block grant, because the fact of the matter is not every community wants to or can qualify for the funding for the Cops on the Beat Program.

The President says we are going to get 100,000 new cops on the beat. If you divide that by 435 congressional districts, that comes to 230 per district. My district has received 15 new police officers in 8 of the 20 jurisdictions. Sixty percent of the jurisdictions in my district have either not applied for or not received funding under that program, and I have been talking to police chiefs and others in those communities and found out why. Some of them do not want to get dependent upon the Federal Government for a police officer and then have the funding end. Some of them do not feel a need for a police officer, but may feel a need for a crime prevention program, may feel a need for a drug court, may feel a need to have some form of equipment made available in fighting crime, computers or patrol cars or other things that can be made available to them.

All of these things should be left to the localities. Flexibility is needed. When we tie their hands with specific programs that are not needed in specific communities, we are doing absolutely nothing to fight crime in those communities, and this will tie the hands of those communities and, therefore, I urge the rejection of this amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I want to reassure the gentleman from Virginia that localities will have the opportunity, if that is his major gripe about this, to use the funds the way they want, because it includes the Local Partnership Act, so that that provision is included.

Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I wonder, how much is too much for our children? When we begin to look at what occurred with LEAA block grants, where there was no direction, we look at the purchase of $140,000 aircraft , we look at $27,000 to do some Xeroxing, we look at $265,000 to give us a 2-page report, and then we look at $200,000 to buy some land.

□ 2100

I wonder how much is too much for our children. All we are simply asking is to recognize that we have the responsibility to focus our local jurisdictions, not direct or restrict, but to focus them on the value and needs of prevention.

I would simply say to you, coming from local government, they welcome this. The cities, by and large, en masse, supported the 1994 bill that included the provisions for prevention. They want it. They know what happens in our inner-city housing developments, what happens in our communities. What is too much for our children?

I ask for bipartisan support of the Conyers-Schumer amendment.

We need to have prevention programs.

Mr. SCHIFF. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. I thank the gentleman for yielding this time to me.

Mr. Chairman, the amendment before us tonight does not give the flexibility that H.R. 728 will do. H.R. 728, without this amendment, will in fact give each community the right to establish law enforcement block grants, the right to have such programs as community policing, which has worked so well in Pennsylvania, where the police are tied in closely with community leaders and each person on each block. Our town watch programs, where each community works with either walking patrols or walking operations where they keep in touch with law enforcement officials. Or drug courts, which specialize in prosecutions that deal with violent crime and those that are drug-oriented. Or crimes against the elderly and the programs that work with our senior citizen organizations. Or even the child-lure program, the ones that prevent the exploitation and abduction of children in our communities.

All the law enforcement officers that I have spoken to in Pennsylvania feel that the block grant approach will give us the kind of flexibility that we need to truly fight the war against crime.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN].

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

Mr. Chairman, before I got elected to Congress, I was the first assistant district attorney in Middlesex county. We had 13,000 criminal cases a year. Fighting crime is serious business. It requires a two pronged approach: One is priority prosecution to remove those individuals, the worst offenders, from society and put them away for as long as you can get them away. The challenge we face in law enforcement is what are we going to do with the majority of the people who remain?

There are countless examples from all over the country of priority prosecution programs. When they mix prevention programs and get police officers involved with thee school and open up schools for kids to provide prevention programs, it works.

It is working in the city of Lowell, where crime prevention programs have resulted in dramatically lowering gang violence in that city. Crime prevention programs have worked in Summerville, MA, dramatically decreasing the rates of crime.

Fighting crime is not a political issue, it should not be partisan. It

should not be Republican versus Democrat. Let us keep what we passed 4 months ago. It was the best crime initiative that ever came from this Congress. And now we are getting involved in partisan politics.

It works. Let us keep it.

Mr. SCHIFF. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to say that the Local Partnership Act, which will be continued under the amendment of the gentleman from Michigan [Mr. CONYERS], is, as we see it, one of the problems in the crime bill of 1994. The Local Partnership Act runs for 24 pages, and this is pages in the crime bill that are typed in very, very small print, as to what localities have to do to qualify for the money. That is exactly the reason why we are presenting H.R. 728 in the first place.

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

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds to advise the gentleman that the Local Partnership Act was the single most popular program by the cities that was in the crime bill of 1994, and that this is the flexibility that the gentleman from Virginia did not know was there, that would allow people to make these choices.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. SCOTT].

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

Mr. Chairman, our goal is to reduce crime. Studies show the effective way to do this is through crime prevention programs, education, recreation, job training programs, all of which have been studied, have been shown to reduce crime 10, 20, as much as 80 percent.

Not only have fewer victims, but you also save money. We have heard of the drug courts, one-twentieth of the cost, 80 percent reduction in crime.

If your goal is to reduce crime, Mr. Chairman, properly designed prevention programs work. Without the Conyers amendment, it is going to be business-as-usual; no prevention, wait for the crimes to occur, and then deal with the consequences. It is simply a matter of pay now or pay a lot more later.

Prevent crime. It works. Support the Conyers amendment.

Mr. SCHIFF. Mr. Chairman, I yield 2 minutes to the subcommittee chairman, the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. I thank the gentleman for yielding.

Mr. Chairman, I think the bottom line of all of this is simple and straightforward; that is that many of us on this side of the aisle simply do not agree with that side on the idea that we know best about how to do prevention programs around the country. There are thousands of options. The gentleman from Michigan is once again reiterating a laundry list of those things he thinks are best, including this Partnership Act, that, as far as I can determine, is based upon the highest tax-rate cities in the country, not the highest crime-rate cities. I find this approach to be abhorrent. I think it is the wrong kind of approach. I know he means well by it. What we need is maximum flexibility to let every community participate and determine whether they want one program or the other. There are hundreds of cities around this country that might differ with the gentleman on how they would spend the money. They might not want to spend it on one of these particular programs that the gentleman has offered about a billion dollars a year. Hannibal, MO, might not like what Paducah, KY, wants to have. Certainly they are not going to agree with San Francisco or Detroit or some of our larger cities.

This is the reason why last year's crime bill is so wrong and why this year's crime bill on local block grants for the communities of our country that decide for themselves on whether to spend it on cops or prevention is so right.

So I urge, with all due respect to the gentleman, a ''no'' vote on this amendment and to keep the bill as it is.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, in the Committee on the Judiciary today members of the majority, who are talking now about the absolute wisdom of the States, were talking about a piece of legislation dealing with product liability which would take away from the State powers that they have had since the Union was created. I have never seen a sharper degree of inconsistency than we get from the other side on the question of State versus Federal.

Last week they were for Federal dictation on prisons. This week they are for States' rights here, but they are for Federal dictation when business is involved with product liability changes.

There is one thread of consistency: They are frustrated that last year we were able to get together on a good crime bill. If we were in fact starting from scratch, this might be a better argument to have. We are well along in the process of getting the money out and getting the people to work under last year's crime bill.

This is a disruption, for partisan purposes, of a program that has begun to work because the people who want to argue that Government can never work hate nothing more than the sight of government working well.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

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

Mr. Chairman, I rise in support of this legislation and want to voice my concern with the argument that somehow we are allowing flexibility. We took away flexibility, in my judgment, when we said we know what is best for States: They have to have prisons, but they cannot have more money for cops on the beat and what I think are prevention programs.

If we want flexibility, if we on our side are saying we are going to let everyone decide, then why did we not put the prison money in with prevention and enforcement?

My problem is I think this is a direct assault on the prevention programs. Maybe I am one of the few Members on this side of the aisle who represents an urban area, where in my areas police chiefs in Stamford, Norwalk, and Bridgeport put more weight on prevention than they do on cops on the beat.

Candidly, I have seen cops on the beat go to some of my wealthiest suburban communities that do not need them. We need programs that will help young people not go through a life of crime. In Fairfield, CT, which I represent, the people now have so many programs after school and during school and on weekends, they do not have a hard time not doing something, their challenge is what don't they do.

In Bridgeport, CT, when school is out, they are left on their own, in most cases in a latchkey environment with no parent, no adult supervision. We have an after-school program, we have weekend school programs. These kids are hungry for preventive programs. I do not buy for a minute that we are saying we want flexibility. If we wanted flexibility, we would have put prison money in this package.

□ 2110

Instead we took money out of the police, out of enforcement, out of prevention, and gave it to prisons. My State does not need to build more prisons. It needs to decide who better should be in the prisons.

I support this amendment. I urge its passage. I say to my colleagues, If you represented an urban area, you would know prevention programs are more important than anything else we could do.

Mr. SCHIFF. Mr. Chairman, may I inquire as to the time remaining on both sides?

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has no time remaining. The gentleman from New Mexico [Mr. SCHIFF] has 5 minutes remaining.

Mr. SCHIFF. Mr. Chairman, I yield myself 2 minutes to close.

Mr. Chairman, I want to respond first to the gentleman from Connecticut [Mr. SHAYS], my friend, on the view that having a prison funding grant is inconsistent with supporting flexibility. The argument was also made by the gentleman from Massachusetts. The fact of the matter is that might be true if no State used prisons, but every State, unfortunately as it may be, has found the need to have prisons. What we did in the bill that offered grants for prisons is to simply recognize that those States that increase the amount of time to be served by violent criminals would incur automatically greater

costs for that, and, since money is not unlimited, we thought the best use of prison funds was to help those States which are incurring the greater costs through their determination to protect their citizens.

More importantly, Mr. Chairman, on the subject of prevention we agree that there ought to be prevention programs. We agree that there ought to be police. Our bill gives the maximum flexibility to communities to decide what they need best. The gentleman from Connecticut said that some communities in this State did not need more police. Some others might decide they do not need more police. We leave it to them, and if in fact we are going to block off any amounts of money, which I do not support, we should not do it by word-for-word simply incorporating the bureaucratic programs that are found in the crime bill of last year, in which Washington dictates step-by-step and page-by-page: ''Here are your prevention programs, you must use these programs, and here is how you're going to do it.''

Mr. Chairman, I urge a no vote on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

Mr. FILNER. Mr. Chairman, I rise in strong support of the amendment offered by my colleagues, Mr. CONYERS and Mr. SCHUMER.

As a former City Council member, I have been fighting throughout my career to demand that local governments get direct funding and flexibility. But in this case, I seriously question whether H.R. 728 will give local governments the true flexibility they want.

Although H.R. 728 claims it will allow cities to spend money on whatever they want, the bill does not supply enough funds to sufficiently support the comprehensive crime-fighting initiatives of our cities.

In practice, H.R. 728 would result in cities sacrificing prevention programs, without guaranteeing that any police officers would be added.

This is a decision no city wants to make-because locally-elected officials know that crime prevention works.

The City of Chula Vista in my district has urged Congress not to cut funding for the successful prevention programs they have initiated. And the National League of Cities recently stated that any anti-crime legislation must include support for anti-drug abuse, crime and violence prevention programs.

But up here in Congress, supporters of today's bill clearly do not see crime prevention as important. And these Washingtonians are imposing that belief onto our local governments by refusing to supply cities with the funds they need to truly fight crime in a comprehensive way.

H.R. 728 would eliminate the desperately needed community policing and crime prevention programs of last year's crime bill, and without this amendment, cut nearly $2.5 billion from the money intended to go to local crime fighting. This would destroy the crime bill's wise and reasonable balance between enforcement, punishment, and prevention.

We need stiffer penalties and we need to keep criminals off our streets, but we also need crime prevention programs to stop crime before it starts.

Crime prevention works. It works when school and community-based programs give kids a place to go after school and give them something positive to do. It works when police officers forge relationships with at-risk youth and teach them how to stay from crime. And it works when drug abuse programs rehabilitate individuals and get them back into the work force.

In San Diego, a program called Safe Haven has been particularly successful, and I would like to read a bit about that program from an article recently printed in the San Diego Union Tribune.

Until Anthony Majadi established a Safe Haven program in Southcrest Park a year ago, prostitution flourished in the parking lot, basketball players brought booze to the gym and the drug trade dominated.

The park is now a different place.

With a budget of $160,000, Safe Haven helped hundreds of children and adults through its myriad activities, including instruction in martial arts and computers, homework assistance, summer day camp and other programs.

Safe Haven is part of a national program and federal government established to complement seeding efforts in the Weed and Seed target areas. Safe Haven is held out as an example of what weed and seed can do—benefit a community beyond drug raids and gang sweeps.

Programs like Safe haven make our neighborhoods safer, they improve the lives of our children, and they bring tremendous cost savings to our criminal justice system.

In the words of a concerned citizen in my district: ''Killing funding for crime prevention programs demonstrates a disheartedly short-sighted, simplistic and self-defeating approach to the Nation's crime problems.''

This debate should not pit prevention against enforcement. We need them both. We need to combine them in a comprehensive approach to fighting crime. And it is irresponsible for Federal lawmakers to make local governments choose between the two.

We have to address the causes of crime—not just the symptoms. I ask my colleagues to join me in supporting this amendment—and to join me in continuing the long-term strategy to crime control that we started last year.

Mr. SCHIFF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MENENDEZ: Page 13, after line 4, insert the following:

''(e) MAINTENANCE OF EFFORT REQUIREMENT.—A unit of local government qualifies for a payment under this title for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.

The CHAIRMAN. The gentleman from New Jersey [Mr. MENENDEZ] is recognized for 5 minutes in support of his amendment.

Mr. MENENDEZ. Mr. Chairman, I am going to be brief.

Mr. Chairman, my amendment seeks to clarify and strengthen language in the bill requiring that Federal funds granted to local governments supplement, not supplant, local spending on law enforcement.

I understand that the chairman of the subcommittee has had an opportunity to review the amendment.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I am ready to accept the amendment. It is a good amendment. It makes it very, very clear that we are not supplementing funds the way we want to. We want to make that protection, and I would agree with the gentleman in accepting the amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, we are happy to accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. MENENDEZ].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 12, after line 7, add the following:

''(10) the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service if such unit uses funds received under this title to increase the number of law enforcement officers as described under subparagraph (A), (B), (C) of section 101(a)(2).''.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the Traficant amendment says that there shall be a net gain of non-administrative police officers as a result of funding under this bill, which basically means that there will be a few more Indians around. We do a lot of talking about cops on the beat, and I am not even sure the last crime bill did that. This will ensure that with any police officers hired under this bill, there would be a net gain of Indians on the street.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I strongly support this amendment. The gentleman is correct. It is an excellent proposal that makes sure that we are really going to get the net gain in police we want. It is better, as the gentleman says, than anything that we had even in the last year's bill relative to this kind of restriction, so I thank him for offering it. I accept the amendment and encourage its adoption.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I reluctantly accept the amendment.

Mr. TRAFICANT. Mr. Chairman, with that I wholeheartedly support the amendment and ask that it be approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

Mr. MCCOLLUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BONILLA) having assumed the chair, Mr. GUNDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 748) to control crime by providing law enforcement block grants, had come to no resolution thereon.

PERMISSION FOR ALL COMMITTEES AND SUBCOMMITTEES TO SIT ON TOMORROW AND THE BALANCE OF THE WEEK DURING THE 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. ARMEY moves: that all Committees of the House and their subcommittees have permission to sit tomorrow, February 14, and for the balance of the week while the House is meeting under the five-minute rule.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

Mr. ARMEY. Mr. Speaker, I yield myself 5 minutes.

I do not intend to take the full hour allotted to me.

Mr. Speaker, before I yield to my friend, the gentleman from Michigan [Mr. BONIOR], I would say that the hour is late, and I hope we will be able to adjourn shortly.

In the meantime, all Members should be advised that we are very likely to have one more vote before this evening is over.

Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. BONIOR], and I reserve the balance of my time.

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

Mr. Speaker, the Committee on Rules today approved an outrageous gag rule for the National Security Act. It cuts off debate. It blocks important amendments.

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, to be clear for the RECORD, I yielded this time to the gentleman from Michigan for purposes of debate only.

Mr. SABO. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] has yielded for purposes of debate only. There is nothing to object to at this point.

Mr. SABO. Mr. Speaker, I think the gentleman yielded 30 minutes without reservations.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] clarified his yielding, and this is for purposes of debate only.

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

□ 2120

Mr. BONIOR. Mr. Speaker, this rule that was put out this afternoon by the Republican leadership on the Committee on Rules is a gag rule for our National Security Act. It cuts off debate, it blocks important amendments, and it does so under a 10-hour time limit.

Mr. Speaker, this legislation is too important. It is one of the most important pieces of legislation we will consider in this session of Congress or in this Congress.

The Republicans want to completely rewrite the foreign policy of the United States in 10 hours. They want to reconstruct the entire defense policy and return to the days of star wars in 10 hours. They want to restrict the military's ability to respond to emergencies around the world in 10 hours. They want to completely rethink our relationship with our NATO allies in 10 hours.

Mr. Speaker, this does not make any sense. We have tried throughout the day to negotiate without colleagues on this side of the aisle to give us adequate debate so we can take on these important issues which affect the national security of our country in a reasonable amount of time where Members of this floor can get up and express themselves with amendments that make sense for this country. And we find ourselves in a situation tonight where we have to object.

Mr. Speaker, this is one of the most important pieces of foreign policy legislation to be considered by Congress in years.

Mr. Speaker, if you talk to the distinguished ranking Members on our side of the aisle, the gentleman from Indiana [Mr. HAMILTON], the gentleman from California [Mr. DELLUMS], and others who have labored in these areas for years and decades, they will tell you it is an outrage we are going to consider this piece of legislation for only 10 hours.

Why do my Republican colleagues feel that they need to rush this bill through without adequate debate, without an opportunity for Members to offer amendments? I will tell you why. Because they want to punch another little hole in their Contract With America. They want to check off another item on the list.

Well, Mr. Speaker, you do not write good laws by punching little cards, and you do not write good laws by rushing to judgment on issues that concern the national security of this country.

That is not the way to protect this Nation. We ask for a reasonable amount of time, and we have been told 10 hours is all you are going to get, for foreign policy, for defense policy, for policy that deals with our most important allies in the North Atlantic Treaty Organization.

It just will not do. You could spend 10 hours on the debate alone between troop readiness and star wars, which is a piece of the debate we are about to have in this bill as we approach it in the next couple of days.

So, Mr. Speaker, I want to say as strongly as I can on behalf of myself and the rest of the Democratic leadership, we feel this is an injustice and we will not stand for it, and we want to make our voices heard this evening on this issue.

Mr. Speaker, I yield such time as he may consume to my dear colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, this urge to measure legislation by sheer volume of bills passed has really now come up against reality. This 10-hour limitation was perfectly sensible for some of the bills we have been doing this week. They were single issue bills. We did 10 hours on prisons, 10 hours on the prevention police. We bump up against it a little bit, but they are reasonable.

This 10-hour model now is applying to an omnibus bill that takes in vast areas of national security, of foreign policy, and of defense. Remember out of the 10 hours comes rollcalls. If you have four or five rollcalls, you have eaten up a couple of hours by the amount of time they will take. We will debate what our relationship should be with NATO, what new nations will come into NATO, do we go back to star wars, what is our relationship to peacekeeping, what are our requirements when the United States participates in multinational peacekeeping, all in 10 hours.

By the way, the hard working majority plans to leave town at 3 o'clock on Thursday. This is 10 hours compressing the most important issues this Nation faces, so we can get out of town early.

Well, let us wait until next week, if the vacation is irresistible. Frankly, for those who are prepared simply to take marching and voting orders, 10

hours may be OK. If you have checked your independent thought processes at the door and are ready to walk in here and be told what to do, I suppose 10 minutes would probably do it, if you can check them off like that.

But those of us who think this country is entitled to serious discussion of these issues understand, 10 hours is the most debasing and degrading approach to the legislative process I have ever seen, particularly when it is for the convenience of an early vacation.

One of the issues that I was hoping we would raise, and I have talked to Members on the other side, is burden sharing, which this House forced on the administration. It is bipartisan, the opposition to burden sharing. Republican and Democratic Presidents alike have resisted it, and we insisted on it. We cannot adequately do that in 10 hours.

Mr. Speaker, we cannot deal with this large range of issues that have been put together. If you are, in fact, prepared simply to do as you are told, if you have presigned on and do not need to think about it, OK. But the notion that in 10 hours, with time out for votes, you can redefine our relationships to the United Nations and NATO, reconstruct our defense command structure, redefine the powers of the President, all within a 10-hour period, which will include general debate, which will include time for the rules, it is a degradation of the legislative process.

By the way, once again we are being told that one of the reforms the Republicans brought to us gets checked at the door. One of the great reforms was the reinstitution of the rule that said we will not have you on the floor when the committees are meeting. They apparently put that reform in so they could waive it every week. They have waived that rule more than they have waived the contract. That rule has been dispensed with virtually every week, so that Members will be expected to be on the floor and deal with the questions of NATO and SDI, et cetera, and at the same time simultaneously be in committees.

Mr. Speaker, this is taking the legislative process hostage so you can fulfill a political promise that turned out to be more difficult than you thought. No one would describe 10 hours as remotely adequate to deal with these very important issues. What the majority is trying to do is to cram into an obviously inadequate period of time a series of difficult issues, and in part, because this one is beginning to unravel. This one is beginning to engender opposition from Republicans who have served in high defense and national security positions.

The implications of this one will not bear scrutiny. Ten hours of debate is absolutely a breach of faith with the Democratic process and it will engender, I believe on our side, an appropriate response. People who tell us that we cannot take adequate time to deal with these issues cannot expect to be treated by us as partners in the ongoing legislative process when they have so dishonored it.

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

Mr. Speaker, just so the newer Members on the other side of the aisle and on this side of the aisle understand historically what has happened on defense security issues, when we have had defense bills before this body, defense authorization bills, over the last several years, we have spent up to 2 weeks on those bills. We have had over 200 amendments submitted to the Committee on Rules, and we have considered 50 to 100 amendments on the House floor.

What you are doing to us now is allowing no more than three or four amendments to be considered, and that only in a limited amount of time. You are shutting off debate on such important issues as the gentleman from Massachusetts pointed out on burden sharing, which will require our allies to share some of the defense burden that we have picked up for so long.

That is not a fair way to do business. It is not a fair way to do business. And what will you have gained by all this? Do you think the other body, for all its faults, and it has faults, is going to stand by and let this happen? Do you think they are going to take your product of 10 hours and process it and deliver it to the President?

Nonsense. Nonsense. They are going to talk about NATO and give it the time that it deserves, and it is going to be your Republican colleagues and Senators in the other body who will lead the way on that. And they will do the same thing. They will talk about the defense issues and the security issues that we brought to you this evening.

So we are terribly upset about this, as you can obviously see, and we will be raising our voices today, tomorrow, and the next day to make sure that we get some justice and some due time.

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. SABO].

□ 2130

Mr. SABO. Mr. Speaker, I am just curious, NATO has been rather important to this country for 45 years, almost 50 years. Were there extensive hearings in committee as we write new law to change that historic relationship?

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

Mr. SABO. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, my friend from Minnesota, as I understand it, there were 3 half-day hearings to consider the defense, foreign policy issues and intelligence issues that are in this bill, 3 half-day hearings.

Mr. SABO. So it is not only a limited amendment, but it is something that sort of rushed through committee that is changing this historic relationship that our country has had with our allies?

Mr. BONIOR. Well, basically the whole contract has been rushed through. But we understand some of the concerns on the other side of the aisle over some of the issues that my friend from Massachusetts raised. They could be debated within a framework of a few hours or 5 hours or 6 hours. But we are talking about the national security of the American public and of this country. We cannot do that in 10 hours.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I would like to ask my colleagues to consider for a moment what we are about here this evening.

This bill, H.R. 7, addresses many important topics. We have spent about $30 billion on star wars. There is a serious question of how much we should spend and whether we would do that and sacrifice the readiness of America's Armed Forces. That is worthy of a debate that all Members should be involved in.

There is also a question in this bill as to the role of Commander in Chief of the United States. Over the 12 years that I have served in this body, I can remember many, many times when we have taken days and often weeks to debate the application of that constitutional provision in terms of the security of the United States.

There are questions in this bill as well about the future of NATO. And it has been alluded to here that this is one seminal debate on our new relationship in this so-called new world order.

I might say to my colleagues that they may dismiss this as just another check mark on the TV Guide ad. It is much more than that to a lot of different people.

During the last week or two, since the 3 half-days of debate on this bill, I have had people come to me, Americans, who have friends and relatives who live in parts of the world who have traditionally been our allies, genuinely concerned about the impact of this bill on the future security of these nations.

Finally, of course, this bill addresses peacekeeping, and that, my colleagues, literally addresses life and death issues for America's young men and women.

That is how serious this bill is. I know there is a strong partisan feeling on this floor, and I have seen it manifest many times on both sides of the aisle over the years. But I would like to address this comment to the new Members on both sides of the aisle.

Many of my colleagues did not serve, and probably did not witness, one of the most important debates in the history of this institution. I was privileged enough to be here for that debate. It was the debate over the entry of the United States into the Persian Gulf war.

A decision was made by the leadership of the House that this issue was so critically important, involving the life and death of American citizens, that if necessary we would stay in session around the clock so that every Member would be able to express their heartfelt

feelings. When it was over and the debate ended, most people credited that debate as one of our finest hours in the House of Representatives.

We took the time to do it right, because the issue was so important.

I beg my colleagues now, we would not do it this evening, but tomorrow, when Members meet with their Republican leaders, ask them to pause and give some consideration to the fact that this, too, is a life or death issue. We owe the people we represent the time to sit down, deliberate, and make the right decision.

I hope that my colleagues will prevail on the Committee on Rules and their leadership to give us the time to adequately address these critically important issues.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, there is a saying that Rome was not built in a single day, only the Republican majority, though, could think they can build the entire U.S. relationship with the world in 10 hours.

What we are debating, will be debating in that brief period of time, ranges literally the world. It is what our sons and daughters do in the Armed Forces. It is what the role of the Armed Forces is. It is, what role does the United Nations have. What about burden sharing, our relationship with many other parts of the world.

I cannot believe that anyone seriously want to spend just 10 hours on it. I understand there is a contract. But does that contract really go further than the water's edge in terms of our national security?

Members can say that, ''No, BOB, we don't limit you. It is an open rule in the sense of you can offer any amendment you can.''

But what has happened, Mr. Speaker, is that they have limited the time. And when they limit the time and add in to that the debate or the vote time, what they do is they do limit amendments. And by adding in the time to actually come over and vote, what they have done is forced Members to decide, do I debate or do I vote? Do I ask for a vote on some of these crucial, crucial issues?

I guess what concerns me, Mr. Speaker, is that under this rule, as I understand it, it will be 10 hours to debate this entire bill. The Republican majority is going to spend less time debating this bill than it actually will take to fly to some of these countries one day to see what their concerns really are. Indeed, if a congressional delegation's flight time was measured by these bills, these planes would not be able to make it past Hawaii as we explore Asia or other parts of far distant Europe.

I would just urge, Mr. Speaker, for Members to think about this overnight. I do not pretend to be a very senior Member around here, but I remember on some of the military bills and armed services bills, spending 30 or 40 hours because Members thought it was that important. Incidentally, 30 or 40 hours basically taking up amendments from the other side, from this Republican side of the aisle.

I would urge Members to reconsider this and the Committee on Rules to reconsider this. Surely, our country's national security deserves more than 10 hours debate with vote time included.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, since very early in this session of Congress, I have been addressing on a number of occasions the process by which we deliberate and consider laws for this country.

I debated and took issue with the cutting off of debate on an important bill in the Committee on the Judiciary. I have debated on a number of occasions on this floor the process by which we consider issues. It seems to me that we have now gotten to the point where it is not the process of debate or the process for reaching a reasonable result that is at issue but simply reaching that result because some Contract With America or contract on America was made with the people.

Our primary obligation, Mr. Speaker, is to deliberate and study the issues that come before us and to debate those issues for the American people. The value of this body is the diversity that we bring to this body and the ability to hear the various perspectives of people from throughout this Nation that 435 Representatives bring here and offer in the debate.

□ 2140

If there is not sufficient time to debate, then that diversity cannot be honored.

Mr. Speaker, I call on my colleagues to reconsider this issue. Give us ample time to debate it. Do not tell the American people on one hand that we are opening up the process and having a deliberative form of government, that we are going to have 10 hours of debate while we count the voting time, 15 minutes for each vote, so if we offer 10 amendments, more than 2½ hours will be gone just in the amendment and voting process. Let us be honest with the American people, and if we are going to tell them that we believe in an open society, believe in open debate, let us demonstrate it here on the floor of the House and have open debate, and have unlimited time for the debate of these issues.

Mr. BONIOR. Mr. speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

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

Mr. Speaker, I take the well not because I want to delay our departure, but because I think what we are doing with H.R. 7 is we are engaging in playing politics with one of the most important jobs we have here. That is measuring what we think is needed for the national security of our country and for our leadership in this new and evolving world that is so difficult for all of us to understand.

Mr. Speaker, what are we doing in this bill? Think about this. We are communicating to the rest of the world that we are not going to play in the United Nations anymore, we do not like the way it is run, so forget the humanitarian missions, the Americans will not be there. Boy, there is a heavy message.

We are also saying, ''We are going to tell them which countries ought to come into NATO.'' Mr. Speaker, any country that is in NATO as a full member means that we are committed to defend their security, so if Chechnya had been allowed into NATO we would now have troops over there fighting. Now maybe that is a good idea, but do we do that with 10 hours of debate? Do we do that without consulting our allies? Do we have any idea that the United Nations and NATO are bodies that have other countries that belong, and they think they should have some input in this, too, and the administration should?

Mr. Speaker, we are also taking and giving the Pentagon a nanny. We are giving them a commission, a political commission. We are politicizing all of this. Mr. Speaker, that is real smart. That is what we need, are more layers, more layers, and we are going to do that in the 10 hours.

When we look at the commitments we are making budgetarily, Mr. Speaker, we are committing to a space-based defense: bring back star wars for nostalgia's sake. There is applause over there, they cannot wait. The guess is going to be that is $40 billion for the opening shot, and heaven only knows where it goes and if it will ever work, at a time when readiness is a much more critical concern, I think, and when, if we look at the real fear, it is the fact that somebody could bring nuclear weapons in and do another World Trade Center.

Mr. Speaker, I do not know what space-based defense is going to do against a world issue. I know it is funny, and I know that people think, ''Let's just hurry on and punch this hole in the contract,'' but I think the rest of the world is going to look over here and say, ''What is going on?'' I must say as a Member who has been here a while, Mr. Speaker, if we as Democrats had ever done this, the other side of the aisle would have gone crazy, to come in here and say we are going to redo all of the U.N. stuff, we are going to redo NATO, we are going to not deal with burdensharing, we will keep being the policeman of the world, we are going to run everything, we are going to do star wars, we are going to do it in 10 hours, and we are going to put a politicized commission running

the Pentagon. This is an absolute outrage. I really hope people think about this.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. EDWARDS].

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

I know the hour is late, but I happen to represent over 40,000 Army soldiers at Fort Hood, TX. I do not come to this floor often. If Members will look at my record over 4 years, I seldom come this floor in a partisan manner.

However, Mr. Speaker, I come to the floor at this late hour in saying to my colleagues that this is an important issue. We ought to look beyond partisanship in deciding how much time is it worth for us to debate our national security issues.

I am a hawk on defense, Mr. Speaker. I believe we ought to spend more on defense. If I could get to the right of the gentleman from Texas, CHARLIE WILSON, on defense, I would do it. I believe national defense, along with many of my colleagues, is the single most important responsibility of the Federal Government, and it deserves more than 10 hours of debate.

If it does not deserve it, Mr. Speaker, then certainly the lives of our men and women in the Services deserve it. How much is the life an one Army soldier worth? 10 Hours? How much is the life of one Marine worth? 10 hours? How much is the life of thousands and thousands of American servicemen and women worth? Certainly it should be worth more than 10 hours.

Mr. Speaker, I would just suggest that the Contract that we sign as Members of Congress to try to protect the lives of the men and women brave enough to put their lives on the line for us, that that contract is more important than the time schedule of a Contract for America.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank the minority whip for yielding time to me.

Mr. Speaker, one of the greatest surprises I have had since I have been on the Committee on Rules was today, when I was told about this other contract that the Republican party had come up with.

We are not talking this bill up until Wednesday. I asked what the purpose was of not giving us at least 24 hours, to go around the clock, to bring these amendments forward, because it deals with three very heavy subject matters.

I am sure that Star Wars sticks in some people's throat when they talk about it. Probably the quicker they get through speaking about it, the better they will feel. However, when we are talking about an item that can go up to $46 billion, and the Republicans can spend hours in the Committee on Rules on bills that we sent on the suspension calendar, when they can break the police bill up into 8 hours, and yet, give less than 12 hours on something as important as this, because they have to know what their schedule is, well, I told them they do not have to know what their schedule is. They have the votes, they can vote it.

However, I think this is one of the votes that the Republican Party will never forget. This is a very giant vote. It is something I have never seen in all my time on the Committee on Rules. We used to get accused of gagging people, but on this one, they have a tourniquet right around all our necks.

They just do not want to allow anybody, and they think it is funny over there, Mr. Speaker, but I would like to see this appear in every one of their newspapers, on how little they care for the defense of our country when it come to intelligence, when it comes to star wars, when it comes to other matters contained in this bill; the bailout.

Mr. Speaker, this is a sad day in this country. The desert war was a great day, when it was a wide open rule, anybody could speak.

Maybe I should not have said that, because every day the term ''open rule'' gets changed. I am waiting for the new Republican dictionary to hit my desk, so I really know what they mean by an open rule.

Mr. Speaker, they accused us of violating the open rules, and it was a difficult description of what they now say is an open rule. I would hope, Mr. Speaker, that people over there, first-termers, at least, will take a very close look at this, because as I said, this is going to come back to haunt all of them.

□ 2150

The SPEAKER pro tempore (Mr. BONILLA). The gentleman is advised that he has 1½ minutes remaining.

Mr. BONIOR. May I ask how much time, Mr. Speaker, the gentleman from Texas has?

The SPEAKER pro tempore. The gentleman from Texas has 29 minutes remaining.

Mr. BONIOR. Does the gentleman wish to use any of his time?

Mr. Speaker, I yield myself the balance of the time.

Let me be very clear that the majority does not wish to respond to our concerns and requests this evening.

Let me just close by suggesting to all of us here this evening that when it comes to our national defense, there really is no time limit, and what we are about to do this Wednesday and Thursday is to gag this institution in a way that frankly I have not seen in a long time.

As I said earlier, Mr. Speaker, and the gentleman from New York knows full well what I am speaking about. When we had a national defense bill on this floor, the gentleman from California [Mr. DELLUMS] spent a full 2 weeks each and every time he would bring it to the floor. Amendments were made in order so all Members of this body had an opportunity to participate in a free and a fair way. We are not having that now. We are dealing with the most important and crucial issues that will face this institution and this body in this Congress, the defense of this Nation, the safety of our young men and women who are defending this country.

When you talk about peacekeeping, when you talk about Haiti or Bosnia or the Middle East or Somalia, you are talking about whether or not we are going to have peace or we are going to have war. And 10 hours is not enough time. There is no time limit on our national defense.

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

Mr. ARMEY. Mr. Speaker, I yield myself such time as I shall use.

Mr. Speaker, let me remind the body that the motion before the House is that all committees of the House and their subcommittees have permission to sit tomorrow, February 14 and for the balance of the week while the House is meeting under the 5-minute rule.

Mr. Speaker, we have worked hard since January 4 and we have already accomplished a great deal. House Republicans have applied the laws of the land to a Congress which for years saw fit to exempt itself from what it imposed upon others.

With bipartisan support House Republicans brought up and passed a balanced budget amendment to the Constitution. With bipartisan support we passed legislation ending unfunded mandates, and we have already passed wide-ranging crime legislation including strong and effective death penalty legislation.

Oftentimes Democrats have voted with us and we appreciate it as do the American people who have been demanding these and other reforms for years. But we have much, much more work to do and we will get it done in 100 days as we promised.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to moving the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 190, not voting 22, as follows:

[Roll No 122]

YEAS—222

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Crane
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—190

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velázquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—22

Becerra
Berman
Clement
Clinger
Cox
Crapo
Dooley
Fattah
Gibbons
Hefner
Jefferson
Leach
Martinez
Matsui
McDade
Oxley
Rose
Shuster
Tucker
Whitfield
Williams
Wilson

☐ 2209

Mr. DEAL and Mr. WARD changed their vote from ''yea'' to ''nay.''

Mrs. KELLY changed her vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BONILLA). The question is on the motion offered by the gentleman from Texas [Mr. ARMEY].

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

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 191, not voting 23, as follows:

[Roll No. 123]

AYES—220

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Crane
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—191

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
McCarthy

McDermott	Payne (VA)	Stenholm
McHale	Pelosi	Stokes
McKinney	Peterson (FL)	Studds
McNulty	Peterson (MN)	Stupak
Meehan	Pickett	Tanner
Meek	Pomeroy	Tauzin
Menendez	Poshard	Taylor (MS)
Mfume	Rahall	Tejeda
Miller (CA)	Rangel	Thompson
Mineta	Reed	Thornton
Minge	Reynolds	Thurman
Mink	Richardson	Torres
Moakley	Rivers	Torricelli
Mollohan	Roemer	Towns
Montgomery	Roybal-Allard	Traficant
Moran	Rush	Velazquez
Murtha	Sabo	Vento
Nadler	Sanders	Visclosky
Neal	Sawyer	Volkmer
Oberstar	Schroeder	Ward
Obey	Schumer	Waters
Olver	Scott	Watt (NC)
Ortiz	Serrano	Waxman
Orton	Sisisky	Wise
Owens	Skaggs	Woolsey
Pallone	Skelton	Wyden
Parker	Slaughter	Wynn
Pastor	Spratt	Yates
Payne (NJ)	Stark	

NOT VOTING—23

Becerra	Gibbons	Oxley
Berman	Hefner	Rose
Clement	Jefferson	Shuster
Clinger	Leach	Tucker
Cox	Martinez	Whitfield
Crapo	Matsui	Williams
Dooley	McCrery	Wilson
Fattah	McDade	

□ 2226

Mr. WATT of North Carolina changed his vote from ''aye'' to ''no.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7, THE NATIONAL SECURITY REVITALIZATION ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–31) on the resolution (H. Res. 83) providing for consideration of the bill (H.R. 7) to revitalize the national security of the United States, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 555

Mr. DEUTSCH. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill H.R. 555.

The SPEAKER pro tempore (Mr. BONILLA). Is there objection to the request of the gentleman from Florida?

There was no objection.

MIDDLE CLASS BILL OF RIGHTS TAX RELIEF ACT OF 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–34)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the ''Middle-Class Bill of Rights Tax Relief Act of 1995.'' I am also sending you an explanation of the revenue proposals of this legislation.

This bill is the next step in my Administration's continuing effort to raise living standards for working families and help restore the American Dream for all our people.

For 2 years, we have worked hard to strengthen our economy. We worked with the last Congress to enact legislation that will reduce the annual deficits of 1994–98 by more than $600 billion; we created nearly 6 million new jobs; we cut taxes for 15 million low-income families and gave tax relief to small businesses; we opened export markets through global and regional trade agreements; we invested in human and physical capital to increase productivity; and we reduced the Federal Government by more than 100,000 positions.

With that strong foundation in place, I am now proposing a Middle Class Bill of Rights. Despite our progress, too many Americans are still working harder for less. The Middle Class Bill of Rights will enable working Americans to raise their families and get the education and training they need to meet the demands of a new global economy. It will let middle-income families share in our economic prosperity today and help them build our economic prosperity tomorrow.

The ''Middle-Class Bill of Rights Tax Relief Act of 1995'' includes three of the four elements of my Middle Class Bill of Rights. First, it offers middle-income families a $500 tax credit for each child under 13. Second, it includes a tax deduction of up to $10,000 a year to help middle-income Americans pay for post-secondary education expenses and training expenses. Third, it lets more middle-income Americans make tax-deductible contributions to Individual Retirement Accounts and withdraw from them, penalty-free, for the costs of education and training, health care, first-time home-buying, long periods of unemployment, or the care of an ill parent.

The fourth element of my Middle Class Bill of Rights—not included in this legislation—is the GI Bill for America's Workers, which consolidates 70 Federal training programs and creates a more effective system for learning new skills and finding better jobs for adults and youth. Legislation for this proposal is being developed in cooperation with the Congress.

If enacted, the Middle Class Bill of Rights will help keep the American Dream alive for everyone willing to take responsibility for themselves, their families, and their futures. And it will not burden our children with more debt. In my fiscal 1996 budget, we have found enough savings not only to pay for this tax bill, but also to provide another $81 billion in deficit reduction between 1996 and 2000.

This legislation will restore fairness to our tax system, let middle-income families share in our economic prosperity, encourage Americans to prepare for the future, and help ensure that the United States moves into the 21st Century still the strongest nation in the world. I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 13, 1995.*

WORKING WAGE INCREASE ACT OF 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–33)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Economic and Educational Opportunities and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the ''Working Wage Increase Act of 1995.''

This draft bill would amend the Fair Labor Standards Act to increase the minimum wage in two 45 cents steps—from the current rate of $4.25 an hour to $4.70 an hour on July 4, 1995, and to $5.15 an hour after July 3, 1996. The pattern of the proposed increase is identical to that of the last increase, which passed the Congress with a broad bipartisan majority and was signed by President Bush in 1989. The first increment of the proposal simply restores the minimum wage to its real value following the change enacted in 1989.

If the Congress does not act now, the minimum wage will fall to its lowest real level in 40 years. That would dishonor one of the great promises of American life—that everyone who works hard can earn a living wage. More than 11 million workers would benefit under this proposal, and a full-time, year-round worker at the minimum wage would get a $1,800 raise—the equivalent of 7 months of groceries for the average family.

To reform the Nation's welfare system, we should make work pay, and this legislation would help achieve that result. It would offer a raise to families that are working hard, but struggling to make ends meet. Most individuals earning the minimum wage are adults, and the average worker affected by this proposal brings home half of the family's earnings. Numerous empirical studies indicate that an increase in the minimum wage of the magnitude proposed would not have a significant impact on employment. The legislation would ensure that those who work hard

and play by the rules can live with the dignity they have earned.

I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 13, 1995.*

□ 2230

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Joint Economic Committee and ordered to be printed.

To the Congress of the United States:

Two years ago I took office determined to improve the lives of average American families. I proposed, and the Congress enacted, a new economic strategy to restore the American dream. Two years later, that strategy has begun to pay off.

Together we have created an environment in which America's private sector has been able to produce more than 5 million new jobs. Manufacturing employment grew during each month of 1994—the first time that has happened since 1978. We have cut the deficit in the Federal budget for 3 years running, we have kept inflation in check, and based on actions I have already taken, the Federal bureaucracy will soon be the smallest it has been in more than 3 decades. We have opened up more new trade opportunities in just 2 years than in any similar period in a generation. And we have embarked on a new partnership with American industry to prepare the American people to compete and win in the new global economy.

In short, America's economic prospects have improved considerably in the last 2 years. And the economy will continue to move forward in 1995, with rising output, falling deficits, and increasing employment. Today there is no country in the world with an economy as strong as ours, as full opportunity, as full of hope.

Still, living standards for many Americans have not improved as the economy has expanded. For the last 15 years, those Americans with the most education and the greatest flexibility to seek new opportunities have seen their incomes grow. But the rest of our work force have seen their incomes either stagnate or fall. An America that, in our finest moments, have always grown together, now grows apart.

I am resolved to keep the American dream alive in this new economy. We must make it possible for the American people to invest in the education of their children and in their own training and skills. This is the essence of the New Covenant I have called for—economic opportunity provided in return for people assuming personal responsibility. This is the commitment my Administration made to the American people 2 years ago, and it remains our commitment to them today.

THE ADMINISTRATION'S ECONOMIC STRATEGY

Our economic strategy has been straightforward. First, we have pursued deficit reduction to increase the share of the Nation's economic resources available for private investment. At the same time we have reoriented the government's public investment portfolio with an eye toward preparing our people and our economy for the 21st century. We have cut yesterday's government to help solve tomorrow's problems, shrinking departments, cutting unnecessary regulations, and ending programs that have outlived their usefulness. We have also worked to expand trade and to boost American sales to foreign markets, so that the American people can enjoy the better jobs and higher wages that should result from their own high-quality, high-productivity labor. Having fixed the fundamentals, we are now proposing what I call the Middle Class Bill of Rights, an effort to build on the progress we have made in controlling the deficit while providing tax relief that is focused on the people who need it most.

PUTTING OUR OWN HOUSE IN ORDER

The first task my Administration faced upon taking office in January 1993 was to put our own economic house in order. For more than a decade, the Federal Government had spent much more than it took in, borrowing the difference. As a consequence, by 1992 the Federal deficit had increased to 4.9 percent of gross domestic product—and our country had gone from being the world's largest creditor Nation to being its largest debtor.

As a result of my Administration's deficit reduction package, passed and signed into law in August 1993, the deficit in fiscal 1994 was $50 billion lower than it had been the previous year. In fact, it was about $100 billion lower than had been forecast before our budget plan was enacted. Between fiscal 1993 and fiscal 1998, our budget plan will reduce the deficit by $616 billion. Our fiscal 1996 budget proposal includes an additional $81 billion in deficit reduction through fiscal 2000.

PREPARING THE AMERICAN PEOPLE TO COMPETE AND WIN

As we were taking the necessary steps to restore fiscal discipline to the Federal Government, we were also working to reorient the government's investment portfolio to prepare our people and our economy for 21st-century competition.

Training and Education. In our new information-age economy, learning must become a way of life. Learning begins in childhood, and the opportunity to learn must be available to every American child—that is why we have worked hard to expand Head Start.

With the enactment of Goals 2000 we have established worldclass standards for our Nation's schools. Through the School-to-Work Opportunities Act we have created new partnerships with schools and businesses to make sure that young people make a successful transition to the world of work. We have also dramatically reformed the college loan program. Americans who aspire to a college degree need no longer fear that taking out a student loan will one day leave them overburdened by debt.

Finally, we are proposing to take the billions of dollars that the government now spends on dozens of training programs and make that money directly available to working Americans. We want to leave it up to *them* to decide what new skills they need to learn—and when—to get a new or better job.

New Technology.—Technological innovation is the engine driving the new global economy. This Administration is committed to fostering innovation in the private sector. We have reoriented the Federal Government's investment portfolio to support fundamental science and industry-led technology partnerships, the rapid deployment and commercialization of civilian technologies, and funding for technology infrastructure in transportation, communications, and manufacturing.

A Middle Class Bill of Rights. Fifty years ago the GI Bill of Rights helped transform an economy geared for war into one of the most successful peacetime economies in history. Today, after a peaceful resolution of the cold war, middle-class Americans have a right to move into the 21st century with the same opportunity to achieve the American dream.

People ought to be able to deduct the cost of education and training after high school from their taxable incomes. If a family makes less than $120,000 a year, the tuition that family pays for college, community college, graduate school, professional school, vocational education, or worker training should be fully deductible, up to $10,000 a year. If a family makes $75,000 a year or less, that family should receive a tax cut, up to $500, for every child under the age of 13. If a family makes less than $100,000 a year, that family should be able to put $2,000 a year, tax free, into an individual retirement account from which it can withdraw, tax free, money to pay for education, health care, a first home, or the care of an elderly parent.

EXPANDING OPPORTUNITY AT HOME THROUGH FREE AND FAIR TRADE

Our efforts to prepare the American people to compete and win in the new global economy cannot succeed unless we succeed in expanding trade and boosting exports of American products and services to the rest of the world. That is why we have worked so hard to create the global opportunities that will lead to more and better jobs at home. We won the fight for the North American Free Trade Agreement (NAFTA) and the Uruguay Round of

the General Agreement on Tariffs and Trade (GATT).

Our commitment to free and fair trade goes beyond NAFTA and the GATT. Last December's Summit of the Americas set the stage for open markets throughout the Western Hemisphere. The Asia-Pacific Economic Cooperation (APEC) group is working to expand investment and sales opportunities in the Far East. We firmly believe that economic expansion and a rising standard of living will result in both regions, and the United States is well positioned both economically and geographically to participate in those benefits.

This Administration has also worked to promote American products and services to overseas customers. When foreign government contracts have been at stake, we have made sure that our exporters had an equal chance. Billions of dollars in new export sales have been the result, from Latin America to Asia. And these sales have created and safeguarded tens of thousands of American jobs.

HEALTH CARE AND WELFARE REFORM: THE UNFINISHED AGENDA

In this era of rapid change, Americans must be able to embrace new economic opportunities without sacrificing their personal economic security. My Administration remains committed to providing health insurance coverage for every American and containing health care costs for families, businesses, and governments. The Congress can and should take the first steps toward achieving these goals. I have asked the Congress to work with me to reform the health insurance market, to make coverage affordable for and available to children, to help workers who lose their jobs keep their health insurance, to level the playing field for the self-employed by giving them the same tax treatment as other businesses, and to help families provide long-term care for a sick parent or a disabled child. We simply must make health care coverage more secure and more affordable for America's working families and their children.

This should also be the year that we work together to end welfare as we know it. We have already helped to boost the earning power of 15 million low-income families who work by expanding the earned income tax credit. With a more robust economy, many more American families should also be able to escape dependence on welfare. Indeed, we want to make sure that people can move from welfare to work by giving them the tools they need to return to the economic mainstream. Reform must include steps to prevent the conditions that lead to welfare dependency, such as teen pregnancy and poor education, while also helping low-income parents find jobs with wages high enough to lift their families out of poverty. At the same time, we must ensure that welfare reform does not increase the Federal deficit, and that the States retain the flexibility they need to experiment with innovative programs that aim to increase self-sufficiency. But we must also ensure that our reform does not punish people for being poor and does not punish children for the mistakes of their parents.

REINVENTING GOVERNMENT

Taking power away from Federal bureaucracies and giving it back to communities and individuals is something everyone should be able to support. We need to get government closer to the people it is meant to serve. But as we continue to reinvent the Federal Government by cutting regulations and departments, and moving programs to the States and communities where citizens in the private sector can do a better job, let us not overlook the benefits that have come from national action in the national interest; safer foods for our families, safer toys for our children, safer nursing homes for our elderly parents, safer cars and highways, and safer workplaces, cleaner air and cleaner water. We can provide more flexibility to the States while continuing to protect the national interest and to give relief where it is needed.

The New Covenant approach to governing unites us behind a common vision of what is best for our country. It seeks to shift resources and decision-making from bureaucrats to citizens, injecting choice and competition and individual responsibility into national policy. In the second round of reinventing government, we propose to cut $130 billion in spending by streamlining departments, extending our freeze on domestic spending, cutting 60 public housing programs down to 3, and getting rid of over 100 programs we do not need. Our job here is to expand opportunity, but bureaucracy—to empower people to make the most of their own lives. Government should be leaner, not meaner.

THE ECONOMIC OUTLOOK

As 1995 begins, our economy is in many ways as strong as it has ever been. Growth in 1994 was robust, powered by strong investment spending, and the unemployment rate fell by more than a full percentage point. Exports soared, consumer confidence rebounded, and Federal discretionary spending as a percentage of gross domestic product hit a 30-year low. Consumer spending should remain healthy and investment spending will remain strong through 1995. The Administration forecasts that the economy will continue to grow in 1995 and that we will remain on track to create 8 million jobs over 4 years.

We know, nevertheless, that there is a lot more to be done. More than half the adult work force in America is working harder today for lower wages than they were making 10 years ago. Millions of Americans worry about their health insurance and whether their retirement is still secure. While maintaining our momentum toward deficit reduction, increased exports, essential public investments, and a government that works better and costs less, we are committed to providing tax relief for the middle-class Americans who need it the most, for the investments they most need to make.

We live in an increasingly global economy in which people, products, ideas, and money travel across national borders at lightning speed. During the last 2 years, we have worked hard to help our workers take advantage of this new economy. We have worked to put our own economic house in order, to expand opportunities for education and training, and to expand the frontiers of free and fair trade. Our goal is to create an economy in which all Americans have a chance to develop their talents, have access to better jobs and higher incomes, and have the capacity to build the kind of life for themselves and their children that is the heart of the American dream.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 13, 1995.*

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 2

Mr. TALENT. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of House Joint Resolution No. 2.

The SPEAKER pro tempore (Mr. BONILLA). Is there objection to the request of the gentleman from Missouri?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

REPUBLICAN CRIME BILL GOOD FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, the Contract With America crime bill was introduced as H.R. No. 3, the Taking Back Our Streets Act. The bill strikes at the heart of the violent crime problem by fixing countless problems with the Clinton crime bill and fixing larger problems with the criminal justice system.

The Clinton crime bill addressed the crime problem through more questionable social spending and sleight-of-hand changes in the criminal justice system. The Taking Back Our Streets Act, however, sends a tough warning to would-be criminals, do the crime, serve

the time. To facilitate the consideration of the crime bills on the House floor, H.R. 3 was divided into six bills: The Victim Restitution Act, which was passed; the Exclusionary Rule Reform Act, which was passed; the Violent Criminal Incarceration Act, which was passed; the Criminal Alien Deportation Act, which was passed; and the Effective Death Penalty Act.

Now before the Congress is the Local Government Law Enforcement Block Grant. Today we continue to solidify the Republican approach to battling crime by considering that H.R. 728 measure, which is designed to place control of Federal anticrime dollars where it belongs, in the hands of the local law enforcement officials who are at the front line in the battle against crime, to decide for themselves where the funds should go for local programs.

H.R. 728 replaces major portions of the President's crime package which passed last year. While the Clinton bill set up categorical grants with no local flexibility, this new legislation solves that problem by establishing block grants to help units of local government improve public safety.

Use of funds under H.R. 728 can include the hiring of police officers, training and equipping law enforcement officers and support personnel. It can also be used to enhance local school security or establish crime prevention programs which directly involve law enforcement personnel such as community policing, town watch, drug courts, special programs to stop crimes against senior citizens, or prevention programs to stop abductions and exploitation of our children. This new bill does not affect in any way the police funding already established in the 1994 crime bill.

The bill authorizes $10 billion for law enforcement block grants over 5 years with $2 billion to be distributed each year from 1996 through the year 2000. Most importantly, this bill allows localities greater flexibility responding to their own crime problems. Our own Chief William Kelly of Montgomery County, PA, has had programs instituted with community policing, which are really the outstanding ones of Pennsylvania and the country, I believe. District Attorney Mike Marino's outstanding community program with DUI offenders that pick up the litter all across the county have been the model for Pennsylvania. While crime statistics show that crime has been on the upswing, we know that we can with this bill make a real difference.

The overwhelming incidence of crime occurs within State-level jurisdictions, so these authorities bear the primary responsibility for combating this mounting crisis. However, the Federal Government cannot abrogate its responsibility. Through the Contract With America, Republicans recognize that the best thing we can do is to allow the local authorities, through block grants, the opportunity and flexibility to fight crime in the manner best for each community by providing them with those block grants.

The Clinton approach to battling crime was very different. After nearly a year of congressional hearings, markups, and floor votes, a delayed recess and weekend votes, the best the previous Congress could do was come up with expensive, Great-Society-type programs. In this new bill before the House it repeals many of the social experiments and replaces them with solid funding which can be used by the local authorities in the manner they think best to fit their needs. This represents a commonsense approach to battling crime on this Nation's streets.

Finally, Congress is listening to the experts in law enforcement and have given them the tools they need to fight crime at home.

Back in my home district of Montgomery County, PA, I have an anticrime advisory board which advises me on the best ways to battle crime locally. They have counseled me on how the Federal Government can assist them in their efforts without bankrupting this country. When they spoke, I listened, because they are the ones who are putting their lives on the line every day. They are the ones that see the damage that crime can cause.

I applaud this new effort on crime as we set forth in our Contract With America. We may face criticism from those who are naysayers, who would rather keep this massive bureaucracy in Washington, which has actually hindered some of our anticrime efforts. But as long as I represent the people of Montgomery County, I will take my directions from them, not from the bureaucrats in Washington.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

DEBATE TIME ON NATIONAL SECURITY REVITALIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I take this 5-minutes special order this evening to partly respond to some of the rhetoric that we heard on the House floor earlier, primarily coming from the minority side, on the allocation of 10 hours of debate on the National Security Revitalization Act which we will have on the House floor Wednesday and Thursday of this week. While I am not going to get into all the details and implications of that piece of legislation, I do want to respond to several of the issues that were raised here tonight by the leadership of the minority side.

□ 2240

Mr. Speaker, we heard it said that when President Bush was in office we had extensive debate before our troops were asked to go into Desert Storm, and that, in fact, is correct, because it was asked for by President Bush and this Congress responded.

Mr. Speaker, I ask my colleagues on the other side, where was that same debate when all of us jointly asked for a debate on sending our troops into Haiti. We had known we were going to go into Haiti for months at a time. Many of us had asked for a full and open debate of that issue where our troops were being put in harm's way. We were not given 10 minutes of debates on this House floor prior to sending our troops into Haiti.

As a matter of fact, Mr. Speaker, where was the debate on this House floor that now sees American tax dollars being used to pay the salaries, the benefits, the housing costs, and the travel for about 2,000 troops from Third World nations that are currently providing protection inside of Haiti? Where was the debate so the American people could vote on that issue before that action took place? Where was the debate on Bosnia, so we could fully debate the President's policy? We never had any debate on Bosnia prior to Presidential action.

Mr. Speaker, I say with a great deal of concern, where was the debate in this House on the President's decision to go in and bail out Mexico? He wanted to do it to the tune of $40 billion but could get no support. Then unilaterally he sent a $20 billion loan guaranty. Where was 10 minutes of debate on this House floor before the action?

Mr. Speaker, where was the debate in this House, on this House floor, prior to President Clinton or even after President Clinton changing our policy in terms of national ballistic missile defense? Prior to President Clinton taking office, we had an aggressive program that was also attempting to protect the American people as well as our troops. When the President took office, he unilaterally, without any debate on this House floor, changed that policy.

Mr. Speaker, we are giving ample opportunity for debate. We want bipartisan support. As the chairman of the Subcommittee on Research and Technology of the Committee on National Security, I reached out to my colleagues on the other side. We forged a bipartisan national security bill. This bill, when it was reported out of committee, passed by a vote of 41 to 13. Eleven of our colleagues on the minority side supported that piece of legislation.

In the committee, Mr. Speaker, many of us acknowledged that there were key Democrats who were at the forefront of the defense debate, both in the past, today, and in the future. So that bill, when it came out of committee, had strong bipartisan support, and, in fact, 11 Democrats voted with us.

In fact, Mr. Speaker, to get their support, before the markup of the National Security Revitalization Act we reached out and made 32 specific changes in the bill. This was not some piece of legislation jammed down the throats of committee members. In fact, Mr. Speaker, we reached out, and over the weekend before the markup, made changes that Democrats offered to us to enhance the bill and to get their support for that particular piece of legislation.

Mr. Speaker, in total, the gentleman from South Carolina [Mr. SPENCE], the chairman, allowed 32 separate changes to be made in the chairman's mark. Mr. Speaker, this was in fact a bipartisan bill, a bill that reflects our concern with the direction this administration has been going in terms of national security. We are going to have our debate on the floor, but to somehow attempt to mislead the American people, and there were so many distortions and half-truths that were spoken by our colleagues on the House floor, is a gross injustice, both to this institution and to the American people.

Mr. Speaker, we will have a chance to get all those issues out on the table on Wednesday and Thursday of this week. I look forward to that debate, and I hope that the American people will also be watching the debate and the final vote on restoring our national security interests.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

[Mr. DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

DEMOCRATIC SUPPORT FOR NATIONAL DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I also would like to speak to the issue of what the minority talked about as far as the majority not supporting national defense. I can remember being on this floor, Mr. Speaker, when the majority, or the now-minority, turned their backs on our men and women in Desert Storm, would not support them, and yet we had debate on that issue.

I can remember the first event that they brought up was homosexuals in the military, when the majority of military folks do not want homosexuals in the military.

I remember that most of that same leadership, all of the leadership, voting for Clinton's tax bill, which cut defense $177 billion, and then also put the highest tax that they had ever had on the American people. They had increased the marginal tax rate of the middle-income taxpayer.

Mr. Speaker, I can look, and when Colin Powell and Dick Cheney and then-candidate Clinton said that anything below $50 billion would put us into a hollow force, but yet these same Members that are now saying that they are hawks cut defense $177 billion. Not a single Democrat at the Democratic White House fundraiser put a foot down when military men and women in uniform were serving as waiters. It would have happened at our fundraiser, I guarantee you.

I can remember at the extension of Somalia, we then in the minority voted against it, saying it would cost billions of dollars. Then I also look at how the policy was changed toward General Aideed. General Aideed is still there, by the way. Then we weakened our strength. Then they denied armor, and then we lost 22 Rangers and 77 wounded. Why? Because the Democratic leadership would not support our troops.

Now they say that we are weakening national security. Twenty-two killed and seventy-seven wounded, with the father of one of those killed that received the Medal of Honor chastising the President.

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

Mr. CUNNINGHAM. I am happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I also thank my colleague, the gentleman from Pennsylvania [Mr. WELDON], who is one of our experts on missile defense.

The gentleman is talking about H.R. 7, the Defense Revitalization Act, part of the Contract with America that is coming up in a day or 2 on the House floor. He is one of the few Members of this House, Mr. Speaker, who has had the experience of being shot down by an enemy missile in his illustrious career in serving in Hanoi.

Mr. CUNNINGHAM. I don't know if it is illustrious, being shot down.

Mr. HUNTER. But he managed to get five MiG's before they got him.

I guest I would ask my friend, he has seen the language that places us square in the middle of the missile age. That is, it mandates that we develop theater defense against missiles, and we develop a national defense against missiles.

I would asked the gentleman, what is your feeling with respect to our timing? Do you think we are coming too early, too late? What is your opinion with respect to missile defense?

Mr. CUNNINGHAM. I would say to my friend, the gentleman from California, my first concern is yes, I believe looking at Desert Storm and the other, that we need to support missile defense. However, I want to tell the gentleman from California, which may not be the position that he wants, I look at the Air Force. They want the C–17, they want the B–12, they want the F–22, and they want F–15's, and the Navy wants to upgrade F–14's and the Air Force F–115's.

We need to take a balanced look and see how much money is available without taking from the other services. I support missile defense, but I think we have to be real careful with the funds available, and we are cutting down everything.

Mr. HUNTER. I thank the gentleman for his comments.

With respect to national missile defense, what is the gentleman's feeling with respect to what the former Soviet States are doing, and with respect to what China and North Korea are doing?

Mr. CUNNINGHAM. Reclaiming my time, Mr. Speaker, the liberal side of the Democratic leadership would tell us that there is no threat from Russia, but yet the Soviet dropped five nuclear-class *Typhoon* submarines last year, that is five nuclear submarines, when we gave them $1 billion to dismantle nuclear weapons.

They built a MiG 35, which is superior to the SU–27, which is superior to our F–14's and F–15's. They have an AA–10 missile which is superior to our Amram missile, so they are investing in those kinds of weapon systems, while ours are going down.

Mr. Speaker, if we look at what they are doing in pushing out the joint airplane, they are pushing out beyond the year 2010, when we have no chance of building up even to a Bottom-Up Review level.

Mr. HUNTER. Mr. Speaker, I thank the gentleman.

AMERICAN MISSILE DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WELDON] and then to my friend, the gentleman from California [Mr. CUNNINGHAM], to ask first the gentleman from Pennsylvania about his feeling with respect to H.R. 7, the Contract With America, regarding missile defense of the Nation and missile defense of our theater forces.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding.

