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House of Representatives

The House met at 11 a.m.

PRAYER

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

Let us pray using the words of President George Washington's prayer for his country.

''Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplications, we beseech Thee.'' Amen.

THE JOURNAL

The SPEAKER. 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 Arizona [Mr. HAYWORTH] come forward and lead the House in the Pledge of Allegiance.

Mr. HAYWORTH 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.

REPUBLICAN CONTRACT WITH AMERICA

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

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

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget.

We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we have kept our promise; unfunded mandates legislation—we have kept our promise; line-item veto—we have kept our promise; a new crime package to stop violent criminals—we have kept our promise; national security restoration to protect our freedoms—we have kept our promise.

Now we are working on: Government regulatory reform; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without government penalty; commonsense legal reform to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

NOT EVERYONE IS CELEBRATING THE CONTRACT ON AMERICA

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

Ms. DELAURO. Mr. Speaker, today, as Republicans plan yet another celebratory press conference to congratulate themselves for doing the jobs they are paid to do, many Americans are not celebrating.

Children are not celebrating the fact that Republicans will pay for their so-called reform by eliminating all Federal nutrition programs, including the School Lunch Program.

Senior citizens are not celebrating the fact that Republicans will balance the budget by putting Social Security and Medicare on the chopping block.

Police officers are not celebrating the fact that the Republicans' idea of crime control means taking cops off the street and putting guns on the street.

And, finally, working families are not celebrating the fact that the Republicans' idea for cutting waste, means cutting crucial student loan programs that have helped to educate generations of middle class kids.

Once the rhetorical fireworks are over and the smoke has cleared, we will be able to clearly see who stands behind the Republican contract—the very special interest lobbyists they once vowed to drive from this town. The first 50 days of the 104th Congress have given the special interests plenty to celebrate.

HALFWAY POINT OF CONTRACT WITH AMERICA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today marks the half-way point of the Contract With America. This Congress has passed more major legislation in 50 days than most other Congresses would

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The balanced budget amendment, the line-item veto, and unfunded mandates reform are all geared toward making the Federal Government a servant of the American people and not a millstone around their necks.

Mr. Speaker, Republicans are committed to bringing real change to Washington, the type the American people voted for last November. We have kept our promise for the first 50 days and we will keep it for the next 50 days.

TALK ABOUT PORK

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

Mr. GUTIERREZ. Mr. Speaker, every American who cares about pork—and believes my colleagues' claims that we have a new Congress that is putting America on a pork-free diet—should pay close attention to the debate about defense spending today.

You will learn that my friends on the other side of the aisle have not stopped the pork from sizzling, they have simply put a new name on the menu. You see, the bill we are considering adds more than $600 million to our deficit.

Why? Largely because my Republican colleagues have tacked on close to a billion dollars in spending that the Secretary of Defense does not even want.

But of course, my friends, that billion is not pork.

You see, in the Republican restaurant, investment in job training, or building new schools—now that is pork. So today, my colleagues will work to eliminate $300 million to train our kids for better jobs and help them learn in decent schools.

Think about those priorities the next time you hear one of my colleagues talk about pork. Remember, it is not the size of the spending. It is where it is spent that makes them squeal.

PASS THE PAPERWORK REDUCTION ACT

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

Mr. JONES. Mr. Speaker, 50 days ago, Congress started a revolution to change business as usual. We made a pledge with the American people to make Government smaller, less expensive, and less intrusive. We have worked hard to deliver on this promise.

Congress has become more accountable than ever before, has started to repaying out the paperwork, which in turn denies the employer from hiring additional workers to produce the company's product or service.

The Government is a regulatory mess. Let us continue the bipartisan spirit this Congress has formed and pass the Paperwork Reduction Act to help the small businesses of America.

THE FIRST 50 DAYS OF THE CONTRACT WITH AMERICA

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

Mr. SERRANO. Mr. Speaker, the 50th day of the mean-spirited, reactionary, insensitive, indifferent, right wing, extremist, antipoor, antichildren, Constitution bashing, bordering on racist, contract on America is now before us.

If we read the fine print we will find out what the Republicans want to give the American people: Orphanages for poor children, no lunch for poor children, abolish prenatal care for women, deny our communities of police officers, allow Government agents to break into our homes without a search warrant.