First of all, in response to the comments of my colleague, the gentleman from California [Mr. CUNNINGHAM] the Russians also, as we know, have been selling their submarines. They recently sold at least two submarines to Iran.

Mr. CUNNINGHAM. Two *Kilo* class.

Mr. WELDON of Pennsylvania. And Iran has been doing very well in the training of those submarines, which presents a whole new threat for us, with Iranians having capability in the seas.

The question of our colleague and friend on missile defense is an important one. This President changed our policy from the Reagan and Bush era with absolutely no warning to this Congress, to say that we no longer need to have a defensive system to protect

the American people, in spite of the ABM treaty, which allows the Russians to have the only operational ABM system in the entire world right now, which surrounds Moscow and which is in fact operational.

□ 2250

What we are saying in the contract is we want the Secretary of Defense unlike what we heard from one of our colleagues on the other side today say that we want immediately a space-based system. That is not what the contract provision says. It says that we want the Secretary to come back and tell us what kind of national ballistic missile system we can deploy now.

In conversation with General O'Neill who heads ballistic missile defense last week and a follow-up meeting I am having this week, he says that at the basic we can install a program within 2 years that would cost no more than $5 billion over 5 years. So the figures we are going to hear on Wednesday and Thursday are going to be way out of line and are going to be more rhetoric than they are substance.

Mr. HUNTER. I thank the gentleman for reminding us that the Secretary of Defense did say he could build a system for the type of attack that he expects in the context of expecting some type of an offense against the United States, what he calls a thin attack. He said he could do it for $5 billion in a couple in years, and I think that the gentlewoman who propounded that question, our friend Mrs. SCHROEDER from Colorado was a little bit shocked at his low number, because I think she came back and said, ''Wait a minute. What's it going to cost total?'' And he said, ''$5 billion total.''

In the context of the 5-year defense plan, that is roughly .004 of the total defense numbers, .004 of the budget. So that is not a number that is going to crowd out readiness or modernizing our military. The only thing that is going to crowd those things out is the President's budget itself. And the President himself has cut $9 billion just between FY 1995 and FY 1996 in modernization. So the President is doing the cutting. One slap of the pen by the President cutting $9 billion in modernization had doubled the impact on the modernization budget of building what Secretary Perry himself described as doable, that is, a missile defense nationally that will defend against the thin attack.

So if we are asked would you rather have a defense that will defend against a thin attack or nothing, but absolutely naked, I think the American people say, give us something, give us some missile defense against that accidental launch or that third-world terrorist attack.

I would be happy to yield to the fine gentleman from San Diego, my seat mate, Mr. CUNNINGHAM.

Mr. CUNNINGHAM. I thank the gentleman from California.

I think another important factor, and gentleman from Pennsylvania [Mr. WELDON] brought it up. When we brought this bill up in the committee, we had 41 Republicans and Democrats vote for it. Only 13 voted against it. I want to tell you, those 13, their politics would go good only in a small island off Florida.

I would also like to remind the Members, Mr. Speaker, that the contract talks about not having U.S. troops under U.N. control. Very, very important. We lost 22 Rangers and 77 wounded in Somalia. Because, for example, it took 7 hours for our troops to get to all those Rangers that lost their lives and were wounded because the U.N. control had never used night goggles, it was at night, many of them did not speak English, some of them could not even drive the equipment. We want to eliminate that, and that is another reason for bipartisan support.

The part that I am upset, the liberals that have done everything in their power to cut national security, to cut defense of this country now stand up and object at the majority when it is a bipartisan bill that is coming out of the committee itself, what same minority. We are glad that that leadership exists. Let them talk.

WELFARE REFORM

The SPEAKER pro tempore (Mr. BONILLA). Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 33 minutes as the designee of the minority leader.

Mrs. MINK of Hawaii. I thank the Speaker for affording us this opportunity to address a subject which is extremely important and critical.

We have seen this week the opening of the markup in the subcommittee on the House Committee on Ways and Means of the welfare reform bill. We have had a lot of discussion about the issues surrounding welfare reform. Last week we saw the Republican version of their Contract With America with regard to family responsibility, and we saw also the response on the Democratic side with respect to what they would like to see in terms of a reform measure.

We are here tonight because we believe that voices of the women and children who will be primarily affected by what this Congress does in reforming welfare have not been heard and probably will not be heard from during the course of this debate. It is imperative that as we consider this legislation, we think of it in terms of the women and the children.

I am very happy tonight, at this very late hour, to be joined by my distinguished colleague, the gentlewoman from North Carolina [Mrs. CLAYTON], who has been a great leader on this subject and whose voice continues to be heard for the women and children of this country. I am happy to yield to my friend.

Mrs. CLAYTON. I thank the distinguished gentlewoman from Hawaii for yielding me the time and thank her for arranging this special order.

I would just like to enter into a discussion with you and raise a couple of concerns that I have and perhaps have you to explain your knowledge of the Personal Responsibility Act.

If the block grant goes, and it appears that we are going to have that structure for a number of programs that are going to be put in a basket called welfare reform that will allow different ways of providing services. I am particularly concerned about the nutritional part.

Let me first say, I support welfare reform. I think our welfare system does not work well. It does not encourage self-sufficiency and we need to make sure the system works well for the recipients as well as for the government itself. So we need welfare reform. But we do not need welfare reform just for change sake itself. We need it for a better system, for a system that is improved, a system that is obviously going to serve people better.

In the areas of nutrition, we are not necessarily perfect but those are areas where we help people. We have food stamps, the school lunch program, we have the WIC program, the commodity program, the senior citizens program, all of those programs which speak to the needs certainly of people who are in need but also speak to needs of people who may be working.

For the food stamp program, 20 percent of the food stamp program is received by persons who are working families. My concern is if we block-grant that program, not only do we drastically reduce the amount of moneys that will be available but also we put the States themselves into the business of setting national nutritional standards. These programs have worked well to make sure children are fed and are prevented from disease.

If now we block-grant it, does that not mean that each State would have the responsibility of setting nutritional and dietary standards for the implementation of those programs.

Mrs. MINK of Hawaii. The gentlewoman is absolutely correct. Not only will the States be given the responsibility of setting up the criteria and the eligibility standards, but indeed they could move the moneys around within that category and, as I read the legislation, even take out 20 percent from one block grant to put into another program.

Mrs. CLAYTON. So it is possible that all that money would not go to feed the hungry, feed children or seniors, they could do other things with it.

Mrs. MINK of Hawaii. Exactly. They could do other things with it. It seems to me that in the area of nutrition in particular, Congress has been very, very careful in looking at the needs of specific groups of individuals in our society, children in the schools for school lunch, senior citizens in their centers, in congregate dining programs and

meals on wheels and for the tiny infants, the women-infant-children's program has been established for that specific targeted group of people.

□ 2300

And the commodities program has been a kind of a consolidated farmers' surplus interest program together with matching up the needs of the poor in our society, and food stamps, we all know, has been a Godsend to millions of families whose nutrition for their families has been supplemented because of their ability to exchange their earnings or money in exchange for a greater value of food coupons.

So of all of the block granting that has been recommended under the Contract With America, it seems to me the one that is least justified is the suggestion of putting all of these groups together and allowing the States to pick and choose which programs they want to support and which ones they do not. I think it would be a real tragic mistake, and I hope that the committee ultimately will not do that.

Mrs. CLAYTON. One of the things we want to emphasize is that those nutritional programs are not only there to speak to the need, because people are poor, but also to speak to their dietary deficiency and, as a result of that, they have found that they have opportunities to address diseases, they have opportunities to address deficiencies of growth and development, and if you remove that, some of the nutritional achievements we have made, WIC, for pregnant women and mothers who are nursing, those achievements, I think, will be lost. We will retrogress; rather, we will have a system, one system in North Carolina, another in Mississippi, another in Hawaii. Now we have some uniform standards where we are moving all Americans to a standard that perhaps can improve their health.

For one thing, I think that is a tremendous benefit that we can move in that area.

Mrs. MINK of Hawaii. Our reluctance in not supporting the block grant is not because we do not have confidence in local officials in their being able to perceive what the needs are of their constituents. Their constituents are our constituents.

Mrs. CLAYTON. Absolutely.

Mrs. MINK of Hawaii. So I have full confidence in my State and local elected officials to know what is appropriate for our community. But I also believe that the Congress of the United States has an important responsibility in establishing the priorities, understanding what the needs are of Americans all across the country, and coming up with programs that match surplus commodities and requirements of our farming communities. That is how the Food Stamp Program got started.

I was here when it happened. Congresswoman Lenore Sullivan was the one who put it all together, from the great State of Missouri, and it has worked, and it has been a boon to the farmers of this country, and it has met a tremendous need in all of our poorer communities.

So it is tragic that in formulating this concept of welfare reform that they have sought to pool this money and disregard the initial intent of Congress in formulating these targeted special programs. Our concerns are concerns, I am sure, that are shared by most of the Members on the minority side, and I hope that when this debate reaches the floor, we will have opportunities to debate this issue fully, to offer amendments to correct this major oversight.

Mrs. CLAYTON. I am receiving a tremendous amount of mail both in the areas of school lunch and in the areas of senior citizen programs.

We know the value of having it with young children and pregnant women in terms of those areas, so I would hope, as we debate that, we will have people on both sides of the aisle seeing the value of this deliberation and trying to salvage this program and protect the nutritional value of this program as well as the integrity of these programs, because the nutrition programs by and large have worked, and we ought to celebrate those things that have worked, correct those things that have not, and reform where we are improving the system.

I want to commend the gentlewoman from Hawaii for her fine work and leadership.

Mrs. MINK of Hawaii. I thank the gentlewoman for participating this evening in the special order.

Mr. Speaker, I yield to my distinguished colleague, the gentleman from Michigan [Mr. KILDEE], who is the ranking member of one of my subcommittees, the Educational Economic Opportunities Committee of the House.

Mr. KILDEE. I support the gentlewoman on her position on nutrition. School lunch, school breakfast are extremely important programs. They will all be apparently put into this nutrition block, although we have not been given the information as to how this will be done. They say it will be somewhat separate, but we know we have so many needs in that School Lunch Program. We have different students, those that get the free lunch, the reduced lunch, the paying students, and we have just finished and completed a deep study of the nutritional values of those lunches.

I am afraid this will be lost in this block grant also, because they have not shared with us yet what they intend to do with the School Lunch Program.

THE PERSIAN GULF WAR: WE VOTED OUR CONSCIENCES

But I came over here tonight primarily to speak on another subject very briefly, and I really appreciate the fact that the gentlewoman has yielded to me.

While I was sitting in my office listening to the monitor, the gentleman from California [Mr. CUNNINGHAM], my good friend, and he is a very good friend of mine, I have great respect for him, from San Diego, stated that the Democrats, the majority party, had turned their back on our troops in the Persian Gulf. That really hurt me, particularly coming from a friend like the gentleman from California [Mr. CUNNINGHAM].

The gentleman from California [Mr. CUNNINGHAM] and I voted differently on that war. We both voted our consciences. The position I took was shared by Gen. Colin Powell, a great American. I voted my conscience, as the gentleman from California [Mr. CUNNINGHAM] voted his conscience, and by voting my conscience, I was not turning my back on our troops.

As a matter of fact, Mr. Speaker, when the war began in Iraq, the first person who stood at that podium right there the following morning, the first person was DALE KILDEE from Michigan saying that while we had disagreed on policy, now that the war had started we should give our troops our full and complete support. We were not turning our backs on our troops.

I took particular offense, because that statement came from a friend of mine, the gentleman from California [Mr. CUNNINGHAM]. I took another offense, too, Mr. Speaker. I have two sons who are lieutenants in the U.S. Army. My one son is beginning Ranger training. When he finishes that, he will go to Korea.

My votes on the policy of how we deploy our troops do not make me less concerned about the safety of our troops, and I would hope that in the next 2 days as we debate the defense of this country that we not question the patriotism of one another or the support of our troops.

The 440 Members of this House, 435 voting Members and 5 nonvoting Members, are loyal Americans who want nothing to happen to our troops. I want all the sons and daughters of America who serve in the Armed Forces to be treated as I would want my own two sons to be treated, with full support.

But because we may disagree, as we disagreed on the Persian Gulf war, does not make one less loyal or less American or less supportive of our troops.

Now, I know the gentleman from California [Mr. CUNNINGHAM] did not realize the full ramifications of his statement, but that debate we had was one of the best debates, no, not one of the best debates, the very best debate that I have heard in my over 18 years in the Congress of the United States, and that is why this is a deliberative body.

Because someone may vote one way and another another way should not call into question the patriotism or loyalty or support of the our troops.

Mrs. MINK of Hawaii. I thank the gentleman for his very strong refutation of our colleague from California, because I was here on the floor and heard those statements likewise.

Resuming my special order, which is to bring to focus some of our concerns

about the welfare debate, I do so tonight even though the hour is late, because tomorrow is a very special day. There is to be a special program on the Hill, Welfare reform with a heart, children speaking for themselves.

□ 2310

This will occur on Capitol Hill. It will be first initiated by a press conference at 9 o'clock in the morning in the Rayburn Building, followed from 10 o'clock until 2:30 with children and youth from the District of Columbia coming in and participating during those several hours, and what they will be doing is reading letters and speaking out, presenting testimony about their own experiences as children in a welfare family.

One of the real tragedies in a very esteemed institution like the Congress of the United States in the hearings that we call in our various committees, and this is not unique to the current majority because it was also a situation when the Democrats were in the majority, that we have these hearings called, and experts from various fields are called: economists, professors, physicians, doctors, psychiatrists, lawyers, whatever, are called to testify, and we very seldom ever have the opportunity to hear from the very persons who are affected by the programs that we are debating, and in this case we are talking about welfare families and the children, about 5 million adults and 9 million children, and I am here tonight to speak specifically for the women and children.

There are 49 women Members of the House of Representatives, but very few of us are on the committees that will be making these decisions, and therefore it is important to focus our attention on some of these matters.

Today there was a press conference which was called by the Council of Presidents, which is a bipartisan coalition of the leaders of approximately 100 national groups, and they have formulated a position on welfare which I would like to take the time tonight to read and explain. Heidi Hartman, who leads the Institute for Women's Policy Research, was the guiding force in putting together the coalition on this subject. We heard from the NOW Legal Defense Fund. We heard from Eliza Sanchez, who was the president of Manna, an organization that has been working pay equity. There was a representative from Planned Parenthood, from the National Women's Law Center, and from Wider Opportunities for Women. These were some of the groups of the 100.

And this is important because women have come together to put together what they believe ought to be the central points of any discussion having to do with welfare reform, not the myths, not the stereotypes, not the punitive aspects of trying to moralize and change human behavior, but what is truly the responsibility of the Federal Government with respect to poor families. Poverty in America is a condition which affects all peoples across the country, and we need to focus this issue on the question of poverty.

Let me read for my colleagues what the Coalition of Presidents said today at the press conference. It said, and I quote:

NATIONAL WOMEN'S PLEDGE ON WELFARE REFORM, PRINCIPLES FOR ELIMINATING POVERTY

We support welfare reform that will do more than maintain families in poverty. It should help them make a permanent escape from poverty. The vast majority of adults who receive assistance from AFDC are women. As leaders of women's groups in the United States, we state unequivocally that women who receive welfare benefits have the same rights as all women and have the same goals for their families. We cannot allow their rights to be curtailed because they are poor, nor their values impugned because they need help to support their families. Welfare has served as an essential safety net for poor women and their children. Many women use welfare at various points throughout their lives because they have few other resources to tide them over during one-time or recurring events such as illness, unemployment, childbirth, domestic violence, or divorce. We cannot allow the guarantee of minimum survival assistance to be removed or reduced by caps on spending, time limits, child exclusion policy, or other means. We cannot allow the Federal Government to abandon its commitment to a basic safety net for poor mothers and their children. We oppose punitive measures that assume the behavior attitudes and value of women on welfare are the problem. Welfare mothers have not abandoned their children. They are struggling to hold their families together with extremely limited resources. Many are already working or looking for work in order to raise their families' incomes. We believe the problem lies rather in the labor market where the women face enormous barriers, including gender and age-based discrimination that limits their opportunities, unstable jobs that pay low wages and the lack of health and retirement benefits, inaccessible jobs, and no jobs at all. In addition, lack of educational opportunity, inadequate support services and benefits, lack of child support from fathers and punitive welfare regulations have made it impossible for poor women to get ahead.

That is the end of their opening paragraph outlining their principles for eliminating poverty and the basis upon which the debate on welfare reform, in their view and mine, should be considered.

I think it is very important to recognize that, when this debate started over a year ago, and the Republican Party offered their proposal, and the President offered his, we were not in this debate to try to find ways to cut the funding, to address the issue at another level in terms of deficit reduction or trying to reduce the debt. As a matter of fact, the Republican proposal at that time for welfare reform included some $12 billion of additional funding which in their program was required in order to meet the requirements of education, training, counseling and, most importantly, child care provisions in order for women to go to get an education or training, and, in the final analysis, to hold a job child care is essential.

The President's proposal also had very strong ingredients of funding, I believe at the level of around $7 billion to provide for education, training, counseling and the important element of child care.

The strangest thing happened over the last year. Now we are looking at proposals which eliminate the concept of Federal responsibility for providing educational opportunities and training, counseling, helping to find a job, and when they do, to have the necessary child care provisions in the programs. The Republican proposal leaves it out. The Democratic proposal has not yet formulated exactly how they are going to fund the additional needs. They have said, well, the States say they can do it all, and, therefore, let us see what the Governors can come up with. It seems to me that, unless we deal with the subject of welfare reform with the seriousness and earnestness of trying to help these families and not punish them and push them off as if they do not exist, then there is no possibility that we are going to be able to reduce funding as is currently being proposed by the Republican bill in the Committee on Ways and Means.

□ 2320

What is required is an honest, deliberate decision, that women on welfare first of all want to work. There is all kinds of evidence and empirical statistical studies that show that women on welfare want to work. The problem with the system right now is that when they are in need and apply for welfare, there is no one there to meet them at the door and to help them try to solve their family situation, find them a job, take them into training or education. They are simply accepted into the system, given assistance, and more or less left to their devices.

Furthermore, the system also punishing women on welfare, because if they have the initiative to go out to work, to find a job, then they are immediately cut off from cash assistance, frequently they have to lose food stamps, and perhaps even get off of Medicaid health care.

So the burdens on welfare families are tremendous and the government, the State, and Federal Government has not offered them the support.

Now for the first time it seems to me at least a year ago that both sides of the aisle looked at this honestly and said we are going to change the welfare system, we are going to change the way that the Government deals with welfare families by initiating an offer to help for education and training and job counseling, and we are going to provide child care. And this has to be done with an understanding it is going to cost additional sums of money in order to implement.

So what do we find today in the Republican proposal? We have a notion

that they will also do away with entitlements. There will no longer be a requirement that the Federal Government will guarantee some level of cash assistance to a child whose parent is without work and in poverty.

Under the current system, for the past 60 years Congress and this country have said no poor child should be left hungry, without food and shelter and clothing and medical care. A country as great as America cannot afford to let a child die in starvation and in ill health and in disease. This is a fundamental responsibility of the Government.

So 60 years ago we established this program of aid to dependent children, and we guaranteed that every child in America that met the eligibility criteria of poverty and being in a family where there was no person able to work, that the Government would find same way to assist that family with a cash assistance and other supportive programs.

We do not have a national program under which a set figure of money is given to every family pro rata for every child in America. It is instead a collaborative program with the States, with the States participating in a 50–50 matching situation.

So we have States like mine that come up with a cash assistance program well above most of the other States in the country, somewhere around $600 per family of three. At the lower end of the 50 States is Mississippi, where the contribution by the Federal and the State is $120 for a family of three. So there is this huge range of difference in terms of what the welfare program means in the different States.

The States have provided this range of difference. So we are not saying at this juncture that the Federal Government ought to require a certain set figure. I wish we could. But certainly we should not at this juncture be removing the entitlement assurance guarantee that every child in this country has from the U.S. Government. But that is precisely what the Committee on Ways and Means subcommittee is now considering, and I think that that is a very, very grave mistake.

If they adopt this block grant approach, taking the average of spending for the program back to 1991 to 1993 and averaging it out and saying this is the amount of money that the States are going to receive based upon the prior experience, then it makes no adjustments for increases in numbers of families or changes of the economy, recessions, greater unemployment, closures of companies and major corporations in a certain area that would increase the numbers eligible for assistance.

So I think that one of the fundamental issues that this House will have to face is the question of whether we retain the idea of an entitlement or whether we go the way of a block grant, which will create enormous burdens upon the States, and eventually I think come back to the Congress for supplemental support and supplemental assistance.

It seems to me we ought to decide right now that one of the basic virtues of the current program is the fact that there is this entitled notion and it ought to be retained.

There are other proposals that are in the wind with respect to the Committee on Ways and Means proposals. They have to do with cutting off families after 2 years if they are not able to find work. There is no support program to help individuals find a job, no support program for education and training that is specified in the legislation, and I think that it would be very, very harmful for many thousands of families who will find themselves without assistance unless we provide that kind of help.

There is this notion that is very, very difficult to refute, and I hear it from my constituents, as I am sure most of my colleagues do from theirs, and there is this impression that people on welfare stay there for enormous lengths of time and that this is a problem that must be rooted out, and one way of doing that is to make a work requirement that is short, as in this 2-year proposal by the Republicans, and on the Democratic side, where they are required to come in with some sort of a work strategy.

But I think that what is so difficult to deal with is this impression that people have that people on welfare are in for enormous lengths of time.

The truth of the matter is, and when you look at the data and statistics, persons that come on welfare are out of there, at least half of them, are out of welfare after only 11 months.

The SPEAKER pro tempore (Mr. BONILLA). The time initially allocated to the gentlewoman from Hawaii has expired. However, because the majority leader has not designated a person to be recognized for the balance of the time remaining, the gentlewoman from Hawaii may proceed for up to 27 more minutes as the designee of the minority leader.

Mrs. MINK of Hawaii. The statistics are there. The census data has been evaluated. All the records of the department have been researched, and we find the outstanding conclusion that the majority of parents who come into welfare are there less than a year. Eleven months is the average. This means they are there for temporary assistance, the vast majority of them. And if the Government had been more ready to assist them, provide them with some assistance in locating a better job that paid higher wages or helped them with medical care, which in many cases is the reason for families coming on welfare, the place that worked that provided perhaps just a bare minimum wage salary did not include health care provisions, so the moment when a child became sick, they had to quit work and come back on the welfare system. But the moment that the illness passed and the family was together again, that parent would be out there looking for work.

The idea that is out there which is so pervasive that people on welfare are unwilling to work simply is not true. So I therefore support the idea of a work oriented system, because I believe that that truthfully meets the needs of people on welfare. They need assistance, they need education, they need training, they need job counseling. Somebody has to go out there to help them obtain a job which can support their families beyond what they were getting on welfare in terms of cash assistance.

□ 2330

We see that the vast majority of families, actually 80 percent of the families on welfare, are out of the welfare system in a 2-year period, more than 50 percent in 11 months and 80 percent in the 2-year period.

Therefore, we are dealing with a highly transitional group of individuals. There are some that find it very difficult to find a job, or because of their lack of education and training and having no job skills, have extreme difficulties in locating work. However, the vast majority of individuals on welfare, roughly about 80 percent, from the figures that I have seen, are in the system only for a short period of time, 2 years and less, and have, on the average, 4 years of work experience.

Because that is the reality, it seems to me that the Federal Government, with a strong, integrated, personally adaptive work training, work counseling kind of strategy, can help these families get off of welfare even faster and into a job that pays more than the welfare support check was paying them.

Mr. Speaker, this leads me to the other issue, and that has to do with the minimum wage question. It is vital, Mr. Speaker, that we deal with the minimum wage issue part and parcel to the welfare discussion. I know that the Republican leadership has discarded the whole idea of getting into minimum wage. However, Mr. Speaker, if we are going to be realistic in terms of doing something to change the whole system of welfare, we have to be willing to look at exactly what the minimum wage situation does. It just oppresses single-family situations far greater than families that have two working parents. But in the single family situation, working for a minimum wage dooms that family to perpetual poverty. That is the tragedy.

Mr. Speaker, when we look at the statistics, we find that over 60 percent of the people who are working today for minimum wage or less are women. There are about 4 million persons in America that work at $4.25 or less, and of that number, 2,603,000 are women; 1,000,078 of these women are wives or single-parent heads of families. Therefore, increasing the minimum wage by 90 cents over a 2-year period will help

tremendously the women and children of these families, well over 1 million families where both parents work, or the single family situation.

Mr. Speaker, of the total number of women who work for minimum wage or less, 80 percent are white women. Twelve percent are black women, and 8 percent are Hispanics. Contrary, again, to the myths of most of our thinking, Mr. Speaker, the families that would be most benefitted by an increase in the minimum wage are the white, Caucasian families in this country. Eighty percent of the total number of women are white, as I said.

Mr. Speaker, if we raise the minimum wage from $4.25 an hour, where families now only earn $8,000-plus a year, the increase of 90 cents an hour would raise the annual earning to $10,300-plus dollars, an increase of $1,714. That is a tremendous increase. Forty-five cents each year for 2 years, raising the minimum wage from $4.25 to $5.15, will lift millions of families out of poverty, and will be one of the important steps that we could take to help ensure that families on welfare will not come back onto welfare because their earnings are insufficient to sustain their family.

Mr. Speaker, one of the ironies is that in the early deliberations of the whole welfare discussion, we adopted the notion that if a welfare family went out and got a job, they would immediately lose all their benefits. It was a disincentive to work.

We want to make sure now that when we are talking about welfare reform, that such disincentives are removed. We want to make sure that there are enough incentives there to make it attractive for women in particular to go out and hold a job, and to support their family on this self-sufficiency model which has been discussed.

I am all for that, Mr. Speaker. I want to see opportunities made possible to these families all across America. That is what this debate ought to be about, enlarging opportunities, not in punishing and establishing all of these negative restrictions in terms of who can receive a benefit and who cannot.

Mr. Speaker, the AFDC has also another very, very difficult myth out there. A lot of attention has been placed on the factor of women coming onto welfare and having another child while on welfare.

One of the punitive suggestions is to deny that child born to that parent while she was on welfare from any cash support whatsoever. I cannot think of anything more cruel and inhuman than a suggestion to punish a child.

The statistics reveal again, from the Census Bureau, from the Department of Health and Human Services, from all the people who collect data, that the number of children born to these families on welfare is no different than the average family in America.

As a matter of fact, most families on welfare have two children, and that is it. Very, very small numbers of persons on welfare have more than two children. Certainly, Mr. Speaker, an even smaller percentage of individuals on welfare have a child while on welfare.

The suggestion that welfare mothers will be encouraged to have another child because they can increase their cash benefits is ridiculous, because the average additional cash assistance ranges around $45 to $65 across the States. I cannot imagine any person deliberately deciding they should have another baby for that amount of money. In point of fact, that does not occur.

Mr. Speaker, the other aspect which is in the Republican plan is to make it impossible for teenagers who have children to receive any welfare assistance unless they live at home with their parents or with another qualified adult, or if they subsequently get married to the father of that child.

Such a prohibition of cash benefits aimed at the child, because it was born out of wedlock, is simply a concept and principle that I cannot understand or accept.

□ 2340

Furthermore, in looking at studies, many of the lawyers and others who have studied this issue maintain that it is unconstitutional because it creates a category within a benefit situation which clearly has no justification whatsoever.

And so I am hopeful that even if the Congress should put such a provision in, that the case will be taken to courts and the Supreme Court decisions which have been rendered on this subject, starting from 1973, case in New Jersey, the New Jersey Welfare Rights Organization versus Cahill held that the denial of such rights was a violation of the 14th amendment, the equal protection clause.

The court in 1972 in Webber vs. Aetna Casualty said,

> The status of illegitimacy has expressed through ages society's condemnation of irresponsible liaisons beyond the bonds of marriage, but visiting this condemnation on the head of an infant is illogical and unjust. Moreover, imposing disabilities on the illegitimate child is contrary to the basic concept of our system that legal burdens should bear some relationship to individual responsibility or wrongdoing. Obviously no child is responsible for his or her birth.

There is a series of other cases that relate to this point.

So I feel quite confident that the legal scholars who have brought this matter to the attention of the Congress know what they are talking about, and so if this provision which denies a child from birth to age 18 from receiving any benefits whatsoever under the welfare system, then surely someone will take it to court and will prevail and such a harmful provision will be stricken from this bill.

Let me in closing call the Members' attention to a very important report that came across my desk. It is produced by the Center on Hunger, Poverty and Nutritional Policy at Tufts University. I believe all Members received this booklet. It is appropriately in lovely pink color for Valentine's Day. It was published by J. Larry Brown and it is a review of evidence on welfare reform.

He points out in his book that they collected a very large number of people to collaborate on this study and made some very, very important conclusions which I would like to briefly outline.

The 1995 Tufts University center report which is entitled ''Key Welfare Reform Issues, the Empirical Evidence.''

The report presents scientific data that, one, welfare benefits do not cause the growth in single parent families and single parent families are not the major factor of the growth of poverty in America. It urges that Congress avoid the tragic mistake of adopting pseudo-reforms that stem from political ideology rather than empirical evidence. It advises that if we wish to break the cycle of poverty, we not be guided by the wish to punish poor women whose behavior we wish to chastise.

In 1994, 76 researchers and scholars in the field of welfare issued a policy statement regarding the empirical facts that they found in their research which challenged the political leaders in terms of the assumptions that they were making in presenting their legislation.

Fact No. 1. Growth in the number of single parent families has been primarily among the non-poor.

From 1970 to 1990, the number of female-headed households increased from 6 million to 11 million, mostly among the non-poor. Sixty-five percent of the increase in single parent families were not living in poverty. For instance, in 1993, there were 3.5 million unmarried non-poor couple households and one-third of them had at least one child. This family would fall under a single parent definition. Changes in welfare laws will not affect the mores and lifestyles of these families. In fact the Contract of America will give these families a $500 tax credit for each child regardless of their marital status.

Fact No. 2. The Census Bureau found that economic factors such as low wage jobs accounted for approximately 85 percent of the child poverty rate. A 1993 Census Bureau study showed that the poverty rate was due mainly to changes in the labor market and the structure of the economy. Bureau of Labor statistics data from 1973 to 1990 revealed that the proportion of persons employed in service industries grew from 70 to 77 percent. And this is the lowest wage sector of our economy.

Between 1960 and 1980, the proportion of women in the labor market increased from 40 to 61 percent ages 16 to 34.

The desire to have women work is limited to only poor women with dependent children to teach them responsibility. For non-poor women, the need to remain in the home to nurture their children to wholesome maturity is still

the social ethic of our times. Forcing women to work is destructive of family values.

That is the essence of the report of the Tufts University which I commend to my colleagues to read. It has been delivered to your offices sometime in late January.

There are many issues that need to be discussed. One that I have championed almost my entire political career is the need for child care. When I was in Congress in the 1960's and 1970's, we did put together a comprehensive child care bill which passed both the House and the Senate, but it was vetoed by President Nixon. Since that time, there has not been a major effort to insist that there was a government responsibility for child care. But now that we are again debating this issue of welfare, it seems to me that we cannot succeed in this area of welfare reform requiring work as a criteria for continued participation in the system unless we systematically and with full intent and knowledge subscribe to the understanding that women cannot be asked to go to work if they have small children unless we have child care provided to that family. It is unrealistic, it simply is unworkable.

And so the idea of work for welfare is a great concept. The idea of education and training in order that people could work to get off welfare is a marvelous idea. But none of these things can work unless that family has support in terms of someone to take care of their children while they are at work.

Women's work at home is a valuable contribution to our society. Women's responsibility in the home has always been accorded a place on the pedestal of our society at large. It continues to be debated as to whether some women ought to work or ought not to work. But the issue has always been a matter of choice. Women choose to work. Women ought to have equal opportunities to work. And when they do work, they ought to be accorded the same privileges of advancement, promotions and so forth and their pay ought to be the same, and there should be no gender discrimination. That is the ethic which has evolved up to the present time.

But when we are dealing with the welfare community, we are adopting a new frenzy of requirement to work. I can support a requirement to work, but it must always be in addition and connected with a concept of child care.

That brings me to the final concluding thought that I want to leave. Welfare reform is about children. It is not about punishing adults. It is about how this Nation is going to care for its children. It is going to provide the support, health care, housing, food, nutrition, clothing and a loving family environment. That is what poor children should expect as the policy and principle that guides this government.

□ 2350

And so as we look at this legislation, I prevail upon this House to put aside all of these myths, all of these things that have brought us to this point of discussing welfare reform, and never forget that the people on welfare that were thought of, that created the AFDC program in the first place 60 years ago, were the children.

America was concerned about the fate of these children in poverty, and they established the entitlement program where every child could at least have some assurance of care and food and nutrition and a family environment, and I hope that as we move on this debate that the children will be the primary concern that we have.

If we are successful in keeping our eye on focus on the children, I believe that the legislation that we will put through will be of benefit to these families and will lift them out of poverty and will make their situations far better than what they are enduring today under their current conditions.

I urge this House to remember tomorrow is Valentine's Day and that the welfare children will be here, will want to have someone to talk to. Please, stop by the give them your loving attention and concern.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, on February 15.

Mr. FOX of Pennsylvania for 5 minutes, today.

Mr. COBURN, for 5 minutes, on February 15.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, today and on February 14.

Mr. CUNNINGHAM, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) and to include extraneous material:)

Mr. WYDEN.

Mr. SAWYER.

Mr. COLEMAN.

Mrs. COLLINS of Illinois, in 2 instances.

Mr. FRANK of Massachusetts.

Mr. STARK.

Mr. KLECZKA.

Mrs. MALONEY.

Mr. OWENS, in 2 instances.

Mrs. KENNELLY.

Mr. BENTSEN.

Mr. BECERRA.

Mr. LANTOS.

Mr. CLEMENT.

Mr. CLAY.

Mr. EVANS.

Mr. HOYER.

Mr. CARDIN.

(The following Members (on request of Mr. FOX of Pennsylvania) and to include extraneous material:)

Mr. GILMAN in two instances.

Mr. METCALF.

Mr. BARR.

Mr. GOODLING.

Mr. PACKARD.

Mr. FOWLER.

ADJOURNMENT

Mrs. MINK of Hawaii. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 51 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 14, 1995, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

362. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of February 1, 1995, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104–32); to the Committee on Appropriations and ordered to be printed.

363. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending December 31, 1994, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

364. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

365. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the National Society of the Daughters of the American Revolution's ''Annual Proceedings of the One Hundred Third Continental Congress,'' pursuant to 36 U.S.C. 18b; to the Committee on the Judiciary.

366. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a copy of the December 1994 issue of the Treasury Bulletin, pursuant to 26 U.S.C. 9602(a); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 83, Resolution providing for consideration of the bill (H.R. 7) to revitalize the national security of the United States (Rept. 104–31). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself, Mr. HERGER, Mr. CALLAHAN, Mr. DEAL of Georgia, Mr. CRAMER, Mr. COOLEY, Mr. EMERSON, Mr. DEFAZIO, Mr. KLUG, Mr. WILSON, Mr. OBERSTAR, Mr. SPRATT, Mr. HAYES, Ms. FURSE, Mr. CHAPMAN, Mr. BAKER of Louisiana, and Mr. STUPAK):

H.R. 902. A bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to timber activities; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 903. A bill to substitute evaluations of educational quality for cohort default rates in eligibility determinations for proprietary institutions of higher education under the Federal student assistance programs; to the Committee on Economic and Educational Opportunities.

H.R. 904. A bill to prohibit the Department of Defense from contracting with foreign contractors for ship repair until a certification is made to Congress; to the Committee on National Security.

H.R. 905. A bill to provide for congressional approval of a nuclear aircraft carrier waste disposal plan before the construction of CVN–76, and for other purposes; to the Committee on National Security.

H.R. 906. A bill to reform the child support enforcement system in order to maximize collections of child support payments on behalf of poor children in the United States; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWDER (for himself and Mr. BENTSEN):

H.R. 907. A bill to amend certain provisions of title 5, United States Code, relating to the treatment of Members of Congress and congressional employees for retirement purposes; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DE LA GARZA:

H.R. 908. A bill to authorize appropriations for each of fiscal years 1996 through 2000 for the provision of grants for construction of wastewater treatment works to serve U.S. colonias and for connecting residents to sewer collection systems and making any necessary plumbing improvements to enable residences to meet existing county or city code requirements; to the Committee on Transportation and Infrastructure.

By Mr. DORNAN (for himself, Mr. SOLOMON, Mr. WOLF, Mr. KNOLLENBERG, Mr. KING, Mr. PORTER, and Mr. CUNNINGHAM):

H.R. 909. A bill to encourage liberty inside the Socialist Republic of Vietnam; to the Committee on International Relations.

By Mr. EVANS (for himself, Ms. KAPTUR, Mr. BROWN of California, Mr. DEFAZIO, Mr. CONYERS, Mrs. SCHROEDER, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. LIPINSKI, Mr. DURBIN, Mr. DELLUMS, Mr. FROST, Mr. MCHALE, Mr. SERRANO, Mr. ROMERO-BARCELÓ, Mrs. COLLINS of Illinois, Mr. ABERCROMBIE, Mr. GUTIERREZ, Mr. HILLIARD, Mr. OLVER, Mr. VENTO, Mr. WATT of North Carolina, Ms. WOOLSEY, Ms. VELÁZQUEZ, and Mr. SANDERS):

H.R. 910. A bill to require the Secretary of State to establish a set of voluntary guidelines to promote socially responsible business practices for United States; to the Committee on International Relations.

By Mr. PORTER (for himself, Mr. ACKERMAN, Mr. ALLARD, Mr. BAKER of California, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BEREUTER, Mr. BEVILL, Mr. BOEHLERT, Mr. BONILLA, Mr. BONO, Mr. BROWDER, Mr. BUNNING of Kentucky, Mr. CALLAHAN, Mr. CALVERT, Mr. CANADY, Mrs. CLAYTON, Mr. COBURN, Mr. CONDIT, Mr. COX, Mr. DAVIS, Ms. DELAURO, Mr. DOOLEY, Mr. DOYLE, Mr. EHLERS, Mr. EMERSON, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FAWELL, Mr. FIELDS of Texas, Mr. FILNER, Mr. FLANAGAN, Mr. FORBES, Mr. FOX, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GEJDENSON, Mr. GEKAS, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. GREENWOOD, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HANCOCK, Mr. HASTERT, Mr. HEFLEY, Mr. HEFNER, Mr. JACOBS, Mrs. KELLY, Mr. KIM, Mr. KING, Mr. KLECZKA, Mr. KLUG, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LANTOS, Mr. LARGENT, Mr. LEACH, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIPINSKI, Mr. LIVINGSTON, Ms. LOFGREN, Ms. LOWEY, Mr. MARTINEZ, Mr. MCCOLLUM, Mr. MCHALE, Mr. MCHUGH, Mr. MCKEON, Mr. MEEHAN, Mrs. MEYERS of Kansas, Mr. Miller of Florida, Ms. MOLINARI, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MORAN, Mrs. MORELLA, Mr. MURTHA, Mr. NEY, Mr. OLVER, Mr. OWENS, Mr. PACKARD, Mr. PARKER, Mr. PAXON, Mr. PAYNE of Virginia, Mr. PETRI, Ms. PRYCE, Mr. QUINN, Mr. RADANOVICH, Mr. RIGGS, Mr. ROYCE, Mr. SANDERS, Mr. SANFORD, Mr. SAXTON, Mr. SCHAEFER, Mr. SCHIFF, Mr. SCHUMER, Mrs. SEASTRAND, Mr. SENSENBRENNER, Mr. SERRANO, Mr. SHAYS, Mr. SKEEN, Ms. SLAUGHTER, Mr. SMITH of Texas, Mr. SOLOMON, Mr. STARK, Mr. STEARNS, Mr. STUMP, Mr. THOMPSON, Mr. TORKILDSEN, Mr. UNDERWOOD, Mr. UPTON, Mr. VISCLOSKY, Mrs. VUCANOVICH, Mrs. WALDHOLTZ, Mr. WALSH, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WILSON, Mr.WOLF, Mr. ZELIFF, and Mr. ZIMMER):

H.R. 911. A bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILLMOR (for himself, Mr. BOUCHER, Mr. FIELDS of Texas, Mr. HALL of Texas, Mr. HASTERT, and Mr. TAUZIN):

H.R. 912. A bill to permit registered utility holding companies to participate in the provision of telecommunications services; to the Committee on Commerce.

By Mr. GOSS:

H.R. 913. A bill to repeal the provisions of law commonly referred to as the Ramspeck Act; to the Committee on Government Reform and Oversight.

By Mr. LAFALCE:

H.R. 914. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act and the Solid Waste Disposal Act to limit the liabilities under these acts of both fiduciaries and lending institutions, including finance lessors, guarantors, and others directly or indirectly holding indicia of ownership primarily to protect a security interest in property which is subject to either act; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS (for himself, Mr. SCHUMER, and Mr. HASTINGS of Florida):

H.R. 915. A bill to expand the powers of the Secretary of the Treasury and the Bureau of Alcohol, Tobacco and Firearms to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Bureau to include firearm products and non-powder firearms; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 916. A bill to prohibit the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns, and handgun ammunition, with certain exceptions; to the Committee on the Judiciary.

By Mr. OXLEY:

H.R. 917. A bill to establish procedures for product liability actions; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 918. A bill to reduce the official mail allowance of Members of the House; to the Committee on House Oversight.

By Mr. SAWYER:

H.R. 919. A bill to amend title 13, United States Code, to require that the Secretary of Commerce produce and publish, at least every 2 years, current data relating to the incidence of poverty in the United States; to the Committee on Government Reform and Oversight.

By Mr. VOLKMER (for himself, Mr. BREWSTER, Mr. TAYLOR of Mississippi, Mr. PETERSON of Minnesota, Mr. SKELTON, Mr. RAHALL, Mr. STENHOLM, Mr. MYERS of Indiana, and Mr. QUILLEN):

H.R. 920. A bill to repeal the Violent Crime Control and Law Enforcement Act of 1994 and to combat crime; to the Committee on the Judiciary.

By Ms. WATERS (for herself and Mr. BISHOP):

H.R. 921. A bill to encourage gainful employment among the residents of public

housing, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. CARDIN (for himself, Mr. COYNE, Mr. YATES, Mr. GENE GREEN of Texas, Mr. MCCRERY, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. HORN, Mr. FROST, Mr. MCDERMOTT, Mr. BLUTE, Mr. FOGLIETTA, Mr. DELLUMS, Mr. BONIOR, Mr. BREWSTER, Mr. BEILENSON, Ms. PELOSI, and Mr. FORD):

H.R. 922. A bill to amend title XVIII of the Social Security Act to provide for coverage of colorectal screening under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself, Mr. STENHOLM, Mr. ROBERTS, Mr. HORN, Mr. HALL of Texas, Mr. BLUTE, Mr. NEY, Mr. POSHARD, Mr. SHADEGG, Mr. KILDEE, Mr. BROWDER, Mr. KLUG, Mr. LOBIONDO, Ms. PRYCE, Ms. DANNER, Mr. SALMON, Mr. LATOURETTE, Mr. HANCOCK, Mr. FRANK of Massachusetts, Mr. BACHUS, Mr. BROWNBACK, and Mrs. WALDHOLTZ):

H.R. 923. A bill to provide for the establishment of an official mass mailing allowance for Members of the House of Representatives, and for other purposes; to the Committee on House Oversight.

By Mr. MCKEON (for himself, Mr. BEILENSON, Mr. BONO, Mr. BROWN of California, Mr. CALVERT, Mr. CONDIT, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. FARR, Mr. HUNTER, Mr. KIM, Mr. LEWIS of California, Ms. LOFGREN, Mr. MATSUI, Mr. MILLER of California, Mr. MINETA, Mr. MOORHEAD, Mr. POMBO, Mr. RADANOVICH, Mr. RIGGS, Mr. ROYCE, Mr. THOMAS, Mr. WAXMAN, Mr. BARCIA of Michigan, Mrs. FOWLER, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. RICHARDSON, and Mrs. WALDHOLTZ):

H.R. 924. A bill to prohibit the Secretary of Agriculture from transferring any National Forest System lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill; to the Committee on Resources.

By Mr. TALENT (for himself and Mr. GILMAN):

H. Con. Res. 26. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 42: Mr. SHAYS, Mr. DEUTSCH, Mr. RANGEL, Ms. MCCARTHY, and Mrs. KENNELLY.

H.R. 70: Mrs. CHENOWETH.

H.R. 77: Mr. HOSTETTLER.

H.R. 127: Mr. LEACH, Ms. SLAUGHTER, Mr. MOAKLEY, Mr. POMEROY, and Mr. THORNTON.

H.R. 217: Mr. STEARNS.

H.R. 218: Mr. BONILLA and Mr. ROYCE.

H.R. 244: Mr. MEEHAN, Mrs. SCHROEDER, Ms. MCKINNEY, Mr. ABERCROMBIE, and Mr. GILMAN.

H.R. 325: Mr. LAHOOD, Mr. LIVINGSTON, Mr. COSTELLO, Mr. STENHOLM, Mr. BONILLA, and Mr. POSHARD.

H.R. 359: Mr. HUTCHINSON and Mr. CRAPO.

H.R. 363: Ms. MCKINNEY and Mr. FOGLIETTA.

H.R. 370: Mr. ENGLISH of Pennsylvania.

H.R. 450: Mr. COBLE, Mr. BRYANT of Tennessee, and Mr. HOBSON.

H.R. 451: Mr. COOLEY and Mr. LIPINSKI.

H.R. 485: Mr. MCKEON.

H.R. 548: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FORBES.

H.R. 549: Mr. BONO, Mr. BISHOP, Mrs. CHENOWETH, Ms. DANNER, Mr. SOLOMON, Mr. GENE GREEN of Texas, Mr. SANDERS, and Mr. LAHOOD.

H.R. 555: Mr. BERMAN.

H.R. 558: Mr. BARTON of Texas.

H.R. 562: Mr. STUMP, Mr. KOLBE, Mr. SHADEGG, Mr. SALMON, and Mr. PASTOR.

H.R. 579: Mr. SAM JOHNSON.

H.R. 586: Mr. WYDEN, Mr. DELLUMS, Mr. FROST, and Mr. FATTAH.

H.R. 612: Mr. MINGE.

H.R. 682: Ms. DANNER, Mr. SENSENBRENNER, Mr. FIELDS of Texas, Mr. LIVINGSTON, Mr. BARCIA of Michigan, Mr. CREMEANS, and Mr. TALENT.

H.R. 709: Mr. MORAN, Mr. DELLUMS, and Mr. WAXMAN.

H.R. 759: Mr. WALSH.

H.R. 785: Mr. LAFALCE, Mr. WYNN, Mr. OLVER, Mr. DELLUMS, Mr. FOX, Mr. YATES, Mr. BEILENSON, Mr. FOGLIETTA, Mr. NEAL of Massachusetts, Mr. CASTLE, and Mr. DAVIS.

H.R. 795: Mr. GALLEGLY, Mr. BALLENGER, and Mr. CHENOWETH.

H.R. 800: Mr. HERGER, Mr. LAHOOD, and Mr. ROYCE.

H.R. 809: Ms. VELÁZQUEZ, Mr. FROST, Ms. DANNER, Mr. GEJDENSON, Mr. SHAYS, and Mr. FILNER.

H.R. 819: Mr. FOX.

H.R. 844: Mr. DURBIN, Mr. LIPINSKI, Ms. DANNER, Mrs. CLAYTON, Mr. MCHUGH, Mr. EMERSON, and Mr. DOOLITTLE.

H.R. 867: Mr. VISCLOSKY, Mrs. MALONEY, Mr. LIPINSKI, and Mr. METCALF.

H.R. 873: Mr. KIM, Mr. CREMEANS, Mr. FORBES, Mr. METCALF, Mr. OXLEY, Mr. HANCOCK, Mr. LARGENT, Mr. FRANKS of New Jersey, Mr. HERGER, Mr. DUNCAN, Mr. CHRISTENSEN, Mr. TORRES, and Ms. ESHOO.

H.R. 898: Mr. SAXTON.

H. Con. Res. 12: Mrs. MEYERS of Kansas and Mr. FORBES.

H. Con. Res. 19: Mr. SCHAEFER, Mr. POMBO, and Mr. SMITH of New Jersey.

H. Res. 30: Mrs. MEYERS of Kansas, Mr. PAYNE of Virginia, Mr. WATT of North Carolina, Mrs. MORELLA, Mr. MCCRERY, Mr. FOGLIETTA, Mr. SCOTT, Mr. BAESLER, Mr. FAZIO of California, and Mr. VISCLOSKY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 555: Mr. DEUTSCH.

H.J. Res. 2: Mr. TALENT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 7

OFFERED BY: MR. DURBIN

(Page & line references are to H.R. 872)

AMENDMENT NO. 3: Page 63, line 4, strike ''In particular,'' and insert ''Numerous Central and East European countries, particularly''.

Page 63, line 5, insert a comma after ''Slovakia''.

Page 66, after line 12, insert the following new paragraphs (and redesignate the succeeding paragraphs accordingly);

(7) that, when any other European country emerging from communist domination is in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area, it should, in accordance with Article 10 of such Treaty, be invited to become a full NATO member, provided it—

(A) meets appropriate standards, including each of the standards specified in clauses (i) through (viii) of paragraph (5)(A); and

(B) remains committed to protecting the rights of all its citizens and respecting the territorial integrity of its neighbors;

(8) that the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition of other European countries emerging from communist domination to full NATO membership at the appropriate time;

Page 67, line 3, insert ''and'' after ''voting;''.

Page 67, line 8, strike the semicolon and insert a period.

Page 67, strike out lines 9 through 21.

H.R. 7

OFFERED BY: MR. EDWARDS

(Page & line references are to H.R. 872)

AMENDMENT NO. 4: Page 11, line 18, after ''missile attacks'' insert the following: ''and that is deployed without the inclusion of any space-based interceptors''.

Page 12, line 6, after ''missile attacks'' insert the following: ''without the inclusion of any space-based interceptors''.

H.R. 7

OFFERED BY: MR. HEFLEY

(Page & line references are to H.R. 872)

AMENDMENT NO. 5: Strike out section 309 (page 21, lines 19 through 22) and insert the following:

SEC. 309. FUNDING.

Funds for the activities of the Commission shall be made available to the Commission by the Secretary of Defense from funds appropriated for activities of the Office of the Secretary of Defense.

H.R. 7

OFFERED BY: MR. SKELTON

(Page & line references are to H.R. 872)

AMENDMENT NO. 6: At the end of title II (page 12, after line 25), insert the following new section:

SEC. 204. READINESS CERTIFICATON.

Of the total amount of funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996, the amount obligated for national missile defense programs may not exceed the amount made available for national missile programs for fiscal year 1995 until the Secretary of Defense certifies to the Congress that the Armed Forces are properly sized, equipped, and structured and are ready to carry out assigned missions as required by the national military strategy:

H.R. 7

OFFERED BY: MR. SKELTON

(Page and line references are to H.R. 872)

AMENDMENT NO. 7: Page 73, line 15, strike the close quotation marks.

Page 73, after line 15, insert the following new paragraphs:

''(5) The number, types, and costs of NATO armed forces that would be required to defend the country and the number, types, and costs of United States Armed Forces that would be required as part of such a NATO force.

''(6) Whether the United States is prepared to provide a nuclear guarantee to the country.

''(7) The likelihood that the country may become involved in disputes or armed conflict with neighboring countries in the region.''.

H.R. 728

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 21: Page 10, after line 24, insert the following (and redesignate subsequent paragraphs accordingly):

''(4) the unit of local government—

''(A) will provide for each payment period non-Federal matching funds equal to not less than 20 percent of the amount paid to the unit under this title for the period:

''(B) will deposit the matching funds for a payment period in the trust fund established by the unit under paragraph (3) on the same day on which the unit deposits the amount paid under this title for the period; and

''(C) will spend the matching funds only for the purposes set forth in section 101(a)(2).

H.R. 728

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 22: Page 12, after line 7, insert the following:

''(10) the unit of local government will spend not more than 50 percent of the funds received under this title to purchase law enforcement equipment and hardware, including but not restricted to vehicles, machinery, communications equipment, and computer equipment, that assist law enforcement officials in reducing or preventing crime and improving public safety unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of more than 50 percent of such funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

H.R. 728

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 23: Page 4, strike lines 3 through 10 and insert the following:

''(C) Establishing crime prevention programs for juveniles that substantially involve both educators and law enforcement officials.

Page 8, after line 19, insert the following:

''(h) SET-ASIDE FOR CERTAIN CRIME PREVENTION PROGRAMS FOR JUVENILES.—A unit of local government that receives funds under this title for a payment period shall allocate not less than 20 percent of such funds for the purpose of establishing programs under subsection (a)(2)(C).

H.R. 728

OFFERED BY: MR. HOKE

AMENDMENT NO. 24: Page 12, line 4, strike ''and''.

Page 12, line 7, strike ''101(a)(2).'' and insert ''101(a)(2); and''.

Page 12, after line 7, insert the following:

''10 the unit of local government—

''(A) has an adequate process to assess the impact of any enhancement of a school security measure that is undertaken under section 101(a)(2)(B), or any crime prevention program that is established under section 101(a)(2)(C), on the incidence of crime in the geographic area where the enhancement is undertaken or the program is established;

''(B) will conduct such an assessment with respect to each such enhancement or program; and

''(C) will submit an annual written assessment report to the Director,''

H.R. 728

OFFERED BY: MR. KASICH

AMENDMENT NO. 25: Strike section 101(f) and everything that follows through section 102(a) and insert in lieu thereof the following:

''(f) REPAYMENT OF UNEXPENDED AMOUNTS.—''(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 25 months after receipt of funds from the Director, any amount that is—

''(A) paid to the unit from amounts appropriated under the authority of this section; and

''(B) not expended by the unit within 2 years after receipt of such funds from the Director.

''(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

''(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to units of local government.

''(g) NONSUPPLANTING REQUIREMENT.—Funds made available under this title to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of funds made available under this title, be made available from State or local sources.

''SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title—

''(1) 1,944,200,000 for fiscal year 1996;

''(2) 1,944,200,000 for fiscal year 1997;

''(3) 1,944,200,000 for fiscal year 1998;

''(4) 1,944,200,000 for fiscal year 1999;

''(5) 1,944,200,000 for fiscal year 2000.

H.R. 728

OFFERED BY: MR. KASICH

AMENDMENT NO. 26: Page 8, line 23, strike ''$2,000,000,000'' and insert ''1,944,200,000''.

Page 8, line 24, strike ''$2,000,000,000'' and insert ''1,944,200,000''.

Page 8, line 25, strike ''$2,000,000,000'' and insert ''1,944,200,000''.

Page 9, line 1, strike ''$2,000,000,000'' and insert ''1,944,200,000''.

Page 9, line 2, strike ''$2,000,000,000'' and insert ''1,944,200,000''.

H.R. 728

OFFERED BY: MS. PELOSI

AMENDMENT NO. 27: Page 4, after line 19, insert the following;

''(G) Sports league programs that shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held in conjunction with league sports games at or near the site of the games.

H.R. 728

OFFERED BY: MR. SCOTT

AMENDMENT NO. 29: Beginning on page 8, strike line 23 and all that follows through page 9, lin3 2, and insert the following:

''(1) $2,500,000,000'' for fiscal 1996;

''(2) $2,500,000,000'' for fiscal 1997;

''(3) $2,500,000,000'' for fiscal 1998;

''(4) $2,500,000,000'' for fiscal 1999; and

''(5) $2,500,000,000'' for fiscal 2000.

H.R. 728

OFFERED BY: MR. SCOTT

AMENDMENT NO. 29: Page 8, after line 19, insert the following (and redesignate any subsequent subsections accordingly):

''(h) EVALUATION.—From the amounts authorized to be appropriated under subsection (a) for each fiscal year, the Director shall reserve one-tenth of one percent for use by the National Institute of Justice to evaluate the effectiveness of programs established under this title and the benefits of such programs in relation to the cost of such programs.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, MONDAY, FEBRUARY 13, 1995 No. 28

Senate

(Legislative day of Monday, January 30, 1995)

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

PRAYER

The guest Chaplain, the Reverend Richard C. Halverson, Jr., of Arlington, VA, offered the following prayer:

Let us pray:

As we bow in prayer, in anticipation of St. Valentine's Day and of a burdensome schedule, let us reflect upon those we love most: our children and grandchildren.

The story is told about Charles Francis Adams (1807–1886), son of John Quincy Adams and a successful politician, that on a certain day Charles entered these words into his diary: ''Went fishing with my son—a day wasted.'' His son, Brooks Adams (1838–1918) also kept a diary, and on that same day, Brooks made this entry: ''Went fishing with my father—the most wonderful day of my life!'' (Obtained from Fran Woods, Washington Fly Fishing Club).

Our Heavenly Father, as we consider this ''most wonderful, wasted day'' of a father spending time with his son, we recall the final words of the Old Testament which declare: ''Behold, I will send you Elijah the prophet * * * and he shall turn the heart of the fathers to the children, and the heart of the children to their fathers * * *''—Malachi 4:5, 6. And the New Testament which says, ''* * * where your treasure is, there will your heart be also.''—Matthew 6:21.

Lord, we confess that sometimes we do not treasure our children as we ought, and sometimes our heart is more with our achievements than with our descendants. Often, those we most love, we most neglect.

We pray, therefore, in the midst of demanding schedules, that Thou wouldst graciously turn our hearts to our children and grandchildren, with Valentines of time not wasted.

In the name of Jesus Christ. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, for the information of Members, following the time for the two leaders, which will be reserved, there will be a period for morning business not to extend beyond 1 o'clock with Senators permitted to speak for not to exceed 10 minutes each. At 1 o'clock we will resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment and the pending Reid amendment.

At 5 o'clock today, there will be a rollcall vote on adopting the committee funding resolution, Senate Resolution 73. Further rollcall votes are possible today. We have not made that determination yet. We are trying to get an agreement to have some of those votes tomorrow morning to accommodate some Senators who are necessarily absent. We are not going to accommodate those who are just absent. But there are some necessarily absent. I think we can understand that on Mondays and Fridays we will have votes, and anybody who is not here on Monday and Friday will just take that risk. Certainly they have a right to do that.

I also hope that we can bring to a conclusion the debate on the balanced budget amendment. We have been on it for 2 straight weeks. There has been no effort on this side to slow down the debate. We spent hours and hours and days and days on a couple of amendments. My view is that it is time that we bring this to a conclusion. We would like to do so before late Thursday evening.

So I just suggest to my colleagues that there will be late sessions tomorrow night, Wednesday night, and Thursday night. We will not be in session on Friday. We will not be in session on next Monday or Tuesday. But we will be in session on next Wednesday, Thursday, and Friday, unless the two leaders can reach some agreement on disposition of this, and additional matters.

I thank the Chair.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for not to exceed 10 minutes each.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Wyoming [Mr. THOMAS] is recognized.

IWO JIMA

Mr. THOMAS. Mr. President, I rise to be one of the first to speak about some things that happened 50 years ago which were a part of our freedom and a part of our history. So I am pleased to do that.

Mr. President, on this date 50 years ago, one of the most powerful armadas ever assembled in American military history prepared to depart Saipan in the Mariana Islands. Their destination was a tiny, 8-square-mile piece of volcanic sand and rock in the Western Pacific—Iwo Jima.

The importance of capturing Iwo Jima was its strategic location, almost midway between Japan and the recently captured Mariana Islands. Since the summer of 1944, the Japanese home

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

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islands had been reeling from strikes by the new, long-range American B–29 bombers, operating from Saipan and Tinian. Iwo Jima, with its three airfields, would be a vital fighter escort station if captured. In addition, it would serve as a sanctuary for crippled bombers returning from their strikes on Japan.

No American planner contemplating the assault and seizure of this island suggested that taking Iwo Jima would be an easy task. To meet the challenge, Fleet Adm. Chester W. Nimitz assembled a veteran Navy-Marine Corps team, which included the largest force of U.S. marines ever committed to a single battle—a force which eventually totaled more than 80,000 men—a majority of whom were veterans of earlier Pacific battles. These troops were arguably the most proficient amphibious force the world had yet seen. On February 13, 1945, this formidable armada of American firepower and might prepared to embark on a mission that would move America one giant step closer to final victory.

I think it is appropriate that we remember those men and women who gave so much to ensure that we could continue to have freedom and peace in this country.

Mr. President, if I may, since there seems to be no one else asking for time, I would like to comment a little on the balanced budget amendment.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

THE BALANCED BUDGET AMENDMENT

Mr. THOMAS. Mr. President, I rise, as I have in the past, to support the balanced budget amendment. I believe strongly that it is the right thing to do. I believe strongly that it is the only way that we are going to be able to achieve some kind of financial balance in our Government, to achieve some kind of responsibility for not spending more than we take in.

So I rise to share my impressions of what has gone on here for the past 2 weeks, and apparently at least for another week. I am new to the Senate. I am very pleased and proud, of course, to be here to represent the people of Wyoming. But I am, I must say, a little bit disappointed in the lack of progress that we have made.

It seems to me that, in some instances, we have not really had an in-depth debate of issues, but rather a sort of a slowing of the process, talking about what seems, at least to me, to be peripheral issues often as the method of establishing a rationale for voting ''no'' on an issue that those who argue against have no intention of voting for at all.

It is fairly easy to examine the status of the record of performance that leads to this issue coming before the Senate which leads to a consideration of the balanced budget amendment. Certainly, history does that. You cannot change history. You can interpret it, I suppose, and spin it. But the fact is that we have not balanced the budget, this Congress has not balanced the budget for some 26 years. Only four or five times out of 50 years has the budget been balanced. That is not a good record, but it is indeed a record.

Some talk a lot about the efforts that have been made over the last 3 years to do something about the deficit. And, indeed, there has been something done and it has been good. Starting with the last budget of President Bush and on through the next 2 years, there have been some reductions. The fact is, however, that the reductions now are not there. They are not in this budget. They are not proposed for the next year's budget and, indeed, beyond the year 2000, there would not be a reduction in the deficit, but the national debt would continue to grow.

It is also true that much of the reduction was a one-time readjustment in terms of spending on savings and loans, in terms of spending on Medicaid, and what the reduction was, a direct result of what this Congress did, was an increase in taxes. So I am certainly pleased that this deficit has been reduced, but I am not pleased with the fact that it is now scheduled to go up, unless we do something different.

The cost of the imbalance, the cost of these years of not balancing the budget, are extremely high. We have now approximately a $260 billion line item in this year's budget to pay interest on the debt. If it were not for the interest on the debt, this year's budget would be balanced. But there is an interest of $260 billion, probably the third largest line item in the budget and continuing to go up.

Spending has gone up every year. When we read about the budget, we often read in our hometown paper that the President makes the cuts. Of course, there are some cuts, but the fact is the total spending continues to go up; this year, 5.5 percent over last year. So we continue to have larger Government, spending goes up.

Fortunately, revenues go up as well. But we have not been able to bring the two together. We have not been able to be responsible, both morally and fiscally, with this budget. Clearly, we need to do something different.

You cannot continue to do the same thing you have been doing over the years and expect there to be a different result.