By dishonestly claiming to balance the budget, destroy the Social Security and Medicare programs, the elephants have been very busy in the first 50 days.

God help you if you are poor, a minority, or the Constitution. The elephants are going to stomp all over you in the next 50 days.

CORPS OF ENGINEERS VERSUS OSHA

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

Mr. HEFLEY. Mr. Speaker, a contractor in Kansas City was laying pipe for the Army Corps of Engineers when brackish, green water seeped into the cut. The corps tested the water and told the contractor that there was no health risk—get on with the job.

Three months later, the Occupational Safety and Health Administration fined the contractor for failing to protect his employees.

As the employer commented, ''You had one Government agency [telling us] the material was not hazardous and that we were to proceed, and another agency citing us for exposing workers to an alleged hazardous material.''

FEDERAL RESERVE BOARD IS SUBJECT TO THE JURISDICTION OF CONGRESS, NOT THE WHITE HOUSE

(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, the Constitution says only Congress can draw money from the Treasury. It also says only Congress can coin money, regulate the value thereof and regulate the value of foreign money. Only Congress, the Constitution says, can regulate commerce with foreign nations.

The question I ask, Congress, is under what authority did Robert Rubin sign an agreement to bail out Mexico? To me it is unbelievable.

Now, the Washington Times reported that our bailout is going to bail out the Mexican banks and Mexican companies. Ladies and gentlemen, we are bailing out Mexican banks, we are putting our banks on the line here and our taxpayers in the fire.

I disagree with this. I think the Federal Reserve Board is subject to the jurisdiction of Congress, not the White House. It is time for a constitutional court case to determine that.

I plan to challenge the bailout in court.

AFRICAN-AMERICAN CHILDREN ARE BORN DISADVANTAGED

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

Mr. FRANKS of Connecticut. Mr. Speaker, children who have an inheritance of property or money are born with an advantage. Studies have shown that children with parents who have a college education are born with an advantage. Both have an advantage over those who have no inheritance or college-educated parents.

For numerous reasons, African-Americans fall into the latter category most frequently. Mr. Speaker, these advantages are good because families have earned these advantages. We all want our children to have these advantages in our competitive society. The question is, Mr. Speaker, do we want to help those less fortunate?

Mr. Speaker, we must remember that, like a chain, our Nation is as strong as our weakest link.

passed a couple of bills that are not too bad. They are almost identical to bills the Democratic Congress passed the last time; that is, the line-item veto, making Congress live by the laws that we pass.

What else have we done? Well, we have taken cops off the streets, attempted to return to the billion-dollar nonsense of star wars, allowed governments to break down your door without a search warrant yesterday, stopped tax credits for many American small businesses.

Giving this Congress credit for the actions of these first 50 days is like giving a driver's license to a teenager based on the number of car accidents he has had.

WHAT HAS BEEN GOING ON AT THE WHITE HOUSE DURING THE FIRST 50 DAYS?

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

Mr. HAYWORTH. Mr. Speaker, quite rightly, the attention of America has been focused on this Chamber during the last 50 days, but it is only fair to ask what has been going on at the White House during the first 50 days of our Contract With America.

The President's embattled Commerce Secretary finds himself the subject of yet another Justice Department corruption probe. The President supposedly laid down the law with baseball owners and players—they did not listen to him either—in an unsuccessful bid to end the baseball strike.

Then the President sent a Surgeon General nominee to the Hill, misled Congress several times at to the number of abortions this nominee performed, and then attacked the pro-life movement for being concerned.

Mr. Speaker, while the Republicans have been busy with our Contract With America, the White House has been trying to legitimize a Cabinet Secretary's alleged corruption, attempted to play umpire in a millionaires' dispute, and failed to do a thorough background check on a Cabinet nominee, while all the while misrepresenting the nominee's record.

Mr. Speaker, Republicans are worried about average, everyday American concerns, not worried about millionaires, corrupt politicians, or left-wing political movements.

That is why we will move in the next 50 days to enact our Contract With America.

January 1 of this year, reformulated gasoline has been required by the Clean Air Act in southeastern Wisconsin and other areas of this country. This reformulation contains either ethanol, MTBE, or ETBE.

Immediately, constituents started calling to complain of engine problems and reduced mileage, but more importantly they complained of adverse health effects.

I recently spoke with an allergist, Dr. Roger Hirsch, who confirmed that he noticed a pattern of symptoms for his patients starting in the second week of January. These symptoms included respiratory problems, lightheadedness, low-grade headaches, and itchy and burning eyes.

When these symptoms reoccurred 3 to 4 weeks later, Dr. Hirsch began to suspect that there was a common cause. Going by the flood of calls received by my office, other congressional offices, and State and Federal hotlines, there certainly is.

To address this problem, my colleague, Mr. BARRETT, and I are introducing legislation today that would suspend the reformulated gas requirement until the complaints of adverse health effects are thoroughly examined. The onus would be on EPA to prove that this fuel is safe.

Mr. Speaker, I urge my colleagues to join us by cosponsoring this bill. We are all for clean air, but we should not create health hazards achieving it.

SUPPORT THE CORPORATION FOR PUBLIC BROADCASTING

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

Mr. TORKILDSEN. Mr. Speaker, when the subcommittee marks up its rescission package this evening, the Corporation for Public Broadcasting's fate will hang in the balance. I rise in opposition to zeroing out funding for this important component of our public education system.

The debate is primarily philosophical, not fiscal. Governmemt spends money on its priorities, and quality educational programming should remain a priority. Consider that public television's greatest reach is consistently among preschoolers. In 1993, 83 percent of America's preschoolers, our children and grandchildren, watched PBS. Almost half of all Massachusetts residents young and old watch a local PBS affiliate every week.

Cable is not a substitute, as many cannot afford cable. PBS reaches 99 percent of the country. Broadcast television is not the answer either, as the

FIRST 50 DAYS SAID TO BE MARKED BY POLITICAL EXPEDIENCY AND SYMBOLISM

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

Mr. VENTO. Mr. Speaker, we have now seen 50 days of the GOP majority in Congress in which symbolism reigns supreme. The people of the Nation, children, families students, and older Americans, are at risk. They are concerned and they are worried, and they should be. These actions promise to undercut the basic needs of working men and women.

During these first 50 days of the GOP they have retreated from the active, positive role of the Government, the cooperative role, and have replaced it with confrontation and threats of denial of benefits to those who need help in our society. The new majority has tried to make a virtue of their political actions. It will not work.

A deliberate Congress is necessary, and consideration in this Congress has been pushed aside by the new majority in the name of political expediency. The lockstep votes of the GOP have demonstrated a discipline—in fact, an almost ideological stand, not pragmatism—that prevails in this House today.

Mr. Speaker, the actions of these first 50 days cannot be totaled or added up today. They will have to be added up in the names of those who endure the human suffering that is going to be created by the abandonment of the American people by this new majority's actions.

THE POSITIVE RESULTS OF THE FIRST 50 DAYS OF THE CONTRACT WITH AMERICA

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

Mr. TIAHRT. Mr. Speaker, what has the Republican majority done in the past 50 days that the Democrats were not able to do in the past 40 years?

More votes, more hours, more hearings, more debate, more bipartisanship, more bills reported and real, positive change in the way business is done in Washington, DC.

Republicans are on a roll and no matter how hard the Democrats have tried to support business as usual, we will continue working hard to change Congress in the next 50 days. We will keep

that is smaller, more efficient and friendlier to the American people.

SUPPORT THE MINIMUM WAGE WITH THE MINIMUM TRUTH

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, in the last few days I have gotten a tremendous number of calls from people concerned about what might happen to the minimum wage. One of the reasons why much of that concern is coming is because I represent a district right next to one of our leaders here, Mr. ARMEY, who has been talking about doing away with the minimum wage altogether and talks about Charlie, who lost his job because of an increase in the minimum wage back in 1977.

Well, they tell me that is not true, and I saw in the Washington Post yesterday that it was proven that was not a true story.

I simply ask, Mr. Speaker, that when our leaders get up to attempt to talk about why they want certain policies, they should just tell the truth. No one has lost a job because of an increase in the minimum wage.

Mr. Speaker, I would ask all of us to look very closely at what we pledge when we say, ''with liberty and justice for all.'' Our working poor have to be considered. We cannot expect that all of us will know how to make decisions if we do not have at least a minimum truth in our support of the minimum wage.