What is the opposition? Some say, ''Don't change the Constitution. The Founders did not draft it that way and we should not change it.''

Of course, changing the Constitution is not something we take lightly. The process does not allow for it to be taken lightly. It requires a two-thirds majority of both Houses of this Congress. It requires that it be ratified by the State legislatures and in fact be ratified by the people. The Founders did not include it. However, Thomas Jefferson said that if he had had the opportunity to make one change, it would have been limiting the amount of debt that the Federal Government could undertake.

The Founders also did not have a $20,000 per person debt to deal with, which we do now. Each of us in this country has a $20,000 debt, in terms of the national debt.

The Founders did not have a huge Federal Government to deal with. The Founders, I believe it is fair to say, thought that this would be a federation of States in which the basic spending responsibility, the basic decision-making responsibility for most things in this Government, would be done by the States. They did not envision the kind of Federal Government that we have now.

Some say judges will make the decisions on the budget. I do not think there is a basis for that. Forty-eight States have balanced budgets in their legislatures. My own State of Wyoming has a balanced budget in the constitution that says they shall not borrow more than 1 percent of the value of the revenues. Judges do not do our budget. The legislature knows that they have to bring spending within revenues. And they do it.

Some say it will not work because the States have capital budgets. They do not all have capital budgets. Furthermore, even if you do have a capital budget, like you and I might have and have loans on our homes to pay, we still have to balance between our revenue, our budget, and our debt service. And we do not do that in the Federal Government.

So these arguments really are to define, I think, a philosophy. And there is a basic difference. There is a basic difference in philosophy and it is a legitimate difference. There are those who believe that Government should be big, it should spend more, it should be involved in more activity.

Some of us, including myself, believe that it should be smaller; that it should be limited. Those who seek larger Government would naturally oppose the balanced budget amendment. Those of us who think there should be some control, that Government is too big, that Government is too expensive, believe that a balanced budget amendment to the Constitution is the tool that we need to make it work.

So, Mr. President, I hope that we do move forward. It seems to me that we came here to undertake this task of resolving this question, regardless of the outcome. It seems to me that we do have a responsibility to vote. We have a responsibility to make the decisions. It is not an easy one. People see it differently. There is a legitimate difference of view.

But the idea of just continuing to string it out, I think, is not beneficial for us and is not beneficial for the country. We have to bite the bullet and do it, and I think the time is now.

I rise in support of a balanced budget amendment to the Constitution.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I believe we are still in morning business.

The PRESIDING OFFICER. The Senator is correct.

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

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 395 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana is recognized.

BUTTE'S GLOBAL TRANSPORTATION LINK

Mr. BAUCUS. Mr. President, as I have often said in the Chamber, particularly quite recently in the last couple of weeks, Micron, a semiconductor manufacturing company in Idaho, is selecting a site to build a computer chip manufacturing facility. One of the thirteen locations under consideration around the country is the city of Butte; that is, Butte, MT.

Access to affordable, efficient transportation is vital to the economic viability of any business. We all know that. American semiconductors in particular are the world's best. They need access. Micron sells chips all over the United States, also in countries like Singapore and Taiwan in East Asia and to the United Kingdom and Germany in Europe.

To reach all of these places, a modern company needs top quality transportation. And it may be surprising, but few places in America are better connected to world markets than Butte. Butte is sited at the juncture of two interstates, I–90 and I–15, interstates which respectively tie the east coast and the Great Lakes to the ports in California and Seattle.

This map shows, if you can see it, the two interstates, again I–90 east-west, I–15 north-south, the juncture in Butte, the only place in Montana where interstates cross like that.

Butte also is at the site of the interstates which connect Canada and Denver, Los Angeles, San Diego, Phoenix, and ultimately Mexico City, that is, north-south. It has a top quality, modern airport. It is served by two continental railroads. In this era of consolidation, that is unusual, Mr. President, but two continental railroads join in Butte; that is, the Union Pacific and the Burlington Northern.

And then we have the port of Montana, obviously, located in Butte. It is one of the Nation's first inland ports. Director of Marketing Bill Fogarty has made the port one of the finest intermodal facilities. Its access to transportation expands the markets for Montana's businesses and products.

MONTANA'S TRANSPORTATION HISTORY

Mr. President, all of this is no accident. It is no coincidence. Montanans have always known how important transportation is to a competitive business. As far back as Butte's mining boom and beyond, Montana has a long history of providing transportation options—options such as well-maintained highways, railroads, and airports.

As a testament of Montana's ''can do'' attitude, get this, camels—yes, camels—were brought to Montana in the summer of 1865 in an attempt to secure an economic and reliable source of transportation—camels back in 1865. And while camels did not prove the best solution to our transportation challenges, we in Montana have managed to integrate virtually all other kinds of transportation into our economy.

Historians cite 1841 as the date the first wagons were driven into Montana from the Southwest. Not long afterward, mule trains were bringing goods into and out of Montana. The mule trains needed roads to cross the rugged frontier, and one of the first routes in the State was authorized by U.S. Secretary of War John Floyd in 1858. The Mullan Military Wagon Road from Fort Walla in Washington to Fort Benton in Montana was constructed to transport troops and was completed in 1860.

I might add, Mr. President, my great grandfather, Henry Sieben, drove wagon trains on that Fort Mullan Trail. In fact, that was his line of business and that is how he got his start in the State of Montana.

By the time the wagon road was finished, the gold mining boom had begun. Discovery of mines in Idaho and Montana meant that we needed a shortcut from the Oregon Trail to the mines.

Well, in the spring of 1863, John Bozeman, a Georgian who migrated to Montana, teamed with a man named John Jacobs to build such a short road that is called the Bozeman Road.

Mr. President, these early roads were nothing like the blacktops we drive on today. In fact, one road was even described by travelers as ''50 miles long and 1 inch deep, according to the corroborative evidence of lungs and linen.''

But travel by land was not limited to roads. The first railroad to reach Montana Territory was the Utah & Northern, later known as the Union Pacific. This railroad was constructed to link business interests with the rich mineral and agricultural areas in Montana. The Utah & Northern built its first railroad bed in March of 1880. It continued building until it reached Silver Bow, a few miles west of Butte, on December 21, 1881.

Aviation secured an early place in the transportation system of Montana. Montana's first airline was the National Parks Airlines, which was founded in 1927 and offered service to Butte, Helena, Great Falls, and Salt Lake City.

And I might add there, my grandfather, Fred Sheriff, had a Ford trimotor and founded airports in Montana and worked very hard to get high quality aviation to Montana. Amelia Earhart spent much time in Montana, and I very much remember a photograph of my grandfather and Amelia Earhart when she was in Montana helping us to establish the highest quality aviation in our State.

MICRON AND MONTANA TRANSPORTATION

Mr. President, Montana has a long, proud history of efficient and productive transportation, and that history continues today in Butte.

We operate in a global economy these days, however, and the intermodal transportation partnership found in Butte will increase the productivity of Micron and lower the transportation costs to ship their products. This will improve the marketability of Micron's products and make it more competitive throughout the world.

Mr. President, I have been in the Chamber several times now describing the unique virtues of Montana and of Butte. Montana is a vast State. It is a beautiful State. As Micron prepares to make a final decision on the location of its new facility, I would like to end with a quote from an essay by Glenn Law, entitled ''More Than Skin Deep.'' And I quote:

> Montana's special gift is space, landscape made personal; space that reaches out to horizons and comes back and gets under your skin. It reaches inward, wraps itself around your soul, incubates and grows. When you finally begin to understand just what it is about Montana that is important to you, it has already taken root in your heart and you'll never be the same.

Mr. President, when Micron comes to Montana, they will understand the meaning of these words. They will never be the same. They will be better. There is no place in the world like Butte, and we look forward to opening our arms, welcoming Micron to Butte.

Thank you, Mr. President. I yield the floor. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

TRIBUTE TO GLEN WOODARD

Mr. GRAHAM. Mr. President, Florida and America have lost a big-hearted

man who worked hard to make his State and his Nation better: Glen Woodard of Jacksonville, FL.

Mr. Woodard was 77 when he died late last month in Jacksonville after a long illness. A vice president at Winn-Dixie Stores, Mr. Woodard was ''the last of a breed,'' his friend Bill Birchfield said admiringly.

Mr. President, I submit the following eulogy to Glen Woodard, delivered by Robert O. Aders in Jacksonville on January 28, 1995:

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

EULOGY TO GLEN WOODARD

(By Robert O. Aders, President Emeritus, Food Marketing Institute)

Glen, it is an honor to be invited to eulogize you. It is not the first time that I or others have praised you in public but it is the first time you won't have the last word. I speak on behalf of myself and Tabitha and your other close friends in the industry that you have served so well for so many years—on behalf of your many associates in FMI and other groups in Washington and the State capitols with whom you have worked to improve the food system and the supermarket industry—to improve the quality of government—and to improve the relationships between industry and government—in order to better serve the public. We have enjoyed considerable success in all these things and you have truly left your mark. You have made a difference. And today we celebrate your life.

We all lead our lives on many levels—our home, our church, our country, daily work, recreation. So did Glen Woodard. I would like to say a few words on behalf of those who knew him mostly in his Washington life, that part of his Winn-Dixie career where some of us in this room were his extended family. Glen was born in Washington, D.C.—says so in the Jacksonville newspaper so it must be true. But Glen always denied that. He didn't want to be a Washington insider. Instead Glen told a Supermarket News reporter who asked where he was born:

''Born in North Georgia in 1917, RFD 1, Clermont. Go out from Gainesville, turn left at Quillens store, going toward the Wahoo Church, and then past there up toward Dahlonega. We lived there till the Grand Jury met—then moved to Florida.''

My friendship with Glen goes back a long way. We both joined the supermarket industry 38 years ago. In 1957 Glen joined Winn-Dixie and I joined Kroger—he as a lobbyist, I as a lawyer.

These were the good old days of smaller government but it was growing and soon Kroger decided to form a government relations department. I was chosen to do it. We were going to lobby and all I knew about that was what you had to go through when you check into a hotel. Then I got lucky. The American Retail Federation was holding a regional conference in Springfield, Illinois, and the already-famous Glen Woodard was the featured speaker on ''lobbying.'' Glen spoke on the nitty-gritty of working with government—the day-to-day task of dealing with small problems so they don't get big—the same way we all deal with our family and business problems. He spoke on the day-to-day things that government does, wittingly or unwittingly, that impose a great burden on business. While business is focusing on the big issues we tend to ignore the minor day-to-day interferences that cost us money and slow us down. The title of his speech was repeated at just the right time throughout his presentation, in that patented stentorian voice. It was ''While you are watching out for the eagles you are being pecked to death by the ducks.'' And that was my introduction to the famous Glen Woodard vocabulary and the beginning of a long professional relationship as well as a personal friendship.

To Glen, a Congressman or a Senator was always addressed as ''my spiritual advisor.'' Glen Woodard's world was not populated by lawyers, accountants and ordinary citizens but by ''skin 'em and cheat 'ems,'' ''shiny britches,'' and ''snuff dippers.'' These people don't merely get excited, they have ''rollin' of the eyes'' and ''jerkin' of the navel.'' Colorful he was. But Glen needed that light-hearted perspective to survive, for Glen was in the middle of what is now called ''that mess in Washington'' from Presidents Eisenhower to Clinton. Working his contacts, talking to representatives and senators, walking his beat—those endless marble corridors of power—doing as he put it ''the work of the Lord.'' And, indeed, his work affected the law of the land.

And, indeed, that work was made a lot more fun for all of us by Glen's marvelous sense of humour and his wonderful delivery. I remember a meeting a few years ago with a top official in the Treasury Department. We had been stymied for years trying to change a ridiculous IRS regulation because of the stubbornness of one particular bureaucrat. One day Glen broke the logjam as follows: ''Jerry, I had occasion to pay you a high compliment when I was with the Chairman of the Ways and Means Committee last week. I said you were just great with numbers. In fact, you're the biggest 2-timin', 4-flushin', SOB I've ever known.'' He got the point and the rule was changed.

With all his blunt talk and tough wit, he was a kind and generous man. In fact, my wife described him when she first met him as courtly and gallant. That was at a luncheon at the Grand Ole Opry years ago. My mother was also present and Glen was with his beloved Miss Ann. My mother was so charmed that for the rest of her life she always asked me ''How is that wonderful gentleman from Winn-Dixie that you introduced me to in Nashville.'' Of course, Tab got to know the total Glen over the ensuing years at the many private dinners the three of us enjoyed when Glen was in Washington and had a free evening.

Those of us who worked at the Food Marketing Institute during Glen Woodard's career knew the many facets of this fine man. Always with us when we needed him, he was a brother to me and he was Uncle Glen to the young people on the staff.

Those young people he mentored over the years—young people now mature—carry the principles and values that he lived and taught. Here are some of them:

Integrity—stick to your principles.

Strength and toughness—take a position and stand on it.

Work ethic—It may not be fun at first. If you work hard enough you'll enjoy it.

Responsibility—Take it. Most people duck it.

Generosity—Take the blame; share the credit.

Reliability—Say what you'll do and then do it.

Fairness—It isn't winning if you cheat.

And finally, Grace under pressure.

On behalf of those young people, Glen, I say you brought a great deal of nobility to our day-to-day lives and you made us feel worthwhile.

A few years ago we tricked Glen into coming to a testimonial dinner on his behalf. He thought it was for someone else. The dinner menu was designed especially to Glen's taste. He always said he was sick of overcooked beef, rubber chicken and livers wrapped in burnt bacon. So we had a Glen Woodard menu prepared at one of the fanciest private clubs in Washington—The F Street Club. Their kitchen staff will never forget it. We had country ham, redeye gravy and biscuits with collard greens. We had cat fish, hush puppies and cole slaw. All the condiments were served in their original containers—ketchup in the bottle, mustard in the jar, and alongside each table a silver ice bucket we had Glen's cheap rose' wine in a screw-top bottle.

The FMI staff had prepared a special plaque for this man who already had a wall covered with plaques, but this was different and it expressed how the staff felt about him. It went this way:

''FMI to Glen P. Woodard, The Best There Is

''For nearly 30 years you have served your company and our industry in the area of public affairs with unparalleled skill and devotion. Currently chairman of the FMI Government Relations Committee, recent Chairman of the FMI Fall Conference, untiring laborer in the vineyards of government on behalf of the American food system, you have accomplished mightily for our industry.

''We salute your dedication, your knowledge, your wit and your style. And we treasure your friendship. You are, indeed, The Best There Is. And we love you. Washington, D.C., October 22, 1985.''

And that still goes Glen, old buddy.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about it but, up to now, hardly anybody has undertaken the responsibility of doing anything about it. The Congress now had better get cracking—time's a-wasting and the debt is mushrooming.

In the past, a great many politicians talked a good game—when they were back home—about bringing Federal deficits and the Federal debt under control. When they got back to Washington, many of these same politicians regularly voted in support of bloated spending bills that rolled through the Senate. The American people took note of that on November 8.

As of Friday, February 10, at the close of business, the Federal debt stood—down to the penny—at exactly $4,805,266,970,855.19. This debt, remember, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government should never be able to spend even a dime unless and until the spending had been authorized and appropriated by the U.S. Congress.

The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And do not be misled by declarations by politicians that the Federal debt was run up by some previous President or another, depending on party affiliation. Sometimes you hear false claims that Ronald Reagan ran it up; sometimes they play hit-and-run with George Bush.

These buck-passing declarations are false, as I said earlier, because the Congress of the United States is the culprit. The Senate and the House of Representatives are the big-spenders.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban Missile Crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occurred not long before.

Which sort of puts it in perspective, does it not, that Congress has run up this incredible Federal debt totaling 4,808 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at four trillion, 805 billion, 266 million, 970 thousand, 855 dollars and 19 cents. It'll be even greater at closing time today.

THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK

Mr. THOMAS. Mr. President, as the chairman of the Senate Subcommittee on East Asian and Pacific Affairs I intend to share with my colleagues my views on a specific area within the jurisdiction of the subcommittee every Monday. Today I rise to briefly address the current status of relations between the United States and North Korea [DPRK].

Since the division of the Korean Peninsula, we have not maintained diplomatic relations with the DPRK. While South Korea has prospered and grown into one of the strongest economic engines in Asia, the DPRK has become increasingly isolated, paranoid, and violent. If any country has come to epitomize a rogue regime, it is North Korea. In the 1960's the DPRK seized the U.S.S. *Pueblo* and its crew, and staged a violent attack on the residence of the South Korean President. In the 1970's Pyongyang perpetrated several acts of violence along the Demilitarized Zone, including the unprovoked ax murder of an American solder within the DMZ in 1977. In the 1980's the North orchestrated a bombing attack on the South Korean cabinet during a state visit to Burma, and in 1987 was responsible for blowing up a South Korean airliner with the loss of all aboard. The DPRK has constructed numerous tunnels under the DMZ into South Korea territory to facilitate invasion, some of which have been discovered and some of which, undoubtedly, have not. Finally, as noted in a story last week in the Washington Times, the Russian intelligence agencies have implicated the North Korean Government in a plan to distribute some 8 tons of heroin in Russia. And these are just the incidents we know about; I do not doubt but that this is, as the Korean would say, subak keot halkki—just ''licking the outside of the watermelon.''

Despite this, since 1988 the United States has begun a process of establishing a limited relationship with North Korea in an effort to draw that country out of its self-imposed isolation. The United States political counselor at our Embassy in Beijing has met dozens of times with his North Korean counterpart to discuss increased North-South dialog and a variety of other issues. However, since the early 1990's the DPRK's suspected nuclear weapons program has overshadowed all other issues.

Although a signatory to the Nuclear Nonproliferation Treaty, DPRK-ROK joint declaration on denuclearization of the Korean Peninsula, and an agreement with the International Atomic Energy Agency, North Korea is suspected of violating—and in some cases in known to have violated—all three. In late 1992, the IAEA discovered evidence that the DPRK has reprocessed more plutonium that it had disclosed. This worrisome because it may indicate that North Korea is reprocessing nuclear material for the purpose of developing military nuclear capabilities.

North Korea rejected a subsequent demand by the IAEA that it be allowed to inspect several nuclear sites to confirm or disprove its suspicions, and announced on March 12, 1993, its intention to withdraw from the NPT. The administration responded by initiating direct negotiations with the DPRK on the nuclear issue. Two meetings were held—one in New York in June 1993, and in Geneva in July of that year—at which time North Korea suspended its withdrawal from the NPT and agreed to negotiate with the IAEA and the ROK. The two governments also agreed to discuss the conversion of the North's nuclear reactors to light-water reactors—a reactor from which it is more difficult to manufacture weapons-grade nuclear material.

However, the DPRK continued to reject IAEA inspection of its facilities, and reneged on its promise to resume talks with the ROK. After several weeks of continued negotiations, in February 1994 the North eventually accepted the IAEA's suggested inspections. The administration agreed to suspend U.S.-ROK military training exercises for 1994 and begin a new round of talks in March as a quid pro quo for the North's agreement to implement the inspections and begin high-level negotiations with the ROK.

True to form, Pyongyang prevented the IAEA from completing the inspections and disavowed any obligation to begin talks with the ROK. As a result, the United States began discussions with members of the U.N. Security Council with an eye toward imposing sanctions on North Korea in order to encourage the DPRK to comply with its agreement. The North backed down, and completed the March inspection in May.

But before the United States could restart comprehensive negotiations, the North precipitated a new crisis in late May by removing some 8,000 spent fuel rods from its 5 Mw(e) Yongbyon reactor. The rods contained spent uranium from which plutonium could be separated out through reprocessing. The DPRK allowed IAEA inspectors to be present, but prevented them from sampling any of the rods—a process that would have allowed the agency to determine whether prior to 1992 North Korea had removed enough fuel rods from the reactor to produce weapons-grade plutonium.

Revisiting what had become a familiar scenario, the United States called North Korea's bluff and announced that it would again seek U.N. sanctions against that country, and circulated a draft resolution among the members of the Security Council. When the DPRK learned that the People's Republic of China would not veto the resolution, it quickly resumed negotiations.

Over the ensuing months, the parties worked out a final agreement which was signed in Geneva on October 21, 1994. I will not go into any great detail about the specifics of the agreed framework as they were recently discussed at length in two hearings before the Senate Foreign Relations Committee. Although in the end I saw little alternative but to support the administration's deal, I will say that certain portions of it made me somewhat uncomfortable. Principal among those is the requirement that the United States supply North Korea with 500,000 tons of heavy oil annually until the first light-water reactor called for under the agreement is up and running. We agreed to supply the DPRK with this, and the two light-water reactors, in return for North Korea halting the development of its nuclear program.

I was not convinced at that time, nor am I now, that we got the best end of the deal. North Korea is receiving a shot in the arm that will go a long way toward forestalling what will certainly be North Korea's economic implosion. We, on the other hand, only received an intangible promise on the DPRK's part that I do not believe we have the means adequately to verify. Moreover, it was my view at that time that we had been too quick to reward a tantrum by a spoiled child, since such a move almost invariably results in another tantrum.

In the last week, I believe we have seen my views validated. During talks in Berlin last week the North Koreans demanded another $500 million to $1 billion as part of the bargain to which they had already agreed. In addition, they refuse to allow South Korea to supply the reactors as the United States has agreed. Considering their negotiating style, and the speed with which we have seemingly met their demands, this should not have come as any great surprise to anyone.

I believe that the administration will see this move for what it is, simply a ploy of brinksmanship, and dismiss it clearly and directly. But should that not be the case, let me be very clear on my position for the North Koreans, who appear to be confused as to our resolve in this area. I will not support

the provision by the United States of one scintilla more than is called for in the agreed framework without substantial concessions from the DPRK; nor will I accept any diminution of the central role that has been set out for the ROK. South Korea is making a huge contribution to implementing the agreement, and it is their national interest that is clearly most at stake. To accede to any demands by the DPRK in this regard is to assist it in its ongoing attempts to increase the United States-DPRK relationship at the expense of any North-South dialog.

Mr. President, I trust that the administration will resist this latest round of inane demands, and refrain from allowing the DPRK to use this issue to turn us into a cash cow. My subcommittee will be watching this area closely to ensure that it does so. I intend to hold a regular series of hearings to afford the administration the opportunity to keep us up to date on developments in this area.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of House Joint Resolution 1, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

Pending:

Reid amendment No. 236, to protect the Social Security system by excluding the receipts and outlays of Social Security from balanced budget calculations.

Mr. HATCH. Mr. President, the problems I have already outlined in this debate are not the only objections I have to the proposed exemption. The attempt to insert a reference to a mere statute into the Constitution raises serious questions of constitutional and legal policy which argue against including such a reference.

This amendment exemption proposes to take particular statutes of the United States and graft them onto the Constitution of the United States. This is unprecedented. It may have the effect of giving future statutory enactments constitutional significance. In other words, this amendment seems to establish a sort of quasi-constitutional device whereby Congress and the President—or Congress alone if it overrides a Presidential veto—can do something of constitutional significance by enacting a mere statute.

This amendment would exclude from the general definitions of receipts and outlays in the balanced budget amendment the receipts and outlays of the Federal old-age and survivors insurance [OASI] trust fund and the Federal disability insurance (DI) trust fund.

This amendment would constitutionalize the OASI and DI trust funds on the date of enactment and forever thereafter, however amended. This is no small point.

The entire Social Security Act has been amended hundreds of times. The key section that establishes the old age survivors insurance trust fund and the disability insurance trust fund, or title II of the Social Security Act, has been amended over 20 times, or about once every 3 years. The pace of amendment has increased in recent years. Twelve of these amendments have been made since 1980, or almost once per year.

This amendment is not restricted. There is no limit on the subject matter of future amendments. It will constitutionalize every program or policy that future Congresses add to title II, whether or not related to the original purposes of those trust funds.

Of course, the pace of amendments to title II will likely increase rapidly because this amendment provides an incentive for adding extraneous items: Once in title II, the additional receipts and outlays will be off budget and exempt from the strictures of the balanced budget rule.

Under this amendment, future amendments to title II may have constitutional significance. If this provision were added to the constitution, any amendment to title II, no matter how narrow or minute, would have some constitutional significance.

For example, section 201 of the Social Security Act was most recently amended on October 22 of last year by section 3(a) of the Social Security Domestic Employment Reform Act of 1994. Had the provision offered today been in the Constitution at that time, the language on this chart would have had some kind of constitutional significance. Just look at it:

Sec. 3(a) ALLOCATION WITH RESPECT TO WAGES.—Section 201(b)(1) of the Social Security Act (42 U.S.C. 401(b)(1)) is amended by striking ''(O) 1.20 per centum'' and all that follows through ''December 31, 1999, and so reported,'' and insert ''(O) 1.20 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 1994, and so reported, (P) 1.88 per centum of the wages (as so defined) paid after December 31, 1993, and before January 1, 1997, and so reported, (Q) 1.70 per centum of the wages (as so defined) paid after December 31, 1996, and before January 1, 2000, and so reported, and (R) 1.80 per centum of the wages (as so defined) paid after December 31, 1999, and so reported,''.—P.L. 103–387, §3(a), 108 Stat. 4074–75, Oct. 22, 1994.

Could you imagine what that would mean to the Constitution?

This is not the sort of soaring language proclaiming broad and timeless principles we usually associate with the Constitution. But it is the kind of language that will be given at least quasi-constitutional status by this proffered amendment by those who are offering it. I would think anyone who reveres the Constitution would want to avoid cluttering up the Constitution and the constitutional order by adopting this amendment and giving such legislative language some new paraconstitutional status.

The language of the Reid amendment, like the slogans surrounding it, may look or sound simple, but it has extraordinarily complex implications. The amendment is short because it uses titles, but using simple labels does not simplify the legal ramifications.

This amendment refers to the Federal old-age and survivors insurance trust fund and the Federal disability insurance trust fund, but they, together with their legislative histories, take up some 300 pages in the United States Code. You can find it at title 42, United States Code sections 401–433. I am citing the 1988 edition and supplement V of 1993. There are also volumes of relevant judicial opinions and agency rules and adjudications which could be affected. This amendment's implications are a little clearer if restated with elaboration, as shown on this chart.

Again, is this the kind of constitutional language we want to put in the Constitution?

Look at this next chart:

The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund—

By the way, those are the receipts and outlays mentioned in the Reid amendment.

and the Federal Disability Insurance Trust Fund [comprising Title II of the Social Security Act, 42 U.S.C. Sec. 401(a)–(m), Sec. 402(a)–(x), Sec. 403(a)–(l), Sec. 404(a)–(e), Sec. 405(a)–(r), Sec. 405a, Sec. 406, Sec. 407, Sec. 408, Sec. 409, Sec. 410(a)–(q), Sec. 411(a)–(i), Sec. 412, Sec. 413(a)–(d), Sec. 414(a)–(b), Sec. 415(a)–(i), Sec. 416(a)–(l), Sec. 417(a)–(h), Sec. 418(a)–(n), Sec. 420, Sec. 421(a)–(k), Sec. 422(a)–(d), Sec. 423(a)–(i), Sec. 424(a)–(h), Sec. 425(a)–(b), Sec. 426(a)–(h), Sec. 426–1(a)–(c), Sec. 426a(a)–(c), Sec. 427(a)–(h), Sec. 429, Sec. 430(a)–(d), Sec. 431(a)–(c), Sec. 432, Sec. 433(a)–(e) (1988 ed.), as amended, where relevant, and comprising tens of thousands of words, together with all relevant judicial decisions and agency rules and adjudications, comprising millions and millions of words] used to provide old-age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

Additionally, title II of the Social Security Act is referred to in numerous other sections of title 42 of the United States Code, and it is also referred to in titles 2, 5, 7, 10, 12, 14, 22, 26, 29, 30, 38, 45, 49 appendix, and 50 appendix of the United States Code.

Mr. President, there are further complications raised by the drafting of this attempted statutory exemption. The drafters of the Reid exemption amendment have attempted to narrow the scope of their exemption from previous incarnations by adding an attempt at limiting language. This attempt to paper over the gaping, and hugely elastic loophole created by this amendment only serves to further clutter the constitutional subtext and confuse the

constitutional implications of this provision. The Reid exemption states that it only applies to funds which are used for ''old age, survivors, and disabilities benefits.''

But it fails to define those terms. The other way you can find the definition is through the statute. The Social Security statute which does attempt to define some of these terms does little to put me at ease about the vagueness. Just look at some of the definitions of that act on these posters. Let us take these two posters behind me and see what I mean about constitutional confusion. This is ''Constitutional Language?'' Again with a question mark. ''42 U.S.C. section 306, definitions.''

Section 306 defines ''old age assistance'' in the first sentence of the section. But it does not end there.

For the purposes of this subchapter, the term ''old age assistance'' means money payments to, or if provided in or after the third month before the month in which the recipient makes application for assistance, medical care in behalf of or any type of remedial care recognized under State law in behalf of, needy individuals who are 65 years of age or older, but does not include any such payments to or care in behalf of any individual who is an inmate of a public institution except as a patient in a medical institution. Such term also includes payments which are not included with the meaning of such term under the preceding sentence, but which would be so included except that there are made on behalf of such a needy individual to another individual, who (as determined in accordance with standards prescribed by the Secretary) is interested in or concerned with the welfare of such needy individual, but only with respect to a State whose State plan approved under section 302 of this title includes provision for * * *.

That alone shows the problems of writing a statute into the Constitution. But let me read the rest because I think it is worthwhile to the people of this country so see how really absurd this becomes, if we adopt the Reid amendment.

No. 1:

Determination by the State agency that such needy individual has—can you imagine what ''needy individual means''—by reason of his physical or mental condition—can you imagine what that means—such inability to manage funds—can you imagine what ''managed funds'' means—that making payments to him would be contrary to his welfare—do you know what ''welfare'' means—and, therefore, it is necessary to provide such assistance—what does ''assistance'' mean—through payments—what does that mean—described in this sentence.

That just gives you a little bit of an idea what writing a statute into the Constitution means.

No. 2:

Making such payments only in cases in which such payments go will under the rules otherwise applicable under the State plan for determining need and the amount of old age assistance to be paid and in conjunction with other income and resources meet all of the needs of individuals with respect to whom such payments are made.

Just the word ''needs'' gives you heartburn. That could be defined in many different ways. But every word in there can be defined.

No. 3:

Undertaking and continuing special efforts to protect the welfare of such individual and to improve, to the extent possible, his capacity for self-care and to manage funds.

Can you imagine what they could do with this language?

No. 4:

Periodic review by such State agency of the determination under paragraph 1 of this subsection to ascertain whether conditions justify such determination still exists and provision for termination of such payments, if they do not, and for seeking judicial appointment of a guardian or other legal representative as described in section 1311 of this title, if and when it appears that such action will best serve the interests of such needy individual; and * * *.

Let us read No. 5:

Opportunity for a fair hearing before the State agency on the determination referred to in paragraph 1 of this subsection for any individual with respect to whom it is made.

At the option of a State if its plan is approved under this subchapter so provides.

So we have State plans brought into this. What does that mean? Can we have 50 different State plans? Of course, you can.

Such term (i) need not include money payments to an individual whose absence from such State for a period in excess of 90 consecutive days regardless of whether he has maintained his residence in such State during such period, until he has been present in such State for 30 consecutive days in the case of such an individual who has maintained his residence in such State during such period, or 90 consecutive days in the case of any other such individual, and (ii), may include rent payments made directly to a public housing agency in on behalf of the recipient or a group or groups of recipients of assistance under such plan.

Can you imagine if this is written into the Constitution—which it will be because receipts and disbursements will be written into the Constitution—can you imagine what just these paragraphs will do? These are only some of the 300 pages of legislation that come under the title of what is trying to be excluded from budgetary considerations under the balanced budget amendment. You can see why some of us feel that is not the way to approach this problem. It is not the way to protect Social Security because I can give you at least 3,000 different ways right off the top of my head if I had to—it would take us a few days—as to how all those terms can be interpreted, or probably 100,000 different ways given enough time. Once that starts, Social Security is going to be the first to be bombarded by every special interest group in the country under needy, those who are needy, those who are elderly, those who live in housing projects, those who have any number of these qualifications listed just in these few paragraphs. Like I say, we have 300 pages of the Federal Code on this. That could not even begin to touch the thousands and thousands of pages of regulations pertaining to it.

Section 306 right here defines old age assistance in the first section of this section. But like I say, it does not end there.

The next sentence says:

Such term also includes payments which are not included with the meaning of such term under the preceding sentence, but which would be so included except that they are made on behalf of such a needy individual to another individual who (as determined in accordance with standards prescribed by the Secretary)—in other words, the Secretary can prescribe the standards. That becomes constitutional, or at least constitutional as long as it is law.

* * * is interested in or concerned with the welfare of such needy individual, but only with respect to a State whose State plan approved under section 302 * * *.

This goes on and on.

Mr. President, this is not language which belongs in our Constitution. This is legal double-talk, not the consistent, clear statement of principles which we have come to associate with the Constitution.

Remember, since this definition is only in a statute, that statute can be easily amended as we already mentioned. Future Congresses can dramatically alter this definition and thereby change the whole meaning of the constitutional language.

The statutory definition of ''disability'' is even more convoluted. Just look at it here on this next poster. It goes on for no less than four pages in the United States Code. It has six subsections, and eight sub-subsections.

Both the definition of ''old age assistance'' and this definition are subject to change through regulations issued by the Secretary. That means that the Secretary of Health and Human Services can amend the Constitution without any action by the Congress. Let me repeat that. The Secretary of Health and Human Services, an appointee of the President, who at best is going to be a temporary occupant of the White House, whoever the President is, that means Secretary Shalala and her successors will be empowered to define constitutional terms for bureaucratic rulemaking. As I have said before, here we are in this new Congress trying to reduce the power of the bureaucracy, and here we have an amendment which is trying to ''constitutionalize'' it. This is a constitutional abomination.

Let me make that case again. ''Constitutional Language?'' and a question mark. Title 42 United States Code, section 423, disability insurance benefit payments. This is just one of the definitions that can be changed. Any word can be changed, any paragraph, any phrase, any sentence. Anything in here can be changed by a mere change of statute. But this amendment writes this into the Constitution, which means that although it becomes part of the Constitution, should there be enough votes for it, it can be changed any time anybody wants to change it. Look at this. Look how difficult it is. Disability defined:

The term ''disability'' means, paragraph (a), the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which could be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months, or, (b), in the case of an individual who has attained the age of 55 and is blind within the meaning of blindness as defined in section 416(i)(1) of this title, inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

Now, they can add another whole alphabet of provisions there and paragraphs if they want to in future Congresses and all of that becomes part of the Constitution.

Let us go to paragraph 2.

For the purposes of paragraph 1(a). (A) An individual shall be determined to be under a disability only if his fiscal or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy—

Can you imagine the loophole there?

regardless of whether such work exists in the immediate area in which he lives or whether a specific job vacancy exists for him or whether he would be hired if he applied for work. For the purposes of the preceding sentences with respect to any individual, work which exists in the national economy means work which exists in significant numbers either in the region where such individual lives or in several regions of the country.

As you can see, it is legal doublespeak—nevertheless important. But is it important enough to put into the Constitution? I just cannot imagine why anybody would want to do that.

3. For purposes of this subsection, a ''physical or mental impairment'' is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.

Can you imagine how that could be amended?

4. The Secretary shall by regulations prescribe the criteria for determining what services performed or earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity.

Boy, talk about giving the Government control of our lives. Put that into the Constitution and, my gosh, it is going to be unbelievable. It is bad now; can you imagine what it would be like if we put it into the Constitution?

No individual who is blind shall be regarded as having demonstrated an ability to engage in substantial gainful activity on the basis of earnings that do not exceed the exempt amount under section 403(f)(8) of this title which is applicable to individuals described in subparagraph (D) thereof. Nothwithstanding the provisions of paragraph (2), an individual whose services or earnings meet such criteria shall, except for purposes of section 422(c) of this title, be found not to be disabled. In determining whether an individual is able to engage in substantial gainful activity by reason of his earnings, where his disability is sufficiently severe to result in a functional limitation requiring assistance in order for him to work, there shall be excluded from such earnings an amount equal to the cost (to such individual) of any attendant care services, medical devices, equipment, prostheses, and similar items and services (not including routine drugs or routine medical services unless such drugs or services are necessary for the control of the disabling condition) which are necessary (as determined by the Secretary in regulations) which are necessary (as determined by the Secretary in regulations) for that purpose, whether or not such assistance is also needed to enable him to carry out his normal daily functions; except that the amounts to be excluded shall be subject to such reasonable limits as the Secretary may prescribe.

I think I am making the case. Those who are arguers for this or proponents of it are saying all we are asking for is that the receipts and disbursements be put off budget. It is not as simple as that. We all know that every word in the Constitution has resplendent meaning. Every word can be interpreted by the courts in different ways. Every word can be interpreted by Congress in different ways and by the President in different ways. So when you put this into the Constitution and it is a statute, a mere statute at that, albeit important, then you are just asking for it because that becomes a loophole for which you can drive anything you want to drive.

Mr. President, the Framers used only a few thousand words. You can read the Constitution in a half hour from beginning to end, including the amendments. It took a few thousand words, or less than 2,500 words, I think, to create the U.S. Constitution. Title II of the Social Security Act, on the other hand, is comprised of tens of thousands of words and hundreds of pages and thousands of regulations. Many of those are going to have some constitutional significance if the Reid amendment is accepted. Is this what we want to add to our Constitution?

I would like to point out that none of these issues that I am raising can be solved by more elegant drafting. The constitutional problems raised by the unprecedented step of attempting to incorporate a mere statute into the Constitution are simply insuperable. No variations on the theme presented in this amendment can be fixed by an alternative rendering. This amendment and all variations on it are simply unacceptable and wholly inappropriate for a constitutional amendment.

Mr. President, this is not simple stuff we are doing here. This is not a simple amendment. This is not a constitutional amendment, the way they have drafted it. It is placing a statute and all that that statute means and may mean and will mean in the future into the Constitution where they could write anything into it they want. Under the guise of trying to do something good—that is, protect Federal and old age survivors insurance, their trust fund and the Federal disability trust fund, the Reid amendment would constitutionalize those trust funds on the date of enactment or ratification and forever thereafter, however amended. Like I say, that is no small point. The Social Security Trust Act—both of these trusts have been amended a number of times. I am very concerned if we put language like this into the Constitution.

Let me just spend a few minutes on why is this language essential. Last Friday, we had the pictures of young kids whose future depends on whether we pass the balanced budget amendment or not, whether we are going to get spending under control, or whether we are going to get serious about it, or whether we are going to have a mechanism in the Constitution to help us to get serious about it.

It is no secret to anybody that because of voting power, our seniors now have some of the most massive power in our country today. We keep putting more and more money into our seniors and more and more children are left behind. That is not a reason not to help our seniors. But I do caution everybody that we have to worry about helping our children, too, because they are the future generations who have to pay the price so that the seniors can get their Social Security. But it still does not negate my point.

My point is that the seniors are one of the most powerful voting blocks in our country today and, rightly so; I find no fault with that. They should exercise their voting power. On the other hand, are we not shortchanging the children if we just worry about the seniors, when they have the power to compete very well with every other item in the Federal budget? If we pass the constitutional amendment without the Reid language, everybody knows that the Congress of the United States is going to have to take care of the seniors because of the voting power and because it is the right thing to do.

On the other hand, are we going to do that to the exclusion of everybody else in our society, to the exclusion of children, who are continually getting less and less of the Federal pot in comparison? Well, I hope not. But the only way you can balance these things up is not by writing one special interest group into the Constitution when they have the power and the most massive power in our country today to get their will done anyway. Our seniors and Social Security and most every program pertaining to seniors will complete excellently against all other spending programs of the Federal Government. There is no doubt in my mind about that, and I do not think there is any doubt in anybody else's mind.

In conclusion, Mr. President, I see that the distinguished Senator from New York is here and may want to speak on this subject. The biggest threat to Social Security is our growing debt and concomitant interest payments. Debt-related inflation hits especially hard those on fixed incomes, and the Government's use of capital to fund

debt slows productivity and income growth.

The way to protect Social Security benefits is to support the balanced budget constitutional amendment and balance the budget so that the economy will continue to grow. Senior citizens know this. That is why a recent poll shows that an overwhelming 91.8 percent of senior citizens favor a balanced budget amendment. They know it is simply the best way to protect their children and grandchildren and the best way to ensure that runaway deficits do not lead to runaway inflation, which hurts those on fixed incomes especially hard.

Being a supporter of both the balanced budget amendment and Social Security, I believe this exemption raises major concerns. The proposal before us now, to exempt Social Security, will not only destroy the balanced budget amendment but will cause the Social Security trust fund to run out of money sooner than it would under a clean balanced budget amendment. And I believe that the Senate has already voted on a better way to protect Social Security, which would protect Social Security from benefit cuts and tax increases to balance the budget.

Let me repeat in no uncertain terms that the best way to protect the Social Security program in our country is to pass a clean balanced budget amendment. This is the best and most appropriate way to protect Social Security for our seniors and for all other generations, and to provide for a future for our children and our grandchildren, those who are going to have to work very hard to pay for our Social Security.

I do not know how anybody can read that amendment that is the current pending amendment before this body and not be concerned about writing a statute into the Constitution and about opening loopholes through which you could drive spending trucks bigger than any trucks we have every driven through spending loopholes in the history of the Congress, and do it in a way that totally negates and makes feckless the balanced budget constitutional amendment.

With that, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, when in doubt, wave your arms, scream and shout.

Now, my friend from Utah has not been screaming and shouting because, in his mild manner, that is not how he speaks. But it appears clearly that those who are looking for a way to oppose this amendment to exempt Social Security are in doubt. That has to be the case, based upon the argument we have just heard.

Mr. President, I have here a copy of the Constitution of the United States. Let us flip over to——

What do we pick? Let us pick amendment No. 16. Amendment No. 16 is the amendment that allows this country to collect an income tax. I do not know how many thousands of books—not words or paragraphs, books—are in our statutes and codes regarding IRS. Now, using the logic of the manager of this bill, the 16th amendment is inoperable.

We could take the 14th amendment. We know the spate of litigation and legislation that has ensued following the passing of this very important amendment, that dealing with equal rights, due process under the law. How many thousands of words are in our statute books regarding due process? Does that mean it is not a good amendment or it is an unworkable amendment? The obvious answer is no.

Mr. President, what about the 19th amendment? This is the amendment giving people in our country, regardless of sex, equal rights. How many statutes, how many pages in our code books are relating to the 19th amendment?

I say, respectfully, that the argument of the manager of this bill indicates to me that there are grave reservations on their behalf that their position is valid. Otherwise, how could they come up with anything as ridiculous as reading statutes that apply to a particular part of the constitutional amendment?

My friend from Utah used a couple of terms that I think are reversibly applicable, ''legal doubletalk.'' Well, I am not sure legal doubletalk is really clear enough. It is at least 10 or 12 times more than doubletalk. Another statement made by my friend from Utah is, ''I think I am making my case.'' With all due respect: Sorry, case not made.

I see a member of my staff walking in here. I sent him out just a minute ago to see what he could grab close by that were code books relating to the 16th amendment. These are just a couple at random that were grabbed right outside the doorway here.

I do not know, Mr. President, how many pages we have here. This book has about 1,600 pages; this book about 1,200 pages; this book about 1,700 pages. These are just a few. These are all my staff could lug in for illustrative purposes.

So we have been through this argument on a previous occasion that the problem that we now have——

I did not write it. Somebody drafted a constitutional amendment to balance the budget. I say, we have a tremendous amount of precedent on this floor that indicates that we, as a Congress, want to keep Social Security out of our general revenues.

The balanced budget amendment does just the opposite. The language of the balanced budget amendment—I will go into this in more detail later on—but the language of the balanced budget amendment, House Joint Resolution 1, says: ''Total outlays shall include all outlays of the United States Government.'' That is what it says. I did not write it.

And I want to simply state that this amendment keeps out of the general revenues of this country Social Security. That is what this amendment does. It very simply and concisely does that. Social Security should rise or fall on its own merits.

Mr. President, we have heard a lot here this morning, really not too much, that we do too much for senior citizens; we have to worry about our children. I believe we do not do too much for senior citizens. In fact, if you will look at the State of Nevada as an example, you will find that, in Nevada, the average retired worker gets $680 a month.

That is really not a lot of money. I ask anyone within the sound of my voice—and there are plenty of them—who do try to live on $680 a month, how difficult it is.

But most people that are living on $680 a month are seniors. They do not qualify for welfare. Why? Because they are Social Security recipients.

So we do not really overpay senior citizens who are recipients of Social Security. In fact, Mr. President, it is quite the opposite. They are not welfare recipients. They receive benefits from Social Security that they paid into while working and their employer paid into. That is now 12.4 percent of their monthly income.

This Nation was founded based on a core belief that governments are instituted and exist not as rulers but as servants of the people.

The American people are good masters. They are tolerant of mistakes and waste which would have most employees, perhaps, out on the street. But like all employers, the American people have a characteristic that they will not tolerate, and that is dishonesty.

As the servants of the people in 1935, this body and the Government of which we are a part, made a promise to the Nation that we would create a separate insurance trust fund paid for, Mr. President, out of working people's pockets, to provide for the widowed and the aged, the orphaned, and the infirm.

As servants of the people, we radically overhauled the fund in the early 1980's, substantially raising the tax burden that people had to bear in order to secure the Nation's solvency and the system's solvency. That overhaul worked, Mr. President.

The Social Security trust fund now pulls in a substantial surplus to provide for the future when America's graying baby boomers need their promised retirement. There are those, however, who would raid that account to pay for the mess created by the reckless deficit spending in the general fund.

During the past few weeks, I have urged each Senator not to violate the Social Security trust fund in the name of a balanced budget. This would be like going out of your home to go grocery shopping, and when you get there someone has picked your pocket.

To violate Social Security, Mr. President, would not resolve the central problem of this Government, created over the last decade and a half, that we have spent more than we have taken in, and at a very reckless pace, but would create a new and wholly illusory source of revenue which would encourage more spending, not the reductions we so desperately need to put in place.

It would also do something even worse. It would dishonor a promise we made to the American people when we completely overhauled the Social Security system. It would prove this Government unworthy of the only thing it has which really matters: the trust of the American people. It would shred the Social Security contract created by the legislators and presidents of yesteryear, and it would justify the cynical rejection of our core values, which is already so badly infecting many of our young people.

There was a time in this country when honor was an individual's most important possession. There was a time that as a people, we looked to a national honor as our most honored birthright. There was a time when one's word was his bond.

So, my colleagues, my fellow Senators, is that time passed? Have we become such little men and little women, of such low morals and such easy virtue, that we can disregard our solemn vows to those whom we serve, to the oaths that we made, to the values we espouse? I think not.

Sixty years ago, this body made a promise to the American people that we would not touch the Social Security trust fund for any other purpose. This promise was reaffirmed by President Reagan, Speaker of the House, Thomas ''Tip'' O'Neill, Claude Pepper, and the chairman of the Aging Committee, my friend, the senior Senator from New York, who was in on the program to bail out Social Security.

They did it because it was the right thing to do. We should do this because it is the right thing to do. Keep that promise, because it is the plaintive plea of the American people: This Reid amendment is not only for senior citizens, it is for all Americans, so Social Security will protect them.

Mr. President, I see on the floor, the senior Senator from New York and the senior Senator from Florida. I have some questions I want to ask the Senator from Florida. How long will the Senator from New York speak?

Mr. MOYNIHAN. Mr. President, I would like to speak for approximately 10 minutes to make a point in support of the Senator from Nevada.

Mr. REID. Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, I am happy to have this opportunity to make a point which I will summarize first, which is that the analyses of the effect of the balanced budget amendment that have been prepared in the Department of Treasury, for example, have typically been static estimates of the reduction of Government programs and Government transfers that would be required to reach a balanced budget by the year 2002. I think the familiar figure is about $1.2 trillion, and we will get that much less in the way of highway funds and this much less in the way of some other program.

I would like to introduce not a new thought but a parallel—and in my view, much more important—point which is that we put in jeopardy with a balanced budget amendment everything we have learned in the 60 years since the Great Depression about Government's capacity, through fiscal policy and monetary policy, to restrain the business cycle and put the economy on a steady path of economic growth.

The Senator from Nevada speaks of the Social Security trust funds. They are in surplus. In 1977 we moved from a pay-as-you-go system which was purely intergenerational. Persons paid into system and moneys were received by people who had left the system, or retired. We went to a partially funded basis in anticipation of the baby boom retirement. We put in place a surplus which would—just to give a sense of the dimension—would buy the New York Stock Exchange.

But we have not saved it. It was used to run or pay down the public debt, which translates into an increase in investment. We have used it for general fund purposes as the Senator from Nevada has said.

All should be on notice that that surplus, that cash surplus, runs out in the year 2012. Thereafter, the increasing portions of the Social Security payments will have to be brought out of the economy generally, not from the payroll tax. The year 2012 is not that far in the distance. I would be closer to 2012 than I would be from the time that I entered the U.S. Senate.

Therefore, the great issue is to maintain the economic growth of the past four decades, which marks a great change in our understanding of this subject. How to maintain more or less steady growth without the panics and depressions that have preceded it for a century and brought the great crisis of capitalism as it was understood to be in the 1930's.

Here is a chart with one of the most remarkable bits of line drawings we will ever see. Here is the real growth, percent change of real GDP—which is gross domestic product—from 1890 up to 1945. Look at that graph. Up, down; up, down; up, down. Three distinct times in that 60-year period there is a drop in GDP of 5 percent; twice there is a drop of 10 percent; once a drop of 15-percent. That 15-percent drop was the 1930's. If you liked the 1930's, you would like what came out of the 1930's—war. World war, with horrors still shaping citizens.

It was thought, what could be done? Classical economics taught us that markets clear, prices change, and we always get the full use of resources.

In the 1930's, an economics developed that we associate with John Maynard Keynes, however, he is not the only one that said, ''No, no, you can have an equilibrium with large proportions of capacity in the work force and capital unused.'' That was the great insight of the 1930's.

And now, Mr. President, if I may say, I speak about what I saw. I came to this city in the Kennedy administration. I became Assistant Secretary of Labor for Policy Planning and Research. The Bureau of Labor Statistics provided the data on which our economic policies were based. We had in 1958 the first real recession in the postwar period. Unemployment reached 6.8 percent. Then a recovery began in 1959 and 1960. Then it stalled, and President Kennedy came in and unemployment was 6.7 percent.

What to do. The analysis, and a correct one, which followed through three Presidencies, was that the revenues of the Federal Government were greater than its outlays. We kept running a surplus. In consequence, you had fiscal drag. You never reached full employment.

The Kennedy advisers thought of anything that came to mind. They moved the annual dividend on the veterans' affairs life insurance up one-quarter, which brought $300 to our household. Then inspired, they doubled the dividend, which actually brought us enough money to reach $1,000, which was a downpayment on the farm we still live in at Pindar's Corner in New York. Walter Heller, with the aid of Joseph Pechman at the Brookings Institution, thought about revenue sharing; if we could give money to the States, they would spend it, and you would not have the fiscal drag of surpluses.

President Johnson's people ascribed to this approach to fiscal policy and followed it pretty much. They did not quite deal with the inflationary aspects brought on by spending in the Vietnam war. President Nixon had to bring that down, but then he had to stimulate it up again.

George Shultz, one of the great public men of our age, as the first Director of the Office of Management and Budget, put in place a balanced full employment budget which he defined as one in which actual outlays did not exceed revenues that would come in at full employment. We built in a deficit to increase employment. It is a little arcane but not so arcane. Your average high school graduate can understand it. It is just if you have been out of high school a long time, it is a little harder.

Look at that performance—up, down; up, down; up, down; prices, panic, depression, and since 1945, a steady growth. This represents real growth, increases in GDP each year, a little tick in 1958, a little tick in 1961, another tick in 1979. The only real recession was 1982, when GDP dropped about 2 percent. Otherwise, steady growth. A great achievement in social learning. I

do not know the equivalent in modern times. And we put it directly in jeopardy with this amendment. A balanced budget, for 12 months; if you think about it, it is an agricultural cycle. We do not live on an agricultural cycle, Mr. President. We live on a 5-year cycle, or something like that.

I would like to go back to the Smoot-Hawley tariff, which was another idea on this floor in 1930. At that time, 1,028 economists pleaded with Herbert Hoover not to sign that bill. He signed it. Within a year, the British had gone off free trade into imperial preference. The Japanese went to the Greater East Asian Prosperity Sphere. In 1933, with unemployment at 25 percent, Adolf Hitler became Chancellor of Germany in a free election within the Parliament. This is what we climbed out of in the way of knowledge and what we are plunging back into in our ignorance.

In 1979, I asked Charles Schultze, then Chairman of the Council of Economic Advisers, would he run the 1975 recession on a computer down at the Council with a balanced budget amendment. He wrote me that the computer blew up—GDP dropped 12 percent.

Just now, Dr. David Podoff, the former chief economist of the Committee on Finance—and now minority chief economist—who studied under Robert Solow, Paul Samuelson, and Franco Modigliani, three Nobel laureates, simulated a drop in the 1995 economy if some—I use a big term—exogenous shock came along, oil prices doubled, Mexico defaulted—you can name a lot of things—and unemployment went up by 3 percentage points. Using Okun's law, as to what a rise of 1 percentage point in the unemployment means, a drop of about 2.5 percent in GDP, he comes up with a new equilibrium of 18 percent below GDP's potential because of this amendment. Unemployment 12 percent. The last time we had 12 percent unemployment was 1937.

That is why, just as the economists tried to warn in 1930, last week Robert Solow of MIT came here with other economists, and read a statement opposing the balanced budget amendment that he and Paul Samuelson, both Nobel laureates, had written. The petition—circulated by Mr. Jeffrey Faux made a number of points about this proposal. But No. 2 is this:

> Even if economic forecasting could be done with pinpoint accuracy—

As the Senator from Nevada knows, it cannot be done and as he was saying—

> requiring balanced budgets in each fiscal year, regardless of prevailing economic circumstances, is bad public policy. The Federal Government, unlike State and local governments or individual households, has a special responsibility to finance its operations in a way that helps balance economic activity in the entire economy. When the private economy is in recession, a constitutional requirement that would force cuts in public spending or tax increases could worsen the economic downturn, causing greater losses of jobs, production, and income.

Mr. President, we know this, we have shown it, we have done it, and they will curse this generation in times come if we ever inflict this abomination on the Constitution of the United States.

We will not have the resources to pay Social Security benefits. The economy will be stuck at 80 percent of capacity, 15 percent unemployment—whatever it will be. It will not get better because there will be no way for it to get better. The courts will dither and the monetary authorities at the the Federal Reserve will ask what is its capacity. You could cripple the American economy. Just to get reelected? No, Mr. President, there are things more important than getting reelected.

I hope we understand what is at issue: Social Security and the American economy and the extraordinary achievement of economic understanding of the last half century. Nothing less, Mr. President, and we will ignore this to our disgrace if it should pass.

I yield the floor, and I thank my friend from Nevada for allowing me to speak.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, one of the pleasures I have had in serving in the Senate of the United States is to be able to serve on a committee with the distinguished Senator from New York who has just spoken. I think one of the two or three highlights of my congressional career is when a few years ago we did the highway surface bill. We had a real tough time in the committee, we had a difficult time on the floor, and a real tough time in conference.

But we came up with a bill which I am proud of and I think was the beginning of a new surface transportation philosophy in this country. We have come to the realization in this country, as a result of the input of the distinguished Senator from New York, that more highways is not necessarily the answer to all of our problems; that we need incentives to keep people from driving their automobiles.

I could go on at some length about the statement just made by the Senator from New York, but one point is that all Senators who were on the floor during this particular time moved to listen to him.

I appreciate the statement of the Senator from New York.

Mr. MOYNIHAN. I thank my friend.

(Mr. GRAMS assumed the chair.)

Mr. REID. Mr. President, I indicated earlier that I saw the Senator from Florida come to the floor. I am wondering if I could engage in a colloquy with the Senator from Florida. I have some questions based on a previous statement the Senator gave, the answers to which I think the Senator could impart his thoughts and views and I believe wisdom to the Members of the Senate.

I would first ask Senator GRAHAM if he could review the structure of the Social Security trust funds. Will the Senator do that?

Mr. GRAHAM. Mr. President, I appreciate the question that has been asked by my friend and colleague from Nevada, and it follows on very appropriately after the comments that have just been made by Senator MOYNIHAN, who was here for the restructuring of Social Security.

As Senator MOYNIHAN indicated, up until the late 1970's, Social Security was like most Federal trust funds, a pay-as-you-go system. It took in enough money each year to meet the obligations for that year. But beginning in the late 1970's, it became apparent that as demographic changes were occurring in our country, it would be necessary to change the structure of Social Security.

What were those demographic changes? Demographic changes were not a new phenomena. They occurred throughout man's history and our national history, that is, the rate of births is influenced by historic, economic, and social factors.

I do not know the exact birth date of the Senator from Nevada, but I believe that he and I are approximately the same age, which means we were both born during the period of the Depression. If that is correct, that would indicate both of us were born at a time of relatively low birth numbers in the United States. There were not a lot of parents having children in the period of the 1930's. So we represent a small percentage of the total population of the United States.

Conversely, in the period immediately after World War II, large numbers of persons who had suffered through the Depression and then World War II came back, formed families and large numbers of children were born from the late forties up until the mid-1960's, the so-called baby boom era.

Those demographic highs and lows are going to have significant impact on the demand of the Social Security system. When Senator REID and I retire, if we do, at around 65, we and our cohorts and aides will not be putting too much of a demand on Social Security because there are not that many of us.

Conversely, when our children retire, they will be putting a very substantial demand on Social Security because there are so many of them. So beginning in the late 1970's and particularly with a revision of the Social Security System that occurred in 1983, Social Security shifted from a pay-as-you-go system to a surplus system, and the theory was that amounts beyond those necessary to meet immediate demands would be raised primarily through the payroll tax for Social Security and would build up surpluses until you reached the point that the large number of persons who were born in the post-World War II period reached retirement, and they would then draw upon those accumulated surpluses to meet their needs.

And so this first-blue-then-red line indicates the structure of the Social

Security system as outlined under a surplus plan.

This structure is not a mistake. It is not an aberration. It is not something where part of the machinery went bad. This is the way it is supposed to operate. And so the system is that this year we will have a surplus of revenues in the Social Security over expenditures of approximately $80 billion.

Mr. REID. Could I ask the Senator another question then?

Mr. GRAHAM. Yes.

Mr. REID. I think the Senator has done a good job of reviewing the structure of Social Security. How does that surplus affect our ability to bring the rest of the Federal budget into balance?

Mr. GRAHAM. Well, it does in a very dramatic way. If Social Security were on a pay-as-you-go basis, it could be melded easily into the rest of the Federal budget because each year you would be taking in approximately the same amount that you would be expending.

However, with Social Security, since it is structured to have large surpluses followed by enormous deficits, it will have a very distorting effect on the rest of the Federal budget if you attempt to arrive at a balanced Federal budget.

Let me just pick a couple of years as an example. In approximately the year 2010, the Social Security system will be running a surplus of close to $200 billion a year. Now, under the way in which the Federal budget is constructed today and in which this amendment will constitutionally require it to be constructed for all times, all Federal revenues and all Federal expenditures are merged together. That is, a dollar spent on Social Security and a dollar spent on paper clips has exactly the same impact on the Federal deficit.

Now, the consequence of that is that the $200 billion of surplus that Social Security will be running in approximately 15 years effectively becomes a subtract factor from the rest of Federal expenditures, that is, the Federal Government can run a deficit of up to approximately $200 billion in the year 2010 and it will not have any effect in terms of a balanced Federal budget because you will be able to subtract the Social Security surplus against the deficit that you are running in the rest of the budget and it ends up at zero. Therefore, you have met the constitutional requirement of a balanced Federal budget.

Let us just take another year, 10 years further down the stream in the year 2025, when we will be running not a surplus in Social Security but a deficit of approximately $400 billion.

Let me just point out to my colleagues that the structure of this surplus plan is that at a point in about 2019 we will reach a maximum surplus of $3 trillion plus or minus, and then in a period of 10 years we will spend that $3 trillion. Every one of those dollars represents a contribution to an enhanced Federal deficit. So our colleagues who will follow us here in the year 2025 will start their budget deliberations $400 billion in the hole because that is the amount of expenditures over income in the Social Security system in the year 2025.

I submit to my friend and colleague from Nevada that the Social Security pattern of surplus and then spendout is incompatible with its amalgamation with the rest of the Federal expenditures. It is such a large and such a distorting factor and its structure is so antithetical to the rest of the Federal budget that in my opinion it will be impossible to balance the Federal budget during this period from the year 2019 to 2029 if we mandate Social Security be integrated with the rest of the Federal budget.

Mr. REID. If I could ask my friend another question, it would seem to me from the picture the Senator has painted here the last few minutes that Social Security should rise or fall on its own merits; it is such a large numerical part of our Government that whatever happens to Social Security should be handled alone, separate and apart from the general revenues of this country.

Mr. GRAHAM. The Senator has made a very good point, Mr. President. Let me just put some approximate numbers behind that. This year the Federal Government will spend approximately $1.6 trillion—$1.6 trillion.

Of that $1.6 trillion of expenditures, approximately $320 billion will be Social Security expenditures. So Social Security represents, more or less, 20 percent of all Federal expenditures.

In terms of Federal income, the Federal Government will take in this year approximately $1.4 trillion—the difference being the $200 billion of deficit that we are currently scheduled to absorb this year. Of that $1.4 trillion of income, Social Security represents $400 billion. So Social Security represents well over 25 percent of our income into the Federal Government. It represents 20 percent of our outgo. So it is an enormous proportion of our Federal fiscal activity.

That large scale and this peculiar spending pattern—which is dictated by demographic considerations, the surge of births in the population over generations—are the factors that, in my opinion, not only justify, but mandate that Social Security be removed from the rest of the Federal Government and treated as it should be, as a separate fund representing a special trusteeship responsibility between the American Government and the American people.

Mr. REID. Mr. President, I ask my colleague, Senator GRAHAM, are there other policy considerations relating to whether Social Security is included in the Federal budget or off budget, as the Reid amendment proposes?

Mr. GRAHAM. In my opinion there are some very powerful considerations. Let me just mention a few of them.

One is the fact that Social Security, as the Senator from New York indicated, is going to have some serious challenges in and of itself. As an example, there is an assumption among many Americans that the surplus that we have been building up is being invested in some type of security that will be sacrosanct, will be protected, will be prudently managed so that when we need the money—beginning in approximately the year 2019—the Social Security administrators will be able to go to a third party and say, ''Here is the money that I invested in you way back there in 1995. We need the money now in order to pay off the rights, the aspirations, the expectations of our current generations of retirees. Would you please liquidate this instrument so we can make these payments?''

Well, the person to whom that question is going to be asked—''Ask not who that person is, because he and she is us.'' We are spending that money now, not investing it prudently for future years' needs. We are spending it to finance the deficit. There is no pool of money that is being prudently managed. So when the year 2019 comes, the Social Security Administrator is going to come to us, those who will be in these seats, and say: I need approximately $40 billion, which is the amount beyond what we will take in this year in order to meet our obligations. Please write us a check for $40 billion.

We are going to have to either raise taxes or cut spending somewhere another $40 billion, or some combination, in order to meet those obligations. That is a very serious issue. We need to be able to deal with that issue. We need to be able to deal with it, in my opinion, as a separate, discrete issue, not commingled with the question of whether we are trying to do it, really, as an under-the-rug way of balancing our Federal budget demands this year.

I think as long as we have Social Security integrated with the rest of the Federal budget, we are going to be frozen in our capacity to deal with some of the real, fundamental issues facing Social Security because there will be this cloud of suspicion that we are doing it, not to protect and solidify and make more reliable Social Security, but are just doing this as a means of balancing the Federal budget on the back of Social Security.

So I think that is just one policy reason why we ought to remove Social Security from the rest of the Federal budget as it relates to this constitutional amendment to require balancing and be able to treat with the real needs of the Social Security system as an independent trustee would do, not as politicians subject to the cynical charge they are doing it in order to balance the rest of the Federal budget on the savings of our Social Security beneficiaries.

Mr. REID. I have a subsequent question I would like to ask the Senator.

What would be the Senator's answer if a question were asked, which I am asking: If this amendment, the Reid amendment, is not agreed to and Social Security becomes again part of the general revenues of this country, what is the future of Social Security?

Mr. GRAHAM. Mr. President, I think the future of Social Security, if it is held within this balanced budget amendment as part of an integrated Federal budget, will mandate major change. For instance, I think we will have to go back to a pay-as-you-go approach to financing Social Security. In my judgment it is incompatible to have a combination of, one, a surplus approach to financing Social Security and, two, a constitutional mandate that Social Security revenues and receipts be integrated, commingled with everything else that the Federal Government does and, third, that the result of that Federal budget is an equilibrium, a balance of expenditures and revenues.

Those three principles are, in my judgment, incompatible. So I think we will have to go back to a pay-as-you-go Social Security system and therefore will face, as the Senator from New York stated, intensified intergenerational conflicts as we are going to be asking a smaller and smaller pool of Americans—particularly after the year 2019—to be paying for the costs of a larger and larger group of American retirees.

Mr. SIMON. Will my colleague yield?

Mr. GRAHAM. I would, but——

Mr. REID. I have the floor.

Mr. SIMON. I apologize.

Mr. REID. I ask, will the Senator wait until I finish the colloquy with the Senator from Florida?

Mr. SIMON. Sure. I did not realize the Senator from Nevada had the floor.

Mr. REID. I see the Senator has some other visual aids here that he wanted to go over. Is that right?

Mr. GRAHAM. I do. These really relate, not specifically to the Social Security issue, but rather to the general question of should we have a constitutional amendment requiring that we balance the Federal budget, a proposition that I support. We should have it.

Mr. REID. As does this Senator.

Mr. GRAHAM. We should have such amendment. But it should be a thoughtful, sensitive—frankly, a smart amendment, not one that is just a mindless sledgehammer. And I believe part of that intelligence is to use a scalpel and remove Social Security from the balanced budget amendment, treat it as a separate item, and then balance the remainder of the Federal budget.

Mr. REID. Has the Senator from Florida not also suggested that one of the avenues would be to extend the time out for a few years until you balance the budget? Will the Senator explain that?

Mr. GRAHAM. Yes. I have indicated one thing that I think we are going to have to do if we do not agree to the Reid amendment; that is, we are going to have to go away from a surplus system of Social Security to a pay-as-you-go, which I think would be a serious step backward and will put in political, if not economic, jeopardy the future of Social Security because of the generational conflicts that it will create.

One of the purposes of this surplus system was to avoid exactly those generational conflicts. The people who are going to be benefited after the year 2019 are paying the taxes that are building the surplus. So, essentially, they are making a payment for themselves. I do not believe we can continue that system if we require a balanced budget which integrates Social Security with the rest of the Federal budget.

I believe if the Senator's amendment is adopted that a change that we should make would be to rethink the year that we should attempt to reach balance. Currently, we are going to be reaching balance in the year 2002. We do that in large part because we have these significant Social Security surpluses to take into account.

My calculations are that if we adjusted that from 2002 to 2005 or 2006, we would be in exactly the same economic position as we will be with the year 2002, minus the distorting effect of these Social Security surpluses, and we will be able to reach balance in a prudent period of time that will not cause unexpected shocks to the economy. No one wants to be part of passing a constitutional amendment and then find out that we are charged with having contributed to a national recession or depression because of the too-rapid pace in which we tried to bring a 30-year, out-of-control spending pattern into balance.

So if we do not agree to the amendment, I think we are going to have to move away from the current pattern of financing Social Security. If we do agree to the Senator's amendment, which I strongly urge my colleagues do, then I think we should adjust the date from 2002 to 2005 or 2006.

Mr. REID. Mr. President, I say to my friend from Florida, he has been a long supporter of the balanced budget amendment. We need to do a better job of matching our spending with our receipts.

Does the Senator feel that a Social Security exemption, taking Social Security out of the balanced budget amendment, in effect, is a more sound way of arriving at a balanced budget, working with the unified budget of this country?

Mr. GRAHAM. Absolutely. The reason is because there will be so much distortion in Federal expenditures and receipts because of the size of Social Security today—20 percent of expenditure and 25 percent of income—and even more so because of the way in which those revenues and expenditures are taken in and disbursed based on the desire to meet a generational shift in demographics.

Mr. REID. I would also ask my friend this question. It seems to me that those people who are calling for a balanced budget would have a much easier time, in the first few years of balancing it, if they can use this money which is not theirs, so to speak.

Mr. GRAHAM. I am afraid of that. There are some, such as the Chair of the House Judiciary Committee, who in fact spoke about the reason that he opposed taking Social Security out of the rest of the Federal budget, which was for exactly that reason. It is going to make our task in the next few years more difficult if we are not able to unmask the extent of the deficit by these Social Security surpluses. He is absolutely right. It will make our task more difficult. That is one of the reasons I am suggesting that we extend the period by 3 or 4 years. But I do not believe the purpose of this ought to be to meet our comfort level in the next decade.

I think it is interesting—and I know the Senator is aware of this because we discussed it last week—there have been, I believe, some 27 amendments to the U.S. Constitution since it was first adopted, and only one of those amendments has ever been repealed once adopted. That was prohibition. What that says to me is that we are about very serious and long-term business. When the first 10 amendments, the Bill of Rights, were written, people were not thinking about, ''Well, what kind of right of assembly or what type of right of freedom of the press do I want to have for the next 10 years, because I am running a newspaper and I want to protect myself for the next decade?'' They were thinking for the indefinite future. And we are the beneficiaries, 200-years-plus-later, of their vision.

We need to think in the same way about what we are doing here this day, this week, this month, this year; that is, if we pass a balanced budget amendment, we should assume that it is going to be part of the Constitution of this country for the indefinite future, and should attempt to structure it in a way that best meets those long-term needs of our Nation.

Mr. REID. I appreciate the answers to the questions.

Mr. GRAHAM. I thank the Senator very much.

Mr. REID. Mr. President, did the Senator from Illinois still have a question of the Senator from Nevada?

Mr. SIMON. Mr. President, if my colleague will yield just for 5 minutes, I would like to respond.

Mr. REID. I have a statement to make. If the Senator has a question.

Mr. SIMON. I do not have a question. I ask unanimous consent that I have the floor for 5 minutes following the statement.

Mr. REID. Mr. President, reserving the right to object, there are a number of other people coming. I do not think

there will be a problem in the world. I withdraw my objection.

The Senator from Illinois, as I understand the unanimous-consent request, desires 5 minutes when I finish.

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

Mr. REID. That is reasonable.

Mr. President, I received over the weekend two letters which I want to share with this body. One letter is from the National Committee to Preserve Social Security, wherein the president of that organization, Martha McSteen, said among other things the following. The letter is directed to me:

This is in response to the Republican Policy Committee analysis of your amendment to exclude Social Security from the balanced budget amendment.

I say as an annotation to this that the Republican Policy Committee came out with a paper as to why this amendment was not good. Martha McSteen is responding to that. She said:

The first option presented in the paper makes clear once again that supporters of the balanced budget amendment intend to continue using the Social Security trust fund surpluses to mask the general fund deficit. The analysis under option 1 reminds lawmakers that, if the amendment to exclude Social Security is adopted, the Government will no longer be permitted to use the surplus to mask the deficit and would be forced to cut spending or increase taxes . . . Of course, this is precisely what must happen if the Congress is serious about dealing with the deficit. Continuing to use Social Security surpluses to mask the deficit only allowed the continuation of deficit spending in the general fund. The Republican policy paper notes that excluding Social Security would ''make it harder to achieve a balanced budget.'' But although it is a more difficult path, it is the only fiscally responsible path towards balancing the Federal budget.

This is exactly what my friend, the senior Senator from Florida, just said on this floor.

Ms. McSteen continues:

A balanced general revenue budget which does not rely on borrowing from Social Security is a budget which will foster the savings necessary to create jobs and to increase productivity. This ultimately is what is necessary to finance retirement of baby boomers. Excluding Social Security receipts and outlays under a balanced budget amendment is an accounting system used by employers and State governments all over the country to balance their budgets without counting the returns of funds as revenues. These entities all recognize that these funds are collected for the purposes of retirement, not general fund financing. The Federal Government should be held to the same standard of fiscal integrity.

I think that says volumes, Mr. President, about option one of the Republican Policy Committee.

Option 2: She says:

Reid argues there is a potential loophole for Congress to redefine other spending programs as Social Security. Of course, the implementing legislation which supporters contend can deal with any problem with the balanced budget amendment could certainly deal with this problem. At any rate, we believe that Americans would not tolerate such a plainly deceptive practice which would undermine Social Security while increasing the deficit.

We have said in this debate, Mr. President, that it would take a 60 vote supermajority to allow any other programs to come into the program. So for this and other reasons, Mrs. McSteen is right.

Third option: Mrs. McSteen complains that

Without a constitutional requirement to soundly finance the Social Security system, Congress would deliberately create a deficit in the trust fund. This argument ignores nearly 60 years of history with Social Security. Since the inception of Social Security, Congress has acted repeatedly to keep Social Security solvent, without any constitutional requirement to do so. The discipline of the trust funds' approach has required Congress to maintain a system on a sound financial basis. After all, if the trust funds would run out of money, the Government could not pay the benefits, including Social Security and consolidated budget under the balanced budget amendment, destroys this trust fund discipline, and creates the gravest threat to the future of Social Security.

The fourth option raises a serious problem with the balanced budget amendment. The balanced budget amendment changes the definition of Federal debt under the relevant debt limit. Currently, debt for the purposes of the debt limit is defined as ''debt held by the public and debt held by trust funds.'' The balanced budget amendment changes the definition and limits it to only the debt held by the public under this new definition. The debt, at the end of fiscal year 1994 would be $3.4 trillion, not the $4.6 trillion statutorily defined in the Federal debt. Enactment of this balanced budget amendment would wipe out $1.2 trillion in debt owed to Social Security and other Government trust funds. It is this accounting system which is bizarre and the policy paper analysis for option 4, if the amendment is adopted, Congress will not get away with this budgetary sleight of hand. In conclusion, the nearly 6 million members and supporters of the national committee remain committed to your amendment to exclude Social Security as the only way to preserve the integrity of Social Security under the balanced budget amendment.

Mr. President, I also have here a letter from the American Association of Retired Persons. It says, among other things:

The AARP thanks you for your leadership in trying to protect Social Security in the proposed constitutional amendment requiring a balanced budget. Your efforts, particularly on the Senate floor, underscore the program's importance and the potential impact of the balanced budget amendment on the over 42 million people of all ages who receive Social Security benefits and the 138 million workers who contribute to the system and expect to receive Social Security.

Specifically exempting Social Security recognizes that Social Security is a self-financed program, based on contributions from employers and employees that are credited to Social Security Trust Funds. Social Security currently has over $400 billion in reserves and is not contributing 1 penny to the deficit. The reserve is projected to grow by about $70 billion this year alone, and raiding the trust funds would be devastating to both current and future beneficiaries and would further undermine confidence in this Nation's most important program.

A specific exemption in the balanced budget amendment for Social Security is the only way to protect the program from being misused in the name of deficit reduction. Anything less than this exemption is not binding on future Congresses. Older Americans agree that the deficit is a major threat to our Nation's future and that deficit reduction must be a high priority for Congress and the President.

Signed by Harold Deets, president of the American Association of Retired Persons.

Mr. President, the Center on Budget Policy Priorities, of which the executive director is a man named Robert Greenstan, has put out a paper on February 10, where they analyze what the Joint Committee on Taxation says about the Contract With America and other programs now being initiated here in Congress. The final paragraph of this paper says:

The potential for large tax cuts to be enacted and paid for only for 5 years suggest the Nation could be placed on a course in which very large deficits would remain as we get close to the year 2002. If a balanced budget amendment has been approved and ratified, this could create a constitutional crisis. In that crisis, it would be extremely difficult for the largest Federal program, Social Security, to be shielded.

Mr. President, I further say that the amendment that was passed here last Friday is meaningless. I talked about it then. We know that section 7 of the constitutional amendment that is before this body mandates that Social Security trust funds be part of the effort to balance the budget. It is not only in the written English language of the proposed constitutional amendment, but the Judiciary Committee which put the bill on the Senate floor also said specifically that Social Security trust funds will be part of the moneys used to balance the budget. It cannot be any clearer than that.

We know that any enacting or enabling legislation could not supersede the language of the Constitution. So amendments like that which passed on Friday are as worthless as the paper they are written on. It was a meaningless amendment in every form of the word.

We have had many statements, Mr. President, in support of Social Security. When the balanced budget amendment passed in the House, we had Members of that body saying we are going to protect Social Security. The balanced budget amendment will not use Social Security. Their words could fill up more than these statute books on the Internal Revenue Code and what the Internal Revenue Service has done. Stacks and stacks more of words. They mean nothing, because the constitutional amendment now before this body mandates that those trust funds be used to balance the budget. Those statements were made only to divert.

The only way to show the sincerity to protect Social Security is to vote for my amendment. It is very simple. You either exempt Social Security through voting for this amendment or place the Social Security trust fund into a pot to

be used for aid to families with dependent children, foreign aid, farm subsidies, peacekeeping missions to Rwanda, Iraq, to buy B–1 and B–2 bombers. That is what the Social Security trust funds will be used for. The only way to show one's sincerity about protecting the Social Security trust fund is to vote for the Reid amendment.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. GRAHAM. Mr. President, I ask the Senator if he would yield for a question.

Mr. REID. I will yield for a question.

The PRESIDING OFFICER. The Senator has that right.

Mr. GRAHAM. the Senator has raised a point in his last comment, in reading from one of the letters he had received, that I do not think has received adequate attention as relates specifically to Social Security. Let me state my concern and see if I have accurately understood him.

Section 2 of the amendment, which is the section that will require that a three-fifths vote of the whole number of each House—that is the whole number of persons elected—will be required in order to change or to increase the debt limit of the United States held by the public. And the key phrase is ''by the public''.

It is my understanding that today when we deal with the debt limit, we are dealing with the debt limit of the United States and all of those persons or entities which may hold a portion of that debt, including the Social Security trust fund, which today holds approximately $400 billion of the debt of the United States or a shade under 10 percent of the debt.

Mr. REID. The Senator from Florida is correct.

Mr. GRAHAM. So this would say, for the future, we would ignore that portion of the debt that is held by Social Security and for other similar governmental trust funds and that would not count in terms of what the limit on the Federal debt would be.

Mr. REID. That is what the specific language of the proposed constitutional amendment says.

Mr. GRAHAM. That would seem to me, then, to create a situation in which, if this and future Congresses wanted to borrow money, it would be more appealing to borrow money from the Social Security trust fund or other funds like it than it would to borrow money from the general public, corporations, or other potential lenders, since borrowing from the public would require a three-fifths vote to do, whereas we could borrow without limit from the Social Security trust fund without such a restraint.

Mr. REID. The Senator is correct. All these moneys, all these excesses which, as the Senator pointed out earlier, will reach about $3 trillion, we could borrow against those and it would not even show on our balance sheet—''we,'' the Federal Government.

Mr. GRAHAM. In answer to one of the Senator's questions earlier when he asked some of the policy implications of having Social Security integrated with the Federal budget, I said that one of those was that it was going to make it more difficult to deal with some of the real problems Social Security has because there will be this cloud of suspicion that we are doing it not to help Social Security but to raid Social Security. And I suggested that one of those real problems is that the Social Security funds today are invested in U.S. Treasury instruments, for which there is no prudent plan of investment, and essentially the Social Security fund is going to have to come to the Congress in about 25 years, hat in hand, asking that these IOU's be converted into real dollars that can be used to pay the Social Security benefits to real Americans.

My own feeling is that we ought to be looking for ways in which to reduce that level of dependence on Federal Government borrowing, as, I might say, collaterally, have most of the countries which have a social security system analogous to the United States, such as in Europe and Canada. They are using a broader investment pool than just their national treasury.

It seems to me that this language is going to make it politically much less attractive for us to consider those other alternatives to strengthen Social Security, because we are going to have a strong incentive to want to borrow every dollar we can from Social Security, since those dollars do not have to be subject to a debt limit, whereas the dollars that were borrowed from virtually everybody else are subject to a debt limit.

Mr. REID. I say to my friend from Florida that he is absolutely right. We have been through, here in this body, the savings and loan debacle. That would appear as nothing on the radar screen, literally nothing, the billions of dollars that we had to come up with to make whole the savings and loans and those people that made deposits in those institutions. It would be nothing compared to what we would have to do if these moneys are gone when we start delving into the Social Security trust fund which, in effect, would be nonexistent at that time.

Mr. GRAHAM. I say to the Senator, I will just conclude by saying his responses to my questions and his analysis of this, I think, raises even further reasons why it is so critical that we adopt his amendment and treat Social Security as a trust fund, as a contract, as a sacred responsibility between the American people and their Government and not have it mindlessly commingled with the rest of the Federal budget.

Mr. REID. I agree with the Senator from Florida.

I yield the floor to my friend from Illinois.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I start off from the same premise as my friend from Nevada and my friend from Florida. The reality is, we have a contract with Social Security recipients.

And I started—I say to my colleague from Florida, if I may have his attention here—I started off precisely where he is for some of the same reasons. If you check back about 10 or 12 years ago, I introduced a balanced budget amendment that excluded Social Security. I want to protect Social Security.

We have today only 11—I should not say ''only,'' because it is still too high—but 11 percent of those over the age of 65 who live in poverty. And those who say, ''Well, since we have 23 percent of the children who live in poverty, somehow this is wrong,'' the reality is, Social Security has worked, it is a contract that has worked. We have to protect it. And we ought to deal in other ways to protect the children.

But my reason for not including it, as we worked on the language, in those outyears is because I want the Federal Government to feel that it has an obligation not just when there is a surplus, as there is today, but in those outyears that go down. And some projections have it earlier than the year 2019.

I think if this is agreed to, what leaders of Congress should do—and my friend from Florida has been a real champion in the whole area of senior citizens and protecting them—I think people like Senator GRAHAM and others ought to sit down with the AARP, with other senior groups and say, ''How do we protect this in the long run?'' I do not want an exclusion where we say, ''Well, Social Security is off by itself,'' and then in another couple of decades or three decades it starts going down the tube and Congress can say, ''Well, that is excluded from the Federal budget. We don't have a constitutional responsibility here.''

I think we ought to protect Social Security. I have voted statutorily for many years to balance the budget without including that surplus, and I know my friend from Florida has also.

But, I think if the constitutional amendment passes—and I would add the great threat to Social Security is the monetizing of the debt; that we are just going to start the printing presses rolling. That is the huge threat. That is what Bob Myers has talked about. This is a judgment call. I respect my friend from Florida and my friend from Nevada and others who are going to vote on the other side of this.

But if this amendment loses, let no one have any doubt about it, that the best way to protect Social Security is to protect the value of the dollar so that those bonds are meaningful. And that is why we have to agree to the amendment.

But I think then we are also going to have to review a lot of things that we have not reviewed up to this point.

Just as one example—I do not know the right answer here—I think is the immigration law. We may very well, as

you look at the demographical studies of our population, we may very well have to say in the future we are going to give priority to younger people as immigrants because of this situation, things that we have traditionally not done before.

But I agree completely that we have to protect the system. I do not want to go on a pay-as-you-go system. I think that would be devastating.

And I have to say, I am not convinced we should follow the path of other nations in terms of private investments. But this amendment does not change that. I think we have to be cautious as we move in that direction.

But I just wanted my colleagues from Florida and Nevada to know that those of us who will vote against the amendment also believe very strongly that we have to protect Social Security.

Mr. GRAHAM. Mr. President, would the Senator from Illinois yield?

Mr. SIMON. Mr. President, I would be pleased to yield.

Mr. GRAHAM. Mr. President, this may appear to be tangential to the issue before the Senate, which is the question of whether Social Security should be removed from the calculation of the balanced budget amendment. But I think that it does, in fact, go to the ability to deal with some of the fundamental problems of Social Security.

Section 2 of the amendment which talks about the Congress having to vote by a three-fifths margin to raise the debt limit specifically restricts that vote to raising the debt limit for debt held by the public. In the committee report it clarifies that is meant to exclude borrowing from the Social Security trust fund or from other Federal trust funds.

I am curious as to what is the rationale of that restriction on only debt held by the public being required to be subjected to that higher than majority vote of the Congress.

Mr. SIMON. Mr. President, the idea here is simply that we have to have some kind of an enforcement mechanism. So to increase the debt, we have to have the three-fifths.

Now the point that my colleague makes that would make it more difficult to shift to a different way of utilizing the funds of Social Security, that is accurate. I would agree with his point, though I have to add that every committee of Congress that has ever studied this, to my knowledge, has come to the conclusion that it would be a great mistake for the Social Security funds to be used for private investment.

Mr. GRAHAM. Mr. President, my concern is that it seems to me if we are concerned about the amount of debt that the Federal Government is undertaking, we ought to be concerned about the amount of debt without regard to who the lender of those funds happens to be.

I am concerned that by saying that we can borrow from Social Security with a majority vote, would require a three-fifths vote to raise the debt limit where it relates to borrowing from the public, that we will create a political imbalance which will be more attractive to borrow from Social Security.

Mr. SIMON. Mr. President, I think my colleague misreads the amendment here. We are not talking about treating those funds held by Social Security—the bonds held by Social Security—as any different than the bonds held by the Senator from Florida.

Mr. GRAHAM. That is not what the committee report says. The committee report specifically states that the purpose of the phrase ''debt of the United States held by the public'' is to differentiate between indebtedness which is held to private individuals, corporations, nonpublic institutions, State and local governments, are all part of the category of ''The public''—those that are excluded that are the Federal Government trust funds of which Social Security is by far the largest.

So, it seems to me we are setting up a system here in which we create a clear political preference for borrowing from nonpublic entities, for example, Government trust funds, primarily Social Security, as opposed to borrowing from other sources.

I do not understand what the public policy rationale of that is and, more so, what the rationale is of putting that in the Constitution.

Mr. SIMON. Mr. President, I yield to my colleague from Idaho, and then I will yield the floor, Mr. President,

Mr. CRAIG. I appreciate the Senator from Illinois for yielding and I appreciate the question of the Senator from Florida.

Last week, the Senator from California and I got involved in a similar discussion, what the committee report reflects is the current law. What the Senator is reading is the current law. The current law of the Social Security system requires that the Federal Government borrow the reserves. No one can borrow them. They cannot be invested outside of Government.

What the Senator is reflecting, and what the committee report reflects, is the current law. I think it is clear in that report. What would have to happen for it to do as the Senator is suggesting might be done, we would have to go in and change the Social Security laws of our country. That is not what this Senate is about to do in any sense, nor does it want to.

Ever since Social Security was created, the reserves that build up could only be loaned to the Federal Government, and because that is a current and constant process, that is what the report reflects.

Now, outside borrowing by the sale of Government securities, is a separate and different item. Of course, this report reflects that kind of statement. That is what the report of the committee is intended to reflect. I believe if we read it we can read that into it. Clearly, that is what was intended.

I have been involved with this for a long time. As we began to look at Social Security, we knew that the Social Security law was sovereign. Nobody wanted to change it. We did not have a majority vote to change it, did not want to. Nor could we, by crafting an amendment, change the nature of that statute. It was not intended.

Mr. SIMON. Mr. President, I yield the floor.

Mr. REID. Mr. President, I know the Senator from Idaho has the floor, but I would like to ask the manager of the bill a question.

I have had a number of people come over here and then have had to leave the floor because of other meetings taking place. I want to meet the concerns of the Republican leader and finish debate on this as quickly as possible. Would it be possible when the Senator from Idaho completes his statement, that we then go to the Senator from California, who has been waiting here for a considerable period of time? She desires 20 minutes. Then the Senator from South Carolina [Mr. HOLLINGS] has come to the floor three times, seeking the floor. I think it would be good to have him finish his statement, and he said he had 20 minutes. And I see the Senator here from West Virginia who desires 10 minutes, so he could follow the Senator from California and then the Senator from South Carolina.

Mr. HATCH. Mr. President, I ask unanimous consent that the three get permission to speak following the Senator from Idaho, as soon as he has concluded, in that order and for those amounts of time.

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

Mr. CRAIG. Mr. President, I will talk briefly this afternoon about the Reid amendment.

As the Senator from Florida leaves, there is one comment I would like to make about a question that he asked the Senator from Nevada, and an ensuing dialog that they had that I felt was very insightful and extremely important as we address the issue of the inclusion of Social Security and its trust funds inside a balanced budget amendment, as the Senator from Nevada is proposing.

After an analysis by the Senator from Florida—and I am only paraphrasing from memory—I believe he concluded that one of the real problems that put the Social Security trust funds at risk, based on the Social Security law that those reserves must be borrowed by the Federal Government and exclusively by the Federal Government, is that we had to stop the Federal Government or slow down the Federal Government's ability to borrow.

I believe that is what he said. That is one of the great threats. And he is absolutely right. I agree with it totally. The debt of our Federal Government is the threat to Social Security. The borrowing of the Federal Government is the threat to Social Security—not a

balanced budget amendment. The very accumulative activities that this Congress has been involved in for the last few decades.

The Senator from Florida is absolutely right—borrowing is the problem. It is what put Social Security at risk. It is what has consumed the trust funds, in a legal way, in an interest-bearing way. But when the day comes that those trust funds must yield for the purposes of paying the recipients of the Social Security system, what do we do?

This is what Bob Myers said, who was the actuarial of Social Security: Stop the debt creation. That is exactly what a balanced budget amendment is intended to do.

If we pass a balanced budget amendment and if we follow, then, the organic law of the land, the Senator from Florida's worries will begin to decrease. So what he is doing if he will support us in the balanced budget amendment is he will work to protect the Social Security system.

You just do not set it off to the side and continue to borrow the money away from it without some day having to ask the citizens of this country to raise the FICA tax to such a level that it would be confiscatory to the average working person in this country. That is what puts Social Security at risk; not a balanced budget amendment in the year 2002, but an empty trust fund in the year 2020. It is the borrowing of our Federal Government that has created or is creating this risk.

Gross interest is a product of the borrowing of the Federal Government. Right now, that gross interest figure is approaching one-fifth of our total spending. It is the second largest spending item in the Federal budget today. As debt grows, the logic is very simple: So does the interest charged grow. Therefore, I believe the logic that has been put forth by those who are the knowledgeable accountants and economists of the Social Security system is so sound, and that is that the debt is the threat, not the balanced budget amendment, but the very debt that we are all here trying to address and trying to resolve through this new mechanism, and that is the changing of the organic law of our land.

If we do nothing, and my guess is that if we vote the balanced budget amendment down we will do nothing again, because this Congress has demonstrated no political will to be fiscally responsible. What we are trying to do is to rearrange our institutional biases toward a fiscally responsible attitude and away from the pressures of the special interest groups that force us to borrow or cause us to borrow on a regular basis that has created the debt structure that we have.

So I am absolutely amazed when somebody wants to take Social Security and put it in the constitutional amendment and protect it in a way that does not allow the board of directors—the Congress of the United States—to manage it in a responsible way that will maintain its sovereignty and its solvency as we near those critical years of 2020 and 2030.

According to the Kerrey-Danforth entitlement commission, we saw the figures of what would happen by the year 2030 in their own projections:

Total Federal spending will top 37 percent of the gross domestic product, if we keep this Government on the auto pilot that it has been on for the past couple of decades; net interest will exceed 10 percent of the gross domestic product of our country, and the deficit will be 19 percent of the gross domestic product.

It does not take a lot of good common sense to understand that if we do not deal with this issue now, Social Security is going to be in desperate trouble at that time.

You can almost argue that all of the money of the Federal Government will go to interest on debt and Social Security payments. What about the pressures to fund some of the other programs? That is the risk to Social Security, not the debate on the floor today, not the idea of putting it in the amendment. We are not going to do that. The Congress knows better than to do that and to put it on auto pilot. It will not work. You cannot manage a system that must be managed as Social Security has been over the years.

The statistics and the facts that bear up under the current spending structure and the nature in which Congress now utilizes by borrowing the reserves of the trust funds of Social Security tell us very clearly that it is the debt that is the threat, not an amendment to the Constitution. It is the amendment that we are debating today and will vote on, hopefully, this week or next that will begin to move the Social Security system into a much stabler and fiscally sound economic environment of the Federal budget.

So I am always amazed at the idea that somehow we can wave magic wands. It does not work; it never has worked. What we are talking about here is a balanced budget amendment, and there is nothing magic about this. It just forces an entirely new responsibility and discipline. But the tough choices, as they have always been, will always be right here on the floor of the U.S. Senate and in all of the committees of authority and responsibility. We cannot pass go; there is no easy out.

But for the first time, we will not be able to just simply shrug our shoulders and go borrow a little more money. We will have to make the tough decisions, and in making those, we will have stabilized the economy of our Government, our country and, in my opinion, strengthened the Social Security system tremendously.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from California is recognized, under a previous unanimous consent order, for 20 minutes, to be followed by the Senator from West Virginia for 10 minutes, to be followed by the Senator from South Carolina for 10 minutes.

Mr. REID. Mr. President, the Senator from South Carolina was 20 minutes.

The PRESIDING OFFICER. The Senator is correct. The Senator from South Carolina will be recognized for 20 minutes. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I would like to confine my remarks to four specific areas of concern. I have spoken on the Reid amendment twice before, and there are four specific areas that I want to discuss today.

The first is the committee report and its exemption of the everything-is-on-the-table concept.

The second is the floor discussion, centering around the concern that we are putting a statute into the Constitution.

The third area is the Dole figleaf amendment.

The fourth area is the point that Senator GRAHAM, the Senator from Florida, just made in his comments about section 2 of the balanced budget amendment as presented to this body.

Let me begin with my first point, the committee report and the exemption of the everything-is-on-the-table concept in this committee report.

Last Thursday, I mentioned that on page 19 under the section marked ''Total Outlays'' of the Judiciary Committee report for this legislation, the language states that among the Federal programs that would not be covered by S.J. Res. 1 is the electric power program of the TVA.

And then in the course of our floor discussion, it became clear that not only was the Tennessee Valley Authority excluded, but the Bonneville Power Authority was excluded as well. In other words, the electric power programs of this Nation took a higher priority than did the Social Security of some 42 million Americans today.

As I began to take a look at the Bonneville Power Authority, the point was raised, ''Well, these are not quasi-Federal authorities,'' and I must dispute that. They are, in fact, quasi-Federal authorities.

I refer this body to the General Accounting Office report entitled ''Bonneville Power Administration, Borrowing Practices and Financial Condition,'' dated April 1994. The facts from this GAO report are as follows:

The Bonneville Power Authority's plan for fiscal years 1993 to 2001 relies on Treasury for about 90 percent of its borrowing, 76 percent from bonds and 14 percent from appropriated debt.

Second, the accessibility of low-interest Treasury financing plays a substantial role in Bonneville Power Authority's approach to financing capital projects.

Third, Bonneville Power Authority is more heavily leveraged than other utilities.

Fourth, the Bonneville Power Authority faces significant operating and financial risks because of its heavy reliance on borrowing, recent operating losses, and various uncertainties.

Fifth, the Bonneville Power Authority's long-term debt in fiscal year 1991 was equal to 96 percent of its total assets, while the figures for public utilities, investor-owned utilities, and the Tennessee Valley Authority were 67 percent, 37 percent, and 79 percent, respectively.

And finally, Bonneville Authority's projected debt for fiscal year 2001 is $17.9 billion.

It was said on the floor that, if the Bonneville Power Authority got into trouble, this body would then have to consider whether we are going to pick up its debt or not. However, this Government would have no choice but to bail it out because the Bonneville Power Authority depends on the Treasury for 90 percent of its borrowing.

The point I am trying to make is that we are excluding a heavily leveraged power authority from the balanced budget amendment, but we are not excluding Social Security.

To me, that is a mistaken list of priorities.

I was also told on Thursday that I would receive a list of the other items that are excluded from the balanced budget amendment. I have not received such a list, but it is clear that everything is not on the table in the balanced budget amendment as has hitherto been reported.

I must assume that if the wording on page 19 of this report says, ''Among the Federal programs that would not be covered by Senate Joint Resolution 1 is the electric power program of the TVA authority,'' that there are also other programs excluded from the balanced budget amendment.

Now, I do not know whether the progams excluded are some Senators' pet programs, or some House Members' pet programs, or a group's pet programs, or this body's pet programs. But the point I wish to make is it is clear, crystal clear, in black and white, that programs are excluded from the balanced budget amendment. Not ''everything,'' as the distinguished Senator from Illinois says, is on the table.

This report indicates to me that everything is not on the table. I think those of us who are concerned about Social Security have a right to know what other programs are being excluded from the balanced budget amendment that we are not being told about.

Let me go on to my second point. The floor discussion that has just taken place, in essence, says that we should not put a statute in the Constitution. There is a certain iambic pentameter to the amendments of the Constitution of the United States that would not lend itself to anything as crass as protecting old age survivors and benefits trust fund moneys and that it should not be in the Constitution of the United States.

And then, second, the concern is expressed, well, if it is written into the Constitution of the United States, there are sure to come a large number of statutes.

Well, that is correct. However, let us take a look at the 14th amendment to the Constitution of the United States, a very major amendment to the Constitution, an amendment which guarantees civil rights. There are 20 volumes of statutes defining this amendment, and they are right here—20 volumes of the United States Code Annotated. It goes on and on, statute after statute, that has flowed from the passage of the 14th amendment to the Constitution of the United States.

That is well and as it should be because constitutional amendments need enabling action. That constitutional amendment, in fact, even says that there will be enabling legislation. So, frankly, that argument does not hold much water with me.

Let me go on to point No. 3, the Dole figleaf amendment. One of the things that is most disturbing to me about this debate is that the Senate must do just what the House has done. Suddenly we are the second-rate body. Just because the House of Representatives has passed an amendment, we must pass an identical amendment. There cannot be a conference committee to remedy differences.

Suddenly, the highest policymaking body in the United States of America is relegated to an also-ran body. We must do things just as the House of Representatives has done.

I do not accept that argument, Mr. President. People have often said that the House of Representatives and the Senate are like a cup of coffee and a saucer. The House is the cup of coffee, and you drink the coffee out of the cup. The Senate is the saucer into which you pour the coffee to cool it, and to discuss it, and to have it stand the test of time.

If this, in fact, is true, there is ultimate precedent for the Senate to take another course and to fashion its own balanced budget amendment recognizing the concerns of tens of millions of young Americans who are paying FICA taxes today to save funds for retirements tomorrow. These funds may not be available for their retirements.

Now, the Dole amendment. Why is it a figleaf? Why is it a figleaf that does not even cover the parts that a figleaf would normally cover?

Let me try to explain. The Congressional Research Service in an opinion dated February 6 very clearly states that if the amendment is ratified as drafted, Congress would be without the authority to exclude the Social Security trust funds from the calculations of total receipts and outlays under section 1 of the amendment.

The figleaf simply stated that we refer this to the Budget Committee, and we say, ''Budget Committee, at your leisure consider this and present back to the Senate at some later time how to achieve a balanced budget without increasing the receipts or reducing the disbursements of the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Trust Fund to achieve that goal.'' It is whole cloth. It will not make any difference because this esteemed body, number one in the United States of America, would have passed an amendment which enshrines language into the Constitution of the United States that the Dole figleaf is absolutely unable to amend or change in any way. And yet we did it because the House of Representatives did it.

So what passes the House of Representatives is good, and we then must be in lockstep and also pass?

I do not believe that is right. I do not believe that is why the people of the United States elected people to the Senate, to say OK, you say jump and we will say just how high?

We have our own minds, our own voices, our own constituencies that reach deep across the United States of America and involve entire States.

I do not believe that the working men and women of this country are well served if we impose, as this body and the other body have, a FICA tax to pay for their retirements and then we take those moneys and use them to balance the budget. That is wrong. It is dishonest. It masks the debt. It betrays people. And it violates a compulsory tax act which every one must pay.

If we are going to misuse these FICA taxes, then we ought to cut the FICA tax. If we are going to run surpluses in Social Security of more than $700 billion between now and 2002, then we should save them, not use them to finance the deficit and to balance the budget. That is what we who support the Reid amendment say is wrong, is dishonest, and should not be done.

I would also like to point out that the National Committee to Preserve Social Security and Medicare, representing 6 million Americans, has written stating that clearly this is the case.

I will once again have that letter of February 1 printed in the RECORD, if I may, Mr. President. The Dole amendment, or S. 290, which was at the desk prior to the Dole amendment, are really only fig leaves; they cannot countermand a balanced budget amendment.

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

(See exhibit 1.)

Mrs. FEINSTEIN. I pointed out, for 58 percent of all working Americans, the employees' share of FICA and the employer's share of FICA put together are more than they pay in Federal income taxes. It is a big-ticket item for working Americans. Because it goes into a trust fund—and this trust fund is like an annuity. It is like buying an insurance policy. What you put in you

believe you will get back when you retire—we should protect that trust fund. We should protect that annuity.

The Reid amendment protects that trust fund and protects that annuity, and I am proud to support it and vote for it.

The vote on this issue will be very close. The balanced budget amendment may have 67 votes without the Reid amendment. It may not.

There is, however, enough support in this body to pass a balanced budget amendment with Social Security excluded. So if my colleagues want to take a gamble to try to pass a balanced budget amendment without the Reid amendment because they want to misuse Social Security funds, they can do that. But, they have an opportunity to pass a real and honest constitutional balanced budget amendment that protects Social Security. I know this Senate could pass it, and I hope it does. It will be nobody's fault, but their own if the constitutional amendment goes down because they took this gamble.

Finally, I want to address my remarks to the concern that just came up about section 2 in the budget report. It was the argument made by the distinguished Senator from Florida. That budget report, right in the very beginning of section 2, points out that to utilize funds from Social Security for purposes of this amendment would only take a majority vote. Votes for other than this program would take a three-fifths vote.

To run a deficit, the Federal Government must borrow funds to cover its obligations. Section 2 removes the borrowing power from the Government, unless three-fifths of the total membership of both Houses vote to raise the debt limit.

However, the point that was made by Senator GRAHAM, which is well taken, is that in the case of Social Security this vote would be a simple majority. That is wrong.

To sum up, I would like to commend the Senator from Nevada. I would like to commend the coauthors of this amendment. Many of us have said, if the Reid amendment is agreed to, we will vote for a balanced budget amendment. We have said so for good and just reasons. There is a need for the castor oil of a constitutional amendment to force the body to do some of the things it has been loath to do.

However, without the Social Security amendment, I believe the balanced budget amendment is, indeed, a slippery and treacherous slope. I believe it jeopardizes the retirements of future generations and it jeopardizes a trust that these bodies have put in place with purpose and with specific financing. We should not do that. We should not break that trust with the American people.

I yield the floor.

EXHIBIT 1

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE,
February 1, 1995.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing with regard to S. 290, introduced recently by Senators Kempthorne, Dole, Thompson and Inhofe. The fact that the sponsors of S. 290 believe that it is necessary to take action to protect Social Security under a balanced budget amendment is, in my view, proof that it is imperative that the Senate adopt your amendment to exclude Social Security from the balanced budget amendment.

The pending balanced budget amendment reverses the 1990 law removing Social Security from a consolidated budget and puts Social Security back on budget as part of the Constitution. This presents serious problems for Social Security which cannot be addressed by S. 290 or any statutory measure. The sponsors of S. 290 cannot bind future Congresses to their legislation, or for that matter ensure that this Congress will not modify or overturn this legislation while Social Security would remain on budget as part of the Constitution. I also note that while S. 290 attempts to prohibit Congress from increasing Social Security revenues or reducing benefits to balance the budget, it will allow Congress to continue using the surplus in the Social Security trust funds to conceal the deficit. This only confirms our understanding that the proponents of the balanced budget amendment intend to continue this budgetary charade thereby avoiding balancing the budget until will into the next century.

The nearly six million members and supporters of the National Committee to Preserve Social Security and Medicare strongly oppose this practice of using the surplus generated by the Social Security payroll tax to fund deficit reduction or mask the true size of the general fund deficit.

Let's not forget that the continued borrowing from the Social Security trust funds will only create huge debts for the next generation which will be forced to redeem the bonds through massive tax increases.

The only way for proponents of the balanced budget amendment to live up to the many promises not to harm or undermine Social Security is to explicitly exclude it from the text of S.J. Res 1.

Sincerely,

MARTHA A. MCSTEEN,
President.

Mr. HATCH. Mr. President, the Senator from California dragged a number of volumes of the United States Code down here to the floor to show us all how much legislative language Congress has passed pursuant to the 14th amendment. The Senator from Nevada has alluded to this theme as well. The Senators from California and Nevada seem to be attempting to respond to my criticisms of the Reid amendment's attempt to insert a statute into the Constitution. No matter how many volumes of legislation are brought to the floor, they do not make these arguments responsive to mine.

Mr. President, the entire body of legislation—every and all volumes of the United States Code—are written and passed pursuant to the grant of legislative authority to Congress by the Constitution. But nowhere in the Constitution has any piece of that legislation been incorporated by reference into the constitution text as the Reid amendment attempts to do.

The 14th amendment, like many other grants of power, allows for legislative application. The balanced budget amendment itself grants Congress power to enforce and implement the amendment by legislation. But application of constitutional principles by the legislature is wholly different from grafting a mere statute onto the Constitution. Putting a statute into the Constitution by reference has never been done before, and with good reason. Such a reference would place that statute in a twilight zone of some type of quasi-constitutional status. It is unclear what such status would mean. Apparently the statute referred to, and any amendments thereto, would have constitutional implications—that is, a mere statutory change could alter the meaning of the Constitution, or perhaps we would need to go through a constitutional amendment procedure in order to effect a statutory change in the incorporated statute. It is simply unclear, because it completely unprecedented.

But what is clear is that the Constitution has never referred to statutes, and we should not start now. Other statutes enacted pursuant to constitutional grants of power are simply inapposite to the discussion of this issue, and they provide no precedent for the radical and unjustifiable step of grafting statutes into the text of the Constitution.

I urge my colleagues to defeat this unprecedented, ahistorical, and unjustified step toward constitutional confusion. I urge them to defeat the Reid exemption.

The PRESIDING OFFICER. The Senator from West Virginia is recognized to speak for up to 10 minutes.

Mr. ROCKEFELLER. Mr. President, when the roll is called on this amendment, the Reid amendment, every American will begin to get a much clearer picture of how a constitutional amendment to balance the budget will in fact affect them as individuals. Only by adopting the Reid amendment now before us will the U.S. Senate prove that Social Security is safe—prove that it is safe. And that is why I urge its adoption.

I must be honest with my colleagues. Even though I intend to vote against the constitutional amendment before us, I will vote for the Reid amendment to protect Social Security and the promise that has been made to the people of my State and to the people of America. If the Reid amendment is rejected or dropped along the way—and, of course, there is a real possibility that it could be accepted and then dropped in conference, something of that sort—it will be the equivalent of posting a danger sign in front of every household that counts on Social Security, not only in my State of West Virginia but all across the country.

Our colleagues promoting this balanced budget amendment can promise in every way they can possibly think

of—get on their bended knee and promise they will leave Social Security alone, they will not touch it after they get the amendment ratified—but unless the Constitution also reminds them of their promise, I think the pressure to nip, to tuck, and to do much more to Social Security could be unstoppable. This constitutional amendment for balancing the budget is not just a statement of support for the idea; it is a plan to put the Federal budget on a speeding train. It will require something in the neighborhood of $1 trillion in spending cuts over 7 years.

Just imagine what Congress will have to consider when the clock on those 7 years starts ticking. All the theorizing will be gone and the budget cutting will start. You can just hear the talk already. ''Social Security,'' they say, ''will have to be on the table.''

''No, we did not want it to be on the table. We just had no idea that would happen. But it has just come about that it has to be on the table because we have to cut this $1 trillion, or $1.3 trillion. How are we going to cut all these entitlements? How are we going to do all this without Social Security and without Medicare and without benefits for disabled veterans?'' That is what will happen.

Mr. President, I actually do not know how this will come about. I believe the worst part of this constitutional amendment is its very proponents do not know how they will rush their way to its destination. They defeated the right-to-know amendment. They did that very decisively and deliberately. And because I see Social Security as just one of the sacred trusts that might get torn up on the way, I do not trust them in their budget-cutting zeal. I do not trust their sense of priorities.

But the Reid amendment is one way to keep the Social Security train off the track that could very well plow down any number of things important to people's lives, to their hopes, to their expectations—from vaccinations of children, to home health care for seniors, to the way we repay our debt to disabled veterans.

I mentioned disabled veterans and I will again and again and again, because the people who were wounded in our wars, we have an obligation to them. We pay pensions to them. We have obligations that we must pay, and I fear those obligations will be compromised.

Why do I say that? Because I believe that.

As my colleagues think about the underlying legislation and the more immediate vote on the Reid amendment to protect the Social Security trust funds, I urge you to look at letters from seniors in your State and get a sense of what is at stake.

I have done that and I assume that other Senators have, too. Skip the impersonal postcards generated by interest groups, skip all of the form letters when people's names come rolling out of computers. We all understand that game. But take the time to pick up some of the personal letters with the kind of very scrawled handwriting from seniors who are truly frightened about what will happen to them if the Social Security trust fund is unprotected and this balanced budget amendment passes.

I have hundreds of such letters. Let me paraphrase the style. Take a letter that I got that starts with:

> I am 69 years old and worked every day of my life until I had to retire. I paid into the Social Security fund since the beginning. I collect $600 to $800 in Social Security a month, but my bills are more than that.

So she has done everything right all of her life, paid into the fund. She gets Social Security that does not cover her bills. The woman does not live ostentatiously. West Virginia is not one of the richest States in our country. People do not have the luxury of living ostentatiously. When somebody says they cannot pay their bills, I am inclined to believe them because over the last 30 years, I have seen so many people in that condition.

I have letters where seniors from my State painstakingly list their monthly expenses, their rent, their heat, their food, and their prescriptions. They ask me what they can do. In fact, what will they do if Social Security or Medicare is cut? They do not know. They are not hostile to a budget amendment. They are not hostile to cutting the budget. They just do not know what is going to happen to them. They honestly do not, and they are honestly afraid.

Mr. President, I tell you that there are 9 million senior citizens who live all by themselves in this country, many of whom do not have daily contact with others, except sometimes home health care agencies check in on them. They do not know what they are going to do if this comes to pass. They are afraid. Where can they turn in their twilight years for help? I do not know what to tell them when they ask me the question. I do not know how to answer that question.

I ask my colleagues who support the balanced budget amendment and who oppose the Reid amendment, what do you tell the senior citizens of your States? I can only tell West Virginians that I keep fighting to uphold the promise made to them. The benefits they earned by contributing to the Social Security system throughout their working years and careers are theirs. It is not a program; it is a trust fund. It is theirs.

Over 250,000 West Virginia citizens rely on Social Security benefits. Nationwide, almost 30 million senior citizens get their benefits that way, 30 million people. For many, their monthly Social Security check is the difference between poverty and so-called independence, the difference between buying groceries or going hungry.

Thirty-eight percent of senior citizens are not living in poverty today, Mr. President, thanks to Social Security. It has made that kind of a difference. This is a tremendous achievement that we can be proud of.

So our challenge, as I see it, is, one, to protect Social Security now for the seniors living on fixed incomes; and, two, to plan ahead to ensure that Social Security is there when the young workers who are now contributing over 7 percent of their wages are ready to retire, which will come quicker than they think.

Passing this constitutional amendment to balance the budget without the Reid amendment is one way to guarantee that we will fail to meet either of the challenges that I listed. We must protect the Social Security trust funds from becoming a pawn in a political debate over a politically attractive balanced budget amendment which sounds so reasonable and sounds so simple. That is why so many Americans support it. It sounds so easy.

Here is an example of where the devil in fact really does lie in the details—the details that the proponents refuse, I might say, to spell out, where the right-to-know amendment was rejected. We were told in no uncertain terms that we were all to strap ourselves onto the speeding train and to stop worrying about what and who gets trampled along the way. This does not say that over the next decade, the Social Security system will not need change. It will, for its own sake.

A recent report of its trustees clearly shows that long-term solvency problems threaten the Social Security trust funds. That is amply spoken about on the floor. If changes are not made, the trust funds will be exhausted in the year 2029. We have to begin working on solutions to the danger facing Social Security to restore its integrity, just as courageous Members of this body did, Senator MOYNIHAN being one, in the past; in fact, in bipartisan legislation in 1983. But any change made to Social Security should be designed to strengthen the trust fund, not to surrender to the speed chase started recklessly by the constitutional balanced budget amendment.

This balanced budget amendment—I am sorry; I just have to say it, because I believe it—is a game. It allows politicians to promise to be deficit hawks without requiring one single act on their part or one single clue on what they will actually cut. In my book, that is a game. And because I fear for the people of my State, which is vulnerable to the hidden agendas in this amendment, I support this proposal to make absolutely sure that Social Security is left alone.

I thank the Presiding Officer. I yield the remainder of my time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. Under a previous unanimous-consent request, the distinguished Senator from South Carolina is recognized to speak for up to 20 minutes.

Mr. HOLLINGS. Mr. President, I thank the distinguished Chair.

Mr. President, it is hard to make sense out of the debate in this town. We suffer through tremendous frustrations in trying to balance the budget, trying to pay the bills, trying to put the Government on a pay-as-you-go basis. Every State has to do that. Every city has to do it. I, as a Senator, participated back in 1969 when the Congress voted and the President signed into law a balanced budget. As chairman of the Senate Budget Committee, I participated in President Carter's efforts to cut government spending and leave his successor with a smaller deficit than he had inherited. We have seen the successes of President Clinton's $500 billion deficit reduction plan, and have known the tremendous struggle and frustration—the partisanship whereby there was not a single Republican vote in the House or in the Senate. Instead, Members predicted that the economy would stall, the deficit would rise, and everything was going to happen in the next hour.

Now comes what the distinguished Senator from West Virginia calls a game. I call it outright fraud, because I know they know better.

Here we are, trying to balance the budget without raiding Social Security, but all we are given is a constitutional amendment that uses these surpluses. This very minute, we have a statutory law on the books—section 13301 of the Budget Enforcement Act of 1990—signed into law on November 5 by President George Bush, which in effect says: ''Thou shalt not use Social Security funds.'' That is the formal statutory law; that is what we should be following today with or without the Dole amendment.

If we are serious about trying to balance the budget, we should recognize that a constitutional amendment alone is not balancing the budget at all. It is a delay. It says you have to pass a joint resolution through both of these Houses, and then send it, and hopefully have 37 States ratify it in the next few years.

So before we pat ourselves on the back for all our good work on balancing the budget, we should be mindful that a balanced budget amendment may not give discipline but rather may inspire creativity.

We have seen that in circumvention of the Byrd amendment which statutorily required Congress to balance the budget, in talk about capital budgets and about off-budget exercises, and in eliminating the fixed deficit targets of Gramm-Rudman-Hollings as they did in the 1990 budget summit.

Rather than recognize these shenanigans, the media in this town are smitten by the Contract With America and eagerly joins in this fraud.

Taking our streets back is not going to balance the budget. The Personal Responsibility Act is not going to balance the budget. The Family Reinforcement Act is not going to balance the budget. The American Dream Restoration Act is not going to balance the budget. The National Security Restoration Act is not going to do it. The Senior Citizens Fairness Act is not going to balance the budget. The Job Creation and Wage Enhancement Act is not going to balance the budget. Common-sense legal reform is not going to balance the budget, and the Citizens Legislature Act and constitutional amendment to limit congressional terms will not balance the budget.

So I come to this session of the Congress, having worked 28 years now in the vineyards trying to pay the bill and put the Government on a pay-as-you-go basis. Mr. President, we can put the Contract With America into law this afternoon. No budget is balanced, but that is exactly what we need in this land.

On Friday, we got another creative maneuver. We voted on the Dole amendment which said:

> Strike the Dole amendment. Strike all after the first word and insert the following: ''For the purpose of any constitutional amendment requiring a balanced budget, the Budget Committee of the Senate shall report forthwith H.J. Res. 1 in status quo, and at the earliest date practicable after February 8, 1995, they shall report to the Senate how to achieve a balanced budget without increasing the receipts or reducing the disbursements and the Federal old age and survivors insurance trust funds and the Federal disability insurance trust fund to achieve that goal.''

But having the Budget Committee report how to balance the budget obscures what the law already says that the Congress must do. Instead, we have these creative put-offs that the media covers like they would an athletic contest. On Saturday morning, we see the headline ''Senate Resolution Bars Congress from Dipping into Social Security.'' Absolutely false. There is no bar to Congress dipping into Social Security. The folks that write these stories have been covering the Congress and they keep writing it the way the majority wants it written, not the way the facts are. They ought to expose this nonsense. They say it is called a fig leaf, but they do not say why. Why it is a fig leaf is absolutely important. The Dole amendment does not change the Constitution. But the constitutional provision that they want us to vote on after all of the amendments is ''total receipts shall include all receipts of the United States Government except those derived from borrowing''. That constitutionally mandates the inclusion of Social Security funds. That is the whole point here. You cannot talk sense in this town; no wonder you can't get anything done.

My good friend, the distinguished former Vice President, was on ''Meet the Press'' this past Sunday. He said, ''These are the types of things that we ought to look at, but when you have amendments in the Senate right now that we are going to put in the Constitution that you cannot touch Social Security, this is ridiculous.'' Those are the words of Vice President Quayle. But the Reid amendment does not say that at all. You can touch Social Security. We touched it the year before last in the budget.

This particular Reid amendment does not say do not touch it; it says do not include it in your receipts and your outlays and disbursements. That is all it says. The Republicans want to use the $636 billion in Social Security surpluses—that is the whole point here. If they kill that Reid amendment, then they have $636 billion in their pocket that they do not have to cut in order to put us on a pay-as-you-go basis. That is the intent of the Concord Coalition which has done some good work. I wish they would get that digital clock that has the running tally of the national debt and put it into the parking lot in front of the Capitol so we could see it every morning when we come to work. But I wish they would not put forth this subterfuge about entitlements, entitlements, entitlements. Social Security is a trust fund; it is paid for. Do not give me 2029. Let us worry about today.

I have said time and again that it is like the 49ers, going down to Miami and running into the stands hollering ''We want a touchdown.'' Get down on the field and score the touchdown. That is what the 49ers did. We are the Government. The Republicans on the other side of the aisle are in the majority. They have control. They have the Supreme Court, they have the House of Representatives, and they have the U.S. Senate. Let them act like they have some responsibility. But do not give me this hit and run driving. All of this is process, process, process.

Nothing is real. Nothing gets done. No budget is balanced. They want to use these Social Security funds.

Mr. President, a few years ago I had a conference with the former OMB Director, Dick Darman at the insistence of President Bush. Later he enumerated in public exactly what he told me in the office. They want to get entitlements. They will not say the word ''tax'' even though they know that you have to have tax increases as well as spending cuts to balance the budget. Yes, you have to do something about Government spending on entitlements, but Social Security is paid for, so why break the trust? You are going to try your best with welfare, you are going to try your best with health. If you cut health back from a 10-percent growth rate to 5 percent, you will be a magician. You will get the good government award.

President Clinton has already gone a long way in this regard. They say he did not have the courage, but I get letters of thanks for his bringing up health reform last year. The chairman of the board of one of the largest employers in the State of South Carolina recently told me ''Keep on pouring on the coals. For the first time, I got my insurance coverage for the employees instead of going up, it went down 10 percent.''

Why? Because President Clinton had the courage to bring up health reform. And for that, they ridicule him and the First Lady. They criticized him last year for his proposed cuts in Medicare and Medicaid. Now they are running around here, bumping over desks and talking about no courage, taking a walk, putting up the white flag, and all that.

Where has any Republican put up their budget? They will not do it because they do not want to show senior citizens that they want to use the moneys in the Social Security trust fund. At least the Concord Coalition has the decency to say so. This crowd goes around, like the distinguished majority whip, the distinguished Senator from Mississippi, who says, ''No one—no Republican, no Democrat, no conservative, no liberal, no moderate—is even thinking,'' he says, ''about using Social Security.''

That is all they are thinking about. Why the big debate?

There is already one exception in the language of the constitutional amendment. Their amendment says, ''Total receipts shall include all receipts of the U.S. Government except those derived from borrowing.'' And the Reid amendment says, ''except Social Security trust funds.'' Now what is the matter with that? Don't give me all this gobbledygook about legislating in a constitutional amendment. They got an exception in here. You cannot hide from this.

What did old Joe Louis tell Billy Conn? ''You can run, but you cannot hide.'' They cannot hide on this one. It is crystal clear and we tried to show that in the RECORD. Some say we are trying to defeat the balanced budget amendment. I voted three times for it; I will vote for it again if you get the Reid amendment in there. But I am not going to breach the trust. I am not going to violate the contract that we made with America in 1935.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to thank Senator HATCH for finding a few moments for me. I was not part of the unanimous-consent agreement. I say to Senator HATCH, whenever it is somebody else's turn, if he will just advise me. I cannot be here longer than 10 minutes in any event.

But I come to the floor to suggest to the senior citizens of this country that, if they want to protect Social Security, they should not adopt the Reid amendment. Quite to the contrary, what he thinks he is propounding, and those who think it is to be off budget, off the constitutional amendment, I believe seniors ought to pay attention, because I believe it will be easier to spend Social Security money on things that are not Social Security if it is outside the budget than if it is within.

Let me give you some examples, as I see it. First of all, if Social Security revenues and outlays are outside of the balanced budget requirement, you can be sure that Congress will look for ways to move costs into Social Security and out of the rest of the budget.

The Reid amendment says Social Security is excluded from the balanced budget amendment only if the revenues and outlays are, and I quote, ''used to provide old-age, survivors and disability benefits.'' Social Security recipients might think that is only them. But this does not say that. It says ''old-age, survivors and disability benefits.'' So this amendment is saying all of those purposes are now outside of the budget.

And let me give you a couple of examples of what is going to happen.

For instance, the supplemental security income, the SSI Program, as Senator HATCH well knows, going through this debate provides income support for the poor, elderly, and disabled Americans, most of whom also get Social Security benefits. This program is part of the Social Security Act. In fact, it is title 16, and is administered by the Social Security Administration.

But, Mr. President, fellow Senators, and senior citizens who are concerned about this debate, this program is financed out of general revenues of $24 billion in 1994, not the Social Security trust fund. In other words, Congress budgets out of regular taxes $24 billion that goes into the trust fund to pay for SSI.

Why could not Congress, when it gets pushed in the balanced budget, why could not Congress cut the SSI to balance the budget and fund exactly the same benefits out of Social Security to protect the beneficiaries? There is no question that Congress can say, ''This trust fund is protected. Why don't we just not put the $24 billion in from the outside. Why don't we just use the trust fund to pay for the SSI?''

I believe it is legal. I believe it is just as possible as any horror or scare story about leaving it on budget.

Now let me proceed. Is that not doing that to ''old age'' or ''disability'' benefits? You bet. So the definition used by my good friend from Nevada includes what I am speaking of under the rubric of Social Security, but clearly there is a $24 billion easy loophole to charge the trust fund for SSI and there is nothing illegal about it.

Now, let me move on and then insert some things in the RECORD.

First of all, I want to move quickly to another notion. Supporters of the amendment of my friend from Nevada, Senator REID, may argue that current law provides a firewall around Social Security requiring 60 votes to raid it.

Now, I do not know if it has been argued, but I think it should be put on the table. Frankly, I had a lot to do with it. It is a Domenici amendment, a Domenici proposed firewall. I helped direct that despite objections from some who wanted to raid the trust fund. That firewall is very important.

But Congress can change it by changing our internal budget rules. In fact, we saw it happen in the 1993 reconciliation bill.

Let me tell you what happened. The President proposed to increase income taxes on Social Security benefits and instead of giving that revenue to Social Security—I say to my friend—as required by the 1983 bipartisan solvency package—he put the money in Medicare, a pretty healthy chunk of money.

In effect, if the Reid amendment passes, the paradox is it will take 60 votes to run a deficit, but only 51 votes to raid Social Security. Let me make sure everybody understands. Right now, the internal law of this Congress—and I believe it will be there for a long time—permits raiding on 51 votes. But if—if, in fact, you have a balanced budget amendment—and remember, it is enforced by a 60-vote rule—if, in fact, you are overspending, it takes 60 votes.

I assume part of the way to overspending would be to raid the trust fund. If you raid the trust fund, to go out of balance, it will take 60 votes; whereas, if you do not have the constitutional amendment, even with the firewall and all the other things, it will take only 51 votes to raid the trust fund.

Now, frankly, I believe the second thing we ought to make sure everybody knows, the Social Security fund is in danger not by the threats that have been posed by those who essentially, I believe, want to kill the balanced budget amendment—I mean, to me it seems like those who are saying put Social Security outside of the balanced budget clearly understand that many who are for the balanced budget amendment would leave that side of support and say we should not even have a constitutional balanced budget if everything we spend on is not on it.

So, what do I think is the most important thing for Social Security in the future? I believe the best way to protect Social Security, Mr. President, is to balance the Federal budget.

There is no doubt that if you ask economists, those who are familiar with the fund, those who are familiar with its idiosyncrasies, they will say the most important thing to do to protect it is to balance the budget.

If we continue to run budget deficits as we have been for two decades, we will sap all of our already meager national savings, which leads to lower investment and slower productivity growth.

Ultimately, let me tell Members what that means. Lower productivity and slower growth and lack of investment ultimately means stagnant wages. Stagnant wages ruin Social Security trust funds. Lower payroll taxes come from stagnant wages. Stagnant wages come, as I indicated, from spiraling deficits, without national savings, which make long-term interest rates go up, and the Social Security recipient is doomed.

Already we see the deficit in Social Security way out there in about 2½ decades, finally arriving again, because of demographics. And clearly if we have on top of that—without major reform in Social Security in the way out years on top of that—a slower wage growth base, we will never be able to afford the Social Security system.

That gets back to what is best for the seniors. What is best is a balanced budget. What kind of balanced budget? One that is real, one that is true to valid spending processes, that excludes nothing. That excludes nothing.

I want to repeat the fact that because I am here saying the Reid amendment should fail does not mean that this Senator or that Republicans on this side or Democrats on that side that are with the balanced budget amendment and do not want to take the Reid amendment, do not want to vote for it, we are not against Social Security.