THE SPEAKER TARGETED IN POLITICAL INVESTIGATION, SAYS THE MIAMI HERALD

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

Mr. LAHOOD. Mr. Speaker, I have an article here that appeared in the Miami Herald on February 21 that says they will find some dirt on GINGRICH, and one of our colleagues is quoted as saying that people have been assigned by House Democrats to ''investigate Gingrich on a daily basis,'' and ''we are going to stay on his back.''

I really doubt if the American people sent our colleagues here to try and downgrade or to try and develop some sort of a list of how we can do in a particular Member of this House. I think the American people sent us here to do the people's business and to pass legislation and work together.

THE PEOPLE SEEK ANSWERS

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

Mrs. KENNELLY. Mr. Speaker, 50 days into the Contract With America and there seem to be more questions than answers.

I want to know, how do we protect public safety and at the same time say we do not need more police on the streets, especially in our urban centers that have such problems?

How do we prepare the next generation to work in a more complicated, competitive world and say, ''Oh, no, we don't need student loans anymore, and if we have them, they are going to be harder to pay for''?

How do we stand up for the average working person and at the same time say, ''Let's have a tax cut'' that is so big we could not pay for it unless we increased the deficit or at least broke our promise to our older Americans and decimated Medicare?

And, finally, how do we protect the Constitution of the United States and pass legislation that totally disregards the privacy of each and every one of our homes?

As we move into the second 50 days, these questions are going to have to be answered, and I am sure there will be other questions. My only hope is that as the American people see what is in this contract, they will not wish that they had negotiated an escape clause for their own protection.

FARM ISSUES DESERVE MORE ATTENTION

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

Mr. CHAMBLISS. Mr. Speaker, farmers deserve a break from the burdensome and bureaucratic regulations which dictate how agribusiness is run. Last night after much deliberation we passed a permanent tax break to help cover the cost of health insurance for farmers and other small businessmen. This is only one step toward relieving the farmer's burden—we must do much more.

Congress needs to re-implement the investment tax credit so farmers will have an incentive to expand their operations. We need to pass legislation that will ease the burden of private property takings. We need to pass a capital gains tax reduction which will allow farmers to invest in further improvements on their farm. The farmers should be able to leave their farms to

WHO HAS BENEFITED BY THE CONTRACT WITH AMERICA?

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

Mrs. CLAYTON. Mr. Speaker, on the last day of this Congress, I stated, At the end of each day, I believe it is important to be honest and to ask the question:

Who was helped—and who was hurt—by what we did?

We are now at the 50th day.

Who have we helped?

Mr. Speaker, on day one, I also stated, This Nation is strong because we have historically made a place for all who live here, including those who are weak—the young, the poor, the frail, the disabled.

Soon we will consider welfare reform legislation. The future of Federal nutrition programs hangs in the balance under that proposed bill.

We have another 50 days left on the 100-day promise to change America.

Who are we helping? Who are we hurting?

We have not helped the seniors. With the balanced budget amendment, Social Security and Medicare will likely be cut?

We have not helped workers. The unfunded mandates bill leaves workers protections at risk.

We have not helped our youth. The crime bill would jail them rather than deter them.

GEORGE WASHINGTON'S BIRTHDAY AND THE ANNUAL MEETING OF THE AMOSKEAG VETERANS IN NEW HAMPSHIRE

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

Mr. BASS. Mr. Speaker, today is George Washington's birthday and that is certainly an important event, but it is also the annual meeting of the Amoskeag Veterans.

The Amoskeag Veterans is perhaps New Hampshire's oldest standing militia, maybe one of the oldest in the country. The Amoskeag Veterans meet twice a year, on George Washington's birthday and on Bunker Hill Day. They are indeed a regiment of 72 American citizens who are battle-ready.

As we discuss the defense supplemental today, I hope the people of this country and my colleagues here in Congress will be advised that this group has been around for over 200 years. It

minute.)

Mr. WISE. Mr. Speaker, today marks the 50th day of the Republican contract for America. They like to boast and they punchout with a hole puncher each contract item. Let us look at what they have punched out so far.

They have punched out police on the beat, the 100,000 police officers that this Congress provided last year. They punched out open rules by closing them to honest debate.