Anybody that has taken the floor here and says this is calculated to harm Social Security, listen carefully. We are absolutely convinced that to take it off budget lends itself to more mischief and more robbing of the trust fund than if it is on budget. We are firmly convinced of it and we gave only two little examples today. But they are big. One is over $39 billion, the one on taxes; and one is $24 billion, just 1994. They will come up like mushrooms. The way is to make it more solvent but not bite the hard bullets of getting the deficit under control. That is No. 1.

No. 2, make it clear. Social Security and pensions and seniors' well-being is more predicated upon wage growth, productivity increases and economic prosperity than any other commitment of our Government. What is more apt to make those commitments viable and solid? A balanced budget where we spend within our means and live within our revenues.

We do not want to kill the constitutional amendment. Seniors do not want Members to kill a constitutional amendment on an amendment that says it will protect while all the time we are assured that it will kill the balanced budget amendment which is intended to protect seniors, which everybody knows will protect seniors, which everybody knows is a necessity.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Nevada.

Mr. REID. Mr. President, I appreciate the statement of the Senator from New Mexico. I do say, however, that no matter how loud the Senator talks, or how many examples the Senator gives that are not relevant, the fact of the matter is that the only way to protect Social Security is through the Reid amendment.

Mr. President, the Senator from New Mexico did not deny—nor has anyone, as a matter of fact—that this amendment, House Joint Resolution 1, includes in the general revenues of this country Social Security. There is no question about that.

In addition to that, Mr. President, the report that came to this body from the Judiciary Committee which reported the amendment says that Social Security shall be counted in the general revenues of this country. There is no question about that.

House Joint Resolution 1, section 7, if it passes, it will have passed with 67 votes. We do not have to worry about 60 or 50 votes. If the constitutional amendment passes and does not have the Reid amendment it will include Social Security revenues. Clear as that. No question about that.

My friend from New Mexico said on this floor the best way to protect Social Security is to balance the budget. The best way to protect Social Security, according to my friend from New Mexico, is to use Social Security trust funds. That is what this debate is about.

The debate on this amendment is whether or not we should exclude from the language of this underlying constitutional amendment Social Security receipts. I say yes. There are those in this body who disagree. They believe that Social Security funds should be used to balance the budget. I do not. I think that is wrong.

We can go back, Mr. President, to a history of Social Security. We hear a lot in this body and in the other body about a Contract With America. Let me remind everyone again that the real contract with America is not something that has to be passed in 100 days. The real contract with America was that contract that was negotiated by the Members of the House and the Senate and the President back in 1935.

They set up a trust fund that would be funded by employers and employees so that people when they reached the magic age of 65, they would be able to draw moneys from that trust fund that had been accumulated as a result of their paying into the trust fund with their employers. It is a contract. It is the original contract with America.

We, as Members of Congress, have a fiduciary relationship with the people of this country—not only senior citizens, but the people of this country—to protect moneys. This is for me, my children and my grandchildren. That is what this is all about. We have an obligation to protect those moneys.

We must remember that Social Security moneys come from taxes that are paid. Social Security has not contributed one penny to the multitrillion-dollar debt we have in this body. Not one penny. Why should it be used to help balance the budget?

Mr. President, we know it has been the intent of this body to exclude Social Security from the general revenues of this country. We know that because there is a law that says that. This is a section of our statutes.

This amendment was offered, among others, by the junior Senator from South Carolina who recently spoke on this floor. It says there will be an exclusion of Social Security from our general revenues—our budget. It says that. This was not a real close vote, although we did have a vote on that.

In fact, Mr. President, by a vote of 98 to 2, this law was passed: 98 yeas; 2 nays. It was the decision of the Senate and the House, and this was signed into law by the President, that we should exclude Social Security trust funds from deficit calculations.

Now, it seems rather unusual to me that we would come along just a few short years later and say, well, that was all wrong, the vote did not really mean that much, and with House Joint Resolution 1, the underlying constitutional amendment that is now pending in this body, it says we are going to include total outlays. I repeat, if it is not graphic enough for everyone, look at the report language that we have. It is a report that came from the Judiciary Committee that included language that says we are going to include Social Security in the general revenues of this country.

There could be no mistake made that this underlying constitutional amendment will take Social Security trust funds and use them to balance the budget.

There have been very few objections raised to excluding Social Security. I heard the Senator from North Dakota say on a number of occasions: ''Give me a reason why you would not want to exclude Social Security from the deficit reduction problems we have in this country. Social Security does not add to the deficit.''

So why should we?

Some of the reasons that have been raised are, No. 1, we are going to take care of things by using implementing legislation to exempt Social Security from the balanced budget amendment. We know that if the underlying constitutional amendment passes, it will have section 7 in it. This would be part of the Constitution. I have a copy of the Constitution in my hand, Mr. President, and this amendment will become part of this Constitution. If I am not mistaken, it will be amendment No. 28. If it is part of our Constitution, you cannot pass a statute that says the Constitution does not really mean what it says.

If the underlying constitutional amendment passes and you try to pass a law that says the Constitution does not mean what it says, it is obviously unconstitutional. So how could anyone accept the proposition that we will pass a law that will change the Constitution? That is what we are hearing around here.

''We will use implementing legislation to exempt Social Security from balanced budget calculations''—it is irrational; it is impossible to arrive at any conclusion that would make that possible. Attempts to exempt Social Security through implementing legislation would be futile.

I repeat, once the Constitution is amended, to include, as the chart shows behind me, ''Total outlays shall include all outlays of the U.S. Government except for those for repayment of debt principal,'' in effect what we want to put here, in addition to ''repayment of debt principal,'' is ''Social Security.'' That is what this amendment is all about. You cannot change the Constitution with simple implementing legislation.

Senator HEFLIN has said this means that there will be a constitutional requirement that Social Security funds be considered on budget. I point to this for the third time; that is what it says.

''If the balanced budget amendment,'' Senator HEFLIN continues, ''is adopted as presently worded, it would prohibit Congress from legislatively taking Social Security funds off budget and would nullify the provisions of the 1990 Budget Enforcement Act which would require Social Security funds to be considered off budget.''

He is not the only one who has said this. It is not as if Senator HEFLIN, who is, I think, one of the leading legal scholars in this body, does not have any support. We have an opinion from the Congressional Reference Service that says:

> Under the proposed language, it would appear the receipts received by the United States which go to the trust fund and the Federal Disability Trust Fund would be included in the calculations of total receipts, and that payments from these funds would similarly be considered in the calculation of total outlays.
>
> Thus, if the proposed amendment was ratified, then Congress would appear to be without the authority to exclude the Social Security trust funds from the calculation of total receipts and outlays under section 1 of the amendment.

There has also been an allegation made that statutes never have been incorporated in the Constitution and this would be unprecedented, constitutionalizing a statute.

As I have said before, Mr. President, if a statute is included in the constitutional amendment, it is no longer a statute. We have established through Senator FEINSTEIN and the Senator from Nevada that every constitutional amendment has a spate of accompanying legislation that implements legislation, and that is why we talk about the 16th amendment, IRS.

I think, more importantly, you should know though, this is the first time in the history of this country that we have attempted to affix fiscal policy in the Constitution. So if we are talking about fiscal policy, should we not be concerned about one of the largest fiscal elements of our society, namely, Social Security?

We are also told if Social Security is put off budget, then Congress would have to raise taxes or cut spending to meet this year's deficit and future years'.

That is the whole point of the amendment. We do not believe that the budget should be camouflaged as to its deficit component by Social Security surpluses, and that is what would be happening if this amendment is passed without exempting Social Security.

The Senator from New Mexico and others have said on occasion that exempting Social Security in the constitutional amendment would create a loophole.

Well, Mr. President, as I have stated briefly, after Senator DOMENICI spoke, in section 7 of this proposed constitutional amendment, Social Security receipts are lumped into the general budgets of this country. The only way that you could change Social Security, as Senator DOMENICI has said—he acknowledged our previous statement—is if in fact you get 60 votes. So I think creating a loophole is a real stretch.

Now, Mr. President, there are some other things that I desire to say, but I have been in the Chamber now for some time as the manager of this amendment, and I see two Senators in the Chamber. I would be happy to yield to them if in fact they desire to speak on this amendment. Could I inquire through the Chair if the Senator from Georgia and Oklahoma wish to speak on the pending amendment?

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I do desire to speak on the amendment.

Mr. REID. I am wondering, Mr. President—we have until 5 o'clock—if perhaps we could enter into some type of agreement—I know we did that earlier in the day—and save Senators hustling around. We have about 40 minutes left. How long, may I inquire through the Chair, does the Senator from Georgia wish to speak?

Mr. COVERDELL. I would only require 5 minutes.

Mr. REID. And the Senator from Oklahoma?

Mr. COVERDELL. He is not speaking today.

Mr. REID. I would yield the floor to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise to speak on the amendment as offered by my friend from Nevada and the language that has been embraced by the Senator from Colorado.

Mr. President, throughout this debate and, for that matter, throughout the last several years as we talked about the balanced budget amendment I have watched Members of Congress, House and Senate, come before the American people and repeatedly say almost with abandon—and that may be the right word—they support a balanced budget amendment. In the President's State of the Union Address, he told us that he supported a balanced budget amendment. Of course, within a week he submitted a budget that nowhere approached a balanced budget and did not even make an attempt to move toward one. And of course, with all the statements that we have heard from both sides of the aisle, all across the board, Republican and Democrat, and for years that said they were for a balanced budget, I think the American people can come to the conclusion after 25 or 30 years that must not mean very much because we just do not produce balanced budgets.

Worse yet, we have spent every dime we have—$5 trillion that we do not have, 30 percent of the property tax base of America through the egregious unfunded mandates, and now we are in the process of spending the Treasury, so to speak, of the children and grandchildren of America—in every corner we can find. So I do not believe that people of the country can take much comfort from a President who says he supports a balanced budget but does not offer one, or from the Members of Congress, no matter what side of the aisle, who come before us and say they are for balanced budgets but never produce one.

Now, the Constitution is our conceptual law. It is an acknowledgment that to manage the affairs of this great Nation there must be core law—core law.

So this idea that we can do this—and this does not need to be added to the Constitution—is a specious argument because there is no issue of greater concern to the health and the future of our country than its fiscal health. No family, no business, no community, State, or nation can conduct the affairs required of it if they are financially unhealthy. And the United States is on the verge of enormous financial destabilization.

So it is absolutely logical that we now add to our core law a process by which we will govern and assure the people of the country sound financial fiscal law.

With regard to the amendment, in my judgment, any amendment of exemption makes the law virtually moot because that exemption will ultimately be the vehicle by which all the pressures we have suffered this last quarter century will focus, whether it is 60 votes or a majority—all the pressures to keep doing what we are doing and to resist change will collapse with the full weight of the last 25 years on the exemption, no matter what it is.

Now, we have focused on Social Security here time and time again. I have to say that I believe this is used to raise fear in our country, and it is used as a vehicle with which to block the concept of core law that will manage our financial affairs.

Now, if you are for a balanced budget and keep saying so, then you would obviously vote for a balanced budget amendment. And if you are worried about Social Security—and everybody says they are on both sides of the aisle—then the first thing you have to do is to produce fiscal health. Otherwise, Social Security and every other meaningful program in our country will fall victim to a financially destabilized nation.

Mr. President, I would just say that we are very dangerously close to being

the first generation of Americans that would be willing to turn over to the future of our Nation a country that is financially destabilized and unable to properly care for itself.

Mr. President, I yield.

Mr. INHOFE. Will the Senator yield for a question?

Mr. COVERDELL. Mr. President, I would be glad to yield if I am within the time agreement.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Chair.

Mr. President, the Senator said something about how long we have been talking about the balanced budget amendment, and tomorrow I plan to go back and revisit an experience I had with Senator Carl Curtis, a former Senator, conservative Senator who was the father of the balanced budget concept way back in 1972.

At that time, when his idea was to get three-fourths of the States to ratify, force Congress to do this instead of talking about it, he brought up at that time that every time it has been brought up it has been killed by someone who wanted to have an exception to it written into the Constitution, knowing full well that it will not work.

Does the Senator think that after 22 years, people out there are now going to be in a position to demand that we quit talking about it and do it?

Mr. COVERDELL. The Senator from Oklahoma is absolutely correct in the assertion of his statement. The American people want the balanced budget amendment passed. It was the centerpiece in the election just concluded; 70 or 80 percent, depending on whose poll you read, want this balanced budget amendment passed, and the reason is they have heard us say we are for a balanced budget time and time again—they heard the President say it just the other night—and then within hours in history reverse themselves and do nothing to produce it. And so they come to believe that the only way our system will be disciplined enough in the core responsibility of caring for the financial health is for it to be written in the core document that governs the United States, that is, the Constitution of the United States.

Mr. INHOFE. Will the Senator yield for one more question?

Mr. COVERDELL. I certainly will.

Mr. INHOFE. Does the State of Georgia have a balanced budget constitutional amendment?

Mr. COVERDELL. Yes, they do. It goes further than this one. If the Governor fails to meet it, he goes to prison.

I remember very well when I first went to the State senate, within several years, we were going to exceed our revenues by some $120 million. The Governor was forced, choosing this over prison, to call a special session, and we found a way to eliminate the expenditure of $120 million.

Now, if that amendment, a requirement and discipline, I might point out to the Senator from Oklahoma, if it had not been in place, do you think we could have come into special session? Do you think we would have taken on the hard job of finding where to eliminate $120 million?

The answer is no. It required a discipline built into our core governance, the Constitution of the State of Georgia, to force us to make the hard decisions, which we did. We fought about them. We set our priorities, made the decision, and went home. Some were happy, some were not, but we made the decision, Mr. President. We made the decision. And we kept the finances of the State of Georgia intact. I might add that the financial health of my home State is considerably improved over the financial health of our home nation.

Mr. INHOFE. I appreciate the Senator yielding. I asked that question because in the State of Oklahoma, I went back and read extensively about our balanced budget amendment which we passed in 1941. The interesting thing is the same arguments that are being used today in this forum were used back then, saying that it would not work, and it has worked since 1941. It would not have worked if it had not been in the constitution.

I thank the Senator for yielding.

Mr. COVERDELL. I thank the Senator, and I thank the Senator from Nevada for yielding time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say through the Chair to my friends from Georgia and Oklahoma a couple things. First, I want the record to be very clear the majority leader, the Republican leader, has been entirely fair with this Senator and those of us sponsoring this amendment. Going into this I asked the senior Senator from Utah that we be given enough time, because of the importance of this amendment, to debate the issue. We have had that opportunity. It is my understanding the leadership is now working on a time sometime tomorrow that we will vote on this amendment. I think we have had an adequate time to debate this issue, for which I am publicly thankful to the majority leader.

The point that I raise here is there has been no effort to stall this. We have had a full and complete debate. I do not think we have had a quorum call, to my knowledge, during the entire time that my amendment has been debated.

I do say, however, in response to some of the statements raised by the Senator from Georgia that people are trying to raise the fear of Social Security recipients: Mr. President, I am not trying to raise the fear of Social Security recipients. I am trying to inform the Social Security recipients of the facts. And the facts are, if this amendment passes, the underlying amendment, Social Security will be included in the general funds of this budget. I do not know if that will cause fear to be instilled in senior citizens. If it does not, it should, because clearly the American public, who badly want a balanced budget amendment, do not want Social Security receipts to be part of the balanced budget amendment.

My friend from Georgia said 70 or 80 percent of the people want a balanced budget amendment. That is true. But 90 percent of the people of this country want a balanced budget amendment that excludes Social Security.

While it is not a big issue and not part of this amendment—and my support of the balanced budget amendment is not contingent upon a capital budget—I think it is fair to inform everyone that the States of Georgia and probably Oklahoma and I know Nevada have a balanced budget requirement but they exclude capital expenditures. We have a beautiful new building in Las Vegas, a State building. But that State building was paid for with bonds, or a considerable part of it. BONDS. That is moneys that are paid on time, so to speak, like when we personally buy a home or we buy a car personally, or a company buys a piece of equipment. Not often is cash paid for it.

Mr. President, I see the distinguished Senator from Alabama here. Does the Senator wish some time?

Mr. HEFLIN. Yes, I would appreciate some time.

Mr. REID. Please proceed.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HATCH. Will the Senator yield for a unanimous-consent request?

Mr. HEFLIN. Certainly.

Mr. HATCH. Mr. President, I ask unanimous consent, so we have some order, that when the distinguished Senator from Alabama completes his remarks in the time he desires, then we move to the distinguished Senator from Tennessee so we can keep some sort of an order here.

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

Mr. HATCH. I thank my friend.

Mr. HEFLIN. Mr. President, I strongly support the resolution calling for a balanced budget amendment. I think it is long overdue. It provides the discipline that is absolutely essential if we are going to balance the budget and eliminate deficit spending. However, I do feel in a balanced budget resolution we ought to provide for the absolute truth as it would apply to deficit spending, at least to the extent of having Social Security off budget and not a part of the overall budget.

When Social Security was created in 1935, it was created as a trust fund to be held separate and apart from the general operating budget of the Government. That was true up until 1969, when it was used to, really, hide the true deficits that were occurring as a result of the Vietnam war and some other matters that called for the expenditure of funds.

In 1990, we attempted to take Social Security off budget and have truth in the budget. That was the intent but,

under some mechanisms and maneuvers, we do not really have it today.

The amendment calling for a balanced budget would mean that we would have Social Security funds included in the budget process for the general operating budget, and this causes me concern. I have looked at figures of projections which the Social Security Administration has worked up relative to the amount of excess of receipts over outlays, or surpluses, that are occurring. In 1995, which is the present fiscal year we are in, the Social Security trust fund will have a surplus of $69 billion; in 1996, $73 billion; 1997, $78 billion; 1998, $84 billion; 1999, $90 billion. In the year 2000, $96 billion.

I do not have the figures, but as I understand it, they continue to grow and we will say, by the year 2001, it is in excess of $100 billion.

The present projected deficits, according to the President's budget and otherwise, indicate that at around the year 2001 we will have deficit spending around $200 billion. According to the Social Security Administration, the surplus in the Social Security trust fund in the year 2001 will be $951.8 billion. What happens to that surplus? The surplus is invested with the idea of drawing interest in order that that interest can compound the assets each fiscal year to make it grow. We hear the term that it is designed to make it more actuarially sound.

So you have interest that is then growing, and in the year 2001, according to the Social Security Administration, they anticipate—and it is based on factors based largely on interest rates today—that the Social Security trust fund will yield about $63.3 billion in interest in the year 2001.

So we have coming in $100 billion and $58 billion from interest, making approximately a total of $158 billion that will be coming available as surplus interest and surplus payments in the year 2001. The year 2001 is the year before 2002, which is the target date for balancing the budget.

So you say if Social Security is a part of the budget, then in the year 2001, we will find—the projections on the deficit spending as of that year would be $200 billion—if you allocate toward the reduction of the deficit $158 billion, coming from principal that comes in to be paid plus $58 billion that would be drawn on interest on the surplus, it would leave $42 billion that you would have to cut in programs.

It seems to me that if you were at the stage of that and you were attempting to balance the budget and to bring about a reduction of spending in unwise programs, you would not want to be in that position. But under the language here, under the definition of total receipts, the total receipts include all receipts of the Government except those that are obtained or derived from borrowing. So, therefore, it is mandatory that at least $100 billion of the principal has to be included on the receipts side relative to the balancing of the budget.

This matter of attributable interest causes me concern. The definition of total receipts shall include all receipts of the U.S. Government except those derived from borrowing. Therefore, when the Social Security surplus, nearly $1 trillion in the year 2001, has been invested and you bring in the money that has been obtained from borrowing, it means, therefore, that the interest, the attributable interest, is not included. One would think it would be included from the borrowing. But when it comes to the outlays, it is excepted because of the fact that you cannot allow under the definition of outlays to pay back interest under the concept of the budget. So, therefore, you are in a situation where the total receipts shall include all receipts of the U.S. Government except those derived from borrowing. That means you include all receipts that the Social Security tax pays, and it is required that you have to do it.

The money that is invested by Social Security funds can be paid back, and they will be paid back, because it says total outlays shall include all outlays of the U.S. Government except those for the repayment of debt principal—debt principal—but it does not guarantee necessarily that the interest will be included in the budget. Therefore, it puts it into a situation of uncertainty as to whether or not the interest will be repaid. But the debt principal, of course, is not included in the outlays and, therefore, you have a problem that arises in connection with that.

I think that we ought to at least, if the Reid amendment is defeated, address the question of debt interest that is coming in regard to the Social Security Administration. This is sort of a complicated concept. But it ought to be that attributable interest is also kept off budget, and that we do not have to depend on the payment of interest to come from actual outlays that are appropriated under the general budget because it is a temptation. And it may well be that they will be repaid. But there is no guarantee that the debt principal interest, the interest that is grown, will be repaid relative to that matter.

I think there are a lot of things pertaining to the Social Security amendment of Senator REID that are very important. I think it is one of the most consequential votes of this young session of Congress that we have had.

I want to rise to voice my strong support for Senator REID's amendment exempting Social Security receipts and outlays from the budget. Social Security is the Federal Government's original contract with America. I believe Senator REID used that word in one of his speeches. If the Reid amendment does not pass, then we will be breaking that contract, and we will ultimately be forced to balance the budget on the backs of hardworking Americans who have contributed toward their retirement with a portion of each paycheck.

This provision says it is a protection for all Americans who pay into the program. There is no question that, under the language in the balanced budget amendment resolution now pending, the Social Security trust fund will no longer be completely safe for future generations.

The Reid amendment seeks to correct the deficient language so as to uphold the original contract with America, one that has lived up to its intent like few other Government contracts have. The amendment is very simple. It protects the Social Security Program by excluding the receipts and the outlays in the system from the budget.

Social Security is not causing the deficit. Its revenues and surpluses should not be used to mask the receipts, nor should its outlays be counted as part of expenditures. We should keep in mind that Social Security is a program self-financed from contributions by employers and employees, which does not contribute one cent to the deficit. In fact, in 1990, Congress included a provision in the Budget Enforcement Act declaring that funds off budget, much like our personal savings accounts, are not counted towards the budget.

The current underlying resolution, if not amended, would clearly put Social Security on budget, and thus overturn the decision 5 years ago to affirm the off-budget status of Social Security.

As we debate and develop the balanced budget amendment, we need to be certain that we protect the integrity of the Social Security System and maintain truth in budgeting. The protection of this self-funded program can only be accomplished by keeping it off budget and out of the balanced budget equation.

This vote should be easy. The bottom line is that we are voting on whether or not to protect the true contract with America, Social Security. I urge my colleagues to vote in favor of protecting the terms of this sacred contract and covenant, and keep Social Security in its protected position as a trust fund separate and distinct from the Federal budget.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, we have been debating the balanced budget amendment now over a 15-day period—or about 11 days of debate. I think it is very important that we step back and reconsider the fundamental question that we are dealing with here, and that is whether or not we are going to take the steps necessary to put ourselves in a position of dealing with the problems facing the next generation, or whether or not we are going to go down the same old road and proceed to bankrupt that generation.

There is nothing more fundamental in human nature than looking out for

one's offspring, for the people that we bring into the world. I am not sure we have done a very good job of that so far. We have an opportunity to do that with the balanced budget amendment.

We have heard several amendments discussed over this 15-day period. Many of those amendments would defeat the balanced budget amendment if adopted. I respectfully submit that the Reid amendment under present consideration would fit that category and would defeat the amendment if adopted. Many good arguments have been made against this amendment. One is that it would be a loophole through which anything could be driven and will obviate the purpose of the balanced budget amendment.

Senator HATCH from Utah this morning pointed out that the adoption of this amendment would put into the Constitution very complex language which would create a field day for lawyers, and it does not belong in a constitutional amendment. I believe the most important part is to understand the protection issue. This amendment is being set forth as protection for Social Security. Social Security, and the protection of it, is something we are all committed to. We have made that commitment by vote and we have made that commitment by voice in this body. We will continue to make that commitment.

But the fact of the matter is that the safety of Social Security depends upon the commitments of this and future Congresses as we proceed, and not upon the language of this amendment. If this amendment is adopted, it will do nothing to prevent future taxes of Social Security. If this amendment is adopted, it will do nothing to prevent cuts in Social Security in the future. It is essentially a bookkeeping measure. The proponents of this amendment rightfully point out that at the present time the surplus in the Social Security trust fund does assist in making our deficit picture look a little better, as bleak as that is. That is a short-term consideration, Mr. President.

The fact of the matter is that within a relatively few years, depending on how you calculate the Federal Government employer part of it, in 2010 or 2013 the Social Security trust fund is going to be in the red and the real protection for Social Security again is not in this amendment, which I think really in many respects would endanger it more than it already is. The real protection is in balancing the budget.

I think it is important to keep in mind two factors that are driving this debate. One is the fact that the Social Security trust fund will be going into the red in the not-too-distant future. It is right around the corner. The second is the phenomenon of the interest on the debt.

As you know, Mr. President, the interest on the debt right now constitutes—or will in a couple of years—the second highest expenditure of our Federal budget and will continue in that direction as far as the eye can see. Those two factors go on together. I submit, Mr. President, they constitute the real danger to Social Security. All programs are going to be squeezed if this scenario continues to play out in the current direction if we do nothing about it. All programs are going to be squeezed and those programs applying high expenditures, such as Social Security, will be high on the list and under close observation, Mr. President, if we come to that point.

Let us consider separately those two factors I just mentioned. Interest on the debt. Interest payments on the debt are currently $235 billion. They are expected to rise to about $5 trillion by the year 2030 under current circumstances. This is according to the Commission on Entitlements. Interest payments on the debt currently accounts for approximately 22 percent of the general non-Social Security revenue. By the year 2030, Mr. President, interest payments on the debt will account for approximately 75 percent of general revenues.

Let us consider the Social Security trust fund for a minute, the second part of that equation. We will start to go into the general fund to meet current Social Security liabilities by the year 2010, which is right around the corner. We will need an additional $850 billion in the year 2030 alone over anticipated Social Security receipts to meet current liabilities. That is an additional $850 billion if we proceed under current circumstances. So by the year 2030, we will have Social Security needing about an additional $850 billion, at the same time that interest payments on the debt are exceeding 75 percent of general revenue. You can see where that takes us.

The sum of interest payments and Social Security equals just under $6 trillion. General revenues are expected to be just over $6 trillion. Clearly, this is a catastrophe waiting to happen, Mr. President. We cannot sustain that trend.

What else will be going on if this scenario plays out? These are just numbers. What is going to be going on in the real world? Our savings rate is going to decline even further. That, in turn, will cause our interest rates, now hurting, to decline even further. That, in fact, will hamper our growth rate; it will hamper the standard of living for every young couple starting out and trying to start a family. It is already going down. We hear a lot of talk that the real income of working Americans today has stagnated for some time now in this country. The other part of this story is that for younger Americans, since 1973, the real income for them has actually gone down. This economy is slowing down. We talk about what happened last quarter or the quarter before last, but if you take the long-term trend, this economy is slowing down. Our investment rate is slowing down. Our savings rate, which produces that investment, is slowing down. As interest takes a bigger and bigger chunk of the savings dollar, there is less there for private investment. Interest rates will go up and taxes will go up astronomically. We all know the demographics, and before long we are going to have a smaller and smaller working force, taking care of a larger and larger retired population.

Some people even talk in terms of a generational war—a generational war, Mr. President. Surely we can do better than that. That is the real danger to Social Security. If that happens, if we get to that point, if we get to a 70-percent tax rate, if we get to an economy slowing down, if young working people see this is happening to them and these figures go out of sight, nothing is going to be safe, including Social Security. We must avoid that, and the only way to do that is by a constitutional amendment.

We have already turned ourselves from a creditor nation into a debtor nation. We already have the lowest savings rate among all of the industrialized countries. We have now one of the lowest investment rates of any of the industrialized countries. We must be able to see the handwriting on the wall. The only other options would be to cut Social Security dramatically, raise taxes dramatically, keep raising the deficit, or not fund anything else, such as defense, infrastructure, Medicaid, or any of those things that we know we must fund.

Had we balanced the budget in 1981, based on the law passed at that point—as the President recalls, the history is replete with instances of failed attempts to balance the budget. We have declared it to be a national priority. We have put it into law in 1979. But even the year we put it into law, there was a $79 billion deficit. Failed attempt after failed attempt, Mr. President. If we, in effect, had balanced the budget, as the law required in 1981, our interest payments today would be only $45 billion, compared to the $234 billion. And it is almost $200 billion less than we are paying today. Indeed had we balanced the budget beginning in 1981, interest payments would be so much lower that by this year we could have a balanced budget and still spend virtually the same amount as actually is being spent on noninterest spending.

Therefore, I urge that we not lose sight of what we are about here. This amendment does not protect Social Security; in fact, it endangers it. The only true protection for Social Security is the passing of the balanced budget amendment.

I yield the floor.

THE REID AMENDMENT

Mr. WELLSTONE. Mr. President, I rise to support the Reid amendment which would make crystal clear that if a constitutional amendment to balance the budget does pass the Senate—I know it is going to be a very, very close vote. So it is very difficult to tell whether that will happen—that there will be language that will ensure that

Social Security and Social Security trust funds will not be used for the purposes of deficit reduction as spelled out in the balanced budget amendment goal.

Mr. President, let me make clear in the beginning that I believe the Social Security trust fund, as we look well into the next century and really not that far into the next century, just in terms of its own trend lines and making sure that it is self-supporting, that reforms will be necessary, that there are steps that we are going to have to take, and difficult decisions will have to be made. But, Mr. President, the reason I feel strongly about the Reid amendment is this is a separate trust fund, and indeed, as other Senators have said, if we are going to be talking about contracts, Social Security is a contract with many Americans.

So, Mr. President, there is no question in my mind that this trust fund should be kept separate, that when we look at Social Security—and we do this as a Nation and we take steps that we need to take to make this trust fund work well into the next century—we should do so. But that money should be kept separate. That issue should be kept separate. That should not be part of the effort to balance the budget by the year 2002. I think the only way we live up to our commitment with older Americans and their children and their grandchildren is to make it crystal clear through this Reid amendment.

The second point: There was a reason for passage of the Social Security bill in 1935. It used to be that in the United States of America, if you were to look to see where the vast majority of poor people lived and who they were, they were disproportionately the elderly. There is an obvious reason, which is after people became older and no longer were able to work, and employment earnings severely dropped and, therefore, many of our elderly citizens were destitute. The Social Security Program, because it is universal, because it is a sacred contract, has been, I think along with the GI bill of rights, one of our two or three most successful programs. And, as a matter of fact, poverty has dramatically declined among older Americans. It is no longer the case that we find the poverty disproportionate among the elderly within our country.

The third point: I make the argument that it has been an extremely important program. As a matter of fact, Mr. President, this is truly a middle-class program. It is as if middle-class people and working families through their own sweat equity and their own work were able to in 1935 effect a huge accomplishment which changed our country forever, and for the better. That is Social Security.

Mr. President, what I resent in some of the discussions about Social Security and Social Security recipients is this caricature that we have too many older Americans who are ''greedy geezers playing golf every day.'' That is simply not true. It is simply not true.

Mr. President, as a matter of fact, there are many people—40 percent—for whom Social Security is really their sole source of retirement income. I will never forget in a cafe called Wimpy's Cafe in Faribault, MN, two elderly women, not that long ago, said to me: ''Senator, we receive, altogether, I do not know, like $440 a month. Do not cut our Social Security payment; it is what we depend on. Senator, we are terrified that is what you are going to do.''

My colleagues on the other side of the aisle say we are not going to do that. If that is the case, then let us ensconce that as part of the constitutional amendment, make it a part of the constitutional amendment. That is what the Reid amendment says.

Mr. President, the fourth point is that it bothers me no end that we continue to focus on—or at least some do—this kind of generational conflict. I have not been to one gathering of older Americans, of senior citizens in Minnesota, where people have not said to me that one of their top three issues are children, which in many cases are their grandchildren. It strikes me that this is a program that is sacred, this is a program that is a sacred trust, and this is a program that if we are going to make any changes, they ought to be made with the community and it ought to be made viewing Social Security as a separate trust fund and a separate program. We have to make sure that there is not a raid on the revenues of this program right now to be used for deficit reduction.

Mr. President, let me make one or two final points. One has to do with what I said last week on the floor of the Senate. I just want to sound the alarm that each and every Senator, regardless of his or her party, is held accountable for the remarks we make on the floor of the Senate. I take any speech or remarks on the floor of the Senate very seriously, first of all, because of the honor of being here.

Mr. President, when we look at this balanced budget amendment and we understand the projections on the amount of money that is to be saved by 2002, the amount of budget cuts that have to take place —and we are talking somewhere in the neighborhood of $1.3 trillion, and we are talking about cutting taxes. As I said the other day, there is an old Yiddish proverb that you cannot dance at two weddings at the same time. You cannot talk about cutting taxes and increasing the Pentagon's budget and paying interest on the debt and say Social Security is going to remain separate—what is left to cut? Medicare is much like Social Security. It is a sacred trust with the elderly in our country.

Mr. President, in 1965, much like in 1935, our parents and our grandparents changed the United States of America for the better. And the Medicare program, imperfections and all, is a program that, for many elderly people, is the difference between being able to live the end of their lives with dignity as opposed to being destitute because of medical bills.

Mr. President, we ought to be straightforward with people that there are going to be draconian cuts in Medicare and Medicaid. Fifty percent of Medicaid goes for elderly and nursing home care. I can tell you that in my State of Minnesota, doctors, clinics, hospitals and the elderly are very worried; some of them are downright terrified. It is not because people are using scare tactics; they have reason to be scared because there will have to be, on present course if this balanced budget amendment is passed, deep cuts in those medical programs.

Mr. President, if there are deep cuts—and there will be—then I wonder why, as I said last week, the very Senators who, when it came to health care reform last session and when we were talking about universal coverage, were yelling and screaming about rationing and lack of choice, now when we are about to pass a constitutional amendment—maybe, maybe not—but we do not list where the cuts are going to take place, because we know we are going to have deep cuts in Medicare—and some want to cut Social Security, and we know they want deep cuts in Medicaid—the very Senators who know that and know this is going to lead to rationing among the elderly, the poor and the disabled, are silent.

That is what I find to be so disingenuous about this amendment and the failure on our part, as Senators, to step up to the plate and be clear with people as to where we are going to make the cuts, as to what our priorities are, as to what kind of choices we are going to make.

So I think the Reid amendment is an extremely important amendment. I think if Senators believe that the Social Security trust fund should be kept separate, then they should vote for the Reid amendment. It is simple. In a sense, it is sort of like not separating the votes you cast from the words you speak.

And, by the way, I think it is not just Social Security. It is also the very question of Medicare.

Finally, because I think this is what this debate is all about, it is interesting to me that now what I see happening in Minnesota is a lot of the education people, not just the teachers or college presidents, but, all of a sudden, students are saying, wait a minute, you say you are for the middle class, and our understanding is that there are going to have to be significant cuts in PELL grant and on campus need-based low interest loan programs? If you are for the middle class, Senators, then do not cut the very programs that enable our children to have a chance to be able to afford their education.

Mr. President, I find it interesting that Senators do not want to vote to keep the Social Security trust fund

separate—though I hope we win that vote—and are not willing to go on record saying we will do nothing that will create more hunger or homelessness among children. I lost twice on that amendment. They are silent as to all the rationing that is going to take place because of deep cuts in Medicare and Medicaid. They have not been forthright with the vast majority of Americans, who, all the time, wonder how they are going to be able to afford higher education for their children because we know we are going to be cutting some of those programs. But when it comes to subsidies for oil companies, pharmaceutical companies, insurance companies, all sorts of loopholes and deductions, adding up, I might add, to hundreds of billions of dollars, they are silent. I would think that would be part of the way in which we do deficit reduction. But none of us will know unless we are willing to lay out our budget plan before we vote for a balanced budget amendment. That is what is wrong about our approach.

With those remarks, I yield the floor.

Mr. ROCKEFELLER. Mr. President, when the roll is called on this amendment, every American will begin to get a much clearer picture of how a constitutional amendment to balance the budget will affect them.

Only by adopting the Reid amendment, will the U.S. Senate prove that Social Security is safe. That's why I urge its adoption. Even though I intend to vote against the Reid amendment to protect Social Security and the promise that has been made to the people of my State and the rest of America.

If the Reid amendment is rejected, or dropped along the way, it will be the equivalent of posting a danger sign in front of every household that counts on Social Security today or sometime in the distant future.

Our colleagues promoting this balanced budget amendment can promise in every way they know how that they'll leave Social Security alone after they get the constitutional amendment ratified. But unless the Constitution also reminds them of their promise, the pressure to nip, to tuck, and do much more to Social Security could be unstoppable.

This constitutional amendment for balancing the budget is not just a statement of support for the idea. It is a plan to put the Federal budget on a speeding train. It will require something in the neighborhood of $1 trillion in spending cuts over 7 years. Just imagine what Congress will have to consider when the clock on those 7 years starts ticking. You can just hear the talk already. Social Security has to be on the table. How can we get $1 trillion or more without all of the entitlements—without Social Security, without Medicare, without benefits for disabled veterans?

Mr. President, I actually don't know how. I believe that the worst part of this constitutional amendment is the fact that its very proponents don't know how they will rush their way to its destination. And because I see Social Security as just one of the sacred trusts that might get town up on the way, I don't support this idea.

But the Reid amendment is one way to keep Social Security off the track of a train that could very well mow down any number of things important to the lives, the hopes, the expectations of our people—from vaccinations for children to home health care for seniors to the way we repay our debt to disabled veterans.

As my colleagues think about the underlying legislation and the more immediate vote on the Reid amendment to protect the Social Security trust funds, I urge you to take a look at letters from seniors in you State to get a sense of what is at stake. I have, and it is sobering.

Skip the impersonal postcards generated by interest groups. Skip the form letters when people's names roll out of computers. But take the time to pick up the personal letters, with scrawled handwriting, from senior citizens who are truly frightened about, what will happen to them if the Social Security trust fund is unprotected and this balanced budget amendment passes.

I have hundreds of such letters, and let me paraphrase the style. Take a letter I got that starts with:

> * * * I am 69 and worked every day of my life until I had to retire. I paid into Social Security since the beginning. I collect $600 or $800 in Social Security a month, but my bills are more than that * * *

I have letters where seniors from my State painstakingly list their monthly expenses—rent, heat, food, and prescriptions. They ask me what can they do if Social Security or Medicare is cut? Where can they turn in the twilight years of their lives?

I don't know what to tell them. And I ask my colleagues who support the balanced budget amendment, and who oppose the Reid amendment, what do you tell the senior citizens of your States?

I can only tell West Virginians that I keep fighting to uphold the promise made to them—the benefits they earned by contributing to the Social Security system throughout their working years and careers.

Over a quarter of a million West Virginia senior citizens rely on Social Security benefits, and nationwide almost 30 million seniors get benefits. For many, their monthly Social Security check is the difference between poverty and independence; the difference between buying groceries or going hungry. Thirty-eight percent of senior citizens are not living in poverty, thanks to Social Security. This is a tremendous achievement that we can be proud of, and should protect and continue.

Our challenge, as I see it, is No. 1, to protect Social Security now for the seniors living on fixed incomes, and No. 2, to plan ahead to ensure that Social Security is there when the young workers contributing over 7 percent of the wages are ready to retire. Passing this constitutional amendment to balance the budget without the Reid amendment is one way to guarantee that we will fail to meet either of these challenges.

We must protect the Social Security trust funds from becoming a pawn in a political debate over a balanced budget amendment, which sounds so reasonable and so simple.

Here is an example where the devil lies in the future details. The details that the proponents refuse to spell out. When the right-to-know amendment was rejected, we were told in no uncertain terms that we are all to strap ourselves into the speeding train, and to stop worrying about what and who get trampled along the way.

This does not say that over the next decade that Social Security will not need to change—it will. A recent report of its trustees clearly shows that a long-term solvency problem threatens the Social Security trust funds.

If changes are not made, the trust funds will be exhausted in 2029. We have to begin working on solutions to this danger facing Social Security, to restore the integrity of the trust funds just as courageous members of this body did in the past, most recently through bipartisan legislation in 1983.

But any change made to Social Security should be designed to strengthen the trust funds—not to surrender to the speed-chase started recklessly by this constitutional balanced budget amendment.

This balanced budget amendment is a game. It allows politicians to promise to be deficit hawks without requiring a single clue on what they will actually cut.

And because I fear, for the people of West Virginia, what the hidden agendas are in this amendment, I support this explicit method for making absolutely sure that Social Security is left alone.

There is no other way that the senior citizens can count on their benefits. There is no other way that the millions of working men and women who put aside part of their income every week, every month, every year for Social Security, can be sure that they will see a dime of it back when they retire.

Mrs. MURRAY. I rise today in support of the Reid amendment to exclude the receipts and outlays of Social Security from the budget. I want to commend the Senator from Nevada for his work on this important issue.

As Senator Reid noted last week, Congress ended the practice of masking our deficit by excluding the Social Security trust fund from the budget in 1990. That was a proper and necessary step then just as this amendment is a proper and necessary step now.

The provision in 1990 was taken to ensure that the beneficiaries of the Social Security trust fund could trust that Congress would stop the practice of using the fund to mask the deficit

and to ensure that the money put in the system would be there when people retire.

That means simply that everyone of us has a right to know that when our money is taken out of our check today, it is put into a fund that cannot be raided and will be there for us when we retire.

Today as we have the serious proposal of passing a balanced budget amendment in front of us, Congress is being called on again to ensure some level of security for the beneficiaries of the trust fund. We have a responsibility to every person in this country who pays Social Security taxes to ensure that their Government required investment in their future will be there when it is supposed to be.

I cannot emphasize this enough. We have a real responsibility to our current beneficiaries and to those in the future.

The measures this body took in 1990 and before reaffirmed that responsibility, and with consideration of the balanced budget amendment, we once again are being called on to provide greater assurances to Social Security beneficiaries.

Given that, how can we in good conscience tell the American people that they do not need to worry about their Social Security when we all know that if this bill passes without this amendment, we cannot promise anything. Social Security will be on the chopping block along with all other programs.

I know we have to get our Federal budget in order. I have a commitment to work on that as a member of the Budget Committee. I also know we have to work on Social Security to ensure its long-term solvency. We cannot achieve either of those goals by violating the trust of the American people and going into the Trust Fund to balance the budget.

Let me be clear. I believe we must work to balance our budget. I also believe that a constitutional requirement to do so is not sound policy, but if this body is going to impose the constitutional amendment on us, if we are going to admit we are not strong enough to reduce spending without being forced to, then we have to let the American people know at a minimum that our elderly will not have to bear a disproportionate burden in this process.

We have to let the American people know that the Federal Government will keep its promises and ensure that the money they put in this system now will be there for them when they retire. This amendment ensures just that and I hope that my colleagues will support this amendment.

Mr. JEFFORDS. I rise today in support of the balanced budget amendment.

Mr. President, this vote has been described in historic terms. Only the historians can make that decision, but a brief description of our budget history might be instructive. In the heat of our arguments the past gets poorly presented.

Thomas Jefferson was not in the United States when the Constitution was written. He was abroad representing the United States as our Minister to France. When he came back, he said, ''If I could add one Amendment to the Constitution, it would be to prohibit the Federal Government from borrowing funds.''

His reasoning was simple. ''We should consider ourselves unauthorized to saddle posterity with our debts,'' he said, ''and morally bound to pay them ourselves.'' Thomas Jefferson, as in so many other areas, was ahead of his time. For two centuries, this moral contract bound our predecessors. While debt was accumulated in times of dire national emergencies, in 1975 the debt stood at but $629 billion.

Since then, we have increased the debt by more than seven fold, standing at $4.7 trillion today. The track record of the past two decades, more than anything else, has led me to the point where I now reluctantly support amending the Constitution to impose a discipline on Congress which we all wish it had but know it lacks.

I agree with critics of the amendment that this is not something to undertake lightly. Since 1791, there have been over 10,000 constitutional amendments offered in Congress. During this time, only 22 of these 10,000 amendments have been deemed important enough by Congress to be passed. Of these 22, only 17 have been ratified by the States and have become part of the Constitution.

INTEREST SPENT ON OUR DEBT

What is the problem with our enormous debt today? The problem that exists today, Mr. President, is that the Federal Government owes more than $4.7 trillion. Therefore, we must spend over $800 million on interest every day—that's right, Mr. President, over $800 million on interest every day—and this does absolutely nothing for us to help the needs of all Americans. We send more to our bondholders in 3 days than we do to every man, woman, and child in Vermont over the course of an entire year, making Federal interest payments the second largest spending item in the budget.

Mr. President, these interest payments are crippling our ability to adequately fund national priorities, such as education. We now spend five and a half times as much on interest payments than we do for all education, job training, and employment programs combined. We spend twice as much on interest payments than we do on all Federal programs for the poor.

In 1950, the publicly held debt per family was $5,800, today the debt averages about $54,000 per American family. If we do not balance the budget by the year 2002, the debt burden per family will be a staggering $78,000.

Interest on the debt is over $1,200 per person per year. At this rate, a child born today, living a normal lifespan of 75 years, will pay some $135,000 in interest on the debt. That assumes that no further debt is added and interest rates do not increase—both are highly unlikely.

When I came to Congress in 1975, our gross interest expenditure totaled $49 billion. This year it is expected to be over $300 billion, meaning that today every dollar in personal income taxes collected west of the Mississippi is used to pay for interest on our national debt. The CBO estimates that in 10 years it will be over $650 billion and 35 percent of the revenue of the Federal Government will go just for debt service. This assumes that there will be no increase in the current interest rates.

Since 1975, our national debt has grown from $542 billion to $4.7 trillion. It is expected to grow to $6.3 trillion by 1999—a 1,200-percent rate of growth since 1975. It this is the best case scenario, we must get hold of this enormous problem as quickly as possible. The only way I feel that this can be accomplished is by a balanced budget amendment.

Back in 1975, every man, woman, and child owed $2,500 because of the debt. That figure now stands at over $18,000. It is expected that the amount of national debt that every man, woman, and child owes will increase by $5,000 over the next 5 years to a staggering $23,000. The last time we balanced the budget in 1969—only 9 cents of every Federal dollar went to pay interest. Today, 26 cents of every Federal dollar goes to pay for interest on the national debt.

Furthermore, projections for our debt are frightening. It is expected to double to $9 trillion over the next 10 years. That means if we do nothing to balance the budget over the next 10 years, our interest payments will double to almost $2 billion a day. It is quite obvious that this trend can not continue.

THE NATIONAL DEBT JEOPARDIZES OUR ECONOMIC FUTURE

Mr. President, the greatest economic threat this country is facing is out-of-control spending by the Federal Government.

Recently, the New York Federal Reserve Board reported that the Nation lost 5 percent in GDP due to the deficits in the 1980's—in other words our national income did not grow by an astonishing 5 percent. According to the CBO, 1 percent of growth is equal to creating 650,000 jobs. That means that the debt of the 1980's cost us over 3.5 million new jobs. Mr. President, every dollar that goes to pay for the interest of our national debt takes a dollar away from our economy to assist in productivity increases. Congress can not continue to do this to our national economy and, most importantly, to Americans. We can only guess where our economy would be if this Nation had a balanced budget amendment before the 1980's.

The GAO recently released a report that a balanced budget by 2001 would

create an average increase, adjusted for inflation, of 36 percent for every American's standard of living. Further, since 1960, the private savings rate has dropped from over 8 percent of our economy to 5 percent. During the same time, the Federal Government deficits have increased from less than 1 percent of the economy to more than 3 percent, resulting in a net national savings rate of less than 3 percent. On this note, the OMB reports that if we balance the budget over the next 5 years, the net national savings rate would increase to 6.1 percent. If nothing is done our national savings rate would be a mere 3 percent.

Over the past 15 years, our expenditures in inflation adjusted percentages from fiscal year 1980 to fiscal year 1994 have decreased Federal spending for education by 13 percent and transportation by 2 percent. On the other hand, defense expenditures were up by 18 percent and entitlement expenditures, mainly Social Security and Medicare, were up by 50 percent. However, our gross interest payments have grown 120 percent. Mr. President, this trend can not continue if this Nation is going to be able to continue educating our children to compete in this global economy.

If you were to ask what should the priorities of this Nation be? Let us just take a choice. Should we spend more money on education for the future of this Nation, or more money on interest? Well, it is clear what our choice would be—education. Yet, we have precisely reversed our priorities because we have been imprudent with our fiscal policy.

SAVINGS AND DEBT

Why are deficits so bad for our economy? First, deficits tend to consume savings that we could use for truly productive investments. To fund these budget shortfalls, the Federal Government must keep borrowing, consuming limited capital. The resulting shortage of capital exerts an upward pressure on interest rates, recently done by the Federal Reserve, and further depresses economic activity.

Second, the budget deficit is eroding our economic standing relative to the rest of the world. Raising interest rates and discouraging private investment, the deficit has continued to slow our economic growth in terms of our Nation's productive capacity relative to other nations. An excellent example of this is the cost American business pays to borrow capital, about 10 percent; compared to Japan, which can borrow money at under 5 percent. Clearly, American businesses are at a competitive disadvantage because of imprudent fiscal policies followed by the U.S. Government. Further evidence of this growing competitive disadvantage can be found during the 1980's, when thousands of American businesses made the decision that they cannot afford high interest rates on future investments—investing instead overseas, where interest rates were more affordable. Because of our lack of fiscal restraint, American firms are creating new jobs overseas and not in the United States.

To further outline the economic incentives to relocate overseas a recent hearing on education and the economy highlighted the tremendous financial pressures placed on American investments. In his testimony, Alan Wurtzel, vice chairman of Circuit City Stores, Inc. stated that our poor education system provides very few qualified and skilled workers. For this reason, many firms find it more attractive to relocate overseas where a highly skilled work force can produce quality products without extensive job training or skill enhancement.

Our performance in reindustrialization will continue to remain sluggish until we restore our economic health. This cannot be done when the Federal Government continues to run deficits. Without increased productivity in this Nation, our wages can not increase.

Even more significant to our international position, our debt has been the principal factor in the Nation's trade deficits. The CBO recently estimated that over 50 percent of our trade deficit is from our Federal deficits. The CBO also reported that ''deficit reduction increases investments, which in turn increase the productive capacity of the economy. Moreover, deficit reduction lowers borrowing from abroad, which reduces the amount of income that is generated in the United States but flows to foreigners.'' Not surprisingly, our trade deficit remains a serious problem for our economy.

THE NEED FOR THE BALANCED BUDGET AMENDMENT

Mr. President, some of my colleagues have asked why do we need to have a balanced budget amendment? They often cite the recent Treasury Department's study which indicates the possible effects on States and their finances if a constitutional amendment is passed. They often discuss the possible negative impact this amendment might have on their State. What this study does not discuss is what will happen to Federal spending if we do nothing. Or, if nothing is done to control Federal spending how this will adversely impact our childrens' future. What this study clearly shows is how far Federal spending is out of whack. The bottom line in this budget battle is what is best for our children. I believe that for the good of our children we must end budget deficits. Congress needs to learn what those in my home State's capital, Montpelier and all other State capitals, take as an article of faith—a balanced budget.

Mr. President, a balanced budget amendment is necessary from just what I outlined above. That is, Congress, both Democrats and Republicans, are unable to make the tough choices necessary to balance the budget. A prime example of not making the difficult choices necessary to balance our budget can be found during the last Congress. Take for example, three battles last Congress on appropriation matters, as my colleagues will recall. One of these was an amendment to cut the defense budget by only $1 billion—only one-third of 1 percent. The second fight was on continued funding for the space station. The third fight was on increasing the grazing fees to lower Federal costs.

How did we deal with these three appropriation battles? We compromised by passing everything, and that is what we do day after day, year after year, piling up the debt for our children's children to take care of. Over the past decade, the deficit numbers have worsened to the point that they are now deeply embedded in our budgets, in our priorities and even in our national consciousness. This constant barrage of deficit spending seems to have given us a sense of numbness, making us feel that it is now beyond our control and not in the interest of our national will.

Finally, over the next few days I plan to discuss what Congress can and cannot do to balance the budget. First, I will discuss the desperate need to reinvigorate the American educational system. Our poor educational results remain a constant drain on our standard of living and economic growth. The cost to our economy is enormous, mainly through lost productivity and decreased revenue that results from our inadequate education system. Second, I will outline the need to carefully review and reform Federal spending on health care. As my colleagues know, about one-half of the deficit is related to increased Federal spending on health care.

Mr. President, my experience is that unless we get firm control on these two critical problems, Congress will be unable to balance the budget and our Nation will continue to suffer lost economic growth. Our future will be dim. However, if we do as I believe we can, our future will be bright and prosperous. In the days ahead, I will show how I believe it can be done.

Mr. President, in closing, I think we need to follow what Thomas Jefferson voiced some 200 years ago, we must pass a constitutional balanced budget amendment.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent to be recognized for 2 minutes, and I will try to take less time than that.

The PRESIDING OFFICER. I say to the Senator from Utah, a vote has been ordered. Do you seek consent to postpone that for 2 minutes?

Mr. HATCH. I seek unanimous consent to speak for 2 minutes or less.

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

Mr. HATCH. Mr. President, the one thing we have not done today is put up our balanced budget debt tracker.

For the 13th day, we are up to now $10,782,720,000. For the 14th day, which

was Sunday, we went up to $11 billion. And for the 15th day, just so we all understand where we are here, we are now up to $12,441,600,000, just for 15 days that have expired since we started this debate, above the $4.8 trillion baseline that we started with.

I just want everybody to understand that, while we are fiddling, Washington is burning with deficits that are going up and up and up every day. That is why this balanced budget amendment is so important.

I would have felt badly if we had gone through this whole day without putting up our balanced budget amendment tracker.

With that, I yield back the remaining time and hope we can go to the vote.

AUTHORIZING BIENNIAL EXPENDITURES BY COMMITTEES OF THE SENATE

The PRESIDING OFFICER (Mr. THOMPSON). Under the previous order, the hour of 5 o'clock having arrived, the clerk will report Senate Resolution 73, the committee funding resolution.

The legislative clerk read as follows:

A resolution (S. Res. 73) authorizing biennial expenditures by the committees of the Senate.

The Senate resumed consideration of the resolution.

VOTE

The PRESIDING OFFICER. The question occurs on the adoption of the resolution. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Wyoming [Mr. SIMPSON], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote ''yea.''

Mr. FORD. I announce that the Senator from Georgia [Mr. NUNN] is necessarily absent.

The result was announced—yeas 91, nays 2, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—91

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

NAYS—2

Helms	McCain

NOT VOTING—7

D'Amato	Nunn	Warner
Faircloth	Simpson	
Gramm	Specter	

So the resolution (S. Res. 73) was agreed to, as follows:

(The resolution was not available for printing. It will appear in a future edition of the RECORD.)

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for not to exceed 5 minutes each.

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

Mr. LOTT. 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.

TRIBUTE TO DR. DON NEEL

Mr. FORD. Mr. President, I rise today to pay tribute to Dr. Don Neel of Owensboro, who was honored last week with the 1994 Physician's Award for Best Notifiable Disease Reporter by the Kentucky Department of Health Services.

The department recognized Dr. Neel for his longstanding support of community health, particularly his efforts to contain the outbreak of an acute infectious disease last fall.

Reginald Finger, M.D., chief epidemiologist for the department of health services, presented the award at Dr. Neel's Owensboro office.

''Dr. Neel represents the very essence of public health in his efforts to detect potential health hazards and then prevent the spread of these diseases to others,'' Finger said in his presentation. He noted that without Dr. Neel's early actions last fall, many more children would have come down with shigellosis. ''Dr. Neel is being honored for that and more—throughout his career, he has been a strong supporter and partner of the local health department in Owensboro. Dr. Neel's career has been characterized by an unending zeal to improve the health and well being of children—all children,'' he said.

This award from the department of health services recognizes someone who has made outstanding contributions in public health, specifically reporting diagnosed diseases to the local health department.

Last October, Daviess County experienced an unusual outbreak of shigellosis, which is an acute infection of the intestine. This disease can be particularly dangerous for small children. To date, 74 cases have been diagnosed.

Upon identifying the first few cases of shigellosis, Dr. Neel immediately contacted the health department to alert public health officials of a possible community outbreak. Working with the health department and the Owensboro-Daviess County Hospital, he coordinated efforts to have people tested and treated for the disease.

Education sessions were held at several schools, preschools, and day care centers to help prevent the disease through thorough hand washing.

Lenna Elder, R.N., of the Daviess County Health Center, attributed Dr. Neel's early action to his sincere interest in the community and well-being of children.

''The health department's goal is to help maintain a healthy community so that everybody is well,'' Elder said. ''Dr. Neel has always been cooperative and very helpful in helping us meet that goal. He has always asked, 'How can I help you?' We know that he is truly only a phone call away.''

Long active in Owensboro's community life, Dr. Neel is a graduate of Owensboro High School and received his medical degree from the University of Kentucky. He has had a private pediatric practice in Owensboro since 1970 and is chief of pediatrics at the Owensboro-Daviess County Hospital.

He served on the Daviess County board of health from 1980 to 1991, the Green River district board of health from 1980 to 1986 and was part-time health officer for the Daviess County Health Center.

He lives with his wife, Faye, in Owensboro. He is the father of two and has three grandchildren.

CONCERNING DR. HENRY W. FOSTER, JR.

Ms. MIKULSKI. Mr. President, I rise today to bring to the attention of my colleagues the excellent column which appeared in this morning's Washington Post by Dr. Henry Foster, President Clinton's nominee for surgeon general, entitled ''Why I Want To Be Surgeon General.''

I support this sterling nominee. He brings the right professional credentials. He has an extraordinary life history and record. Dr. Foster has devoted years to maternal and child health, and he is dedicated to the prevention of

teen pregnancy. He has delivered approximately 10,000 babies. He is a respected doctor for over 30 years, a medical professor and former dean of a medical school. He is a community leader in Nashville—a member of the board of the March of Dimes Birth Defects Foundation and the force behind a teen pregnancy prevention program, ''I Have a Future.'' ''I Have a Future'' was recognized by the Points of Light Foundation and former President Bush for its efforts in fighting teen pregnancy and fighting drugs.

I am very concerned about the toxic atmosphere which has accompanied recent nominations of distinguished professionals to high office in our Government. I am disturbed at the thought that Americans of great accomplishment will decline to serve, reluctant to undergo the invasive and debilitating nomination process.

Dr. Foster is the kind of distinguished public servant our Government needs. I am pleased that he is telling his own story, through this column and through the recent speech he delivered at George Washington University. I believe he must have the opportunity to tell his story in confirmation hearings. I am asking all of my colleagues to reserve judgment on Dr. Foster until he has the chance to tell his own story through the normal committee process.

I ask unanimous consent that Dr. Foster's column appear in the RECORD at the conclusion of these remarks, and I yield the floor.

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

WHY I WANT TO BE SURGEON GENERAL

(By Henry Foster)

Just a little over a week ago, few people outside Nashville knew anything about me. But after President Clinton announced his intention to nominate Dr. Henry Foster for surgeon general on Feb. 2, it seems like everybody thinks they know everything about me.

Two weeks ago, no one, not even my wife, St. Clair, my daughter, Myrna, and my son, Wendell—as devoted as they are—followed my every move and every word with rapt attention. Now, when I wake up in the morning and look out my window, the press is out there waiting and watching. When I go to my office, they follow me into the elevator. And walking down the street, I have been punched in the face, inadvertently, I think, with one of those huge microphones you see on TV. I have never seen anything like it.

I have even picked up a new lexicon. Words that matter in Washington are not in dictionaries in the rest of America. They certainly never taught me these words in medical school or the delivery room: Sound bites. Boom mikes. Stakeouts. Live shots. Talking heads. On-air analysis. All dissecting me over and over again. And all before I've uttered one word at my confirmation hearings before the Senate.

People who have never met me analyze my character and my life's work. They attack me personally before they ever give me a chance to introduce myself or tell my story. But those attacks do not define me. I know who I am and what I stand for. I also know that I am a symbol in a larger debate that has polarized this country for many years. But the attacks do hurt.

I cannot say that my work as a doctor entirely prepared me for these two turbulent weeks. But I have learned a few things during my 38 years as a doctor, a teacher and a crusader against teen pregnancy that have prepared me to be a good surgeon general.

I have been face to face with real life-and-death challenges. When you see low birthweight babies born to mothers not yet old enough to drive a car, you have an appreciation of what trauma really means. When you visit the homes of families living in grinding poverty and feel the palpable sense of hopelessness in their lives, you begin to understand what it is to be up against the odds. Compared to that, shouted questions and overheated rhetoric may be uncivil, but I can handle them. When people ask me why I want to be surgeon general, I know the answer.

When you've had the good fortune to participate in the miracle of birth as many times as I have, it is difficult to stand on the sidelines and watch so many people wasting the precious gift of life.

It is difficult to look around America today and see so much needless suffering. Too many children suffer, because their parents have not been taught the value of prevention. Too many people don't have access to quality health care. And too many of us have turned away from those basic American values that can prevent violence or abuse of any kind from taking root.

But all is not lost. America is moving forward to confront both our health care crisis and the crisis of values that has led to far too much irresponsibile behavior. As your surgeon general, I believe I can turn the small ripples of success that we have produced into great waves of progress. I believe that I can draw attention and help develop lasting solutions to the tragic public health problems confronting us—from the epidemic of violence to the spread of AIDS to the terrible problem of substance abuse. but I will be giving my greatest attention to what the president has called ''our most serious social problem,'' the epidemic of teen pregnancy in this country.

It's ironic that my work fighting teen pregnancy has been overshadowed by my opponents' talk about abortion. I do believe in the right of a woman to choose. And I also support the president's belief that abortions should be safe, legal and rare. But my life's work has been dedicated to making sure that young people don't have to face the choice of having abortions.

I have some ideas about how young people can avoid that difficult choice. We are reducing teen pregnancy in the Nashville housing projects through ''I Have a Future''—a program we started at Meharry Medical College back in 1987. Our approach is to expand adolescent health care programs beyond the schools and bring them to the Community, where they can become a part of the fabric of everyday life. Encouraging abstinence and involving the entire community, we have begun to replace a culture of hopelessness with one that gives young people clear pathways to healthy futures.

In my work with young people in Nashville, there is one lesson I stress above all others. To break the cycle of despair, you must learn that there is a reward for sacrifice. And earning that reward has a fringe benefit. It allows you to give something back. That is a hard lesson to learn, but it is one that has kept me going through these difficult weeks. Having President Clinton place his faith in me is something I could never had imagined as a young boy growing up in the segregated South. Now, I want to give something back to a country that has rewarded my work and sacrifice, and God willing, I'll have that opportunity.

RIGHT TO LIFE OF MICHIGAN

Mr. ABRAHAM. I would like to commend the marchers who came to Washington from all over the country to join in the March for Life here on January 23, 1995, the anniversary of Roe versus Wade.

At the time of the march I was pleased to have the opportunity to meet with the pro-life delegation from my home State of Michigan. In my State, the right-to-life orgnaization has long pursued legal channels in attempting to restore the civil rights of the unborn and in helping women with problem pregnancies.

Unfortunately, the peaceful and legal efforts of organizations such as Right to Life of Michigan have been obscured by the actions of those who have resorted to violence as a means of expressing their opposition to abortion. In response to these senseless acts of violence, the Michigan right to life orgnaization has launched a series of television commercials calling for an end of all violence at abortion clinics. I rise today to commend Right to Life of Michigan for their leadership on an important issue of the day. I also applaud them for their constructive project as they pursue our common goal of advancing the cause of the pro-life movement, and I further join them in condemning those who would resort to any form of such violence in an attempt to advance their objectives.