They have punched out taxpayers with $40 billion for a new star wars.

Who gets punched out in the next 50 days? Well, they are going to punch out tax cuts for the wealthy. That will really help a lot. They are going to punch out senior citizens by the cuts that have to come under the balanced budget amendment. They are going to punch out veterans. They are going to punch out middle income families when they restrict student loans.

They are going to punch out kids—that is gutsy—with student nutrition cutbacks, with cutbacks on hot lunches and breakfasts.

Mr. Speaker, one would think that George Foreman had run for the Congress. But the fact is that we should not be here punching people out. Each punchout they do is a knockout to the American economy.

RECOUNTING THE SUCCESSES AT THE HALFWAY POINT OF THE CONTRACT

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

Mr. DREIER. Mr. Speaker, as I listen to my friend talking about punching out certain interests in this country, I am struck by the fact that he fails to recognize the tremendous success of the first 50 of the 100 days.

We have had the most open debate process that this institution has witnessed in years. With the crime bill that we passed, we are going to allow local governments to make the determination as to how they can best deal with the crime problem, and if they want to put 100,000 police officers on the street, I am convinced that if that number is actually right, which I certainly question, this measure that we passed will be able to do that.

The fact is that we have had tremendous success during these first 50 days of the 100 days, and as we mark George Washington's birthday, it is pathetic, absolutely pathetic, that one of our colleagues has to do what the Democrats have unfortunately resorted to

Mr. Speaker, that is pathetic. It is absolutely pathetic that all they are doing is resorting to digging up dirt.

DEMOCRATS BEING GAGGED BY REPUBLICANS

(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, yes, this is the 50th day. But we got a long way to go. You know, this Congress will be in session for about another year and 10 months, so let us see what happens in that year and 10 months.

What has happened in the first 50 days is not very much. When you add it up, there has only been one bill that has been passed and become law, and that same bill is a bill that we as Democrats passed last year and everybody agreed to, and that is the compliance bill.

Nothing else has become law. The balanced budget amendment? That is still sitting over in the Senate. They are going to vote on it next week. They do not even know if they are going to pass it or not. Nothing else is moving. Nothing else has become law.

Folks, they say that great things are happening. Well, what have been the great things happening? We have been gagged. Many of us have amendments to bills. We cannot offer them. They will not let us offer them. They have a timetable. They say, ''We have to do it now, right now; you cannot offer your amendment. It is going to happen today.''

I wish more people would watch what happens here today and see how Democratic minority Members are gagged by the rules of the majority today, tomorrow, Friday, all next week, and all through this 50 days.

IMPRESSIVE ACCOMPLISHMENTS OVER LAST 50 DAYS

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

Mr. DIAZ-BALART. Mr. Speaker, today we properly focus upon how much we have accomplished in just 50 days. The list is impressive: A balanced budget amendment, a line-item veto, a tough and commonsense crime bill, unfunded Federal mandates reform, and setting priorities for America's foreign policy and national defense.

Now, Americans may ask how will this affect me? Let me answer. A balanced budget amendment means your children and grandchildren will have a

eral mandate reform means you will no longer have to pay the hidden taxes from the Federal Government passing down mandates to State and local governments. Setting national security priorities ensures that America will maintain its strong leadership in the world in future generations.

Mr. Speaker, we are making real changes, changes that will help the American people, and we will continue.

CONTRACT WITH AMERICA A CAMPAIGN GIMMICK

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

Mr. DOGGETT. Mr. Speaker, I came here to serve the families of the people of Austin, TX, not to serve as a contractor for NEWT GINGRICH. This contract is nothing more than a campaign gimmick, and if it is fully imposed, it will be the people of Austin, TX, and across this country who suffer.

The contract rejects community policing and crime prevention programs that work in Texas. It would turn over our health and safety standards to the tobacco companies and the other special interests. And the cost of this contract? At more than $1 trillion, it threatens our financial security.

Some of the concepts in the contract are good, but I learned long before going to law school from my parents that you do not listen to the salesperson's hype, you read the fine print, the little bitty words on the back of the contract. And when you do that, you find out that this so-called Contract With America is devastating to middle-class families across this country.

This contract goes too far, too fast, too extreme. It can and should be rejected.

PROMISES MADE ARE PROMISES KEPT

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

Mr. RIGGS. Mr. Speaker, today we celebrate the midway point in the Contract With America. Only 50 days into this historical 104th Congress, Republicans have said no to business as usual in Washington. We have already passed a balanced budget amendment, a line-item veto, and have brought Congress under the same laws as the rest of the

by keeping our word and our promises to the American people. In this Congress, promises made are promises kept.

FEDERAL RESERVE INTEREST RATE POLICY THREATENING AMERICA

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

Mr. MASCARA. Mr. Speaker, why is it that every time the economy begins to improve in the eyes of the Federal Reserve that is bad? Is bad news good news? That is a true fiscal oxymoron.

I will never understand the Federal Reserve. I will never understand why every time the economy is growing and jobs are being created, Alan Greenspan and his colleagues decide to slam the brakes on by raising interest rates.

The recent boost in interest rates by the feds is the seventh increase in the past year. Short-term interest rates have doubled from 3 to 6 percent. Long-term rates are expected to hit 9 percent, a level we have not seen since the early 1990's.

These hikes are beginning to put a stranglehold on the people of the country and the 20th Congressional District in Pennsylvania. Economists are predicting an economic slowdown, but the Federal Reserve is still not satisfied. Unbelievably, Mr. Greenspan and his colleagues feel that unemployment remains too low.

Good news is bad news? Bad news is good news? I frankly do not get it. Mr. Greenspan, stop hurting the recovery that is under way.

IMPROVING THE HOUSE SCHEDULE

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

Mr. WOLF. Mr. Speaker, we began the 104th Congress with a commitment to improve the House schedule to make this Congress more family friendly, recognizing that the first 100 days of this session would be devoted to fulfilling the legislation promised in the Contract With America entailing long days and a full House schedule during this time.

We have worked hard to keep on that contract schedule and trying to balance the floor schedule with time for family has been difficult. But I believe there are a few ways we can adjust the House floor routine in an effort to improve upon the family friendliness of this Congress.

least provide the floor staff with some help when the schedule goes into the late hours so that the staff can spend some time with their families.

Mr. Speaker, schedules, nerves, and tempers are beginning to fray. An earlier starting time could not only help in moving the House's business along, but it could also allow some additional family time, and truly make this a family friendly Congress.

SCHOOL LUNCH PROGRAM NECESSARY FOR AMERICA

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

Mr. FIELDS of Louisiana. Mr. Speaker, I rise in strong opposition to the Republican attempt to dismantle the Nation's School Lunch Program. I think it is a shame and a disgrace for my colleagues on the other side of the aisle to choose to tamper with something as basic as a school lunch.

Currently, 57 percent of all students participate in this most needed program. We cannot abort our responsibility as national law makers and put tens of thousands of young innocent school children at the risk of not having the opportunity to have a balanced meal during the course of a school day, many of which depend on this meal as their only source of nutrition for the entire day.

I believe that this Congress has a direct interest in the health and welfare of the Nation's children; making sure that each child attending school receives a well-balanced meal each school day.

This is a responsibility and an obligation that one Member of this Congress is not willing to give up, and I hope my colleagues agree.

SAVE THE NADEP

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

Mr. STEARNS. Mr. Speaker, as the Defense Department prepares the latest list of military sites it will recommend for shutdown, there is one site that any objective observer would conclude does not belong on that list—the Jacksonville Naval Aviation Depot.

Since the 1993 round of base closings cut the Nation's number of naval aviation depots in half, the Jacksonville NADEP's unique role as a cornerstone of America's military readiness has only increased. The core purpose of a

of any other NADEP. In fact, the Jacksonville NADEP is so efficient that in 1994 it actually turned a profit of $27 million.

Mr. Speaker, the American people want the strongest possible national defense at the lowest possible cost. If the Defense Department wants to achieve this goal, the Jacksonville NADEP is the last base it would ever want to close.

SUPPORT URGED FOR KOREA/VIETNAM MEMORIAL NATIONAL EDUCATION CENTER

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

Mr. MCHALE. Mr. Speaker, I rise today to voice my wholehearted support for the Korea/Vietnam Memorial National Education Center, now being created in my district of Pennsylvania.