REMARKS OF WILLIAM S. COHEN, WEHRKUNDE CONFERENCE, MUNICH, GERMANY

Mr. DOLE. Mr. President, on the weekend of February 4, the annual Wehrkunde Conference was held in Munich, Germany. This conference is a gathering of government representatives from NATO countries and leading experts on alliance security. Not surprisingly, one of the main topics of discussion was the situation in Bosnia and NATO's role in that conflict.

This year, the Senate delegation to the Wehrkunde Conference was led by the distinguished Senator from Maine, BILL COHEN. In his remarks to the Wehrkunde delegates, Senator COHEN underscored the serious weaknesses of the U.N. protection forces in Bosnia and Herzegovina, as well as the erosion of NATO's military credibility as a result of the dual-key arrangement between the United Nations and NATO. His bottom line is that if we are unable to provide the U.N. forces with the necessary authority and firepower, these forces should be withdrawn.

Mr. President, I ask unanimous consent that Senator COHEN's insightful remarks to the conference be included in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR WILLIAM S. COHEN, WEHRKUNDE CONFERENCE, MUNICH, GERMANY, FEBRUARY 4, 1995

We have entered a new world of disorder and our inability to formulate coherent policies and strategies to deal with ethnic conflicts and the expansion of NATO membership has led to cross-Atlantic fear, confusion, incoherence, and recrimination—a state of affairs not unprecedented for the NATO alliance.

I would like for the moment to offer a few observations on Bosnia to see whether the present is prologue:

1. NATO cannot act unless America leads.

2. America will not lead unless it can persuade the American people that it is imperative for us to do so.

3. The conflict in Bosnia is not perceived to involve American interests that are vital. Rather, it is a quagmire where its inhabitants would rather dig fresh graves than bury old hatreds.

4. The European members of NATO were not willing to wade into the quick sand of ancient rivalries and engage in peacemaking operations so the responsibility was passed to the U.N., which has fewer divisions than the Pope and none of his moral authority.

As a result, we are all bearing witness to the decimation of a nation that was guaranteed protection under the U.N. Charter while the best we can offer is to seek to minimize the bloodshed by denying arms to the victims of aggression.

Our collective acquiescence to aggression may be the lesser of two evils—but it is nonetheless the participation in the evil of ethnic cleansing that we hoped might never again touch the European continent.

We are hesitant to take more aggressive action because the consequences of our action cannot be predicted. The absence of predictability prevents the development of consensus:

Should we do nothing militarily to stop Serbian aggression?

Lift the arms embargo unilaterally if necessary and strike?

Lift and get out of the way—if that is possible?

Time is running out on our Hamlet-like irresoluteness. Before the decision is made to lift the arms embargo, with all of its attendant uncertainties—including the fear of Americanizing the war on the part of some and the hope of doing so on the part of others—we should make an effort to establish the credibility of UNPROFOR's mission and might:

New leadership is required. General Rose has departed. General Smith has taken his place. Mr. Akashi should be asked to resign immediately.

When a no-fly zone or weapons exclusion zone has been declared, it should be enforced, not allowed to be violated with impunity.

No tribute or tolls should be paid by UNPROFOR forces to gain passage to help the victims of war.

No tolerance should be granted for taking hostages or using them as human shields.

If any harm should come to UNPROFOR forces, we should take out every major target that allows the Serbs to continue to wage war. That power should be disproportionate to the transgression and no area in Serbia ruled out of our bomb sites.

UNPROFOR should be given the heavy armor necessary to protect its forces and achieve its humanitarian mission.

If we are unable to give UNPROFOR—whose troops are trapped in the layers of a disastrous dual command structure—the authority and firepower to achieve these ends, then we should remove the forces before the U.N.'s political impotence is allowed to corrode NATO's military integrity and credibility any further than it has already done so.

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 appropriate committees.

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

MIDDLE-CLASS BILL OF RIGHTS TAX RELIEF ACT OF 1995—MESSAGE FROM THE PRESIDENT—PM 17

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, transmitting, a draft of proposed legislation to amend the Internal Revenue Code of 1986 to provide tax relief for the middle-class, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the ''Middle-Class Bill of Rights Tax Relief Act of 1995.'' I am also sending you an explanation of the revenue proposals of this legislation.

This bill is the next step in my Administration's continuing effort to raise living standards for working families and help restore the American Dream for all our people.

For 2 years, we have worked hard to strengthen our economy. We worked with the last Congress to enact legislation that will reduce the annual deficits of 1994–98 by more than $600 billion; we created nearly 6 million new jobs; we cut taxes for 15 million low-income families and gave tax relief to small businesses; we opened export markets through global and regional trade agreements; we invested in human and physical capital to increase productivity; and we reduced the Federal Government by more than 100,000 positions.

With that strong foundation in place, I am now proposing a Middle Class Bill of Rights. Despite our progress, too many Americans are still working harder for less. The Middle Class Bill of Rights will enable working Americans to raise their families and get the education and training they need to meet the demands of a new global economy. It will let middle-income families share in our economic prosperity today and help them build our economic prosperity tomorrow.

The ''Middle-Class Bill of Rights Tax Relief Act of 1995'' includes three of the four elements of my Middle Class Bill of Rights. First, it offers middle-income families a $500 tax credit for each child under 13. Second, it includes a tax deduction of up to $10,000 a year to help middle-income Americans pay for post-secondary education expenses and training expenses. Third, it lets more middle-income Americans make tax-deductible contributions to Individual Retirement Accounts and withdraw from them, penalty-free, for the costs of education and training, health care, first-time home-buying, long periods of unemployment, or the care of an ill parent.

The fourth element of my Middle Class Bill of Rights—not included in this legislation—is the GI Bill for America's Workers, which consolidates 70 Federal training programs and creates a more effective system for learning new skills and finding better jobs for adults and youth. Legislation for this proposal is being developed in cooperation with the Congress.

If enacted, the Middle Class Bill of Rights will help keep the American Dream alive for everyone willing to take responsibility for themselves, their families, and their futures. And it will not burden our children with more debt. In my fiscal 1996 budget, we have found enough savings not only to pay for this tax bill, but also to provide another $81 billion in deficit reduction between 1996 and 2000.

This legislation will restore fairness to our tax system, let middle-income families share in our economic prosperity, encourage Americans to prepare for the future, and help ensure that the United States moves into the 21st Century still the strongest nation in the world. I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 13, 1995.*

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

To the Congress of the United States:

Two years ago I took office determined to improve the lives of average American families. I proposed, and the Congress enacted, a new economic strategy to restore the American dream. Two years later, that strategy has begun to pay off.

Together we have created an environment in which America's private sector has been able to produce more than 5 million new jobs. Manufacturing employment grew during each month of 1994—the first time that has happened since 1978. We have cut the deficit in

the Federal budget for 3 years running, we have kept inflation in check, and, based on actions I have already taken, the Federal bureaucracy will soon be the smallest it has been in more than 3 decades. We have opened up more new trade opportunities in just 2 years than in any similar period in a generation. And we have embarked on a new partnership with American industry to prepare the American people to compete and win in the new global economy.

In short, America's economic prospects have improved considerably in the last 2 years. And the economy will continue to move forward in 1995, with rising output, falling deficits, and increasing employment. Today there is no country in the world with an economy as strong as ours, as full of opportunity, as full of hope.

Still, living standards for many Americans have not improved as the economy has expanded. For the last 15 years, those Americans with the most education and the greatest flexibility to seek new opportunities have seen their incomes grow. But the rest of our work force have seen their incomes either stagnate or fall. An America that, in our finest moments, has always grown together, now grows apart.

I am resolved to keep the American dream alive in this new economy. We must make it possible for the American people to invest in the education of their children and in their own training and skills. This is the essence of the New Covenant I have called for—economic opportunity provided in return for people assuming personal responsibility. This is the commitment my Administration made to the American people 2 years ago, and it remains our commitment to them today.

THE ADMINISTRATION'S ECONOMIC STRATEGY

Our economic strategy has been straightforward. First, we have pursued deficit reduction to increase the share of the Nation's economic resources available for private investment. At the same time we have reoriented the government's public investment portfolio with an eye toward preparing our people and our economy for the 21st century. We have cut yesterday's government to help solve tomorrow's problems, shrinking departments, cutting unnecessary regulations, and ending programs that have outlived their usefulness. We have also worked to expand trade and to boost American sales to foreign markets, so that the American people can enjoy the better jobs and higher wages that should result from their own high-quality, high-productivity labor. Having fixed the fundamentals, we are now proposing what I call the Middle Class Bill of Rights, an effort to build on the progress we have made in controlling the deficit while providing tax relief that is focused on the people who need it most.

PUTTING OUR OWN HOUSE IN ORDER

The first task my Administration faced upon taking office in January 1993 was to put our own economic house in order. For more than a decade, the Federal Government had spent much more than it took in, borrowing the difference. As a consequence, by 1992 the Federal deficit had increased to 4.9 percent of gross domestic product—and our country had gone from being the world's largest creditor Nation to being its largest debtor.

As a result of my Administration's deficit reduction package, passed and signed into law in August 1993, the deficit in fiscal 1994 was $50 billion lower than it had been the previous year. In fact, it was about $100 billion lower than had been forecast before our budget plan was enacted. Between fiscal 1993 and fiscal 1998, our budget plan will reduce the deficit by $616 billion. Our fiscal 1996 budget proposal includes an additional $81 billion in deficit reduction through fiscal 2000.

PREPARING THE AMERICAN PEOPLE TO COMPETE AND WIN

As we were taking the necessary steps to restore fiscal discipline to the Federal Government, we were also working to reorient the government's investment portfolio to prepare our people and our economy for 21st-century competition.

Training and Education. In our new information-age economy, learning must become a way of life. Learning begins in childhood, and the opportunity to learn must be available to every American child—that is why we have worked hard to expand Head Start.

With the enactment of Goals 2000 we have established world-class standards for our Nation's schools. Through the School-to-Work Opportunities Act we have created new partnerships with schools and businesses to make sure that young people make a successful transition to the world of work. We have also dramatically reformed the college loan program. Americans who aspire to a college degree need no longer fear that taking out a student loan will one day leave them overburdened by debt.

Finally, we are proposing to take the billions of dollars that the government now spends on dozens of training programs and make that money directly available to working Americans. We want to leave it up to them to decide what new skills they need to learn—and when—to get a new or better job.

New Technology. Technological innovation is the engine driving the new global economy. This Administration is committed to fostering innovation in the private sector. We have reoriented the Federal Government's investment portfolio to support fundamental science and industry-led technology partnerships, the rapid deployment and commercialization of civilian technologies, and funding for technology infrastructure in transportation, communications, and manufacturing.

A Middle Class Bill of Rights. Fifty years ago the GI Bill of Rights helped transform an economy geared for war into one of the most successful peacetime economies in history. Today, after a peaceful resolution of the cold war, middle-class Americans have a right to move into the 21st century with the same opportunity to achieve the American dream.

People ought to be able to deduct the cost of education and training after high school from their taxable incomes. If a family makes less than $120,000 a year, the tuition that family pays for college, community college, graduate school, professional school, vocational education, or worker training should be fully deductible, up to $10,000 a year. If a family makes $75,000 a year or less, that family should receive a tax cut, up to $500, for every child under the age of 13. If a family makes less than $100,000 a year, that family should be able to put $2,000 a year, tax free, into an individual retirement account from which it can withdraw, tax free, money to pay for education, health care, a first home, or the care of an elderly parent.

EXPANDING OPPORTUNITY AT HOME THROUGH FREE AND FAIR TRADE

Our efforts to prepare the American people to compete and win in the new global economy cannot succeed unless we succeed in expanding trade and boosting exports of American products and services to the rest of the world. That is why we have worked so hard to create the global opportunities that will lead to more and better jobs at home. We won the fight for the North American Free Trade Agreement (NAFTA) and the Uruguay Round of the General Agreement on Tariffs and Trade (GATT).

Our commitment to free and fair trade goes beyond NAFTA and the GATT. Last December's Summit of the Americas set the stage for open markets throughout the Western Hemisphere. The Asia-Pacific Economic Cooperation (APEC) group is working to expand investment and sales opportunities in the Far East. We firmly believe that economic expansion and a rising standard of living will result in both regions, and the United States is well positioned both economically and geographically to participate in those benefits.

This Administration has also worked to promote American products and services to overseas customers. When foreign government contracts have been at stake, we have made sure that our exporters had an equal chance. Billions of dollars in new export sales have been the result, from Latin America to Asia. And these sales have created and safeguarded tens of thousands of American jobs.

HEALTH CARE AND WELFARE REFORM: THE UNFINISHED AGENDA

In this era of rapid change, Americans must be able to embrace new economic opportunities without sacrificing their personal economic security. My Administration remains committed to providing health insurance coverage for every American and containing

health care costs for families, businesses, and governments. The Congress can and should take the first steps toward achieving these goals. I have asked the Congress to work with me to reform the health insurance market, to make coverage affordable for and available to children, to help workers who lose their jobs keep their health insurance, to level the playing field for the self-employed by giving them the same tax treatment as other businesses, and to help families provide long-term care for a sick parent or a disabled child. We simply must make health care coverage more secure and more affordable for America's working families and their children.

This should also be the year that we work together to end welfare as we know it. We have already helped to boost the earning power of 15 million low-income families who work by expanding the earned income tax credit. With a more robust economy, many more American families should also be able to escape dependence on welfare. Indeed, we want to make sure that people can move from welfare to work by giving them the tools they need to return to the economic mainstream. Reform must include steps to prevent the conditions that lead to welfare dependence, such as teen pregnancy and poor education, while also helping low-income parents find jobs with wages high enough to lift their families out of poverty. At the same time, we must ensure that welfare reform does not increase the Federal deficit, and that the States retain the flexibility they need to experiment with innovative programs that aim to increase self-sufficiency. But we must also ensure that our reform does not punish people for being poor and does not punish children for the mistakes of their parents.

REINVENTING GOVERNMENT

Taking power away from Federal bureaucracies and giving it back to communities and individuals is something everyone should be able to support. We need to get government closer to the people it is meant to serve. But as we continue to reinvent the Federal Government by cutting regulations and departments, and moving programs to the States and communities where citizens in the private sector can do a better job, let us not overlook the benefits that have come from national action in the national interest: safer foods for our families, safer toys for our children, safer nursing homes for our elderly parents, safer cars and highways, and safer workplaces, cleaner air and cleaner water. We can provide more flexibility to the States while continuing to protect the national interest and to give relief where it is needed.

The New Covenant approach to governing unites us behind a common vision of what is best for our country. It seeks to shift resources and decision-making from bureaucrats to citizens, injecting choice and competition and individual responsibility into national policy. In the second round of reinventing government, we propose to cut $130 billion in spending by streamlining departments, extending our freeze on domestic spending, cutting 60 public housing programs down to 3, and getting rid of over 100 programs we do not need. Our job here is to expand opportunity, not bureaucracy—to empower people to make the most of their own lives. Government should be leaner, not meaner.

THE ECONOMIC OUTLOOK

As 1995 begins, our economy is in many ways as strong as it has ever been. Growth in 1994 was robust, powered by strong investment spending, and the unemployment rate fell by more than a full percentage point. Exports soared, consumer confidence rebounded, and Federal discretionary spending as a percentage of gross domestic product hit a 30-year low. Consumer spending should remain healthy and investment spending will remain strong through 1995. The Administration forecasts that the economy will continue to grow in 1995 and that we will remain on track to create 8 million jobs over 4 years.

We know, nevertheless, that there is a lot more to be done. More than half the adult work force in America is working harder today for lower wages than they were making 10 years ago. Millions of Americans worry about their health insurance and whether their retirement is still secure. While maintaining our momentum toward deficit reduction, increased exports, essential public investments, and a government that works better and costs less, we are committed to providing tax relief for the middle-class Americans who need it the most, for the investments they most need to make.

We live in an increasingly global economy in which people, products, ideas, and money travel across national borders at lightning speed. During the last 2 years, we have worked hard to help our workers take advantage of this new economy. We have worked to put our own economic house in order, to expand opportunities for education and training, and to expand the frontiers of free and fair trade. Our goal is to create an economy in which all Americans have a chance to develop their talents, have access to better jobs and higher incomes, and have the capacity to build the kind of life for themselves and their children that is the heart of the American dream.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 13, 1995.*

MESSAGES FROM THE HOUSE

At 4 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following bills, in which it requests the concurrence of the Senate:

H.R. 668. An act to control crime by further streamlining deportation of criminal aliens; and

H.R. 729. An act to control crime by a more effective death penalty.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 668. An act to control crime by further streamlining deportation of criminal aliens; to the Committee on the Judiciary.

H.R. 729. An act to control crime by a more effective death penalty; to the Committee on the Judiciary.

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–412. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, the Office's Sequestration Preview Report for fiscal year 1996; pursuant to the order of August 4, 1977; referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

EC–413. A communication from the Secretary of Commerce, transmitting, pursuant to law, the 1994 annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology; to the Committee on Commerce, Science and Transportation.

EC–414. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Performance Profiles of Major Energy Producers 1993''; to the Committee on Energy and Natural Resources.

EC–415. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's fiscal year 1994 report relative to Superfund; to the Committee on Environment and Public Works.

EC–416. A communication from the Acting Inspector General of the Department of the Interior, transmitting, pursuant to law, a report entitled, ''Accounting for Fiscal Year 1993 Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Water Resources Division, U.S. Geological Survey''; to the Committee on Environment and Public Works.

EC–417. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, prospectuses for three U.S. courthouses; to the Committee on Environment and Public Works.

EC–418. A communication from the Inspector General of the Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to the temporary and permanent relocation components of the Superfund Program during fiscal year 1993; to the Committee on Environment and Public Works.

EC–419. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, a report relative to Medicare beneficiaries; to the Committee on Finance.

EC–420. A communication from the Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, a report relative to the payment of a reward pursuant to 22 U.S.C. Section 2708; to the Committee on Foreign Relations.

EC–421. A communication from the Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, a report relative to the payment of a reward pursuant to 22 U.S.C. Section 2708; to the Committee on Foreign Relations.

EC–422. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-392 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC–423. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-393 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC–424. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-394 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC–425. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-395 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC–426. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-396 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC–427. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-397 adopted by the Council on January 3, 1995; to the Committee on Governmental Affairs.

EC–428. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-398 adopted by the Council on January 3, 1995; to the Committee on Governmental Affairs.

EC–429. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-399 adopted by the Council on January 3, 1995; to the Committee on Governmental Affairs.

EC–430. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-401 adopted by the Council on January 3, 1995; to the Committee on Governmental Affairs.

EC–431. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-402 adopted by the Council on January 8, 1995; to the Committee on Governmental Affairs.

EC–432. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report relative to the Senior Executive Service; to the Committee on Governmental Affairs.

EC–433. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, a Notice of Proposed Rulemaking docket number RM95-3; to the Committee on Governmental Affairs.

EC–434. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Native Hawaiian Revolving Loan Fund for fiscal year 1993; to the Committee on Indian Affairs.

EC–435. A communication from the Senior Attorney of the Copyright Office of the Library of Congress, transmitting, pursuant to law, a report of the activities of the Office under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–436. A communication from the Secretary of the Judicial Conference of the United States, transmitting, pursuant to law, a report containing recommendations regarding the admission of character evidence in certain cases under the Federal Rules of Evidence; to the Committee on the Judiciary.

EC–437. A communication from the Director of Operations and Finance, American Battle Monuments Commission, transmitting, pursuant to law, a report relative to the Commission's compliance with the Freedom of Information Act during calendar year 1994; to the Committee on the Judiciary.

EC–438. A communication from the Executive Director of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, a report relative to the Corporation's activities under the Freedom of Information Act during calendar year 1994.

EC–439. A communication from the Chief Justice of the United States, transmitting, pursuant to law, a report of the proceedings of the Judicial Conference of the United States on September 20, 1994; to the Committee on the Judiciary.

EC–440. A communication from the Chairman of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, the annual report of the Foundation for 1994; to the Committee on Labor and Human Resources.

EC–441. A communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual proceedings of the One-Hundred and Third Continental Congress of the National Society of the Daughters of the American Revolution; to the Committee on Rules and Administration.

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 Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 395. A bill to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG:

S. 396. A bill for the relief of Amalia Hatzipetrou and Konstantinos Hatzipetrou; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. 397. A bill to benefit crime victims by improving enforcement of sentences imposing fines and special assessments, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. COHEN, Ms. SNOWE, Mr. HEFLIN, Mr. GRAHAM, and Mr. DODD):

S. 398. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for State control over transportation of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for Mr. KEMPTHORNE (for himself, Mr. DOLE, Mr. COCHRAN, Mr. ROBB, Mr. ASHCROFT, Mr. BIDEN, Mrs. BOXER, Mr. CAMPBELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DORGAN, Mr. FEINGOLD, Mr. GRAMM, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INHOFE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. SIMPSON, Mr. STEVENS, and Mr. FORD)):

S. Res. 77. A resolution to commemorate the 1995 National Peace Officers Memorial Day; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 395. A bill to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes; to the Committee on Energy and Natural Resources.

ALASKA POWER ADMINISTRATION SALE ACT

Mr. MURKOWSKI. Mr. President, I am pleased today to introduced legislation to sell the Alaska Power Administration's two hydroelectric projects, as well as a trailing amendment which would lift the Alaska North Slope crude oil export ban.

Mr. President, title 1 of this legislation will authorize the sale of the Alaska Power Administration. The Alaska Power Administration is really different from the other Federal power marketing agencies of the Department of Energy. It has only two hydroelectric projects, Eklutna, near Anchorage, and Snettisham, near Juneau. These were never intended by Congress to remain indefinitely under Federal control.

The Eklutna Project Act, for example, states that:

> Upon completion of amortization of the capital investment allocated to power, the Secretary is authorized and directed to report to the Congress upon the feasibility and desirability of transferring the Eklutna project to public ownership and control in Alaska.

Moreover, these two projects were created specifically to promote economic and industrial development in Alaska, and they are not the product of a water resource management plan.

I have been a strong advocate of ensuring that Alaskans control their own destiny, which is really what this bill is about. It will put the management of these two hydroelectric projects into the hands of those who best know Alaska. One project would be sold to the State of Alaska and the other will be sold to a group of three Alaskan public electric utilities.

Equally as important, this legislation will relieve the Federal Government of the expenses of operating and maintaining these two projects. It also provides for the termination of the Alaska Power Administration once the sale is complete, further saving money for taxpayers.

It is important to note that this legislation provides necessary safeguards for the environment. It requires the State of Alaska and the Eklutna purchasers to abide by the memorandum of agreement they entered into regarding the protection and enhancement of fish and wildlife. This legislation makes this legally enforceable.

Last year, the Committee on Energy and Natural Resources reported Senate bill 2383, the Alaska Power Administration Sale Authorization Act. The administration testified in strong support of this legislation. Unfortunately, the committee acted too late in the year to allow for Senate action. With early introduction in this Congress, I am hopeful we will see this legislation enacted into law soon.

There is one provision which needs to be included in the Alaska Power Administration legislation before it is sent to the President for signature. But I have not included it because it addresses the Internal Revenue Code. In order to indicate my strong desire that such a provision be included in the final bill, I have introduced it as a printed amendment.

Title 2 of this bill will lift the Alaska North Slope crude oil export ban. Alaska is the only State that is subject to such an onerous plan. The 1.6 million barrels of oil transported through the TransAlaska pipeline is not forced into the lower 48 crude markets, creating artificially low crude oil prices on the west coast. The majority of this oil is tankered along our coast to Washington and California.

Some of the oil is even shipped all the way down to Panama, pumped through the TransPanamanian pipeline, which is owned in large part by the Panamanian Government. The oil is then put back on smaller U.S.-flagged tankers that transport it into the gulf States at exorbitant prices. This process is no longer economic with the decline in the price of oil.

Now what we have seen is we have seen an increase in the supply of oil on the west coast. It has depressed the cost of crude oil in California by as much as $3 a barrel, and that has discouraged the exploration of development of oilfields in California and Alaska.

The Department of Energy completed a study of the Alaskan North Slope crude oil ban in June 1994 and the Department of Energy concluded that the lifting of this ban would add as much as $180 billion in tax revenue to the U.S. Treasury, create some 25,000 jobs by the year 2000, preserve some 3,300 maritime jobs, inasmuch as some of the oil will probably be moving to the Far East in U.S.-flagged vessels that are crewed by U.S. sailors, and would require additional ships because, obviously, the transit is longer than moving that oil down to the west coast. It would also increase American oil production by as much as 110,000 barrels a day, according to a DOE estimate. This study also found it would not significantly impact gas prices to consumers in California.

Mr. President, this ban no longer makes any sense. Rather than decrease our dependence on foreign oil, it has decreased our domestic production, and made us more reliant on imported oil. Oil, like any other commodity, should find its own level and its own market. The exception of this has been the prohibition on allowing the export of Alaskan oil.

Mr. President, all this legislation would so is to allow the market to determine the price and buyer of the crude oil. The TransAlaska pipeline would still supply the west coast with crude oil because it is simply the closest market for the oil. The excess crude that creates a glut in California and the oil that is forced through the TransPanamanian pipeline would probably be sold overseas and find a market there. But the market would primarily determine where it is sold.

Mr. President, I ask unanimous consent that the bill and the associated amendment be printed in the CONGRESSIONAL RECORD and that my statement and the accompanying bill be addressed for referral as it appropriate.

Mr. President, I neglected to announce that the senior Senator from Alaska [Mr. STEVENS] joins me as a cosponsor on the bill.

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

S. 395

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

TITLE I

SECITON 101. SHORT TITLE.

This title may be cited as the ''Alaska Power Administration Sale Act''.

SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.

(a) The Secretary of Energy is authorized and directed to sell the Snettisham Hydroelectric Project (referred to in this Act as ''Snettisham'') to the State of Alaska in accordance with the terms of this Act and the February 10, 1989, Snettisham Purchase Agreement, as amended, between the Alaska Power Administration of the Department of Energy and the Alaska Power Authority.

(b) The Secretary of Energy is authorized and directed to sell the Eklutna Hydroelectric Project (referred to in this Act as ''Eklutna'') to the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc., (referred to in this Act as ''Eklutna Purchasers'') in accordance with the terms of this Act and the August 2, 1989, Eklutna Purchase Agreement, as amended, between the Department of Energy and the Eklutna Purchasers.

(c) The heads of other Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized and directed by this Act.

(d) The Secretary of Energy shall deposit sale proceeds in the Treasury of the United States to the credit of miscellaneous receipts.

(e) There are authorized to be appropriated such sums as may be necessary to prepare or acquire Eklutna and Snettisham assets for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy to the purchasers of the asset to be sold.

SEC. 103 EXEMPTION.

(a)(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of the Federal Power Act (16 U.S.C. 791a et. seq.).

(2) The exemption provided by paragraph (1) does not affect the Memorandum of Agreement entered into between the State of Alaska, the Eklutna Purchases, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

(3) Nothing in this Act or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the Memorandum of Agreement.

(b)(1) The United States District Court for the District of Alaska has jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

(2) An action seeking review of a Fish and Wildlife Program (''Program'') of the Governor of Alaska under the Memorandum of agreement or challenging actions of any of the parties to the Memorandum of agreement prior to the adoption of the Program shall be brought not later than 90 days after the date of which the Program is adapted by the Governor of Alaska, or be barred.

(3) An action seeking review of implementation of the Program shall be brought not later than 90 days after the challenged act implementing the program, or be barred.

(c) With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

(A) at no cost to the Eklutna Purchasers;

(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

(C) sufficient for the operation, maintenance, repair, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including land selected by the State of Alaska.

(2) If the Eklutna Purchasers subsequently sell or transfer Eklutna to private ownership, the Bureau of Land Management may assess reasonable and customary fees for continued uses of the rights-of-way on land managed by the Bureau of Land Management and military lands in accordance with current law.

(3) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selection of, those lands are invalid or relinquished.

(4) With respect only to approximately 853 acres of Eklutna lands identified in paragraphs 1.a., b., and c. of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the secretary of the Interior shall convey, to the state, improved lands under the selection entitlements in section 6(a) of the Act of July 7, 1958 (Public Law 85–508) and the North Anchorage Land Agreement of January 31, 1983. The conveyance is subject to the rights-of-way provided

to the Eklutna Purchasers under paragraph (1).

(d) With respect to the approximately 2,671 acres of Snettisham lands identified in paragraphs 1.a and b. of Exhibit A of the Snettisham Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlement in section 6(a) of the Act of July 7, 1958 (Public Law 85–508).

(e) Not later than 1 year after both of the sales authorized in section 2 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

(1) complete the business of, and close out, the Alaska Power Administration;

(2) prepare and submit to Congress a report documenting the sales; and

(3) return unused balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

(f) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date, as determined by the Secretary of Energy, when all Eklutna assets have been conveyed to the Eklutna Purchasers.

(g) Section 204 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1193) is repealed effective on the date, as determined by the Secretary of Energy, when all Snettisham assets have been conveyed to the State of Alaska.

(h) As of the later of the two dates determined in subsection (f) and (g), section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)) is amended—

(1) in paragraph (1)—

(A) by striking our subparagraph (C); and

(B) by redesignating subparagraphs (D), (E) and (F) as subparagraphs (C), (D), and (E) respectively;

(2) in paragraph (2), by striking out ''the Bonneville Power Administration, and the Alaska Power Administration'' and inserting in lieu thereof ''and the Bonneville Power Administration''.

(i) The Act of August 9, 1955 (69 Stat. 618), concerning water resources investigation in Alaska, is repealed.

(j) The sales of Eklutna and Snettisham under this Act are not considered a disposal of Federal surplus property under the following provisions of section 203 of the Federal Property and Administration Services Act of 1949 (40 U.S.C. 484) and section 13 of the Surplus Property Act of 1944 (50 U.S.C. app. 1622).

TITLE II

SEC. 201. SHORT TITLE.

This Title may be cited as ''Trans-Alaska Pipeline Amendment Act of 1995''.

SEC. 202. TAPS ACT AMENDMENTS.

Section 203 of the Act entitled the ''Trans-Alaska Pipeline Authorization Act,'' as amended (43 U.S.C. 1652), is amended—

(a) by inserting the following new subsection (f): ''(f) Exports of Alaskan North Slope oil.

''(1) Subject to paragraphs (2) and (3), notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over a right-of-way granted pursuant to this section may be exported.

''(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, the oil shall be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916, (46 U.S.C. App. 802)).

''(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.''.

SEC. 203. SECURITY OF SUPPLY.

Section 410 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 594) is amended to read as follows:

''The Congress reaffirms that the crude oil on the North Slope of Alaska is an important part of the Nation's oil resources, and that the benefits of such crude oil should be equitably shared, directly or indirectly, by all regions of the country. The President shall use any authority he may have to ensure an equitable allocation of available North Slope and other crude oil resources and petroleum products among all regions and all of the several States.''.

SEC. 204. ANNUAL REPORT.

Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

''In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration District 5 have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.''.

SEC. 205. GAO REPORT.

The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

SEC. 206. EFFECTIVE DATE.

This Act and the amendments made by it shall take effect on the date of enactment.

By Mr. McCAIN:

S. 397. A bill to benefit crime victims by improving enforcement of sentences imposing fines and special assessments, and for other purposes; to the Committee on the Judiciary.

PRIVATIZATION OF DEFAULTED DEBT COLLECTION

• Mr. McCAIN. Mr. President, today I am introducing legislation to improve collection of the staggering amount of delinquent debt that convicted criminals owe to crime victims and the Federal Government. The bill calls on the Department of Justice to contract with private firms to collect criminal fines and special assessments from offenders who are in default. These criminal fines and assessments are used to finance various programs to assist crime victims. The Department of Justice is responsible for making criminal debt collections, but DOJ is not getting the job done. Privatizing the effort will enable us to tap into the source of billions of dollars that otherwise might go uncollected.

The Justice Department and the U.S. General Accounting Office reported an inventory of more than 110,000 overdue criminal debts valued at more than $2.3 billion at the end of fiscal year 1992. This money, if collected, would be deposited into the Crime Victims Fund—for the counseling of victims of violent crime, for domestic abuse shelters, for many programs nationwide that help victims and their families cope with the devastation caused by these criminals.

But the money cannot go into the Crime Victims Fund unless it is collected. And right now, many defaulted fines and special assessments go uncollected because there is such a tremendous backlog of cases. When convicts escape from jail, they are hunted down and forced to do their time. So it seems ridiculous that criminal debtors who escape payment are not hunted down with the same determination and forced to make good on their debts to their victims and the Federal Government.

Currently, the Department of Justice is responsible for collecting past due debts, both criminal and civil. Within the Department of Justice, the Associate Deputy Attorney General plans and supervises the collections, while the U.S. attorneys in 94 judicial districts are charged with actually collecting the past due debts.

The U.S. attorney offices are not always able to handle the huge volume of debt collection cases, however, because of a backlog of older cases, inadequate resources, and other priorities. In fact, from 1985 to 1992, the number of criminal debts tripled while the time spent on collections declined. What effect can these fines possibly have, what good can they do for victims, if they are not strictly enforced?

At a time when fiscal restraint is a top priority, it is absurd that we are not vigorously pursuing this multibillions-dollar source of funds and that we are letting convicted criminals compound their crimes by defying court orders to pay fines for these misdeeds.

Mr. President, privatizing debt collection has proven to be effective. Public Law 99–578 authorized a pilot program that allowed the Attorney General to contract with 18 private law firms in 7 Federal judicial districts to collect past due civil debts, such as student loans as federally guaranteed mortgages. The General Accounting Office completed an evaluation of the pilot program in September 1994, and in its report to Congress, the GAO recommended expanding the pilot program because it was so successful.

The GAO report concluded that the private law firms were cost effective, collecting $9.2 million in defaulted civil debts at a cost of $2.4 million. Further, the private firms closed more cases at a low unit cost than the collectors in

the U.S. attorney offices. The U.S. attorney collectors spend $422 to close each case compared to $243 for the private firms. Most important of all, the GAO study noted that the private firms worked cases and collected debts that the U.S. attorney collectors had given up on or may never have dealt with because of their ever-increasing workloads.

This pilot program is successful dealing with civil debt collection. We should apply this same approach to capturing the $2.3 billion in uncollected criminal debt.

The legislation I am introducing today would require the Director of the Administrative Office of the U.S. Courts to contract with private sector firms to collect defaulted criminal debts. The private firms would be paid on a contingent fee basis, which means that these firms would receive a set percentage of any amount that they collected. This approach would ensure that the Government will not pay for work unless it is completed and it would ensure that the private firms will be motivated to do the work.

All of the defaulted criminal debt that would be collected, less the contingency fee, would be deposited directly into the Crime Victims Fund, in accordance with Federal law. I want to stress that this is money that would not otherwise be collected if it were not for privatized collection. Every dollar collected will provide additional resources to render desperately needed victim assistance.

The Crime Victims Fund finances many vital programs across this Nation. In my home State of Arizona, the Brewster Center in Tucson annually depends on money from the Crime Victims Fund to provide shelter and counseling for more than 1,000 women and children living through the horror of domestic violence.

In Phoenix, AZ, the Crisis Nursery is a lifeline for the youngest and most helpless victims of crime—children. Last year, money from the Crime Victims Fund sheltered and counseled 806 children at the Crisis Nursery—helping them endure the tragedy of physical and sexual abuse, the loss of a murdered parent, and neglect or abandonment. Victims assistance programs in Arizona received slightly more than $1 million from the Crime Victims Fund last year, but that amount is down for the third year in a row.

Every dollar of defaulted criminal debt that is collected as a result of this legislation means continued funding for places like Brewster Center and the Crisis Nursery. And, remember, this is money that is coming directly from court fines on the convicted criminals who committed the crimes.

Mr. President, I am amenable to discussion on the mandatory nature of this legislation. There may be some merit to considering an optional approach to contracting with private firms or, perhaps, a pilot program similar to the successful one that Congress created for privatizing civil debt collection.

It is imperative, however, that we act swiftly because there is a 5-year statute of limitations on collection of the criminal special assessments. Every day that we spend debating this issue is one less day spent tracking down and collecting from these deadbeat criminals; and when the statute of limitations passes, that money is gone forever.

Mr. President, this legislation clearly empowers the Department of Justice to obtain much-needed help on an overwhelming task—collecting more than $2 billion in defaulted criminal debts, and I urge quick consideration and passage of this measure.

I ask unanimous consult that several letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE,
Washington, DC, February 10, 1995.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I write to express the enthusiastic support of the National Organization for Victim Assistance for your proposed legislation to privatize the collection of backlogged, uncollected penalty assessments and criminal fines owed to the federal courts—and to the Crime Victims Fund.

As you know, the Victims of Crime Act of 1984, as amended, created the Crime Victims Fund, into which are placed virtually all Title 18 federal criminal fines, the ''penalty assessments'' created by VOCA, and forfeited bail bonds. These revenues (which run about $150–$200 million a year) are then expended on two small victim-oriented programs and two major ones—one supporting the various states' crime victim compensation programs, and the other thousands of local programs of personal assistance and advocacy.

Through these two programs, VOCA has become the ''Marshall Plan of the victims' movement,'' a stimulator of huge growth in victim compensation and assistance programs. Its multiplier effects make all of us in the victims' movement very protective of its funding base, and very supportive of expanding that base wherever possible.

We therefore applaud your many efforts to increase VOCA's revenues, from trying to make the Federal Fine Center more productive in its collection efforts to proposing the doubling of the penalty assessments. But it is our estimation that the privatization of delinquent fine collections, which is your latest proposal, would prove to be by far the most beneficial to the Fund and to the programs and victims it supports.

The reason for this is the much-discussed $4 billion backlog in unpaid fines. We, like you, have heard it said that much of this is uncollected and uncollectable, involving everything from many small assessments against deported aliens to a few fines against bigtime, white-collar offenders who are now effectively destitute.

To which we say, first, the financial services industry that does collections for government agencies of every description indicates that this is a worthwhile venture to pursue—and second, we have heard of no plausible alternative to the privatization option—and third, the delinquencies in question are over $4 billion—and growing. A mere penny on each of those dollars adds up to very real money in the economy of VOCA.

To put this concern about federal fines into perspective, we believe very strongly that victims and their advocates have no special, legitimate interest in the setting of fine levels or the ordering of fines except that they meet one test—that of just and proportionate punishment.

But once that test is met, it is fair, indeed essential, for victim advocates to demand more effective efforts to collect the fines that are ordered. In our view, your privatization proposal offers that needed progress in improved collections, which makes it superior to every other alternative brought to our attention.

We therefore thank you for this newest expression of your support for crime victims and the programs that help them.

Sincerely,
MARLENE A. YOUNG, Ph.D., J.D.,
Executive Director.

NATIONAL VICTIM CENTER,
Arlington, VA, February 13, 1995.

Hon. JOHN MCCAIN,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Board of Directors and Staff of the National Victim Center, we wish to express our support for your proposed measure to begin the privatization of the Federal fine collection program which secures delinquent penalties, fines and assessments destined for the Victims of Crime Act (VOCA) Fund.

The National Victim Center works with more than 8,000 victim and law enforcement organizations nationwide—a substantial number of which benefit directly or indirectly from VOCA funding through state administered compensation and victim assistance programs.

In preparation for last fall's hearing held by the Senate Committee on Government Affairs, I spoke with dozens of VOCA Administrators and VOCA sub-grantees in the field. When asked about the importance of VOCA Funding to their program, the unanimous response was that this source of financial support was not only important but indispensable to the survival of their programs. In fact, most made it clear that given reductions in contributions from other private and public sources, programs are being forced to rely more heavily than ever on VOCA money to keep their doors open.

While the resources available to assist crime victims continue to shrink in these times of fiscal caution and restraint, the demand for victim assistance and services continue to grow. Let me provide some specific examples given to me directly from State Administrators and victim service organizations last fall.

Typical is the case of the Jefferson County Domestic Violence Shelter in Arvada, Colorado. In 1993 alone 524 domestic violence victims were turned away for lack of space, including 222 children.

Texas was forced to de-fund some of its victim service programs like the Court Appointed Special Advocates (CASA) Program that provides child victims of abuse and sexual assault with a volunteer advocate to protect their rights and represent their interests before the court—particularly when the offender is a parent. In many cases, CASA volunteers are the only persons in the system who are performing such services. Without them, children will be left to fend for themselves in a system they cannot comprehend. Surrounded by adults making demands, they are too frightened or simply unable to fulfill.

Washington State recently funded a program to provide assistance to male victims of sexual assault (the most common target of

pedophiles). The program had resources to serve about 50 clients. Within three months, it had applications from more than 500 victims.

Thus, every dollar collected in fines for the VOCA fund makes a difference in the life of some crime victim. This fact viewed in the shadow of $4 billion in outstanding fines makes collection of Federal Fines an important priority of the victims' movement. It is for this reason that the movement generally supported the decision to use a portion of the VOCA fund to aid in the collection. More than $6 million per year is earmarked off the top of the VOCA Fund for that specific purpose. A good portion of that money has been dedicated to the creation of a ''Federal Fine Center'' as an investment that would assure a far greater return in increased collections.

Unfortunately, reports raise serious questions concerning the wisdom of that investment. After years in developing and millions of dollars spent, crime victims and their advocates are left with little alternative than to doubt the viability of the Center and Federal Government's current collection strategy.

We feel your proposal to privatize a portion of that collection process is an important first step in the pursuit of an alternative and more effective collection strategy. The challenge presented by the collection of fines is not dramatically different than that faced by hundreds of thousands of private firms seeking collection of debt. Yet such private concerns seem to have far greater success in meeting the challenge of debt collection than their counter-parts in the Federal Judicial System.

We believe the time has come to look to the private sector for solutions to our critical fine collection quandary. Given current circumstances, we feel that crime victims, advocates and service providers have little to lose and everything to gain.

Your proposal to allow private firms the opportunity to collect unpaid fines after 120 days will be a challenging test of private sector's proficiency. If they succeed in collecting these relatively ''stale debts'', than expansion of their role in the collection arena may be desirable.

While the National Victim Center continues to believe there is a need to overhaul the entire Federal fine collection process, your proposed measure represent the first serious step toward that undertaking.

It is for this reason that the Board of Directors and staff of the National Victim Center strongly urge your colleagues to co-sponsor and support this measure of crucial importance to our nation's crime victims.

Thank you for your consideration and support.

Sincerely,

DAVID BEATTY,
Director of Public Policy.

ARIZONA DEPARTMENT OF PUBLIC SAFETY,
Phoenix, AZ, February 10, 1995.

Senator JOHN MCCAIN,
United States Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for providing us the opportunity to respond to the proposed Privatization of Defaulted Debt Collection Act.

The Arizona Department of Public Safety administers the federal Victims of Crime Act (VOCA) victim assistance grant which supports private non-profit and governmental agencies who serve victims of crime. For the past several years, the level of deposits into the Crime Victims Fund has dropped due to decreasing collections. This results in a reduction of victim services during a time when victim services should be significantly increased. Agencies who provide direct assistance to victims of sexual assault, child abuse, domestic violence and other violent crimes are dramatically impacted.

Therefore, the Arizona Department of Public Safety strongly supports the proposed legislation which would ultimately result in more funding for victims of crime.

Sincerely,

LYNN PIRKLE,
VOCA Grant Administrator.●

By Mr. LAUTENBERG (for himself, Mr. COHEN, Ms. SNOWE, Mr. HEFLIN, Mr. GRAHAM, and Mr. DODD):

S. 398. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for State control over transportation of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

FLOW CONTROL ACT

● Mr. LAUTENBERG. Mr. President, I rise today to reintroduce the Flow Control Act. The Flow Control Act will overturn a 1994 Supreme Court decision and give State and local governments the authority to control the flow of solid waste under specific circumstances. The Supreme Court decision, if allowed to stand, could result in chaos in communities in virtually all of the States where flow control authority is currently in place and constitutes a critical component of strategies to manage waste. My legislation provides that State and local governments, not the Federal Government, will decide whether to use flow control authority.

The bill I am introducing today contains the provisions of title II of S. 2345 which were negotiated by a House-Senate conference committee and passed the House. Unfortunately, the bill died on the Senate floor because of concerns regarding another issue in the bill on the last day of the Congress last October. It was endorsed last year by all those parties faced with the responsibility of disposing of solid waste. While there are technical problems with the bill, it incorporates the bulk of the agreement worked out last year. I intend to work with all of the parties to address these remaining technical issues.

On May 16, 1994, in a 6-to-3 decision, the Supreme Court ruled in the case of Carbone versus Clarkstown that a New York municipality could not require that garbage generated in the locality be sent to a designated waste management facility. The Court held that a Clarkstown, NY, flow control ordinance interfered with interstate commerce and deprived out-of-State firms access to the local trash market. The Constitution provides that only the Federal Government may regulate commerce among the States unless it specifically delegates this authority to them. The court's ruling held that this power had not been granted by Congress to the States.

If not reversed, this decision will have a significant effect on the ability of State and local governments to manage garbage. Historically, State and local governments have had the responsibility for municipal solid waste management. This is recognized in the Nation's solid waste management law, the Resource Conservation and Recovery Act or RCRA. In RCRA, the Congress found that collection and disposal of garbage is primarily a function for State and local governments. To foster this function, RCRA requires EPA to provide assistance in the development and implementation of State solid waste management plans. States are encouraged to develop statewide solid waste management plans. Before EPA approves a plan, it must find that the plan identifies the responsibilities of State, regional, and local governments and has provided for the establishment of such State regulatory powers as is necessary to implement the plan. It's clear from RCRA that Congress intended that State and local governments have the authority necessary to manage solid waste. My bill authorizes, but doesn't require, State and local governments to use flow control authority.

According to the Congressional Research Service, 43 States, including New Jersey, either utilize flow control authority or have authorized local governments to use flow control for waste management. Flow control laws have been in place in New Jersey since 1979 and control all of the nonhazardous solid waste in the State's 567 municipalities and 21 counties. Flow control has been a significant part of New Jersey's ability to build an infrastructure to handle the 14 million tons of solid waste requiring disposal annually. Collectively, this infrastructure represents a capital investment of over $2 billion. New Jersey's recycling programs also are dependent on revenues received for use of New Jersey waste management facilities.

The Supreme Court decision threatens this authority, undercuts the roles of State and local governments in solid waste management and negates the planning process contemplated by the Congress in RCRA. It would impose a radical change in the way solid waste is managed in the United States.

The Carbone decision could hamper solid waste management efforts in three ways. First, the decision makes it impossible for cities to guarantee a steady stream of waste to waste disposal and processing facilities. Without this guaranteed steady stream of garbage, communities will be unable to secure financing to build solid waste management facilities. This threatens New Jersey's program to become solid waste self-sufficient by the end of the decade. It also threatens New Jersey's existing program to restrict exports of garbage without approval by the State.

In addition, localities would lose the revenue generated by garbage disposal at municipal facilities as garbage flowed to other facilities. This would

eliminate the source of funding for related nonprofitable waste management activities such as recycling and household hazardous waste programs. We need to increase recycling efforts. But the loss of flow control authority threatens existing efforts and makes an expansion of recycling programs less likely. Local governments will be forced to increase taxes to pay for the costs of these imported solid waste programs.

Finally, existing bonds used to finance waste management facilities are at risk if localities cannot send an adequate level of garbage to the facility to generate revenues to pay off the bonds. If localities cannot send an adequate level of garbage to a facility to generate the revenue needed to pay off the bonds, they face default and the affected communities face higher taxes.

The Supreme Court decision already is having an adverse effect on local governments. Moody's Investors Services, a bond rating service, is reviewing the bond rating for 100 solid waste facilities dependent on flow control. Facilities in New Jersey, Pennsylvania, Ohio, Minnesota, and Wisconsin where flow control ordinances are facing court challenges are at particular risk of having their bonds devalued or degraded. The bond rating for the Lancaster County Pennsylvania Solid Waste Management Authority has been lowered and the rating for the Camden County Pollution Control Authority was placed on a credit watch. A number of solid waste facilities already have been cancelled or stalled because Congress has failed to act to authorize flow control.

The flow control provision takes a balanced approach to addressing the concerns raised by the Supreme Court decision. It is intended to give State and local governments flow control authority under certain circumstances while requiring that local communities use a competitive designation process in making flow control decisions to ensure that free market competition is a component of flow control efforts. The provision has four major components.

First, it protects all existing flow control arrangements where flow control had been used to designate solid waste management facilities prior to May 15, 1994.

Second, it grants authority to States and local governments to institute additional flow control authority for: recyclables which have been voluntarily surrendered to the government, and municipal solid waste generated from household, commercial, industrial and institutional sources, as well as incinerator ash and construction and demolition debris if such waste had been flow controlled under a State or local law, ordinance, solid waste management plan or legally binding provision prior to May 15, 1994 or the local government had committed to the designation of one or more waste management facilities for the transportation, management or disposal of waste and had made a designation within 5 years of the enactment of this section.

Third, it provides that flow control authority can only be used if the community has a program to remove recyclables from the solid waste stream in accordance with State law or a local solid waste management plan. Recyclable materials are materials which have been separated, or diverted at the point of generation, from municipal solid waste. This language does not require materials to be separated at the point of generation because some recycling operations have multiple sorting arrangements some of which may occur after the point of generation. The language in this bill ensures that such multiple sorting operations will be considered recycling.

Fourth, it requires that when a local government decides to implement flow control authority, it undertake a competitive designation process which considers the facilities and services which the private sector can provide. Local governments in states other than New Jersey would also have to undertake a determination regarding whether they needed flow control to manage their waste.

This competitive designation process requires the government to establish specific criteria to be used to select facilities and also compare alternatives when designating a facility for flow control. The process also provides for public participation during the selection process. At the same time, it allows State and local governments to retain final decision making authority over most waste disposal decisions. A process is established which allows a Governor to certify that the State has a competitive process which satisfies this requirement.

Mr. President, I know some have expressed concern that flow control legislation will allow local governments to establish uneconomical monopolies on solid waste management. I believe that market competition can reduce the costs of solid waste management and, in turn, individual property taxes. That's why my legislation requires a competitive designation process. Municipal solid waste is a State and local government responsibility but doesn't have to be carried out by these governments. There are numerous examples of successful efforts to privatize government operations. This bill will bring the pressure of the free market to bear on solid waste decisions and hopefully lead to the most efficient operation providing relief to local taxpayers.

I want to make clear what this bill does not do. It does not tell State and local governments how to manage waste. Decisions on how to manage garbage and where to cite management facilities are not Federal responsibilities. These decisions have been and continue to be issues for local governments to decide, subject to State permits. The provision does not require State and local governments to use flow control authority. Again, this decision is left to these governments. The provision leaves State and local governments with the same authority they've had other than dealing with flow control to address solid waste.

Mr. President, many of my colleagues have expressed concern about the effect that unfunded mandates can have on State and local governments. I share this concern. But if we fail to act to overturn this Supreme Court decision, we could significantly increase the costs to local governments of solid waste management just as if the Congress had imposed a costly unfunded mandate on these governments. We should be giving State and local governments wide latitude to address solid waste management, particularly because the Federal Government does not provide assistance for State and local solid waste management programs.

The legislation I have developed has been endorsed by a wide range of organizations including the Conference of Mayors, and National Association of Counties, the National League of Cities, the National Association of Towns and Townships, the National Conference of State Legislatures, the Institute of Scrap Recycling Industries, and hundreds of local communities across the country.

Mr. President, we cannot expect State and local governments to manage solid waste as contemplated by RCRA if we fail to provide those governments with the tools to ensure that properly sized facilities to manage the waste are constructed. My legislation merely overturns the Supreme Court decision and provides State and local governments with the tools they need to manage solid waste. It maintains the status quo and avoids the radical change in solid waste management which would result from the Supreme Court decision.

The Congress must deal with the ambiguities that flow from the Supreme Court decision soon. State and local governments need to discharge their responsibilities for solid waste disposal.

Mr. President, I urge my colleagues to join in support of the Flow Control Act of 1995. I ask unanimous consent that a copy of the bill, an October 7, 1994 letter signed by all parties in support of the bill, and a number of articles discussing the adverse effect the Supreme Court decision is having on local communities be included in the CONGRESSIONAL RECORD.

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

S. 398

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 ''Flow Control Act of 1995''.

SEC. 2. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER TRANSPORTATION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL SOLID WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding after section 4010 the following new section:

"SEC. 4011. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER TRANSPORTATION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL SOLID WASTE.

''(a) AUTHORITY.—

''(1) IN GENERAL.—Each State and each qualified political subdivision may, in accordance with this section—

''(A)(i) exercise flow control authority for municipal solid waste, incinerator ash from a solid waste incineration unit, construction debris, or demolition debris generated within the boundaries of the State or qualified political subdivision if, before May 15, 1994, the State or qualified political subdivision—

''(I) adopted a law, ordinance, regulation, solid waste management plan, or legally binding provision that contains flow control authority and, pursuant to such authority, directs such solid waste, ash, or debris to a proposed or existing waste management facility designated before May 15, 1994; or

''(II) adopted a law, ordinance, regulation, solid waste management plan, or legally binding provision that identifies the use of one or more waste management methods that will be necessary for the transportation, management, or disposal of municipal solid waste generated within such boundaries, and committed to the designation of one or more waste management facilities for such method or methods;

''(ii) after the effective date of this section, in the case of a State or qualified political subdivision that adopted such a law, ordinance, regulation, plan, or legally binding provision that meets the requirements of subclause (I) or (II) of clause (i), exercise flow control authority over such solid waste from any existing or future waste management facility to any other existing or future waste management facility; and

''(iii) after the effective date of this section, in the case of a State or qualified political subdivision that adopted such a law, ordinance, regulation, plan, or legally binding provision that meets the requirements of subclause (I) of clause (i), exercise flow control authority over such solid waste, ash, or debris from any existing waste management facility to any other existing or proposed waste management facility, and may do so without regard to subsection (b)(2); and

''(B) exercise flow control authority for voluntarily relinquished recyclable materials generated within the boundaries of the State or qualified political subdivision.

''(2) REASONABLE REGULATION OF COMMERCE.—

''(A) A law, ordinance, regulation, solid waste management plan, or legally binding provision of a State or qualified political subdivision, described in paragraph (1), that implements or exercises flow control authority in compliance with this section shall be considered to be a reasonable regulation of commerce and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

''(B) A contract or franchise agreement entered into by a State or political subdivision to provide the exclusive or nonexclusive authority for the collection, transportation, or disposal of municipal solid waste, and not otherwise involving the exercise of flow control authority described in paragraph (1), shall be considered to be a reasonable regulation of commerce and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

''(b) LIMITATIONS.—

''(1) LIMITATION OF AUTHORITY REGARDING RECYCLABLE MATERIALS.—A State or qualified political subdivision may exercise the authority described in subsection (a)(1)(B) with respect to recyclable materials only if—

''(A) the generator or owner of the materials voluntarily made the materials available to the State or qualified political subdivision, or the designee of the State or qualified political subdivision, and relinquished any rights to, or ownership of, such materials; and

''(B) the State or qualified political subdivision, or the designee of the State or qualified political subdivision, assumes such rights to, or ownership of, such materials.

''(2) LIMITATION OF AUTHORITY REGARDING SOLID WASTE OR RECYCLABLE MATERIALS.—

''(A) A State or qualified political subdivision may exercise the authority described in subparagraph (A) or (B) of subsection (a)(1) only if the State or qualified political subdivision establishes a program to separate, or divert at the point of generation, recyclable materials from municipal solid waste, for purposes of recycling, reclamation, or reuse, in accordance with any Federal or State law or municipal solid waste planning requirements in effect.

''(B) A State or qualified political subdivision may exercise the authority described in clause (i) or (ii) of subsection (a)(1)(A) only if, after conducting one or more public hearings, the State or qualified political subdivision—

''(i) finds, on the basis of the record developed at the hearing or hearings, that it is necessary to exercise the authority described in subparagraph (A) or (B) of subsection (a)(1) to meet the current solid waste management needs (as of the date of the record) or the anticipated solid waste management needs of the State or qualified political subdivision for the management of municipal solid waste or recyclable materials;

''(ii) finds, on the basis of the record developed at the hearing or hearings, including an analysis of the ability of the private sector and public bodies to provide short and long term integrated solid waste management services with and without flow control authority, that the exercise of flow control authority is necessary to provide such services in an economically efficient and environmentally sound manner; and

''(iii) provides a written explanation of the reasons for the findings described clauses (i) and (ii), which may include a finding of a preferred waste management methodology or methodologies for providing such integrated solid waste management services.

''(C) With respect to each designated waste management facility, the authority of subsection (a) shall be effective until completion of the schedule for payment of the capital costs of the waste management facility concerned (as in effect on May 15, 1994), or for the remaining useful life of the original waste management facility, whichever is longer. At the end of such period, the authority of subsection (a) shall be effective for any waste management facility for which subparagraph (B) and subsection (c) have been complied with by the State or qualified political subdivision, except that no facility, and no State or qualified political subdivision, subject to subsection (a)(1)(A)(i)(I) or subsection (a)(1)(A)(ii) shall be required to comply with subparagraph (B) for a period of 10 years after the date of enactment of this section. Notwithstanding the provisions of this paragraph, compliance with subparagraph (B) shall not be required where—

''(i) a designated waste management facility is required to retrofit or otherwise make significant modifications to meet applicable environmental requirements or safety requirements;

''(ii) routine repair or scheduled replacements of existing equipment or components of a designated waste management facility is undertaken that does not add to the capacity of the waste management facility; or

''(iii) a designated waste management facility expands on land legally or equitably owned, or under option to purchase or lease, by the owner or operator of such facility and the applicable permit includes such land.

''(D) Notwithstanding anything to the contrary in this section, paragraphs (2)(B) and (2)(C) shall not apply to any State (or any of its political subdivisions) that, on or before January 1, 1984, enacted regulations pursuant to a State law that required or directed the transportation, management, or disposal of solid waste from residential, commercial, institutional and industrial sources as defined by State law to specific waste management facilities and applied those regulations to every political subdivision in the State.

''(3) LIMITATION TO APPLIED AUTHORITIES.—The authority described in subsection (a)(1)(A) shall apply only to the specific classes or categories of solid waste to which the authority described in subsection (a)(1)(A)(i)(I) was applied by the State or qualified political subdivision before May 15, 1994, and to the specific classes or categories of solid waste for which the State or qualified political subdivision committed to the designation of one or more waste management facilities as described in subsection (a)(1)(A)(i)(II).

''(4) EXPIRATION OF AUTHORITY.—The authority granted under subsection (a)(1)(A)(i)(II) shall expire if a State or qualified political subdivision has not designated, by law, ordinance, regulation, solid waste management plan, or other legally binding provision, one or more proposed or existing waste management facilities within 3 years after the date of enactment of this section.

''(5) LIMITATION ON REVENUE.—A State or qualified political subdivision may exercise the authority described in subsection (a) only if the State or qualified political subdivision limits the use of any of its revenues derived from the exercise of such authority primarily to solid waste management services.

''(c) COMPETITIVE DESIGNATION PROCESS.—

''(1) IN GENERAL.—A State or qualified political subdivision may exercise the authority described in subsection (a) only if the State or qualified political subdivision develops and implements a competitive designation process, with respect to each waste management facility or each facility for recyclable materials. The process shall—

''(A) ensure that the designation process is based on, or is part of, a municipal solid waste management plan that is adopted by the State or qualified political subdivision and that is designed to ensure long-term management capacity for municipal solid waste or recyclable materials generated within the boundaries of the State or qualified political subdivision;

''(B) set forth the goals of the designation process, including at a minimum—

''(i) capacity assurance;

''(ii) the establishment of provisions to provide that protection of human health and the environment will be achieved; and

''(iii) any other goals determined to be relevant by the State or qualified political subdivision;

''(C) identify and compare reasonable and available alternatives, options, and costs for designation of the facilities;

''(D) provide for public participation and comment;

''(E) ensure that the designation of each facility is accomplished through an open competitive process during which the State or qualified political subdivision—

''(i) identifies in writing criteria to be utilized for selection of the facilities, which shall not discriminate unfairly against any particular waste management facility or any method of management, transportation or disposal, and shall not establish qualifications for selection that can only be met by public bodies;

''(ii) provides a fair and equal opportunity for interested public persons and private persons to offer their existing (as of the date of the process) or proposed facilities for designation; and

''(iii) evaluates and selects the facilities for designation based on the merits of the facilities in meeting the criteria identified; and

''(F) base the designation of each such facility on reasons that shall be stated in a public record.

''(2) CERTIFICATION.—

''(A) IN GENERAL.—A Governor of any State may certify that the laws and regulations of the State in effect on May 15, 1994, satisfy the requirements for a competitive designation process under paragraph (1).

''(B) PROCESS.—In making a certification under subparagraph (A), a Governor shall—

''(i) publish notice of the proposed certification in a newspaper of general circulation and provide such additional notice of the proposed certification as may be required by State law;

''(ii) include in the notice of the proposed certification or otherwise make readily available a statement of the laws and regulations subject to the certification and an explanation of the basis for a conclusion that the laws and regulations satisfy the requirements of paragraph (1);

''(iii) provide interested persons an opportunity to comment on the proposed certification, for a period of time not less than 60 days, after publication of the notice; and

''(iv) publish notice of the final certification, together with an explanation of the basis for the final certification, in a newspaper of general circulation and provide such additional notice of the final certification as may be required by State law.

''(C) APPEAL.—Within 120 days after publication of the final certification under subparagraph (B), any interested person may file an appeal of the final certification in the United States Circuit Court of Appeals for the Federal judicial district of the State, for a judicial determination that the certified laws and regulations do not satisfy the requirements of paragraph (1) or that the certification process did not satisfy the procedural requirements of subparagraph (B). The appeal shall set forth the specific reasons for the appeal of the final certification.

''(D) LIMITATION TO RECORD.—Any judicial proceeding brought under subparagraph (C) shall be limited to the administrative record developed in connection with the procedures described in subparagraph (B).

''(E) COSTS OF LITIGATION.—In any judicial proceeding brought under subparagraph (C), the court shall award costs of litigation (including reasonable attorney fees) to any prevailing party whenever the court determines that such award is appropriate.

''(F) LIMITATION ON REVIEW OF CERTIFICATIONS.—If no appeal is taken within 120 days after the publication of the final certification, or if the final certification by the Governor of any State is upheld by the United States Circuit Court of Appeals and no party seeks review by the Supreme Court (within applicable time requirements), the final certification shall not be subject to judicial review.

''(G) LIMITATION ON REVIEW OF DESIGNATIONS.—Designations made after the final certification and pursuant to the certified laws and regulations shall not be subject to judicial review for failure to satisfy the requirements of paragraph (1).

''(d) OWNERSHIP OF RECYCLABLE MATERIALS.—

''(1) PROHIBITION ON REQUIRED TRANSFERS.—Nothing in this section shall authorize any State or qualified political subdivision, or any designee of the State or qualified political subdivision, to require any generator or owner of recyclable materials to transfer any recyclable materials to such State or qualified political subdivision unless the generator or owner of the recyclable materials voluntarily made the materials available to the State or qualified political subdivision and relinquished any rights to, or ownership of, such materials.

''(2) OTHER TRANSACTIONS.—Nothing in this section shall prohibit any person from selling, purchasing, accepting, conveying, or transporting any recyclable materials for purposes of transformation or remanufacture into usable or marketable materials, unless a generator or owner voluntarily made the materials available to the State or qualified political subdivision and relinquished any rights to, or ownership of, such materials.

''(e) RETAINED AUTHORITY.—Upon the request of any generator of municipal solid waste affected by this section, the State or political subdivision may authorize the diversion of all or a portion of the solid wastes generated by the generator making such request to a solid waste facility, other than the facility or facilities originally designated by the political subdivision, where the purpose of such request is to provide a higher level of protection for human health and the environment and reduce potential future liability under Federal or State law of such generator for the management of such wastes. Requests shall include information on the environmental suitability of the proposed alternative treatment or disposal facility and method, compared to that of the designated facility and method. In making such a determination the State or political subdivision may consider the ability and willingness of both the designated and alternative disposal facility or facilities to indemnify the generator against any cause of action under State or Federal environmental statutes and against any cause of action for nuisance, personal injury, or property loss under any State law.

''(f) EXISTING LAWS AND CONTRACTS.—

''(1) IN GENERAL.—To the extent consistent with subsection (a), this section shall not supersede, abrogate, or otherwise modify any of the following:

''(A) Any contract or other agreement (including any contract containing an obligation to repay the outstanding indebtedness on any proposed or existing waste management facility or facility for recyclable materials) entered into before May 15, 1994, by a State or qualified political subdivision in which such State or qualified political subdivision has designated a proposed or existing waste management facility, or facility for recyclable materials, for the transportation, management or disposal of municipal solid waste, incinerator ash from a solid waste incineration unit, construction debris or demolition debris, or recyclable materials, pursuant to a law, ordinance, regulation, solid waste management plan, or legally binding provision adopted by such State or qualified political subdivision before May 15, 1994, if, in the case of a contract or agreement relating to recyclable materials, the generator or owner of the materials, and the State or qualified political subdivision, have met the appropriate conditions in subsection (b)(1) with respect to the materials.

''(B) Any other contract or agreement entered into before May 15, 1994, for the transportation, management or disposal of municipal solid waste, incinerator ash from a solid waste incineration unit, or construction debris or demolition debris.

''(C)(i) Any law, ordinance, regulation, solid waste management plan, or legally binding provision—

''(I) that is adopted before May 15, 1994;

''(II) that pertains to the transportation, management, or disposal of solid waste generated within the boundaries of a State or qualified political subdivision; and

''(III) under which a State or qualified political subdivision, prior to May 15, 1994, directed, limited, regulated, or prohibited the transportation, management, or disposal of municipal solid waste, or incinerator ash from, a solid waste incineration unit, or construction debris or demolition debris, generated within the boundaries;

if the law, ordinance, regulation, solid waste management plan, or legally binding provision is applied to the transportation of solid waste described in subclause (III), to a proposed or existing waste management facility designated before May 15, 1994, or to the management or disposal of such solid waste at such a facility, under such law, ordinance, regulation, solid waste management plan, or legally binding provision.

''(ii) Any law, ordinance, regulation, solid waste management plan, or legally binding provision—

''(I) that is adopted before May 15, 1994; and

''(II) that pertains to the transportation or management of recyclable materials generated within the boundaries of a State or qualified political subdivision;

if the law, ordinance, regulation, solid waste management plan, or legally binding provision is applied to the transportation of recyclable materials that are generated within the boundaries, and with respect to which the generator or owner of the materials, and the State or qualified political subdivision, have met the appropriate conditions described in subsection (b)(1), to a proposed or existing facility for recyclable materials designated before May 15, 1994, or to the management of such materials, under such law, ordinance, regulation, solid waste management plan, or legally binding provision.

''(2) CONTRACT INFORMATION.—A party to a contract or other agreement that is described in subparagraph (A) or (B) of paragraph (1) shall provide a copy of the contract or agreement to the State or qualified political subdivision on request. Any proprietary information contained in the contract or agreement may be omitted in the copy, but the information that appears in the copy shall include at least the date that the contract or agreement was signed, the volume of municipal solid waste or recyclable materials covered by the contract or agreement with respect to which the State or qualified political subdivision could otherwise exercise authority under subsection (a) or paragraph (1)(C), the source of the waste or materials, the destination of the waste or materials, the duration of the contract or agreement, and the parties to the contract or agreement.

''(3) EFFECT ON INTERSTATE COMMERCE.—Any contract or agreement described in subparagraph (A) or (B) of paragraph (1), and any law, ordinance, regulation, solid waste management plan, or legally binding provision described in subparagraph (C) of paragraph (1), shall be considered to be a reasonable regulation of commerce by a State or qualified political subdivision, retroactive to

the effective date of the contract or agreement, or to the date of adoption of any such law, ordinance, regulation, solid waste management plan, or legally binding provision, and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

''(4) LIMITATION.—Any designation by a State or qualified political subdivision of any waste management facility or facility for recyclable materials after the date of enactment of this section shall be made in compliance with subsection (c). Nothing in this paragraph shall affect any designation made before the date of enactment of this section, and any such designation shall be deemed to satisfy the requirements of subsection (c).

''(g) SAVINGS CLAUSE.—

''(1) FEDERAL OR STATE ENVIRONMENTAL LAWS.—Nothing in this section is intended to supersede, amend, or otherwise modify Federal or State environmental laws (including regulations) that apply to the disposal or management of solid waste or recyclable materials at waste management facilities or facilities for recyclable materials.

''(2) STATE LAW.—Nothing in this section shall be interpreted to authorize a qualified political subdivision to exercise the authority granted by this section in a manner inconsistent with State law.

''(h) PROHIBITION.—No political subdivision may exercise flow control authority to direct the movement of municipal solid waste to any waste management facility for which a Federal permit was denied twice before the enactment of this section.

''(i) DEFINITIONS.—For purposes of this section only, the following definitions apply:

''(1) COMMITTED TO THE DESIGNATION OF ONE OR MORE WASTE MANAGEMENT FACILITIES.—The term 'committed to the designation of one or more waste management facilities' means that a State or qualified political subdivision was legally bound to designate one or more existing or future waste management facilities or performed or caused to be performed one or more of the following actions for the purpose of designating one or more such facilities:

''(A) Obtained all required permits for the construction of such waste management facility prior to May 15, 1994.

''(B) Executed contracts for the construction of such waste management facility prior to May 15, 1994.

''(C) Presented revenue bonds for sale to specifically provide revenue for the construction of such waste management facility prior to May 15, 1994.

''(D) Submitted to the appropriate regulatory agency or agencies, on or before May 15, 1994, administratively complete permit applications for the construction and operation of a waste management facility.

''(E) Formed a public authority or a joint agreement among qualified political subdivisions, pursuant to a law authorizing such formation for the purposes of designating facilities.

''(F) Executed a contract or agreement that obligates or otherwise requires a State or qualified political subdivision to deliver a minimum quantity of solid waste to a waste management facility and that obligates or otherwise requires the State or qualified political subdivision to pay for that minimum quantity of solid waste even if the stated minimum quantity of solid waste is not delivered within a required timeframe, otherwise commonly known as a 'put or pay agreement'.

''(G) Adopted, pursuant to a State statute that specifically described the method for designating by solid waste management districts, a resolution of preliminary designation that specifies criteria and procedures for soliciting proposals to designate facilities after having completed a public notice and comment period.

''(H) Adopted, pursuant to a State statute that specifically described the method for designating by solid waste management districts, a resolution of intent to establish designation with a list of facilities for which designation is intended.

''(2) DESIGNATION; DESIGNATE.—The terms 'designate', 'designated', 'designation' or 'designating' mean a requirement of a State or qualified political subdivision, and the act of a State or qualified political subdivision, to require that all or any portion of the municipal solid waste that is generated within the boundaries of the State or qualified political subdivision be delivered to a waste management facility identified by a State or qualified political subdivision, and specifically includes put or pay agreements of the type described in paragraph (1)(F).

''(3) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of solid waste or recyclable materials and direct such waste or recyclable materials to one or more designated waste management facilities or facilities for recyclable materials.

''(4) INDUSTRIAL SOLID WASTE.—The term 'industrial solid waste' means solid waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling, that is not hazardous waste regulated under subtitle C. 'Industrial solid waste' does not include municipal solid waste specified in paragraph (5)(A)(iii).

''(5) MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—Subject to the limitations of subsection (b)(3), the term 'municipal solid waste' means—

''(i) any solid waste discarded by a household, including a single or multifamily residence;

''(ii) any solid waste that is discarded by a commercial, institutional, or industrial source;

''(iii) residue remaining after recyclable materials have been separated or diverted from municipal solid waste described in clause (i) or (ii);

''(iv) any waste material or waste substance removed from a septic tank, septage pit, or cesspool, other than from portable toilets; and

''(v) conditionally exempt small quantity generator waste under section 3001(d), if it is collected, processed or disposed with other municipal solid waste as part of municipal solid waste services.

''(B) EXCLUSIONS.—The term 'municipal solid waste' shall not include any of the following:

''(i) Hazardous waste required to be managed in accordance with subtitle C (other than waste described in subparagraph (A)(v)), solid waste containing a polychlorinated biphenyl regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or medical waste listed in section 11002.

''(ii)(I) A recyclable material.

''(II) A material or a product returned from a dispenser or distributor to the manufacturer or the agent of the manufacturer for credit, evaluation, or reuse unless such material or product is discarded or abandoned for collection, disposal or combustion.

''(III) A material or product that is an out-of-date or unmarketable material or product, or is a material or product that does not conform to specifications, and that is returned to the manufacturer or the agent of the manufacturer for credit, evaluation, or reuse unless such material or product is discarded or abandoned for collection, disposal or combustion.

''(iii) Any solid waste (including contaminated soil and debris) resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act.

''(iv)(I) Industrial solid waste.

''(II) Any solid waste that is generated by an industrial facility and transported for the purpose of containment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or a facility that is located on property owned by the generator.

''(6) QUALIFIED POLITICAL SUBDIVISION.—The term 'qualified political subdivision' means a governmental entity or political subdivision of a State, as authorized by the State, to plan for, or determine the methods to be utilized for, the collection, transportation, disposal or other management of municipal solid waste generated within the boundaries of the area served by the governmental entity or political subdivision.

''(7) RECYCLABLE MATERIAL.—The term 'recyclable material' means any material (including any metal, glass, plastic, textile, wood, paper, rubber, or other material) that has been separated, or diverted at the point of generation, from solid waste for the purpose of recycling, reclamation, or reuse.

''(8) SOLID WASTE MANAGEMENT PLAN.—The term 'solid waste management plan' means a plan for the transportation, treatment, processing, composting, combustion, disposal or other management of municipal solid waste, adopted by a State or qualified political subdivision pursuant to and conforming with State law.

''(9) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility or facilities in which municipal solid waste, incinerator ash from a solid waste incineration unit, or construction debris or demolition debris is separated, stored, transferred, treated, processed, combusted, deposited or disposed.

''(10) EXISTING WASTE MANAGEMENT FACILITY.—The term 'existing waste management facility' means a facility under construction or in operation as of May 15, 1994.

''(11) PROPOSED WASTE MANAGEMENT FACILITY.—The term 'proposed waste management facility' means a facility that has been specifically identified and designated, but that was not under construction, as of May 15, 1994.

''(12) FUTURE WASTE MANAGEMENT FACILITY.—The term 'future waste management facility' means any other waste management facility.''.

SEC. 203. TABLE OF CONTENTS AMENDMENT.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4011 the following new item:

''Sec. 4011. Congressional authorization of State control over transportation, management and disposal of municipal solid waste.''.

SUPPORT THE FLOW CONTROL CONSENSUS BILL: FINAL PASSAGE TODAY.

OCTOBER 7, 1994.

DEAR CONGRESSPERSON/SENATOR: We, the undersigned, have been negotiating in good faith over the past several days to craft a waste flow control proposal which is acceptable to stakeholders on both sides of the issue. The attached document represents our best efforts at reaching consensus on this complex and, at times, difficult issue.

Negotiators on both sides have made significant concessions. Each of us, if true to his/her own self-interest, would make changes to the attached legislative draft.

However, we are united in our belief that Congress must take action to provide a stable municipal solid waste regulatory environment for communities and businesses in light of the Carbone Supreme Court decision. If Congress fails to act in the wake of the Carbone decision, it will leave many facilities in financial jeopardy.

The attached document addresses the need to protect existing flow control arrangements and the facilities that are financially dependent on waste flow control, and allows a competitive, free-market process to continue. While imperfect, this proposal meets the immediate needs of public and private entities, and is far more preferable to the uncertainty which will result if no bill is passed.

We urge you to support enactment of this compromise in this session of Congress.

Respectfully submitted,

Browning-Ferris Industries, Public Securities Association, National Association of Counties, WMX Technologies, Environmental Transportation Association, Laidlaw, Inc., Chambers Development Company, Inc., Ogden Projects, Inc., National League of Cities, U.S. Conference of Mayors, Solid Waste Management Association of North America, Southern Pacific Transportation Company.●

● Mr. DODD. Mr. President, I want to speak today about flow control authority—an issue that is vital to the public safety and fiscal soundness of States and localities. I commend Senator LAUTENBERG and the coalition of local government officials, waste management groups, and public security interests for working to craft this important legislation.

I feel so strongly about the need for action that I was prepared to introduce my own legislation this Congress. Frankly, I would have liked to see more authority given to municipalities. State and local governments have a vested interest in how solid waste produced within their borders is transported and disposed. However, I recognize that a hard-fought consensus has been reached, and I am pleased to be a cosponsor of this important legislation.

According to the Environmental Protection Agency [EPA], approximately 35 States were adversely affected by the May 1994 Supreme Court Carbone decision, which invalidated local flow control authority. It is important to note that Justice O'Connor, while siding with the majority, did in fact state that it was within Congress' purview to authorize local imposition of flow control. It is my feeling that if Congress does not enact legislation, States will continue to suffer environmentally and financially.

Flow control is essential to the implementation of Connecticut's integrated waste management plan. Many localities have made significant capital investments to move away from outdated landfills to construct efficient, yet costly, waste disposal centers. Approximately 86 percent of Connecticut's waste is now disposed of in these state-of-the art facilities. The State, and ultimately the taxpaying citizens, are backing $500 million in bonds that were used to finance the construction of regional waste disposal centers and recycling transfer stations. Profits from the facilities, used to pay off the bonds, were to be ensured by flow control authority.

Almost 75 percent of Connecticut municipalities entered into ''put-or-pay'' contracts, and will be forced to pay penalties for the shortfall created by trash moving elsewhere. At a time when Congress is trying to ease the tax burden on working families, it is highly likely that their taxes could increase, if towns are unable to meet their garbage quotes. If transporters choose to deliver waste to landfills out of State, then citizens will in effect pay twice—first, to have their waste transported away, and again to cover the put-or-pay requirement. Finally, municipal bond ratings could plummet, increasing the cost of future local projects.

This legislation strikes an appropriate balance. Only those communities that have already relied on flow control authority or have detailed plans to do so, are protected. This legislation is proconsumer and probusiness because it preserves competition and levels the playing field. This bill is also proenvironment because it encourages the further construction of recycling and composting facilities as a byproduct of a successful revenue bond financing program.

The legislation that we are introducing today is identical to what passed the House of Representatives last fall. It was most unfortunate that in the Senate, flow control legislation fell victim to the stalling tactics employed by some members on the other side of the aisle on the last day of the session. This compromise legislation died, despite strong bipartisan support.

Mr. President, I hope that this year we will be successful. It is clear that this issue is not going away and it is important to the people on my State and in many others that we deal with this problem. I urge my fellow Senators to join me in moving forward on this vital piece of legislation.●

ADDITIONAL COSPONSORS

S. 109

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 109, a bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions.

S. 110

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 110, a bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year.

S. 145

At the request of Mr. GRAMM, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 145, a bill to provide appropriate protection for the Constitutional guarantee of private property rights, and for other purposes.

S. 181

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small investors, and for other purposes.

S. 198

At the request of Mr. CHAFEE, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of 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.

S. 218

At the request of Mr. MCCONNELL, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 218, a bill to repeal the National Voter Registration Act of 1993, and for other purposes.

S. 240

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 287

At the request of Mrs. HUTCHISON, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 287, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 303

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 303, a bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 328

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor

of S. 328, a bill to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles travelled in ozone nonattainment areas designated as severe, and for other purposes.

S. 356

At the request of Mr. SHELBY, the names of the Senator from Idaho [Mr. CRAIG], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 376

At the request of Mr. KENNEDY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 376, a bill to resolve the current labor dispute involving major league baseball, and for other purposes.

SENATE RESOLUTION 77—COMMEMORATING THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. LOTT (for Mr. KEMPTHORNE, for himself, Mr. DOLE, Mr. COCHRAN, Mr. ROBB, Mr. ASHCROFT, Mr. BIDEN, Mrs. BOXER, Mr. CAMPBELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DORGAN, Mr. FEINGOLD, Mr. GRAMM, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INHOFE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. SIMPSON, Mr. STEVENS, and Mr. FORD) submitted the following resolution; which was considered and agreed to:

S. RES. 77

Whereas, the well being of all citizens of this country are preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas, more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our childrens' right to receive an education in a crime free environment that is all to often threaten by the insidious fear caused by violence in schools;

Whereas, 157 peace officers lost their lives in the performance of their duty in 1994, and a total of 13,413 men and women have now made that supreme sacrifice;

Whereas, every year 1 in 9 officers are assaulted, 1 in 25 is injured, and 1 in 4,000 in killed in the line of duty;

Whereas, on May 15, 1994 more than 15,000 peace officers are expected to gather in our Nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved, That May 15, 1995, is hereby designated as "National Peace Officers Memorial Day" for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

AMENDMENTS SUBMITTED

ALASKA POWER ADMINISTRATION SALE ACT

MURKOWSKI (AND STEVENS) AMENDMENT NO. 239

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. MURKOWSKI (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by them to the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes; as follows:

At the end of Title I of S. — add the following: "(k) For the purposes of section 147 (d) of the Internal Revenue Code, "first use" Snettisham occurs upon the acquisition of the property by the State of Alaska.".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding an oversight hearing on Tuesday, February 14, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on the fiscal year 1996 budget.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding an oversight hearing on Thursday, February 16, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on the fiscal year 1996 budget.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. 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 Monday, February 13, for purposes of conducting a full committee hearing which is scheduled to begin at 2 p.m. The purpose of the hearing is to consider the nomination of Wilma Lewis to be inspector general of the Department of the Interior.

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

ADDITIONAL STATEMENTS

BLOCK GRANTS

• Mr. SARBANES. Mr. President, in recent weeks much has been written and said about proposals to combine all Federal food assistance programs into a block grant to States. The debate has lead to a close examination of nutrition programs such as WIC and the School Lunch and Breakfast Programs. As a strong supporter of these vital programs, I have been deeply concerned about the potential consequences such action could have on our Nation's most vulnerable—children, pregnant women, and senior citizens.

The Census Bureau estimates that more than 37 million Americans live below the poverty line. More distressing, however, is that children continue to be the poorest age group in the country. Over the past 20 years, the number of American children in poverty has increased by more than 37 percent. According to data released by the National Center for Children in Poverty last month, 6 million American children under age 6 were living in poverty in 1992—the highest rate since researchers have been documenting such figures.

Mr. President, in my view, we have a responsibility to these children. If our children are to succeed in an increasingly competitive world, efforts to guarantee them access to basic nutrition services must be maintained and expanded. Traditionally, the Federal Government has exhibited a strong commitment to its food assistance programs and many of these programs are among the most successful of all Federal initiatives.

Take, for example, the WIC or Women, Infants, and Children Program. WIC provides food vouchers and nutrition education to pregnant women and young children and is expected to support an average of 7.2 million participants at an average monthly cost of $42.38 per person per month in fiscal year 1995. The General Accounting Office estimates that WIC services to pregnant women who gave birth in 1990 cost the Federal Government nearly $296 million, but could save a projected $1.036 billion in Federal, State, local, and private dollars by the year 2008. According to a Harvard University study, every dollar spent on prenatal care through the WIC Program saves as much as $3 in future health care costs. The Department of Agriculture also estimates that every dollar spent on prenatal care through the WIC Program results in a significant Medicaid savings within the first 60 days after birth.

The WIC Program not only provides taxpayers one of the greatest returns on their investment, it has also improved the long-term health of millions of American women and children. According to the U.S. Department of Agriculture, since the inception of the WIC Program, low birthweight rates have dropped, the prevalence of anemia in preschool-aged children has declined, and the incidence of stunting has decreased by nearly 65 percent.

To date, this important program has served almost 90,000 of more than 210,000 eligibles in my home State of

Maryland. If this program were to become part of a block grant to States, the USDA estimates that at least 12 percent of the total funding for the program would be cut, which translates to a loss of approximately $3.6 million for Maryland.

I wonder, Mr. President how many people realize that the National School Lunch Program—the oldest of all child nutrition programs—serves more than 25 million meals daily and boasts a 90-percent participation rate of schools nationwide? The average daily participation rate in Maryland is estimated to be around 374,855 children out of a public school enrollment of 763,274—nearly half of all children enrolled in the Maryland public school system. The Maryland State Department of Education estimates that Maryland would lose more than $22 million in funding for fiscal year 1996 if proposals to block grant nutrition programs were implemented.

In addition, block granting nutrition programs would effectively eliminate all uniform national standards for nutrition. These standards, which were strengthened last year through the Better Nutrition and Health for Children Act, appropriately recognized that in providing food assistance to needy children, it is equally important to make certain that the food provided is nutritious. To neglect this important aspect of the debate would be truly irresponsible.

A recent editorial in the Baltimore Sun stated that ''By and large, Federal food programs work well. They reach the people who need them, and their existence over the past couple of decades has demonstrably reduced hunger and malnutrition.'' Mr. President, Federal food assistance programs do work well. They achieve their desired goals with a high degree of efficiency and success. In this case, the old adage ''if it's not broke, don't fix it'' rings true.●

BLACK HISTORY MONTH

● Mr. LAUTENBERG. Mr. President, I rise today to recognize February as Black History Month and to honor the rich cultural heritage of African-Americans in my State of New Jersey. In the arts or letters, history or politics, business or education, New Jersey's African-American community has made a strong and lasting impact on our Nation's culture.

We in New Jersey are very proud that so many great figures in history have called our State home. This morning, in honor of Black History Month, I would like to call the Senate's attention to four distinguished African-Americans who made major contributions to my State and our country.

First, Mr. President, I would call your attention to Jessie Redmon Fauset, the seventh child born to Redmon Fauset, an African Methodist Episcopal minister in Camden, NJ. Jessie grew up in poor circumstances, but her family made education a top priority, and in 1905 she went on to become the first black woman in the country elected to Phi Beta Kappa. After graduating, Ms. Fauset taught high school French for many years, before becoming literary editor of the Crisis, an NAACP publication that played a central role in the Harlem renaissance.

In addition to her work as an editor, Ms. Fauset was also a successful novelist. Her initial motivation for becoming a novelist was her belief that African-Americans were not being portrayed accurately in black fiction. Her work did paint a more accurate picture, and as a result, she is still read by those who want to understand African-American life.

Second, Mr. President, while many do not know it, the great actress and singer Melba Moore is a New Jersey native and a product of New Jersey schools. Ms. Moore grew up in Newark, where she attended Arts High School and majored in music, following in the footsteps of other prominent musicians, including Sarah Vaughan.

After high school, Melba Moore attended Montclair State Teachers College and worked as an elementary school music teacher. She loved her students, but her heart was on the stage. Ms. Moore soon left teaching and began wowing Broadway crowds with her amazing voice and her brilliant sense of humor. Ms. Moore made her Broadway debut in ''Hair,'' where she attracted widespread attention as the first black lead of any of the Broadway ''Hair'' companies around the world—and in many people's opinion, the best. Melba Moore once said, ''I want to give black people something to look up to, an image they can be proud of and kids can emulate.'' She certainly has done that.

Third, Mr. President, we in New Jersey are very proud to include abolition leader William Still as one of our own. William Still was the son of two former slaves who escaped from the Eastern Shore of Maryland to Burlington County, NJ, in the early 19th century. As a young married man, Mr. Still found a job at the Pennsylvania Society for the Abolition of Slavery. He soon became a leader in the underground railroad and began to aid fugitives from slavery, offering many of them room and board in his home. One of the former slaves passing through to Canada turned out to be William Still's own brother. Mr. Still was so affected by that discovery that he began to keep careful records of all the former slaves who passed through Philadelphia and New Jersey.

In 1872, Mr. Still turned these records into a thorough and compelling book, which continues to be one of the most influential records of the underground railroad movement. William Still's legacy was not just the many lives he saved through the underground railroad; it is also the timeless chronicle he left of his efforts and those of others who helped fugitive slaves escape to Canada.

Finally, Mr. President, a spirit of social activism also drove Paul Robeson, a Princeton, NJ, native, who achieved fame as an all-American football player at Rutgers University and later attained worldwide recognition as an actor and singer.

In an interview, Paul Robeson once described his goals this way:

> If I can teach my audience who know almost nothing about [my people], to know [them] through my songs and through my roles . . . then I will feel that I am an artist, and that I am using my act for myself, for my race, for the world.

Anyone who had the fortune to hear Paul Robeson sing a spiritual, anyone who saw his unparalleled performance of ''Othello,'' anyone who heard him speak so passionately about the ills of segregation and of poverty, knows that in his long and fulfilling life, Paul Robeson, the son of a former slave, changed all of us, black and white alike, by sharing his passion for justice and for equality.

Mr. President, there are countless other African-American heroes who hail from New Jersey: poets and scientists, entertainers and political activist. And there are uncounted others who may never be known beyond their families or their neighborhoods, but who have lived their lives with dignity and contributed a basic decency and distinction to our State.

Let me just say in closing, that Black History Month should be a time for reflection; a time to reflect on the accomplishments of African-Americans throughout this country and throughout our history, accomplishments that often were made in the face of racism, of poverty, and unequal opportunity. It should be a time to increase our understanding of African-American history and culture, and a time to reaffirm our understanding of our cultural diversity, our commitment to equality, and our support of racial justice.●

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86–380, appoints the Senator from Idaho [Mr. KEMPTHORNE] to the Advisory Commission on Intergovernmental Relations, vice Senator DURENBERGER.

TO COMMEMORATE AND ACKNOWLEDGE THE DEDICATION AND SACRIFICE OF LAW ENFORCEMENT OFFICERS

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:.

> A resolution (S. Res. 77) to commemorate and acknowledge the dedication and sacrifice made by the men and women who lost their

lives while serving as law enforcement officers.

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

Mr. FORD. Mr. President, I ask unanimous consent that I be added as an original cosponsor.

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

The PRESIDING OFFICER. If there is no further debate, without objection, the resolution and preamble are agreed to.

The resolution (S. Res. 77) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, are as follows:

S. RES. 77

Whereas, the well being of all citizens of this country are preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas, more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our childrens' right to receive an education in a crime free environment that is all too often threatened by the insidious fear caused by violence in schools;

Whereas, 157 peace officers lost their lives in the performance of their duty in 1994, and a total of 13,413 men and women have now made that supreme sacrifice;

Whereas, every year 1 in 9 officers are assaulted, 1 in 25 is injured, and 1 in 4,000 is killed in the line of duty; and

Whereas, on May 15, 1994, more than 15,000 peace officers are expected to gather in our Nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved, That May 15, 1995, is hereby designated as ''National Peace Officers Memorial Day'' for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

ORDERS FOR TUESDAY, FEBRUARY 14, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:15 a.m. on Tuesday, February 14, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, and that the time for the two leaders be reserved for their use later in the day, and that the Senate immediately resume consideration of House Joint Resolution 1 and the Reid amendment No. 236, and that the time between 9:15 and 9:30 be equally divided between the two leaders or their designees.

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

Mr. LOTT. Mr. President, I further ask unanimous consent that at the hour of 9:30 a.m. on Tuesday, the majority leader or his designees be recognized to make a motion to table the Reid amendment.

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

Mr. LOTT. I further ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 p.m. in order for the weekly party caucuses to meet.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all of my colleagues, under the previous order, there will be a rollcall vote at 9:30 a.m. on Tuesday on the motion to table the Reid amendment.

Additional votes are expected to occur prior to the scheduled recess for the party caucuses.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, and if no other Senator is seeking recognition, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:54 p.m. recessed until tomorrow, Tuesday, February 14, 1995, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate February 13, 1995:

THE JUDICIARY

CURTIS L. COLLIER, OF TENNESSEE, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

REGULAR AIR FORCE

To be brigadier general

PATRICK O. ADAMS, 000–00–0000
THEODORE C. ALMQUIST, 000–00–0000
ROBERT P. BONGIOVI, 000–00–0000
ROGER A. BRADY, 000–00–0000
HUGH C. CAMERON, 000–00–0000
JOHN H. CAMPBELL, 000–00–0000
BRUCE A. CARLSON, 000–00–0000
HOWARD G. DEWOLF, 000–00–0000
DANIEL M. DICK, 000–00–0000
LAWRENCE P. GRAVISS, 000–00–0000
DAVID A. HERRELKO, 000–00–0000
ROBERT C. HINSON, 000–00–0000
STEPHEN E. KELLY, 000–00–0000
TIIU KERA, 000–00–0000
MICHAEL S. KUDLACZ, 000–00–0000
ARTHUR J. LICHTE, 000–00–0000
WILLIAM R. LOONEY III, 000–00–0000
EARL W. MABRY II, 000–00–0000
DAVID F. MACGHEE, 000–00–0000
JAMES E. MILLER, JR., 000–00–0000
GLEN W. MOORHEAD III, 000–00–0000
LARRY W. NORTHINGTON, 000–00–0000
EVERETT G. ODGERS, 000–00–0000
RALPH PASINI, 000–00–0000
WILLIAM A. PECK, JR., 000–00–0000
GERALD F. PERRYMAN, 000–00–0000
HARRY D. RADUEGE, JR., 000–00–0000
LEONARD M. RANDOLPH, JR., 000–00–0000
RANDALL M. SCHMIDT, 000–00–0000
NORTON A. SCHWARTZ, 000–00–0000
RONALD T. SCONYERS, 000–00–0000
ARTHUR D. SIKES, JR., 000–00–0000
LANCE L. SMITH, 000–00–0000
LINDA J. STIERLE, 000–00–0000
WILLIAM E. STEVENS, 000–00–0000
TODD I. STEWART, 000–00–0000
PHILIP G. STOWELL, 000–00–0000
CHARLES F. WALD, 000–00–0000
OLAN G. WALDROP, JR., 000–00–0000
TOME H. WALTERS, JR., 000–00–0000
HERBERT M. WARD, 000–00–0000
JOSEPH H. WEHRLE, JR., 000–00–0000
MICHAEL E. ZETTLER, 000–00–0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

KURT B. ANDERSON, 000–00–0000
WILLIAM J. BEGERT, 000–00–0000
FRANK B. CAMPBELL, 000–00–0000
PAUL K. CARLTON, JR., 000–00–0000
JOHN P. CASCIANO, 000–00–0000
JAMES S. CHILDRESS, 000–00–0000
ROGER G. DEKOK, 000–00–0000
JOHN A. GORDON, 000–00–0000
MARCELITE JORDAN HARRIS, 000–00–0000
WILLIAM S. HINTON, JR., 000–00–0000
WALTER S. HOGLE, JR., 000–00–0000
CLINTON V. HORN, 000–00–0000
RONALD T. KADISH, 000–00–0000
GEORGE P. LAMPE, 000–00–0000
EUGENE A. LUPIA, 000–00–0000
DAVID J. MCCLOUD, 000–00–0000
GEORGE W. NORWOOD, 000–00–0000
RICHARD R. PAUL, 000–00–0000
DONALD L. PETERSON, 000–00–0000
ERVIN C. SHARPE, JR., 000–00–0000
EUGENE L. TATTINI, 000–00–0000
ARTHUR S. THOMAS, 000–00–0000
DAVID L. VESELY, 000–00–0000
JOHN L. WELDE, 000–00–0000

EXTENSIONS OF REMARKS

CORRECTION OF TAX RULES WILL ENCOURAGE BETTER FORESTRY, ENVIRONMENTALLY SENSITIVE MANAGEMENT, AND A STRENGTHENED RESOURCE BASE FOR THE U.S. TIMBER INDUSTRY

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. WYDEN. Mr. Speaker, the debate in this House concerning Tax Code reforms traditionally has been focused on two primary issues: Is the current tax law fair, and does the code encourage economic growth and new jobs?

Today, I want to suggest that we address one other question: does the code encourage sustained management of an increasingly threatened national treasure—our 350 million acres of privately owned, commercial forest land.

Global warming, the deforestation of tropical timberlands, and our own efforts to preserve our dwindling supply of native, old growth timberlands have all lead us to reevaluate our planet's crucial need for trees.

As many of my colleagues are aware, I have for years advocated the position that our Tax Code contains severe disincentives for private forestry. With many of my colleagues from the Congressional Forestry 2000 Task Force, I have worked for reasonable changes in the law to overturn unfair obstacles to small woodlot owners who wish to keep their lands in long-term, sustained-yield, timber production.

Today, I and 16 of my colleagues reintroduce legislation which takes dead aim at one of the most egregious of the code's disincentives to private forestry, IRS passive loss rules. Our bill, the Forest Stewardship Act of 1995, puts our tax policy on the side of jobs, wildlife conservation and proper timber management—where the code always should have been.

This bill will restore to tens of thousands of small woodlot owners the right to deduct reasonable business expenses in managing their nonindustrial private timberlands. Incredibly, the Internal Revenue Service in the mid-1980s stripped these woodlot owners of this favorable tax treatment even though it would cost States like Oregon, which has more than 42,000 tree farmers, an untold number of timber industry jobs and undercut proper forest management.

I believe the IRS' position is entirely inconsistent with the intent and will of Congress in enacting the 1986 tax reforms. At the heart of the problem is the agency's stringent rule on material participation, the test that separates passive investors from active managers. Under the IRS' interpretation, which is based on an inflexible hours-per-year activity standard, many tree growers have been unfairly barred from deducting costs of doing business. That means they can't even use professional foresters to help manage their lands without endangering their active status under the law. The resulting mismanagement can mean less timber, inadequate conservation measures, and, ultimately, loss of the lands from the timber base.

This bill redefines the code to allow these farmers to deduct normal business expenses.

I'm proud to be joined in this effort by a bipartisan coalition of cospnsors—Representatives HERGER, CALLAHAN, DEAL, CRAMER, COOLEY, EMERSON, DEFAZIO, STUPAK, KLUG, WILSON, OBERSTAR, SPRATT, HAYES, FURSE, CHAPMAN, and RICHARD BAKER—who have worked very hard with me in crafting this legislation.

I would also point out that besides having the broad support of major timber associations representing both tree growers and the wood products manufacturing industry, this legislation has been advocated by environmental organizations including the Sierra Club, One Thousand Friends of Oregon, the Audubon Society, and others.

Mr. Speaker, it is not often that both the timber products industry and the environmental community agree on congressional legislation effecting forests management. The reason both of these often warring factions back this bill is quite simple: they understand that this narrow Tax Code change will: First, encourage better forest management by allowing tree growers to deduct the cost of professional forestry consultants; and two, discourage tree farmers from converting their increasingly valuable lands to non-forest uses.

As a consequence, wildlife habitat, watersheds, recreational values, and timber resources will be preserved.

In Oregon, we have something in excess of 3.3 million acres in small woodlot management. Our State forecasts on future timber needs already have identified these acres as an increasingly important source of trees for our mills. Already, these woodlands account for more than 10 percent of our tree harvest—public and private—in Oregon.

My colleagues, these forestlands account for real dollars, and real jobs. Discouraging their best-use management will have real, long-term, adverse impacts on employment and, consequently, IRS tax collections. No less a conservationist organization than our own One Thousand Friends of Oregon has sued the IRS, asking that the agency reconsider its regulations in this area.

I urge my colleagues to join us in cosponsoring the vital legislation.

TRIBUTE TO HON. CHET HOLIFIELD

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, as ranking member of the Committee on Government Reform and Oversight, I rise today in tribute to a great legislator, our former colleague Representative Chet Holifield of California. This remarkable man served in Congress for 32 years, from 1943 to 1975, and during those years he was a member and later chairman of committees that were predecessors of the present committee. Last Sunday, February 5, Chet passed peacefully in Redlands, CA, at the age of 91.

During my first term in Congress, it was my privilege to serve with Chet as a member of the Committee on Government Operation, of which he had become chairman in 1970, following the passing of its prior chairman, Congressman William L. Dawson of Illinois.

Chet's extraordinary record of accomplishment in legislation and oversight covers such diverse and pioneering areas as Government reorganization, atomic energy, Federal procurement, Federal property and administrative services, national security operations, and Federal paperwork reduction. As a subcommittee chairman in 1949, he presided over the creation of the Federal Property and Administrative Services Act. These matters have been well chronicled in many publications. I would cite among them CONGRESSIONAL RECORD issues for March 25, 1970, March 7, 1972, November 26, 1974, and December 20, 1974, offering extensive tributes from colleagues. I am told, by the way, that this year, we may expect to see published the only authorized biography of Chet Holifield, dealing with his career as a legislator and nuclear statesman.

It is very fitting on this occasion to speak about the personal character of Chet Holifield. Chet was an American original, a leader, largely self-educated, morally courageous, enterprising, perserving, and unswerving in the service of his fellow men and his democratic principles. He was a model of the traits and values woven into the American ideal, not the least of which was the beautiful family life that he and his lovely wife Cam created with their daughters and their now 31 grandchildren and great grandchildren.

This personal character was a key factor in Chet's being able to achieve what he did. It enabled him to win respect, trust, and confidence from colleagues in both bodies of the Congress, from Presidents, from Federal officials, from representatives of the academic and business worlds, and from representatives of international agencies.

As I said, I did not know him long. Perhaps the best testimony about Chet's character is that of Members of this body who knew him well and worked with him over many years. Their remarks have provided inspired recognition of the man and his works. I should like to cite here three examples from remarks by committee colleagues in the December 20, 1974, CONGRESSIONAL RECORD. Chet by this time had announced his retirement.

The late Craig Hosmer of California, who, as the ranking Republican, served with Chet on the Joint Atomic Committee, stated:

Unique and extraordinary is the only phrase I know that properly characterizes

our departing colleague Chet Holifield. He is a most special and most precious person. One cut out of no mold, but individually fashioned and endowed with inimitable style, extraordinary wisdom, inexhaustible energy, great physical stamina, and total perseverance of purpose.

The late Benjamin Rosenthal, a member and subcommittee chairman on the Government Operations Committee, payed this tribute to Chet:

His numerous achievements are far to many to chart or catalog. But it is a mark of Chet's distinguished career that those achievements resulted not so much from his House seniority as from his creative energies.

* * * * *

Chet and I have disagreed, from time to time, on certain public policy issues. But I know that his public positions were formulated with only one test in mind: Will the public interest benefit? Perhaps the greatest tribute I can pay him is that I will always remember him as a doer, an innovator, and a builder.

One person uniquely qualified to speak is our recently retired colleague Frank Horton. For 30 years, Frank was a member of the Committee on Government Operations. For 12 of those years, he and Chet served opposite each other as leaders of their parties either on Chet's subcommittee or on the full committee. They dealt with issues before the committee in full bipartisanship. Frank has stated that their relationship grew as close as father and son. Chet, he said, treated him, and I can quote him, ''like he was my father.'' Out of this hard work together, many of the great and lasting accomplishments of the committee became realities. They include creation of the Departments of Transportation and Housing and Urban Development, the landmark 1973 Report of the Commission on Federal Procurement, on which both Frank and Chet served as members, and the Report of the Commission on Federal Paperwork, which Frank himself chaired.

Addressing the House on December 20, 1974, Frank remarked about Chet:

During 32 years of service to his constituents and to America and mankind, he has shown himself to be fair, compassionate, objective, hard-working, and brilliant. He more than any man I know, has lived his principles each day of his life. He is true to his family, to his country and to his ideals.

Evidence of Chet's hard work and iron purpose is found in Frank's statement that at his prime as chairman of the Joint Committee on Atomic Energy Chet was the most knowledgeable layman in the country concerning atomic energy.

But I want to return to Frank's remarks to the House and conclude. It is good to listen to this deeply felt encomium, which speaks movingly to the virtues and principles of Chet Holifield as well as to virtues and principles to which all of us as legislators are called.

Mr. Speaker, there are few combinations of people in human experience who get to know each other better than the chairman and ranking minority member of a committee—who must work day-in day-out to solve problems on issues, and to forge compromises on bills in the heat of pressure and controversy.

For all my 12 years in the House, it has been my privilege to serve with Chet on the Government Operations Committee. Ten of those years have been spent serving opposite each other as leaders of our parties in subcommittee, and 2 of those years, during this Congress, we led the full committee together.

It would be impossible to sum up what this experience has meant to me, or to describe my respect for the man. Let me only say that I have never worked with any person who approached the needs of the public more objectively or keenly, or who was so devoid of selfishness or of either partisan or other prejudice. Chet Holifield, the legislator, comes as close as any man to the ideals Americans look to in a Congressman. He understands what the public interest is, and he puts it first—always. All other considerations, however worthy or tempting, however much easier they may be to serve, come second.

POVERTY DATA IMPROVEMENT ACT

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Moday, February 13, 1995

Mr. SAWYER. Mr. Speaker, today I am reintroducing legislation that will help Congress target billions of dollars annually in Federal program funds to populations most in need, as well as measure the effectiveness of public assistance programs in a timely way.

The Poverty Data Improvement Act passed the House unanimously in November, 1993. The bill requires the Census Bureau to produce and publish poverty estimates for States, counties, cities and school districts every 2 years. Currently, the only source of reliable poverty data below the national level is the decennial census. According to the General Accounting Office, $22 billion is allocated through 19 Federal grant programs each year to State and local governments based on those poverty figures.

Clearly, the infrequent production of small area poverty data has undermined the ability of many critical Federal programs to reach their target populations effectively. As Federal dollars become more scarce in the effort to balance the budget, it will be even more important to ensure that these programs are serving communities that are most in need. Concentrations of poverty are not stagnant over the course of a decade. The movement of lower-income populations into rapidly growing areas, as well as the abandonment of older cities by the middle class, causes a shift in demographic patterns that must be measured more often than once every 10 years.

A notable case in point is the title 1 grant program for elementary and secondary schools, which Congress reauthorized as part of the Improving America's Schools Act in the 103d Congress. The 1990 census income data, which reflects 1989 economic conditions, was used for the first time to allocate title 1 funds in the 1993–94 school year. At their best, the figures were 4 to 5 years old. And the year before that, 1980 census data—reflecting 1979 income—was still being used to allocate title 1 funds. Imagine using figures that are nearly 14 years old to allocate nearly $7 billion to counties and school districts across the country. How can we have any confidence that those funds are reaching children and schools that need the most help?

Unfortunately, the Senate did not act on the Poverty Data Improvement Act in the last Congress. But Congress saw the folly in relying on outdated poverty numbers to develop and administer important programs such as chapter 1, the Job Training Partnership Act, Community Development block Grants, and rural housing programs, to name a few. In its reauthorization of the title 1 program, Congress called for the use of updated county poverty estimates by 1996 and updated school district poverty estimates by 1998, in allocating program funds. We also asked the National Academy of Sciences to undertake a multi-year study of the Census Bureau's effort to produce poverty estimates for States, counties, cities and school districts every 2 years. Timely data are an important factor in policy development, but it's also important for policymakers to have confidence in the numbers on which they rely.

To its credit, the Census Bureau has recognized the critical policy need for more frequent poverty numbers below the national level. The Bureau has started the research and development phase of its small area poverty estimates program, and reports that it is on schedule to release poverty figures for States and counties in the fall of 1996.

Given the significant amount of taxpayer dollars that are distributed according to poverty data, the Census Bureau's effort is a bargain. In fiscal years 1994 and 1995, the Bureau will spend $600,000 per year to develop its first intercensal poverty numbers. In subsequent years, the annual cost will rise to approximately $800,000, with additional costs likely to produce poverty estimates for school districts. Nevertheless, that's far less than a hundredth of a percent of the funds allocated each year on the basis of that data.

The Poverty Data Improvement Act addresses one important element of a growing debate about the accuracy of data we use for Federal program purposes. That element is the question of timeliness. Data that are old may look precise, but they simply aren't accurate.

The bill does not address broader—and very legitimate—concerns about the way we define poverty. In fact, today we are using definitions that were developed nearly 30 years ago. Fortunately, the Committee on National Statistics of the National Academy of Sciences is completing a comprehensive study of the definition of poverty. That study includes a review of consumption patterns, differences in cost of living across geography, and the effect of noncash benefits on living standards. The academy expects to release its findings and recommendations in May.

Mr. Speaker, we need the capacity to identify demographic and economic forces that are changing more rapidly than our ability to measure them using traditional data collection methods. Accurate, useful, and timely data can serve as a solid foundation on which to build sound and cost-effective programs. The Poverty Data Improvement Act represents an important start toward achieving that goal. I urge my colleagues to support this worthwhile legislation.

BACK-TO-BASICS CRIME BILL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. PACKARD. Mr. Speaker, yesterday marked the 40th day of our Contract With

America. House Republicans have accomplished more to combat crime in 40 days than the Democrats have in the last 40 years. We are committed to keeping our promises.

Republicans promised to strike at the heart of violent crime. We are working to pass our back-to-basic crime bill which provides the tools necessary to fight crime and keep criminals behind bars.

The Republican crime package handcuffs criminals and releases resources to combat crime. We are replacing the revolving door with a trap door and making our streets safe for law abiding citizens.

American taxpayers will no longer pay for a criminal justice system that fails to put and keep criminals behind bars. Today we will work to deport criminal aliens and free up scarce prison space. In addition, I look forward to giving local law enforcement the flexibility they need to use their resources most effectively.

Mr. Speaker, the American people are waiting for action. Violent crime will no longer be tolerated. We must act now to give the police the tools necessary to catch criminals and the space they need to keep them where they belong—behind bars.

LULAC NATIONAL WEEK

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. COLEMAN. Mr. Speaker, I wish to pay tribute to the League of United Latin American Citizens as they celebrate the week of the 12th through the 18th of February, 1995, as LULAC National Week.

LULAC, the oldest and largest Hispanic volunteer organization in the country, is an American success story. More than 110,000 members in 45 States have reaped the benefits of this exemplary organization since 1929.

This week honors the LULAC experience. From its roots in promoting civil rights to its activities in providing equal access to educational opportunities for all Hispanic-Americans, LULAC is committed to the promise of Hispanics in America.

This week we observe and honor the benefits of LULAC which include economic development, housing, education, employment, civil rights, and business development. My congressional district includes many LULAC chapters all striving to address the many complex issues impacting Hispanics at all levels.

Mr. Speaker, as LULAC celebrates its legacy this week, the organization is seen as an integral part of the American mosaic. Since 1929, LULAC has endured with honor and a proven record of success. its proud supporters include the public and private sectors and other volunteer organizations. Today, its proudest supporters, the members themselves, look to the future for more of the same. LULAC has earned the support and respect of the Nation.

PERSONAL EXPLANATION

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. METCALF. Mr. Speaker, due to prior travel commitments I missed the final vote on H.R. 668. If I had been present, I would have voted ''yes.''

READ A BOOK OR GO TO JAIL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, in the February 5 issue of Parade Magazine there is an excellent article by Michael Ryan about the sort of program we all describe as something we would to see, but are rarely able to point to in fact.

The program in question is one which seeks to keep repeat criminals from committing further crimes, by a program which involves repeat offenders in an extensive reading program.

Of course no program is perfect, and in 4 years this program has seen 19 percent of the participants rearrested. But as the article points out, the statistical expectation is that, absent this program, a far higher percentage of these participants would have been arrested again—one study showed that 45 percent would be the expected figure.

The moving force in this program is Prof. Robert Waxler of the University of Massachusetts Dartmouth. I have myself benefited in my job from the enthusiasm and knowledge that Professor Waxler brings to the task of educating young people, because he is an active and creative member of the southeastern Massachusetts community. But I ask that this article be reprinted here not because of my admiration for Professor Waxler but because it is an interesting example of how creative work on the local level can help us improve our efforts to reduce the crime which is a continuing social problem.

Professor Waxler, and Judge Robert Kane, who has used his judicial position to launch this program, deserve a great deal of credit. And I am glad that Parade Magazine highlighted their work, and I hope that other areas will profit by their example. To further that prospect, I submit this article from Parade magazine to be reprinted here.

[From Parade Magazine, Feb. 5, 1995]

THESE REPEAT OFFENDERS HAD A CHOICE: READ A BOOK—OR GO TO JAIL

(By Michael Ryan)

Every university has students like Don Ross: bright individuals whose imaginations have caught fire with learning.

''Yesterday, everybody at my job was talking about Deliverance.'' Ross told me one afternoon at the University of Masschusetts campus at Dartmouth, Mass., near Cape Cod. He recently had read James Dickey's novel, a riveting tale of survival. ''I started talking about how the characters related to each other, and everybody looked at me and went, 'Whoa,' They were talking about the movie, which was on TV.''

Ross, 27, tells this joke on himself with good humor, as amused with his newfound interest in literature as anyone else. The interest has unusual roots. In January 1992, a judge in nearly New Bedford offered him a choice: Go to school and read books—or go to jail.

''This was an experiment,'' said District Court Judge Robert Kane, 47. ''I had no confidence that it would work, but I had sufficient despair in the way we had always done things.'' ''We were seeing this same faces over and over,'' added Wayne St. Pierre, 39, the probation officer who helps screen candidates for the program. Don Ross is one of just 100 repeat offenders who have entered the program. (His last offense involved the illegal use of uninsured automobiles.)

In the four years that the literature seminar has been in operation, 19 percent of its participants have been rearrested. A recent study by professors at the University of Indiana and UMass Dartmouth found that 45 percent of a similar group (matched by age, race, income, neighborhood and offense) had returned to crime. In other words, the convicts in the program were less than half as likely to commit new crimes as those not in the program.

''I have always believed in the transformative power of stories,'' Prof. Robert Waxler, 50, told me. ''They allow us to hold up a mirror to ourselves.'' A professor of English at UMass Dartmouth, he thought this power might help in rehabilitating criminals. One day, he brought up the idea with Judge Kane, his tennis partner. ''He was very receptive to the idea,'' Waxler recalled.

Waxler volunteered to lead a 12-week literature seminar. His only stipulation that the convicts be fairly serious offenders. ''The average participant has 16 prior offenses,'' said St. Pierre.

The group first reads a simple short story. Then, every other week for three months, they read novels of increasing complexity and meet for two-hour discussions. Only about half of the participants have completed high school or earned GED's, but Waxler gives them serious reading, such as Jack London's Sea Wolf and Russell Banks Affliction.

St. Perrre thinks that the challenge is part of the success. ''I come from an athletic background,'' he said. ''I know than when you have a tough coach who pushes you beyond what you think you can do, the rewards are much greater. That's what happens here.''

''When I first designed this, I looked for materials that would address issues of identity, of violence, of the individual's relationship to society,'' Waxler explained, ''Often, that pushes everybody to an understanding of where they fall in relation to that character.''

''I related to Wolf Larsen in Sea Wolf,'' said Manuel Amaral, 35, a former drug addict and small-time dealer. The Larsen character is a brutal ship's captain who meets a grisly end. ''I was like him,'' said Amaral. ''Reading about it opened my mind.'' Amaral is now drug-free and a student at Bristol Community College in Fall River, Mass.

The reading program has benefited more than the defendants. Along with Waxler and some of his colleagues, St. Pierre attends every session and does all of the reading. Judge Kane also attends but begins with the third session to avoid intimidating students.

''One night, we were reading Norman Mailer's An American Dream,'' the judge recalled. ''There's a scene between a judge and a prostitute, and the people in the course started talking about the misuse of judicial power. I realized that it was important that I hear that. It has made me more expansive.''

Mark MacMullen, 40, also was a drug abuser. Now he is a full-time student at

UMass Dartmouth and has regained visitation rights to his two children. ''I learned that Wayne St. Pierre is more than my probation officer—he's a human being,'' he said, ''and Judge Kane is a human being, and they cared about me. That's made me care about me and start making the right choices.''

The program has strict rules. While studying, participants are on probation and live at home. Anyone who misses class or skips readings can be sent to prison. Program graduates remain on probation and must attend a one-day career workshop. They must then make a career choice or plans that will increase employment opportunities, such as obtaining a GED or going to college. If they don't, they can be sent to prison.

The UMass Dartmouth program accepts only male offenders. There are now similar programs, for men and women, in the state—and more judges are studying it. ''They should try it,'' Judge Kane said, ''The things that are said here are more interesting than the conversation in the judges' lobby.''

Don Ross—the fan of Deliverance, the book—said the course taught him to accept responsibility for the first time. ''The day I came before Judge Kane was the turning point. That transformation has been gradual, week after week, book after book.''

''This has taught me,'' he said, ''to use my mind.''

CONGREGATION EMANU-EL: CELEBRATING 150 YEARS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to one of the most outstanding religious institutions in the United States, Congregation Emanu-El, which will soon be celebrating the 150th anniversary of its founding. This remarkable temple, which is located on Fifth Avenue at East 65th Street in the heart of my district, has tended to the spiritual needs of its congregants as well as the social and philanthropic needs of the greater community for a century and a half.

I want to first congratulate Dr. Ronald B. Sobel, who has served as the temple's senior rabbi since 1973. Rabbi Soebl is a world-renowned scholar and spiritual leader who deserves enormous credit for helping to make Emanu-El into one of the largest and most respected synagogues in the world.

In fact, Temple Emanu-El is physically the largest synagogue in the world and boasts the largest membership of any reform temple. But its origins were indeed quite humble. In 1845, a handful of German immigrants pooled $30 and rented a small room on the Lower East Side, thus becoming the fist reform Jewish congregation in the city. As the congregation grew, its members found new locations, first a former Methodist church and then a former Baptist church. In 1868, Emanu-El congregants raised over half a million dollars and built a new facility on Fifth Avenue and 43rd Street. Finally, in 1925, construction began on the Temple's final and current home. In 1930, this magnificent structure was dedicated.

The history of Temple Emanu-El is the history of New York, the Nation, and indeed the entire World. Early in this century, the temple founded a committee to assist victims of the Russian massacres. Seven members of the congregation were killed serving in World War I and 22 were killed during the Second World War. During this war, the temple established a recreational canteen which ultimately served 1.3 million American men and women in uniform. In recent years, the temple instituted programs to address the pressing needs of New York City. The Sunday lunch program—developed in 1983—provides 140 homeless citizens with a hot lunch each week. In 1988, the temple opened a homeless shelter which has become one of our city's most successful facilities of its kind.

Over the years, the leaders of Congregation Emanu-El has read like a ''Who's Who'' of American civic leadership. Emanu-El members have included Adolph Ochs, publisher of the New York Times; Oscar S. Straus, the first Jewish Cabinet Member, who served as President Theodore Roosevelt's Secretary of Commerce and Labor; and Irving Lehman, who served as chief justice of the New York State Court of Appeals. More recently, Emanu-El president Maxwell Rabb served as U.S. Ambassador to Italy.

Mr. Speaker, for 150 years, Congregation Emanu-El has served as a beacon of community spirit and religious commitment. It is an honor to represent this institution in the U.S. Congress, and I sincerely hope that my colleagues will join me in congratulating Temple Emanu-El on this auspicious occasion.

AMERICORPS' SUCCESSFUL INVOLVEMENT IN A COMMUNITY POLICING PROGRAM IN THE 7TH CONGRESSIONAL DISTRICT OF ILLINOIS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to acknowledge the success of a partnership between AmeriCorps and community policing efforts in Illinois' Seventh Congressional District. It is a pleasure to be able to address the House today on the positive impact that the Chicago Alliance for Neighborhood Safety [CANS] and Bethel New Life Inc.'s Take Back the Streets Program is having on Chicago's West Side. By recognizing the accomplishments of this Take Back The Streets Program, I hope to increase awareness and support for successful partnerships such as the one forged between AmeriCorps and community policing programs in my district.

Bethel New Life Inc., a community-based development corporation which was founded in 1979, is a member and partner organization of CANS. CANS has sponsored 21 AmeriCorps-VISTA volunteers who have helped organize community policing programs and who have played an essential role in the recent take back the streets campaign.

To implement this campaign, Bethel chose a drug-ridden 6-square-block area which included a public elementary school, 3 churches, and a city park, as the target area for its 40-day campaign. The key to Bethel's plan of cleaning up the target area or neighborhood safety zone was to organize high-visibility activities that encouraged residents to come out onto the street.

These community activities, which included anti-drug marches, job fairs, drug education and treatment workshops, all night prayer vigils, family nights, and cleanup efforts, took place at all hours of the day and night. The community leaders and residents worked together to take their streets back from drug dealers. In addition to the planned activities, the program included two ongoing events. They were setting up lemonade stands and organizing outdoor prayer services on corners where drugs were sold.

The community leaders and the residents found that their efforts paid off. The drug dealers were pushed out of the area, the cleanup effort greatly improved the aesthetic appeal of the neighborhood, and it was once again safe for children to play on the streets.

In addition to these short-term victories, there were significant long-term effects. One of the greatest accomplishments of this program was that the fear that residents had about getting involved in efforts to fight crime were reduced. An estimated 800 residents got involved with the program because they could see their efforts were paying off. Their community looked and felt safer.

The success of Bethel's program was a direct result of AmeriCorps involvement in the program. CANS' AmeriCorps-VISTA volunteer Charles Jackson, the community leader that was assigned to Bethel New Life Inc., was essential in developing block clubs, increasing interest in community policing, and developing local leaders. The positive effect that the AmeriCorp-VISTA volunteer had on the community will last long after his leadership is gone.

The involvement of AmeriCorps made a significant difference in the overall effectiveness of the program. Without AmeriCorps volunteers, it will likely be difficult for community policing efforts in other neighborhoods to experience this degree of success.

I commend CANS, Bethel New Life, Inc., and AmeriCorps for their hard work and success at helping constituents in my district feel safer and more confident about their right to live in a drug-free neighborhood. As we review Federal programs in the weeks ahead, I hope that this success will be remembered by my colleagues who are quick to mislabel AmeriCorps and community policing efforts as ineffective and wasteful boondoggles and invite them to visit my district to find out what a positive impact these programs have had on hundreds of Americans.

STATEMENT ON MISSED VOTES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. STARK. Mr. Speaker, on Friday, February 10, 1995, I missed six recorded votes because of a bad case of the flu. Rather than infect the rest of the House, I stayed home.

If I had been present, I would have voted as follows:

On rollcall No. 112, the amendment by Mr. WATTS, to strike the automatic stay provisions relating to relief lawsuits brought by inmates, ''aye.''

On rollcall No. 113, the amendment by Mr. CARDIN to reduce by $36 million over 5 years the authorization for prison grants, ''aye.''

On rollcall No. 114, the amendment by Mr. CHAPMAN to make States eligible for both general and ''truth in sentencing'' prison grants rather than either one or the other, ''aye''.

On rollcall No. 115, the amendment by Mr. SCOTT, to decrease by $2.5 billion the total funding for State and regional prison grants, ''aye.''

On rollcall No. 116, the motion to recommit by Mr. CONYERS, to allocate any unallocated funds for public safety and community policing, ''aye.''

On rollcall No. 117, final passage, ''no.''

IN MEMORY OF GLEN WOODARD

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mrs. FOWLER. Mr. Speaker, I rise today to note the passing of one of my district's most honorable citizens. Glen Woodard passed away on January 25, 1995. Born in Washington, DC, in 1917, and educated in the Duval County, FL, public schools, Glen was vice president and director of community affairs for the Winn-Dixie grocery store chain.

During the 40 years he represented Winn-Dixie in Tallahassee and Washington, he touched many lives. There are many today who issue sweeping condemnations of lobbyists. It is safe to say those people never met Glen Woodard. The corridors of power were never graced by a more decent, honorable, and dignified man. Glen represented his company and his entire industry with a grace, a devotion, and a sense of humor not often found these days. His passing is a great loss to my community and to my State.

I would like to submit for the RECORD the eulogy delivered at Glen's services by Mr. Robert O. Aders, president emeritus of the Food Marketing Institute.

EULOGY TO GLEN WOODARD

(By Robert O. Aders)

Glen, it is an honor to be invited to eulogize you. It is not the first time that I or others have praised you in public but it is first time you won't have the last word. I speak of behalf of myself and Tabitha and your other close friends in the industry that you have served so well for so many years—on behalf of your many associates in FMI and other groups in Washington and the State capitols with whom you have worked to improve the food system and the supermarket industry—to improve the quality of government—and to improve the relationships between industry and government—in order to better serve the public. We have enjoyed considerable success in all these things and you have truly left your mark. You have made a difference. And today we celebrate your life.

We all lead our lives on many levels—our home, our church, our country, daily work, recreation. So did Glen Woodard. I would like to say a few words on behalf of those who knew him mostly in his Washington life, that part of his Winn-Dixie career where some of us in this room were his extended family. Glen where some of us in this room were his extended family. Glen was born in Washington, D.C.—says so in the Jacksonville newspaper so it must be true. But Glen always denied that. He didn't want to be a Washington insider. Instead Glen told a Supermarket News reporter who asked where he was born:

''Born in North Georgia in 1917, RFD 1, Clermont. Go out from Gainesville, turn left at Quillens store, going toward the Wahoo Church, and then past there up toward Dahlonega. We lived there till the Grand Jury met—then moved to Florida.''

My friendship with Glen goes back a long way. We both joined the supermarket industry 38 years ago. In 1957 Glen joined the supermarket industry 38 years ago. In 1957 Glen joined Winn-Dixie and I joined Kroger—he as a lobbyist, I as a lawyer.

These were the good old days of smaller government but it was growing and soon Kroger decided to form a government relations department. I was chosen to do it. We were going to lobby and all I knew about that was what you had to go through when you check into a hotel. Then I got lucky. The American Retail Federation was holding a regional conference in Springfield, Illinois, and the already-famous Glen Woodard was the featured speaker on ''lobbying.'' Glen spoke on the nitty-gritty of working with government—the day-to-day task of dealing with small problems so they don't get big—the same way we all deal with our family and business problems. He spoke on the day-to-day things that government does, wittingly or unwittingly, that impose a great burden on business. While business is focusing on the big issues we tend to ignore the minor day-to-day interferences that cost us money and slow us down. The title of his speech was repeated at just the right time throughout his presentation, in that patented stentorian voice. It was ''While you are watching out for the eagles you are being pecked to death by the ducks.'' And that was my introduction to the famous Glen Woodard vocabulary and the beginning of a long professional relationship as well as a personal friendship.

To Glen, a Congressman or a Senator was always addressed as ''my spiritual advisor.'' Glen Woodard's world was not populated by lawyers, accountants and ordinary citizens but by ''skin 'em and cheat 'ems,'' ''shiny britches,'' and ''snuff dippers.'' These people don't merely get excited, they have ''rollin' of the eyes'' and ''jerkin' of the navel.'' Colorful he was. But Glen needed that light-hearted perspective to survive, for Glen was in the middle of what is now called ''that mess in Washington'' from Presidents Eisenhower to Clinton. Working his contacts, talking to representatives and senators, walking his beat—those endless marble corridors of power—doing as he put it ''the work of the Lord.'' And, indeed, his work affected the law of the land.

And, indeed, that work was made a lot more fun for all of us by Glen's marvelous sense of humour and his wonderful delivery. I remember a meeting a few years ago with a top official in the Treasury Department. We had been stymied for years trying to change a ridiculous IRS regulation because of the stubbornness of one particular bureaucrat. One day Glen broke the logjam as follows: ''Jerry, I had occasion to pay you a high compliment when I was with the Chairman of the Ways and Means Committee last week. I said you were just great with numbers. In fact, you're the biggest 2-timin', 4-flushin', SOB I've ever known.'' He got the point and the rule was changed.

With all his blunt talk and tough wit, he was a kind and generous man. In fact, my wife described him when she first met him as courtly and gallant. That was at a luncheon at the Grand Ol Opry years ago. My mother was also present and Glen was with his beloved Miss Ann. My mother was so charmed that for the rest of her life she always asked me ''How is that wonderful gentleman from Winn-Dixie that you introduced me to in Nashville.'' Of course, Tab got to know the total Glen over the ensuing years at the many private dinners the three of us enjoyed when Glen was in Washington and had a free evening.

Those of us who worked at the Food Marketing Institute during Glen Woodard's career knew the many facets of this fine man. Always with us when we needed him, he was a brother to me and he was Uncle Glen to the young people on the staff.

Those young people he mentored over the years—young people now mature—carry the principles and values that he lived and taught. Here are some of them:

Integrity—stick to your principles.

Strength and toughness—take a position and stand on it.

Work ethic—It may not be fun at first. If you work hard enough you'll enjoy it.

Responsibility—Take it. Most people duck it.

Generosity—Take the blame; share the credit.

Reliability—Say what you'll do and then do it.

Fairness—It isn't winning if you cheat.

And finally, Grace under pressure.

On behalf of those young people, Glen, I say you brought a great deal of nobility to our day-to-day lives and you made us feel worthwhile.

A few years ago we tricked Glen into coming to a testimonial dinner on his behalf. He thought it was for someone else. The dinner menu was designed especially to Glen's taste. He always said he was sick of overcooked beef, rubber chicken and livers wrapped in burnt bacon. So we had a Glen Woodard menu prepared at one of the fanciest private clubs in Washington—The F Street Club. Their kitchen staff will never forget it. We had country ham, redeye gravy and biscuits with collard greens. We had cat fish, hush puppies and cole slaw. All the condiments were served in their original containers—ketchup in the bottle, mustard in the jar, and alongside each table in a silver ice bucket we had Glen's cheap rosé wine in a screw-top bottle.

The FMI staff had prepared a special plaque for this man who already had a wall covered with plaques, but this was different and it expressed how the staff felt about him. It went this way:

''FMI, to Glen P. Woodard, The Best There Is.

''For nearly 30 years you have served your company and our industry in the area of public affairs with unparalleled skill and devotion. Currently chairman of the FMI Government Relations Committee, recent Chairman of the FMI Fall Conference, untiring laborer in the vineyards of government on behalf of the American food system, you have accomplished mightily for our industry.

''We salute your dedication, your knowledge, your wit and your style. And we treasure your friendship. You are, indeed, The Best There Is. And we love you. Washington, D.C., October 22, 1985.''

And that still goes Glen, old buddy.

CONGRATULATORY REMARKS FOR ROBERTS ELEMENTARY SCHOOL

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. BENTSEN. Mr. Speaker, I rise today to recognize one of the premier magnet schools

in Texas, Oran M. Roberts Elementary School in Houston. Roberts Elementary recently received the Texas Successful Schools Award for Exemplary Academic Performance—one of only 67 schools throughout the State to receive this prestigious and well-deserved honor.

The Texas Successful Schools Award is given each year by the Governor and the Texas commissioner of education to schools that demonstrate a high rate of attendance among its students and a score of 90 percent or above for grades 3–5 on TAAS, the statewide achievement test which measures students' proficiency in reading, writing, and mathematics.

Roberts Elementary takes a unique and creative approach to learning. With students from over 40 countries and an emphasis on fine arts and physical development, Roberts has brought a highly international flavor and a diverse curriculum to its students. Strong parent involvement and vigorous community support, in addition to a cutting-edge science program, computer lab, and new library, enabled the school to excel in providing a quality education to all its students.

One of Roberts Elementary's most outstanding programs is its fine arts program. Student artwork has been displayed throughout Houston, at the Children's Museum, the Museum of Natural Sciences, and other local businesses. The school is currently working on a mural which will be sent to a school in Turkey as part of the Houston International Festival.

I congratulate the 525 students and their principal and teachers at Roberts, and I wish them well as they will continue to strive for achievement in the field of education.

A TRIBUTE TO HIS MAJESTY KING BHUMIBOL ADULYADEJ—KING RAMA IX OF THAILAND

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. CLEMENT. Mr. Speaker, I rise today to pay tribute to His Majesty the King of Thailand, on the commemoration of the Royal Golden Jubilee celebration which commences this month of January 1995 and continues through 1997. His Majesty will enter his 50th year of reign on June 9.

The ninth king of the Chakri Dynasty was born on December 5, 1927, in Cambridge, MA. He is now the longest reigning monarch in Thailand's history. When crowned King on May 5, 1950, at the age of 23, he said, ''We will reign with righteousness for the benefit and the happiness of the Siamese people.'' The legacy of his royal forebears resonated with these words and his subsequent bonding with the Thai people.

His Majesty is the third constitutional monarch since absolute monarchy was abolished in 1932. He has built and strengthened his moral authority through unwavering integrity in decision making and constant pursuit of goals beneficial to his people. For nearly 50 years he has given Thailand the trusted, impartial leadership vital to surviving all threats to democracy.

Loved and admired by his people, he is never far from them. He has visited all 72 Thai provinces to observe first-hand the needs of small communities and the challenges of working people. Over the years His Majesty has been involved in numerous projects promoting small business development and the welfare of farmers, including co-op farming, irrigation, re-forestation and watershed development. In conversations with his people, he emphasizes education, public health, and self-improvement—key factors in developing and improving quality of life. He supports his theory with generous endowments to educational institutions and special projects, and he has set aside substantial space in Chitralada Palace for experimental agricultural projects.

One of His Majesty's foremost commitments is the protection of authentic Thai culture through promotion of the arts and preservation of ancient cities. Part of the authenticity of Thai culture lies in religious diversity. The Thai constitution prescribes that the King not only defend the Buddhist faith, but uphold all religions. His Majesty gives equal protection and support to all forms of worship.

His Majesty's influence can be discerned in all his numerous projects, his lifelong interest in public health, his efforts to bring peaceful solutions in times of conflict, and his generosity in helping refugees in neighboring countries. HIs contributions, on both a large and small scale, have made King Bhumibol the prime source of inspiration, pride and joy among the Thai people. If a country can be defined in terms of a soul, King Bhumibol Adulyadej has become the soul of Thailand.

THE 325TH ANNIVERSARY OF THE SOUTH CONGREGATIONAL CHURCH IN HARTFORD, CT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to recognize a milestone in the history of Hartford, CT—the 325th Anniversary of the Second Church of Christ, best known as the South Congregational Church.

This church, a beacon of calm in downtown Hartford, actually had its origins in a prolonged and bitter religious dispute. Reverend Thomas Hooker, who left the Massachusetts Bay Colony to settle Hartford, was the pastor of the First Congregational Church. After his death, however, his successor adopted a more rigid, autocratic view of religion. This led to a generation-long conflict that ultimately led to the General Court of Connecticut's granting a petition to establish a second church. In February 1670, 33 men and women under the direction of the Reverend John Whiting established the South Congregational church.

Since that time, this church has been an architectural presence and spiritual beacon in Hartford. The church's meeting house, its third, was completed in 1827, and is Hartford's third oldest public building. The structure has endured fires, hurricanes, and tornadoes. In 1977, it was named to the National Register of Historic Places.

Amazingly, in its 325 years, this church has had only 15 senior ministers. The roll includes: Thomas Buckingham (1694–1731), a founder and original trustee of Yale University; Elnathan Whitman (1732–1777), a prolific preacher during the Great Awakening; Edwin Pond Parker (1860–1912), a distinguished historian, writer, and hymnwriter; the Reverend Dr. Henry David Gray (1955–1970), Congregational Scholar and founder of the National Association of Pilgrim Fellowship; and Dr. John Robert Elmore (1970–1992), a national recognized leader in family and marriage counseling.

Today, the congregation is once again led by a dedicated pastor, who understands both the church's historic past and the role it can play in the city's future. Dr. Jay Murray Terbush has worked to maintain South Congregational's presence and participation in downtown Hartford and in the greater Hartford area. Under his stewardship, the church and its ministries are well-positioned for the 21st century.

Mr. Speaker, I am honored to have the opportunity to commemorate this important milestone, and offer my most sincere congratulations to the South Congregational Church on its 325th Anniversary.

OPPOSITION TO NOMINATION OF DR. HENRY W. FOSTER, JR.

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. BARR. Mr. Speaker, I rise today to voice my strong opposition to the President's nomination of Dr. Henry W. Foster, Jr., as Surgeon General of the United States. Although this body will not take part in the confirmation hearings, I urge my colleagues in the Senate to deny the approval of this nominee.

Dr. Foster has not been straightforward with the American people. He has misled the public about his record in performing abortions. Dr. Foster stated that he performed abortions primarily to save the lives of women or in cases of rape and incest. These statements were not true.

Dr. Foster has performed numerous conventional abortions for birth control, and I understand he has also been on the cutting edge of developing a more efficient means of taking unborn life. Dr. Foster has been a leader in researching and testing experimental drugs to induce abortion.

In addition, Dr. Foster has a history of working against legal limitations on abortions. He has served on the board of directors of the Planned Parenthood Federation of America and was recently listed as a member of the National Leadership Committee of Planned Parenthood's campaign to keep abortion safe and legal.

Dr. Foster's record on abortion is troubling enough to me, but his unwillingness to live up to that record is of even greater concern. Mr. Speaker, it is my understanding that all medical professionals take an oath to do everything possible to save human life. Abortion is clearly contrary to, and a violation of that oath.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. BECERRA. Mr. Speaker, due to a sudden emergency in my family, I left Washington for my home in Los Angeles on the evening of Tuesday, January 31, 1995. I spent the remainder of that week as well as the first day of the following week in Los Angeles.

As a result, I missed a number of recorded votes on amendments to H.R. 5, the Unfunded Mandate Reform Act of 1995, as well as H.R. 2, the Line-Item Veto Act.

My constituents have a right to know how I would have voted on the various amendments and bills considered during this time. For the record, I would like to indicate my position on each missed vote:

Mink amendment to H.R. 5 (rollcall 77)—''aye.''

Beilenson amendment to H.R. 5 (rollcall 78)—''aye.''

Moran amendment to H.R. 5 (rollcall 79)—''aye.''

Sanders amendment to H.R. 5 (rollcall 80)—''aye.''

Doggett amendment to H.R. 5 (rollcall 81)—''aye.''

Moran amendment to H.R. 5 in the nature of a substitute (rollcall 82)—''aye.''

On final passage of H.R. 5 (rollcall 83)—''no.''

On final passage of H.R. 400, the Anaktuvuk Pass Land Exchange and Wilderness Redesignation Act of 1995 (rollcall 84)—''aye.''

Moran amendment to H.R. 2 (rollcall 85)—''aye.''

Slaughter amendment to H.R. 2 (rollcall 86)—''aye.''

Skelton amendment to H.R. 2 (rollcall 87)—''no.''

Kanjorski amendment to H.R. 2 (rollcall 88)—''aye.''

Spratt amendment to H.R. 2 (rollcall 89)—''aye.''

Wise amendment to H.R. 2 in the nature of a substitute (rollcall 90)—''yes.''

Orton amendment to H.R. 2 (rollcall 91)—''no.''

Waters amendment to H.R. 2 (rollcall 92)—''aye.''

Stenholm amendment to H.R. 2 in the nature of a substitute (rollcall 93)—''aye.''

On motion to recommit with instructions (rollcall 94)—''aye.''

On final passage of H.R. 2 (rollcall 95)—''no.''

Mr. Speaker, I wish to also advise that over the next several weeks family circumstances may require my presence at home in Los Angeles more frequently than the current legislative calendar might otherwise permit. My wife Carolina and I are expecting our second child in 3 months. Under doctor's orders, Carolina has been confined to bed rest until she has completed her pregnancy. As committed as I am to fulfill my legislative responsibilities, I intend to do what I believe I must to tend to my responsibilities as a husband and father.

INTRODUCTION OF LEGISLATION EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP, HONORING THE 100TH ANNIVERSARY OF THE JEWISH WAR VETERANS, SHOULD BE ISSUED, HOUSE CONCURRENT RESOLUTION 26

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. GILMAN. Mr. Speaker, along with the gentleman from Missouri [Mr. TALENT], it is my honor to introduce legislation that expresses the sense of Congress that a commemorative postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans. I commend my colleague, the gentleman from Missouri [Mr. TALENT] who as an original sponsor of this important measure, has reaffirmed his continued support for our Nation's brave service men and women.

As many of my colleagues are aware, the Jewish War Veterans [JWV] is an organization dedicated to upholding the principles and the freedoms that our Nation stands for. The JWV is the oldest duly chartered veterans service organization, and its members have proudly served the American people for the past 99 years. Whether on the battlefield or on American soil, Jewish-Americans have answered the call to service. In fact, during World War II alone, more than 52,000 awards for outstanding service in the U.S. Armed Forces, including the Medal of Honor, the Air Medal, the Silver Star, and the Purple Heart, were issued to Jewish veterans.

I believe it is appropriate to honor our Nation's dedicated Jewish service men and women, with the celebration of their 100-year anniversary on March 15, 1996, I can think of no more fitting a manner in which to commemorate the JWV's many years of patriotism and service.

Accordingly, I urge my colleagues to join in sponsoring this important legislation, House Concurrent Resolution 26. If postage stamps can be issued honoring gunfighters from the Old West, like Bat Masterson and Wyatt Earp, surely the postal officials can find reason enough to issue a stamp that pays tribute to Jewish war veterans, who have given so much for all of us in times of war and peace.

H. CON. RES. 26

Whereas the Jewish War Veterans of the United States of America, an organization of patriotic Americans dedicated to highlighting the role of Jews in the United States Armed Forces, will celebrate 100 years of patriotic service to the Nation on March 15, 1996;

Whereas thousands of Jews have proudly served the Nation in times of war;

Whereas thousands of Jews have died in combat while serving in the United States Armed Forces;

Whereas, in World War II alone, Jews received more than 52,000 awards for outstanding service in the United States Armed Forces, including the Medal of Honor, the Air Medal, the Silver Star, and the Purple Heart;

Whereas, in World War II alone, over 11,000 Jews died in combat while serving in the United States Armed Forces;

Whereas members of the Jewish War Veterans of the United States of America have volunteered over 10,000,000 hours at veterans' hospitals; and

Whereas honoring the sacrifices of Jewish veterans is an important component of recognizing the strong and patriotic role Jews have played in the United States Armed Forces: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America; and

(2) the Citizens' Stamp Advisory Committee of the United States Postal Service should recommend to the Postmaster General that such a postage stamp be issued.

TRIBUTE TO GEORGE R. URBAN

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. KLECZKA. Mr. Speaker, I rise today to give tribute to George R. Urban, who after serving the International Association of Machinists and Aerospace Workers [IAMAW] with distinction for 42 years, has retired.

George was initiated into the union while employed by Alloy Products Corp. in Waukesha, WI. He later became a member of the bargaining committee and a shop chairman at Alloy Products. George has served as a business representative of District 48, which merged with, and became known as, District 10 in 1973. He has held this highly regarded position for 27 years.

As president of the Waukesha County Labor Council since 1975, George Urban has devoted countless hours to ensure the well-being of working men and women and their families in southeastern Wisconsin and throughout our Nation. Our young labor leaders would do well to follow George's fine example of union representation.

George, best wishes during your well-deserved retirement with your family and many friends.

SAN FRANCISCO CHRONICLE ON THE UNITED NATIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. LANTOS. Mr. Speaker, I urge my collages to read an excellent editorial in the San Francisco Chronicle on the United Nations. The Chronicle and Ambassador Madeleine Albright, our permanent U.S. representative at the United Nations, are to be commended for their compelling argument for maintaining the integrity of the United Nations.

We are in an era of opportunity—we have the extraordinary opportunity to create a more peaceful, more humane, and more orderly world now that we have entered the post-cold-war era. This is not the time for the United States to enter into a new era of isolationism.

Mr. Speaker, I commend your attention and the attention of my colleagues to this excellent and timely editorial, and I ask that it be placed in the RECORD.

[From the San Francisco Chronicle]

U.N. PEACEKEEPING IS WORTH FIGHTING FOR

Madeleine Albright, the U.S. ambassador to the United Nations, threw down a gauntlet two weeks ago: ''This administration,'' she pledged, ''will not allow the hullabaloo over (the GOP Contract with America) to cause the Charter of the United Nations—the 'contract' of Truman and Vandenberg and Dulles and FDR and Eleanor Roosevelt and the generation that triumphed over the Nazis—to be ripped to shreds.''

This week, President Clinton himself should publicly join in that pledge with a veto vow when the House of Representatives takes up passage of the misnamed National Security Revitalization Act—a transparent effort to fatally undermine the U.N.'s central security role: peacekeeping.

Under the guise of making the U.S. rule in U.N. peacekeeping more accountable to Congress, the bill would dramatically cut U.S. financing, virtually prohibit the deployment of U.S. forces under foreign command and require congressional approval before a single American soldier is sent into a U.N. peacekeeping operation—something Congress has never before found the political courage to do.

The financing restrictions are ludicrous in the extreme. By requiring that all voluntary U.S. military contributions to missions approved by the Security Council—such as logistics and transport support—be deducted from the U.S. peacekeeping assessment, the legislation could actually result in the U.N. owing money to the United States.

As Secretary of State Warren Christopher has testified: ''Such a proposal would eliminate all U.S. payments for U.N. peacekeeping. It would almost certainly lead our NATO allies and Japan (which also make large voluntary contributions) to follow suit. * * * It would threaten to end U.N. peacekeeping overnight.''

Certainly the explosion of U.N. peacekeeping demands in the wake of the Cold War, their rising costs and the increasingly complexity and danger of the missions require more critical attention. But Washington has already unilaterally reduced its peacekeeping assessments from 31 percent to 25 percent, and the Clinton administration last May imposed strict new standards for U.S. participation.

Today, fewer than 1,000 Americans are wearing blue helmets, and the U.S. financing contribution is less than 0.5 percent of all foreign policy and national security spending. What we get for that is enormous global leverage and burden sharing in pursuit of direct and indirect U.S. interests—the ability, in many cases, to achieve goals at a fraction of the cost of unilateral action.

Passage of this legislation would, in effect, turn this 50th anniversary year of the United Nations into a de facto funeral. That must not be allowed to happen.

CRIMINAL ALIEN DEPORTATION IMPROVEMENTS ACT OF 1995

SPEECH OF

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 10, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 668) to control crime by further streamlining deportation of criminal aliens:

Mr. SMITH of Texas. Mr. Chairman, I would like to enter into the RECORD my strong support of H.R. 668, the Criminal Alien Deportation Improvements Act of 1995.

The escalation of crime is robbing Americans of the freedom to walk their neighborhood streets, the right to feel secure in their homes, and the ability to feel confident that their children are safe in their schools.

An increasing amount of crime is being committed by noncitizens: both legal and illegal aliens. About 25 percent of all Federal prisoners are foreign-born. An astounding 42 percent of all Federal prisoners in my State of Texas are foreign-born. Recidivism rates for criminal aliens are high—a recent GAO study revealed that 77 percent of noncitizens convicted of felonies go on to be arrested at least one more time.

The Bureau of Prisons estimates that over 75 percent of noncitizen inmates are confined for drug law violations. Drug law violations are serious and these criminals should be required to serve their full sentences. Because of the porous nature of the border, drug traffickers who are deported before the completion of their sentences often come back across the border into the United States.

The Criminal Alien Improvements Act of 1995 further expedites the deportation of criminal aliens after they have served their sentences. The act contains many of the provisions I sought in an amendment to last year's crime bill and I thank the bill's authors for including those.

This bill increases the list of aggravated felonies for which an alien can be deported. Transportation for the purposes of prostitution, smuggling aliens, counterfeiting, trafficking in stolen vehicles, and bribery of a witness are all very serious crimes. Aliens who commit these offenses should be deported immediately upon the completion of their sentences. Under H.R. 668, the Attorney General will no longer have the ability to grant relief from deportation to aliens convicted of aggravated felonies.

The bill also expands the number of crimes for which failing to appear to serve a sentence qualifies as an aggravated felony. This sanction has only applied in the past to crimes that carry a sentence of 15 or more years. H.R. 668 lowers the floor to 5 years, and will send a strong message to criminal aliens who fail to show up for sentencing.

H.R. 668 allows the INS to exclude aliens who commit serious aggravated felonies, and are sentenced to at least 5 years, but are released in less than 5 years on parole or due to prison overcrowding. Noncitizen aggravated felons should not be admitted to the United States, and those who are here should be deported as soon as possible. This bill significantly strengthens the Government's ability to deport criminal aliens by eliminating the gap between the end of their sentences and the date of deportation.

H.R. 668 also ensures that an alien who illegally reenters the country after being deported, may only challenge the original deportation order after exhausting all administrative remedies, and only if the deportation order was unfair. It further provides that any alien convicted of an aggravated felony who is not a legal permanent resident is presumed to be deportable. Judicial review of a petition to stay the deportation order will be limited only to determining the identity of the alien and confirming that he or she was convicted of an aggravated felony.

Too few criminal aliens are being deported today. The deportation process can be years in length. H.R. 668 will streamline the process by eliminating frivolous challenges to deportation orders. The INS needs all the help they can get in speeding up deportations, and we can give them that help by passing this bill.

Americans should not have to tolerate the presence of those who abuse both our immigration and criminal laws. Criminal aliens should be on the fast track out of the country. This bill addresses the concerns of the American people by giving the INS and prosecutors tools they need to expedite the deportation of criminal aliens.

I am especially pleased that the bill includes provisions granting wiretap authority to assist INS in apprehending alien smugglers. Alien smuggling is a most despicable crime. It hurts Americans by facilitating illegal immigration, and places illegal aliens in human bondage. Those smuggled by organized rings are often required to work off the smuggling fees. Others must sell drugs or their bodies for the smugglers.

These organized smuggling rings are a grave threat to the welfare of all individuals—both Americans and aliens. For this reason, I am also pleased to see a provision that makes alien smuggling a predicate offense for the application of RICO laws. It is imperative that we send the strongest possible message to alien smugglers; a message that will be enforced to the full extent of the law.

Finally, H.R. 668 transfers control of the Criminal Alien Tracking Center created in last year's crime bill from the Attorney General to the INS Commissioner. I believe that this is a positive step toward removing bureaucracy and excessive redtape from the deportation process. I am also pleased that the tracking center, renamed the Criminal Alien Identification System, is directed to work closely with Federal, State, and local law enforcement agencies to identify criminal aliens for deportation.

This Nation can no longer tolerate an increasing population of noncitizen criminals. The American people made it very clear on November 8 that they expect us to eliminate the problem of criminal aliens, and this bill is a significant step toward doing that.

PERSONAL EXPLANATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. GOODLING. Mr. Speaker, because it was necessary for me to be in Pennsylvania on Friday, February 10, 1995, I regret that I was not present to vote on final passage of H.R. 668, the Criminal Alien Deportation Improvements Act, (Roll No. 118). Had I been present I would have voted ''yea.''

INTRODUCTION OF THE FIRE SAFETY EDUCATION ACT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. HOYER. Mr. Speaker, as a member of the Fire Services caucus, I am proud to introduce the Fire Safety Education Act.

Every 113 minutes, this Nation incurs a civilian fire death. Every 17 minutes, this Nation incurs a civilian fire death. Every 17 minutes, this Nation incurs a civilian fire injury. On average each year, we lose about 6,000 lives, experience 29,000 civilian injuries and incur several billion dollars in property losses. These are bone-chilling statistics which should concern all of us. I believe, in many instances, these fire-related losses probably could have been avoided had the individuals affected received proper fire safety education. All too often, we all read stories in the paper about innocent children burning to death in a home without a smoke alarm or about the senseless death of fires started by children playing with matches or adults not adequately putting out cigarettes. I have introduced the Fire Safety Education Act to help avoid these types of occurrences in the future.

This legislation will create a grant program through the U.S. Fire Administration for State and local fire prevention efforts. Half of the grant money in the bill is designated for established fire prevention programs which have demonstrated success. The bill will encourage communities to continue their fire prevention programs by offering Federal assistance if they do so.

In addition to encouraging fire prevention grants, the Fire Safety Education Act also seeks to improve our country's collection and analysis of fire data. The bill also sets recording requirements so that we can be sure Federal and local resources are being used efficiently.

It is extremely important that we provide resources to help combat our Nation's fire problem. This bill serves as a preventive measure which will move us a step closer to achieving our goal of preventing senseless loss of life and property.

THE SOCIALLY RESPONSIBLE BUSINESS PRACTICES ACT OF 1995

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. EVANS. Mr. Speaker, we do not have to sacrifice our principles for profit. Corporations can look beyond the bottom line to ensure that decent human and worker rights are guaranteed to their foreign workers.

Some U.S. corporations, like Levi Strauss have articulated socially responsible policies and provided active oversight over these standards. They have shown that their considerable economic and social influence can be a force for positive change.

Yet, many multinationals have not joined the movement to promote corporate responsibility. There are cases in some U.S. affiliated factories abroad, where children as young as five toil for more than 12 hours and less than 20 cents a day. In other instances, contractors are found to combine warehouse, workplace, and dormitory facilities contributing to dangerous and inhumane working and living conditions. We can and must do better.

Today, 25 of my colleagues are joining me in reintroducing The Socially Responsible Business Practices Act of 1995. This bill calls for a voluntary code of conduct based on internationally recognized principles to ensure that U.S. foreign investment remains competitive while also creating a socially responsible climate for trade and investment.

I urge my colleagues to cosponsor this legislation to ensure that international trade and investment is a positive force in all countries—not a license to exploit workers.

A JOURNEY FOR PERMANENT PEACE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to share with my colleagues an article penned by Camelia Anwar Sadat, the daughter of slain Egyptian President Anwar Sadat. The subject of her writing concerns a program called Givat Haviva, which Ms. Sadat recently became acquainted with in her first trip to Israel.

The Givat Haviva Institute is an educational foundation program whose purpose is bringing Arab and Jewish children together to learn how to live in a united future. Education of the youth is crucial to the future of peace in that troubled region.

Accordingly, Mr. Speaker, I want to commend this article, initially printed in the Boston Globe, to my colleagues, and ask that it be inserted at this point into the CONGRESSIONAL RECORD.

[From the Boston Globe, Dec. 30, 1994]

THE KEY TO MIDEAST PEACE

(By Camelia Anwar Sadat)

Middle East peace has been a dream that my father worked for and paid for with his life, and ever since, I have dedicated my life to this cause.

It wasn't until recently, however, that I made my first trip to Israel; the time was finally right for me to follow in my father's historic footsteps. Had I gone earlier I would have created a conflict. Those who did not accept my father or Camp David would not have accepted me. But now treaties are being signed, and the dreams of our forefathers are close to being fulfilled.

However, recent events demonstrate an overriding ambivalence to the benefits of peace—the Israeli Cabinet is debating whether it will withdraw troops from the West Bank as promised; a recent Jerusalem report noted that Jordanians are reticent about welcoming Israelis into their communities.

In order for peace to succeed in the Middle East, there must be a foundation for understanding and acceptance. This can be realized only through education—the vehicle for lasting peace in the region. As the leaders of the peace process have made clear time after time, the people who are living by the treaties must change the way they live and think.

Today's children—the keepers of future peace—must be taught how to nurture the peace their predecessors began. It is up to today's leaders to ensure that those who will lead in the future receive the tools necessary to strengthen the fraternity between Arabs and Jews. They must learn how to coexist in a solid, integrated society.

War and violence are still fresh in the minds of those of us who have experienced its brutality. Indeed, violence has been a daily occurrence for generations. Now the generations must learn how to tolerate coexistence and different ways to settle disputes.

Although no peace treaty has addressed the fundamental issue of education, successful programs are bringing Arab and Jewish children together to learn how to live in a united future.

One of the most successful programs is the Givat Haviva. Since the Givat Haviva Institute was established in 1949, Jews and Arabs have had the opportunity to participate in programs that advance and protect democratic values and peace.

At Givat Haviva. I watched Arab and Jewish children teach each other and learn how to coexist. I saw young people, their parents and teachers being given survival tolls to move forward toward new and beneficial vistas.

I observed the next generation of Arabs and Jews preparing to come to age during a new time of peace and understanding. It was thrilling to take part in the peace process started 14 years ago by Menachem Begin, Jimmy Carter and my father. I observed harmony between Arab and Jew.

Now, with the dramatic, meaningful and lasting changes that are occurring in the Middle East, I want to help ensure that the message of yesterday's leaders is not forgotten during this great era of opportunity.

When my father went to Israel in 1977, a wall came down for me, a wall that prevented me from seeing many things—most importantly, a wall that blocked me from seeing Jews and Israelis as anything but enemies. Today's leaders must realize that this wall still blocks the vision of many Arabs and Jews. It is only through education that a lasting peace will flourish.

My life has been surrounded by war. My sisters were married to army officers. My uncles served in the army. My cousins marched off to war. My life was not so different from the Israelis. They, too, have been surrounded by war. They, too, watched loved ones march off and die for peace. Many who died in the violence of the Middle East shared a vision—a vision of a peaceful future for us, their children.

My father gave his life for peace. Only through such programs as Givat Haviva, which is educating our children on how to live in peace, can the memories of all who died for this cause be best remembered.

INTRODUCTION OF THE ''PUBLIC HEALTH AND SAFETY ACT OF 1995''

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. OWENS. Mr. Speaker, I rise to introduce the ''Public Health and Safety Act of 1995.'' This legislation, also introduced last Congress by Senator JOHN CHAFEE and myself, would prohibit the transfer or possession of handguns and handgun ammunition, except in limited circumstances. It would go a long way toward protecting our citizens from violent crime.

The need for a ban on handguns cannot be overstated. Unlike rifles and shotguns, handguns are easily concealable. Consequently, they are the weapons of choice in most murders, accounting for 10,000 homicides a year and nearly 13,000 suicides a year. In fact, handguns account for 78 percent of all firearm crimes even though they represent only 25 percent of all firearms in circulation.

Most other industrialized countries have a virtual ban on handgun sales, which accounts for the vast difference in homicide rate between the United States and these other nations. In 1990, handguns killed only 22 people in Great Britain, 13 in Sweden, 91 in Switzerland, 87 in Japan, 10 in Australia, and 68 in Canada. In the United States, handgun fatalities totaled 10,567.

Unfortunately, gun violence is getting worse in this country, not better. Between 1960 and 1980, the Nation's firearm death rate increased 160 percent while the rate for other homicides declined. In 1993, death rates from firearm injuries and motor vehicle injuries were statistically equal, making it almost certain that firearms will emerge as the Nation's leading cause of traumatic death in 1994 once the figures have been tabulated. At these rates, 3 million people will have been shot (including 350,000 fatalities) by the end of the year 2000 since the beginning of 1993.

Dr. James R. Hughes, a fellow with the American Academy of Pediatrics, has analogized the epidemic of handgun violence in this country to that of polio in the early 1950's. At that time, there were 10,000 cases of crippling polio a year in the United States. By the late 1980's, that number had been reduced to 10. Today, instead of enduring 10,000 cases of polio, we watch as 10,000 people are murdered by handguns each year. Yet somehow, there are many people in this country who do not feel we need to search for a cure for the disease of violence. I could not disagree more.

If we do not act now, the ''gun culture'' will continue to thrive, sapping our health care system of its much needed resources. As the victims of gun violence pour in, hospitals across the Nation are closing affiliated trauma centers because of the spiraling costs associated with treating gunshot wounds. From 1989 to 1991, the average per-patient cost of gunshot wounds at a major New York hospital was $9,646. That figure does not even consider the costs of ambulance services, follow-up care, medication, and rehabilitation.

Furthermore, studies have shown that firearm injuries are more costly than any other type of injury. The total cost of firearm injuries in 1990 was $20.4 billion. That figure includes direct costs, indirect costs, and life years lost. It represents a 42 percent increase in costs from 1985 to 1990.

Over the same 5-year period, direct medical costs from firearm injuries exhibited the greatest increase—55 percent—and totaled $1.4 billion for 1990. Other studies have placed direct medical costs as high as $4 billion a year.

The ''Public Health and Safety Act of 1995'' would abate the rising tide of handgun violence and its negative impact on the viability of our health care system. It would prohibit the importation, exportation, manufacture, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition. Violators would be subject to penalties of up to $5,000 and up to 5 years in prison.

A 6-month ''grace period'' would be established during which time handguns could be turned in to any law enforcement agency with impunity and for reimbursement at the greater of $25 or the fair market value of the handgun. After the grace period's expiration, handguns could be turned in voluntarily with impunity from criminal prosecution, but a civil fine of $500 would be imposed.

Exemptions from the handgun ban would be permitted for Federal, State, or local government agencies, including military and law enforcement; collectors of antique firearms; federally-licensed handgun sporting clubs; federally-licensed professional security guard services; and federally-licensed dealers, importers, or manufacturers.

I urge the Judiciary Committee to consider this legislation without delay. While passage of the Brady bill and assault weapons ban were good initial steps toward reducing gun violence, passage of this bill would be the giant leap forward this country so desperately needs.

The ''Public Health and Safety Act of 1995'' represents an approach to handgun control which deserves the support of all Members of Congress who want to stop gun murders now. If this legislation is not passed swiftly, handguns will continue to be sold ''over the counter'' as easily as aspirin; the nation's at-risk youth will continue to attempt to resolve their problems by turning to handgun violence; and all of us will continue to fear for our lives when we step out of our homes at night.

THE COLON CANCER SCREENING AND PREVENTION ACT—INTRODUCED

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. CARDIN. Mr. Speaker, today I am introducing the Colon Cancer Screening and Prevention Act. This legislation provides for Medicare coverage of preventive services to enhance the early detection and treatment of colorectal cancer—the second deadliest cancer in America.

Colorectal cancer is more common than either breast or prostate cancer, and strikes men and women in almost equal numbers. This year alone it is estimated that over 138,000 new cases will be diagnosed and more than 55,000 lives lost.

If colorectal cancer is not found early, less than 60 percent of persons diagnosed will survive for 5 years. Early detection, however, can boost the 5-year survival rate to 91 percent. That is an astonishing difference which can be appreciated in terms of both lives and dollars saved.

With well documented and highly effective detection and prevention strategies, colorectal cancers have become almost completely preventable. Every major Federal employee health plan recognizes the importance of colorectal screening measures and provides coverage for these services. Yet—although the average age at the time of diagnosis is 71—Medicare does not provide coverage of screening and preventive services for colorectal cancers.

With this legislation Medicare beneficiaries are eligible for two screening services at specified intervals. For those at high risk of developing colorectal cancer—due to previous experience of cancer or precursor polyps, a history of a chronic digestive disease condition, the presence of recognized gene markers, or other predisposing factors—a more comprehensive and invasive procedure is also covered.

Specifically, the Colon Cancer Screening and Prevention Act first enables early detection of colorectal cancers by providing for an annual fecal occult blood test [FOBT]. This is a non-invasive test that checks for blood in a stool sample, at an average cost of only $5. Research shows that this simple test, with follow-up examination of a positive result, reduces the risk of death from colorectal cancer by between 33 and 43 percent.

Second, this legislation includes benefit coverage of a flexible sigmoidoscopy examination, which enables a doctor to inspect the lower part of the colon where 50 to 60 percent of polyps and cancers occur. This preventive service would be available no more than once every 4 years.

Third, the Colon Cancer Screening and Prevention Act allows individuals at high risk for developing colorectal cancer to receive a screening colonoscopy exam no more than once every 2 years. This procedure allows examination of the entire colon and, if necessary, biopsy and removal of suspicious polyps, which are the precursors to almost all colon cancers.

The preventive screening services in the Colon Cancer Screening and Prevention Act are standard medical procedures recommended by the American Cancer Society, the National Cancer Institute, the American College of Gastroenterology, the American Gastroenterological Association, and the American College of Physicians. Among the many professionals who have provided the scientific and technical information underlying this legislation, I particularly appreciate the efforts of Marvin Schuster, M.D. of Johns Hopkins University, who serves as treasurer of the American College of Gastroenterology.

The ACG worked closely with me last year in developing this legislation and documenting the need for this benefit. The Colon Cancer Screening and Prevention Act has been endorsed by many consumer groups, including the Crohn's and Colitis Foundation, the United Ostomy Association and the Digestive Diseases National Coalition, as well as professional societies such as the American Medical Association and the American Nurses Association.

In an environment of rising health care costs, this amendment will save Medicare dollars. Screening to detect colorectal cancers and providing necessary treatments early in the course of the disease not only improves the quality of life for patients but is much cheaper than providing intensive, expensive medical treatment to individuals in the late stages of colorectal cancer.

Many of my colleagues recognize the gap in Medicare coverage resulting from the failure to provide sensible, preventive colorectal screening benefits. This legislation, which received strong bipartisan support during the 103d Congress, closes that gap, providing Medicare beneficiaries with necessary, cost-effective services. I urge my colleagues to join me in

supporting the Colon Cancer Screening and Prevention Act.

OPPOSING THE MINIMUM WAGE IS BAD POLICY AND BAD POLITICS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 9, 1995

Mr. CLAY. Mr. Speaker, I am inserting in the RECORD a column by Gregory Freeman that appeared in the February 7, 1995, edition of the St. Louis Post-Dispatch. I have long contended that if you want Americans to work, you must pay them a living wage. Inflation has reduced the real income of minimum wage workers by almost 50 cents since the last time the minimum wage was raised. Stated another way, minimum wage workers have seen wages decrease by 12 percent. A 12-percent reduction in real earnings, when one is only earning $4.25 an hour to begin with, raises the very real specter that, despite their best efforts, a worker will be unable to support his or her family. Two-thirds of all minimum wage workers are adults. Fifty percent of all minimum wage workers are providing half of their families' total income. Opposing an increase in the minimum wage will only serve to drive even more families deeper into poverty. That is bad policy. As the following article clearly indicates, it is also bad politics. I commend Mr. Freeman's article to the attention of my colleagues.

[From the St. Louis Dispatch, Feb. 7, 1995]

GOP STANCE ON WAGE IRKS WORKING WIDOW

(By Gregory Freeman)

Barbara A. is having second thoughts about her votes in November for the ''Republican revolution.''

Back in November, Barbara voted for John Ashcroft for senator and Jim Talent for Congress. She was thrilled election night when she learned that Republicans had taken over the House and the Senate.

''I was tired of the same old thing,'' Barbara said. ''Lots of promises, nothing getting done. The Democrats fighting the Republicans. The Republicans fighting the Democrats. I figured, 'Let's give the Republicans a chance. They can't do any worse.'''

But now she's wondering. The issues are starting to hit home. And Barbara's afraid the hitting's being done below the belt.

Barbara is a clerical worker for a parochial school. The job pays $4.25 an hour—minimum wage. It's not much, she realizes—her annual salary is below the poverty level—but it's a job and it pays the bills. A proud woman, she says she'd never even consider going on welfare.

Barbara likes her job because it's close to her home. On nice days, she can walk to work and save gasoline. She also enjoys her job because she gets to see kids each day.

But Barbara also laments that her job doesn't pay more. A widow in her late 20s, Barbara has difficulty getting by from payday to payday. When her husband was alive, the two of them were able to scrape up enough money to get by. But he died last year of cancer, and life's not easy without him. She's trying to save up so she can return to school, but it seems the harder she tries, the harder it gets.

That's why Barbara's puzzled by the Republican opposition to President Bill Clinton's proposal to raise the minimum wage by 90 cents an hour over two years.

''I'm working,'' she said. ''I'm not taking handouts. I'm not on welfare. I'm trying to get by. So I can't understand why these politicians don't want me to get 90 cents for what I do. The Republicans promised to be for the average person.''

It is bewildering, frankly.

A majority of the Republicans in Congress are against increasing the minimum wage—this time. There wasn't much opposition by Republicans to an increase in the minimum wage the last time it was proposed in 1990 by Republican President George Bush. Some of the same people now critical of the proposed increase voted for it under Bush.

The cost of living has gone up in five years. Why shouldn't the minimum wage increase as well?

Of course, it always seems that the people who oppose an increase in the minimum wage are people who don't work at the minimum wage. Those yelling the most—those in Congress—have voted themselves six-figure salaries over the years, yet they begrudge the working poor 90 cents.

Just who are these working poor who work at minimum wage?

Most are not teen-agers and minorities, as some might expect, researchers say. Instead, a majority of those in such jobs are people like Barbara—white women.

According to the Center on Budget and Policy Priorities, 70 percent of minimum wage earners are white and more than three out of every five are women. The center estimates that 4.2 million workers paid by the hour in 1993 earned minimum wage or less, representing 6.6 percent of all hourly workers.

The 90 cents an hour comes to $36 a week—less, once taxes are taken out. That may not seem like much to some. But for people in small towns making minimum wage at a factory, or department store clerks, or cooks, or folks like Barbara, that could make a real difference.

''I count my pennies every week,'' Barbara said. ''I try to be as frugal as I can. But an increase in the minimum wage would sure go a long way.''

Opponents insist that any raise in the minimum wage would hurt the economy, forcing employers to lay off workers. Proponents say that an increase could actually result in more jobs being created. Both sides cite studies that back their views.

Meanwhile, House Majority Leader Dick Armey, R-Texas, says the country would be better served by getting rid of minimum wage altogether.

For Barbara, life won't end if the minimum wage isn't increased. It will just serve as a lesson in politics.

''It seems like every politician wants to be for the working person when election time rolls around,'' she said. ''But as soon as it comes time for them to stand up for you and be counted, then they abandon you.''

INTRODUCTION OF THE ''FIREARMS SAFETY AND VIOLENCE PREVENTION ACT OF 1995''

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. OWENS. Mr. Speaker, which product is virtually exempt from consumer regulation? Toasters, teddy bears, trucks, or guns? Most Americans would be surprised by the answer: handguns and other firearms for all intents and purposes are unregulated.

Almost every product sold in America comes under the health and safety regulation of a Federal agency. The Consumer Product Safety Commission regulates the safety of consumer products used in and around the house and in recreation. The Environmental Protection Agency is in charge of toxic chemicals and ensuring that pesticides which present unreasonable and adverse effects on the health and environment are not sold.

In contrast, the Bureau of Alcohol, Tobacco, and Firearms [ATF]—the Federal agency with jurisdiction over the firearms industry and its products—only can issue manufacture and dealer licenses while enforcing the few Federal gun controls that are in place. The agency has no power to ensure that guns sold are safe for their intended use and lacks the authority to prohibit the manufacture or sale of current or new firearms technology that poses a significant threat to public safety.

The gun industry has taken full advantage of this laissez-faire environment. In the wake of a handgun sales slump in the early 1980's, the industry moved to take advantage of this situation with a new focus on firepower and technology. The industry also expanded its market base. Recognizing the saturation of its primary market of white males, the gun industry—just like the tobacco and alcohol manufacturers before it—has directed its niche marketing tactics at minorities, women, and youth.

The result of the gun industry's actions has been a literal epidemic of gun violence. Guns claim more than 38,000 lives a year. And contrary to public perception, most of these deaths are not crime related. The most common means of gun death is suicide (18,885 in 1990), and the most common scenario leading to a homicide is not felony activity, but arguments between people who know each other.

Additionally, it is estimated that each year firearms injure more than 150,000 Americans. The resulting monetary costs are staggering. The Centers for Disease Control estimates that in 1990, the total lifetime economic costs of firearm death and injury were $20.4 billion. What these figures reveal is that firearms violence has created a public health crisis of which crime is merely the most visible aspect.

Today, I am introducing a bill, the Firearms Safety and Violence Prevention Act, which takes the first step in beginning to reduce firearms death and injury in America by recognizing firearms for what they are—inherently dangerous consumer products. This comprehensive bill would give ATF the power to protect citizens from unreasonable risk of injury resulting from the use of firearms or related products. ATF would have the ability to set safety standards, issue recalls of defective firearms, and mandate warnings. Only if such measures failed to prevent the public from being exposed to an unreasonable risk of injury could ATF then prohibit the manufacture or sale of a specific firearm. The bill itself does not ban any firearms.

The firearms industry's assertion that guns don't kill you rings as hollow as the discredited promises of the tobacco lobby that cigarettes don't cause cancer. Fore more than a century, America's gun manufacturers have operated in the shadows, avoiding public scrutiny. It is time for Congress to look behind the gun store counter to the industry that manufactures these deadly products.

Mr. Speaker, I urge my colleagues on the Judiciary Committee to hold hearings on this important piece of legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 14, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 15

9:00 a.m.
Labor and Human Resources
To hold hearings on S. 141, to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on federal construction contracts, promote small business participation in Federal contracting, and reduce unnecessary paperwork and reporting requirements.
SD–430

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for defense programs, focusing on Pacific issues.
SD–116

Armed Services
To hold hearings on the nominations of Alton W. Cornelia, of South Dakota, Rebecca G. Cox, of California, Gen. James B. Davis, USAF (Ret.), of Florida, S. Lee Kling, of Maryland, Benjamin F. Montoya, of New Mexico, and Wendi Louise Steele, of Texas, each to be a Member of the Defense Base Closure and Realignment Commission.
SD–106

Budget
To hold hearings to examine the funding of international affairs in a balanced budget environment.
SD–608

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1996 for the Forest Service.
SD–366

Finance
To hold hearings to examine the tax treatment of capital gains and losses, focusing on the economic and tax implications of a capital gains tax cut.
SD–215

Special on Aging
Business meeting, to consider pending committee business.
SD–562

2:00 p.m.
Environment and Public Works
To hold hearings on the President's proposed budget request for fiscal year 1996 for the Environmental Protection Agency.
SD–406

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine the court imposed major league baseball antitrust exemption.
SD–226

FEBRUARY 16

9:30 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense, and the future years defense program, focusing on the military strategies and operational requirements of the unified commands.
SR–222

Budget
To hold hearings to examine proposed reforms for agriculture support programs.
SD–608

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1996 for the Department of the Interior.
SD–366

Finance
To continue hearings to examine the tax treatment of capital gains and losses, focusing on indexing assets to eliminate tax on gains caused by inflation; to be followed by a business meeting to consider the nominations of Shirley Sears Chater, of Texas, to be Commissioner of Social Security, Maurice B. Foley, of California, and Juan F. Vasquex, each to be a Judge of the United States Tax Court.
SD–215

Indian Affairs
To continue hearings on proposed legislation authorizing funds for fiscal year 1996 for Indian programs.
SR–485

Joint Economic
To hold hearings to examine enforcement mechanisms for the proposed balanced budget amendment.
SD–562

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance, focusing on U.S. policy toward Russia and the New Independent States.
SD–192

Labor and Human Resources
Children and Families Subcommittee
To hold hearings to examine the effectiveness of the Federal child care and development block grant program.
SD–430

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of Johnnie Carson, of Illinois, to be Ambassador to the Republic of Zimbabwe, and Bismarck Myrick, of Virginia, to be Ambassador to the Kingdom of Lesotho.
SD–419

Small Business
To hold hearings on the small business owner's perspective on the Small Business Administration.
SR–428A

2:30 p.m.
Foreign Relations
To hold hearings to examine trade and investment in Africa.
SD–419

FEBRUARY 17

10:00 a.m.
Commission on Security and Cooperation in Europe Briefing to assess the goals of United States assistance to Central and Eastern Europe and the New Independent States of the former Soviet Union.
2200 Rayburn Building

FEBRUARY 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Corporation for National and Community Service, the Selective Service System, the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.
SD–138

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for programs of the Ryan White Care Act of 1990.
SD–430

FEBRUARY 23

9:30 a.m.
Labor and Human Resources
Education, Arts and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the National Foundation on the Arts and Humanities Act of 1965.
SD–430

2:00 p.m.
Indian Affairs
To hold oversight hearings to examine the structure and funding of the Bureau of Indian Affairs.
SR–485

FEBRUARY 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the American Battle Monuments Commission, and Cemeterial Expenses, Army.
SD–138

MARCH 1

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans. 345 Cannon Building

MARCH 2

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Transportation.
SD–192

MARCH 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Credit Union Administration, the Neighborhood Reinvestment Corporation, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation-Inspector General.
SD–138

MARCH 7

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Indian Affairs
To hold oversight hearings to review Federal programs which address the challenges facing Indian youth.
SR–485

MARCH 9

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Transportation Safety Board.
SD–192

MARCH 10

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Science Foundation, and the Office of Science and Technology Policy.
SD–138

MARCH 16

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Highway Administration, Department of Transportation.
SD–192

MARCH 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.
SD–138

MARCH 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak).
SD–192

MARCH 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Housing and Urban Development.
SD–138

MARCH 30

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart.
345 Cannon Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD–192

MARCH 31

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, the Court of Veteran's Appeals, and Veterans Affairs Service Organizations.
SD–138

APRIL 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.
SD–192

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.
SD–192

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.
SD–192

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SD–192

MAY 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.
SD–138

Monday, February 13, 1995

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2533–S2581

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 395–398, and S. Res. 77. **Page S2569**

Measures Passed:

Committee Funding: By 91 yeas to 2 nays (Vote No. 64), Senate agreed to S. Res. 73, authorizing biennial expenditures by committees of the Senate. **Page S2564**

Acknowledgment to Dedication to Law Enforcement Officers: Senate agreed to S. Res. 77, to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers. **Pages S2580–81**

Balanced Budget Constitutional Amendment: Senate continued consideration of H.J. Res. 1, proposing a balanced budget amendment to the Constitution of the United States, taking action on amendments proposed thereto: **Pages S2538–64**

Pending:

Reid Amendment No. 236, to protect the Social Security system by excluding the receipts and outlays of Social Security from balanced budget calculations. **Pages S2538–64**

A unanimous-consent agreement was reached providing for further consideration of the resolution on Tuesday, February 14, 1995, with a vote on a motion to table the pending amendment to occur at 9:30 a.m. **Page S2581**

Appointments:

Advisory Commission on Intergovernmental Relations: The Chair, on behalf of the Vice President, pursuant to Public Law 86–380, appointed Senator Kempthorne to the Advisory Commission on Intergovernmental Relations. **Page S2580**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, a draft of proposed legislation to amend the Internal Revenue Code of 1986 to provide tax relief for the middle-class; to the Committee on Finance. (PM–17) **Page S2566**

Transmitting the Economic Report of the President; to the Joint Economic Committee. (PM–18) **Pages S2566–68**

Nominations Received: Senate received the following nominations:

Curtis L. Collier, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

67 Air Force nominations in the rank of general. **Page S2581**

Messages From the President: **Pages S2566–68**

Messages From the House: **Page S2568**

Measures Referred: **Page S2568**

Communications: **Pages S2568–69**

Statements on Introduced Bills: **Pages S2569–78**

Additional Cosponsors: **Pages S2578–79**

Amendments Submitted: **Page S2579**

Notices of Hearings: **Page S2579**

Authority for Committees: **Page S2579**

Additional Statements: **Pages S2579–80**

Record Votes: One record vote was taken today. (Total—64) **Page S2564**

Recess: Senate convened at 12 Noon, and recessed at 5:54 p.m., until 9:15 a.m., on Tuesday, February 14, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2581.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Energy and Natural Resources: Committee concluded hearings on the nomination of Wilma A. Lewis, of the District of Columbia, to be Inspector General, Department of the Interior, after the nominee, who was introduced by Virgin Islands Delegate Victor O. Frazer, testified and answered questions in her own behalf.

House of Representatives

Chamber Action

Bills Introduced: 23 public bills, H.R. 902–924; and 1 resolution, H. Con. Res. 26 were introduced. Pages H1688–89

Report Filed: One report was filed as follows: H. Res. 83, providing for consideration of H.R. 7, to revitalize the national security of the United States (H. Rept. 104–31). Page H1688

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Knollenberg to act as Speaker pro tempore for today. Page H1615

Recess: House recessed at 1:04 p.m. and reconvened at 2:00 p.m. Page H1619

Committees To Sit: The Committees on Government Reform and Oversight, Judiciary, Science, Small Business, and Transportation received permission to sit on Tuesday, February 14 during proceedings of the House under the five-minute rule. Page H1638

Local Government Law Enforcement Block Grants: House completed all general debate and began consideration of amendments on H.R. 728, to control crime by providing law enforcement block grants; but came to no resolution thereon. Consideration of amendments will resume on Tuesday, February 14. Pages H1629–72

Agreed To:

The Schiff amendment that allows local governments to use the funds for local law enforcement block grants to enhance security measures at any facility or location the local government considers to be at risk for crime; Pages H1641–47

The Schroeder amendment that requires the Attorney General to reserve 1 percent in fiscal years 1996 and 1997 for use by the National Institute of Justice to help local governments modernize and purchase law enforcement technology and equipment; Pages H1647–48

The Hyde amendment that allows up to $300 million between fiscal years 1996 and 2000 to be available to the Attorney General for administrative costs; assuring compliance; and for studying the overall effectiveness and efficiency of law enforcement block grants; Pages H1648–49

The Ackerman amendment that requires State and local governments receiving law enforcement block grants to provide a hiring preference to former members of the Armed Forces who were involuntarily separated or released from active duty on or after October 1, 1990, and who desire to become law enforcement officers with State and local law enforcement agencies; Page H1649

The Schumer amendment that prohibits local governments from using law enforcement block grants for consultants, and vehicles not used primarily for law enforcement; Pages H1649–52

The Wise amendment that authorizes recipients to use block grants to enhance local drug enforcement, crime prevention, and legal assistance activities originally established under the Byrne Program; Pages H1656–57

The Martini amendment that provides that the Federal share of a grant may not exceed 90 percent of the costs of a program or proposal; Pages H1657–59

The Chabot amendment that outlines the procedures for resolution of disparate allocations relating to the distribution of funds to state and local governments; Pages H1664–67

The Menendez amendment that provides that local governments would be eligible for law enforcement block grants in any single year only if the local government's expenditures on law enforcement in the preceding year is no lower than 90 percent of its expenditures in the previous year; and Page H1671

The Traficant amendment that requires local governments to increase the number of law enforcement officers who perform nonadministrative public safety service in order to receive funds for law enforcement block grants. Pages H1671–72

The Conyers amendment that provides for payments to local governments for twelve programs of the Violent Crime Control and Law Enforcement Act of 1994. Pages H1667–71

Rejected:

The Watt amendment that sought to prohibit the use of block grants for the construction or improvement of highways, streets or roads (rejected by a recorded vote of 194 ayes to 230 noes, Roll No. 120); Pages H1652–55

The Mfume amendment that sought to authorize the Attorney General to make grants to State and local courts and governments for programs that involve continuing judicial supervision over offenders with substance abuse problems who are not violent offenders (rejected by a recorded vote of 160 ayes to 266 noes, Roll No. 121); and Pages H1659–64

H. Res. 79, the rule under which the bill is being considered, was agreed to earlier by a voice vote. Pages H1622–28

Committees To Sit: Agreed to the Armey motion that all Committees of the House and their subcommittees have permission to sit Tuesday, February 14 and the balance of the week during proceedings of the House under the five-minute rule (agreed to by a yea-and-nay vote of 220 yeas to 191 nays, Roll No. 123). Agreed to order the previous question by a yea-and-nay vote of 222 yeas to 190 nays, Roll No. 122. Pages H1672–77

Presidential Messages: Read the following messages from the President:

Middle Class Tax Relief: Message wherein he submits proposed legislation entitled "The Middle Class Bill of Rights Tax Relief Act of 1995"—referred to the Committee on Ways and Means and ordered printed (H. Doc. No. 104–34); **Page H1677**

Working Wage Increase: Message wherein he submits proposed legislation entitled "The Working Wage Increase Act of 1995"—referred to the Committee on Economic and Educational Opportunities and ordered printed (H. Doc. No. 104–33); and **Pages H1677–78**

Economic Report: Message wherein he transmits the Economic Report of the President—referred to the Joint Economic Committee and ordered printed (H. Doc. No. 104–2). **Pages H1678–79**

Senate Messages: Messages received from the Senate today appear on page H1619.

Quorum Calls—Votes: One quorum call (Roll No. 119), three recorded votes and one yea-and-nay vote developed during the proceedings of the House and appear on pages H1654, H1654–55, H1663–64, H1675–76, and H1676–77.

Adjournment: Met at 12:30 p.m. and adjourned at 11:51 p.m.

Committee Meetings

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation and Related Agencies held a hearing on GAO: Surface Programs. Testimony was heard from Kenneth M. Mead, Director, Transportation Issues, Resources, Community, and Economic Development Division, GAO.

REGULATORY TRANSITION ACT

Committee on Government Reform and Oversight: Ordered reported amended H.R. 450, Regulatory Transition Act of 1995.

OVERSIGHT

Committee on Government Reform and Oversight: Subcommittee on Human Resources and Intergovernmental Relations held an oversight hearing on the Department of Housing and Urban Development. Testimony was heard from Henry G. Cisneros, Secretary of Housing and Urban Development.

COMMON SENSE LEGAL REFORM ACT

Committee on the Judiciary: Held a hearing on Product Liability provisions contained in H.R. 10, Commons Sense Legal Reforms Act of 1995. Testimony was heard from public witnesses.

NATIONAL SECURITY REVITALIZATION ACT

Committee on Rules: By a recorded vote of 9 to 4, granted a modified open rule providing for two hours of general debate on H.R. 7, National Security Revitalization Act of 1995. The rule provides of a 10 hour limit on the amendment process. The rule makes in order the text of H.R. 872 as an original bill for amendment purposes, which is considered as read. The rule waives clause 5(a) of rule XXI (prohibiting appropriations in a legislative bill) against the amendment in the nature of a substitute. Priority in recognition will be given to Members who have preprinted their amendments in the Congressional Record. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Spence and Chairman Gilman and Representatives Roth, Dellums, and Hamilton.

FEDERAL ENERGY AND ENVIRONMENTAL RESEARCH AND DEVELOPMENT

Committee on Science: Subcommittee on Energy and Environment held a hearing on Federal Energy and Environmental Research and Development: Setting New Priorities for the Department of Energy, EPA, and NOAA. Testimony was heard from Victor S. Rezendes, Director, Energy and Science Issues, Resources, Community, and Economic Development Division, GAO; and public witnesses.

NASA POSTURE

Committee on Science: Subcommittee on Space and Aeronautics held a NASA Posture hearing. Testimony was heard from Daniel S. Goldin, Administrator, NASA; Frank C. Weaver, Director, Commercial Space Transportation, Department of Transportation; and Keith Calhoun-Senghor, Director, Office of Air and Space Commercialization, Department of Commerce.

OVERSIGHT PLANS

Committee on Small Business: Approved oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight.

AMTRAK'S FISCAL CRISIS

Committee on Transportation and Infrastructure: Subcommittee on Railroads concluded hearings on AMTRAK's Fiscal Crisis. Testimony was heard from Thomas M. Downs, Chairman and President, National Railroad Passenger Corporation (AMTRAK); James H. Burnley, former Secretary of Transportation; and public witnesses.

WELFARE REFORM

Committee on Ways and Means: Subcommittee on Human Resources began markup of welfare reform legislation.

Will continue tomorrow.

NEW PUBLIC LAW

(For last listing of Public Laws, see DAILY DIGEST, *p. D72)*

S. 273, to amend section 61h–6, of title 2, United States Code. Signed February 9, 1995. (P.L. 104–2)

COMMITTEE MEETINGS FOR TUESDAY, FEBRUARY 14, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to hold hearings to examine how to reduce excessive government regulation of agriculture and agribusiness, 9:30 a.m., SR–332.

Committee on Armed Services, to resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense plan, focusing on the military strategies and operational requirements of the unified commands, 9:30 a.m., SR–222.

Committee on the Budget, to resume hearings on S. 4, to grant the power to the President to reduce budget authority, and S. 14, to provide for the expedited consideration of certain proposed cancellations of budget items, 2:30 p.m., SD–608.

Committee on Environment and Public Works, Subcommittee on Transportation and Infrastructure, to hold hearings on proposed legislation authorizing funds for programs of the Water Resources Development Act and the President's proposed budget request for fiscal year 1996 for the U.S. Army Corps of Engineers, 2:30 p.m., SD–406.

Committee on Foreign Relations, to hold hearings on the President's proposed budget request for fiscal year 1996 for the Department of State, and to review foreign policy issues, 10 a.m., SD–419.

Committee on the Judiciary, to hold hearings to examine Federal crime control priorities, 9 a.m., SD–226.

Committee on Indian Affairs, to hold hearings on proposed legislation authorizing funds for fiscal year 1996 for Indian programs, 9:30 a.m., SR–485.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E334–35 in today's RECORD.

House

Committee on Agriculture, to consider oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight, 2 p.m., 1300 Longworth.

Subcommittee on Department Operations, Nutrition and Foreign Agriculture, to continue hearings on reforming the present welfare system, 9:30 a.m., 1302 Longworth.

Committee on Appropriations, hearing on Fiscal Year 1996 Budget Overview, 9:30 a.m., 1100 Longworth.

Committee on Commerce, Subcommittee on Telecommunications and Finance, to mark up Title II, Reform of Private Securities Ligation, of H.R. 10, Common Sense Legal Reform Act, 10 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, Subcommittee on Employer-Employee Relations, hearing on Health Care, 9:30 a.m., 2175 Rayburn.

Committee on International Relations, to consider oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight, 10 a.m., 2172 Rayburn.

Committee on National Security, to consider oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight, 11 a.m., 2118 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing on the Office of Surface Mining and Minerals Management Service Fiscal Year 1996 budget request, 1 p.m., 1334 Longworth.

Committee on Rules, to approve the following: oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight; Budget View and Estimates; and other pending Committee business, 10:30 a.m., H–313 Capitol.

Committee on Science, Subcommittee on Energy and Environment, hearing on Department of Energy Research and Development Programs: Fiscal Year 1996 Authorization, 9:30 a.m., 2318 Rayburn.

Subcommittee on Technology, hearing on GAO Report on Cholesterol Measurement Testing Standards and Accuracy, 1 p.m., 2325 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on Restructuring Air Traffic Control as a Private or Government Corporation, 9:30 a.m., 2167 Rayburn.

Subcommitee on Coast Guard and Maritime Transportation, hearings on the Coast Guard Budget Authorization for Fiscal Year 1996, 1:30 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, to consider oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight, 9 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, to continue markup of welfare reform legislation, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, to consider oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight, 11 a.m., H–405 Capitol.

Next Meeting of the SENATE

9:15 a.m., Tuesday, February 14

Senate Chamber

Program for Tuesday: Senate will continue consideration of H.J. Res. 1, Balanced Budget Constitutional Amendment, with a vote on a motion to table Reid Amendment No. 236, regarding Social Security, to occur at 9:30 a.m.

(Senate will recess from 12:30 p.m. to 2:15 p.m. for respective party conferences.)

Next meeting of the HOUSE OF REPRESENTATIVES

9:30 a.m., Tuesday, February 14

House Chamber

Program for Tuesday: Complete consideration of H.R. 728, Local Government Law Enforcement Block Grants Act.

Extensions of Remarks, as inserted in this issue

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