President John F. Kennedy once said that ''a nation reveals itself not only by the men it produces but also by the men it honors, the men it remembers''. For too long, some among us have chosen to forget about the conflicts in Korea and Vietnam; to push aside the sacrifices made on our behalf by those who served in the uniform of our country. We asked much of them, and gave little in return.

We must now remember these events, and pay honor to those who made the sacrifices which democracy often put on those whom Lincoln called the ''common people''—men and women of ordinary means, but also of extraordinary courage and uncommon valor.

The Korea/Vietnam Memorial National Education Center, will serve as a living tribute to the men and women who answered the call of their country, and as a lesson for those to whom we will entrust our hard-fought peace.

I ask that the members of this body join me in supporting this important memorial to our veterans, and to brave patriots from freedom-loving countries throughout the world, who deserve no less than this tribute. The Korea/Vietnam Memorial National Education Center is our chance to let them know that they matter, and that we care.

CONTRACT WITH AMERICA NOT HELPING AMERICANS

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

in the so-called ''Contract With America.'' During the first 50 days of this session, not one job has been created, not one family is more secure, not one working, middle-income individual is better off, and not one child is more secure.

While the Republicans have spent these first 50 days fighting for tax cuts for the wealthy of society, we Democrats are fighting for a minimum wage increase to make work pay and break the cycle of welfare dependency. While Republicans are proposing cuts on Medicare and AFDC, we are fighting to save Medicare and protect child nutrition programs, which are so vital to many poor children.

If the current proposals continue, children will be the real losers under this contract.

CONTRACT WITH AMERICA HELPING AMERICANS

(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, I am not sure how the previous speaker knew that not one person was better off in America. I have talked to a lot of people in America in my district and they are very happy with what is going on. The polls indicate people are better off and definitely happier with the way things are going in this Congress.

We are not just up passing bills. Americans know that. We are up here taking away from Big Brother in Washington, the Government, and we are returning the control of this country to the people we work for, the people all across America.

We are doing something else too, something that perhaps the former majority who are now the minority failed to do, and that is we are keeping our word. We are accomplishing exactly what we said we would do in the election. We are out here working harder in January and February than this Congress has ever worked, certainly more than it has in the last 40 years. We have had four times as many hours in session, we have had eight times as many votes, we have had six times as many committee meetings. The reason for all of that is not because we want more Government, it is because we want less Government. We are cutting down Government, that is what this is about, and we are returning it to the people.

everyone or a four-letter word that Speaker GINGRICH has not uttered—jobs.

Speaker GINGRICH's policies have not and will not create one new job or make the life of one American better.

But it will make the lives of millions of Americans worse:

The elderly who will see Medicare destroyed.

The college kids who will pay thousands of dollars more for student loans.

And the children who will not have school lunches to eat.

In fact, for all Speaker GINGRICH's talk, only one bill has been signed into law so far—congressional accountability. When we passed this last year, it was blocked by Republicans in the Senate.

Let us face it, it is no great accomplishment to vote on the first 5 items in a pollsters top 10 list.

Speaker GINGRICH promised a revolution.

So far this is more like the phony war.

□ 1145

THOUGHTS ON 50 DAYS' PROGRESS

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

Mr. STUPAK. Mr. Speaker, today is the 50th day of the Republicans 100-day Contract on America. Congratulations on putting forth a goal and sticking to it.

It is important to have goals and objectives in our lives and in legislation. Legislative goals should be those that are achievable through a consensus with America, not goals that stick it to America. It should be a contract with all of America.

We Democrats do not need a plan to stick this to that or a contract with this group against that group. Our contract has always been the same. We work hard, ensure a thoughtful, deliberate process.

So let us look back at the first 50 days of the Democratic majority in 1993. By now two bills had already been signed into law: the national motor-voter bill and the family and medical leave bill, with little or no Republicans support. In the GOP first 50 days, only one bill, the Congressional Accountability Act, has been signed into law, just one, and that was with 400 Members voting for it in a bipartisan manner.

Even though the score, using the GOP marker, is two to one in favor of the Democrats, let us forget the 100-day marker. But rather, let us be

permission to address the House for 1 minute.)

Mr. HILLIARD. Mr. Speaker, I rise today to comment on this occasion of the half-way point of the Republican's 100-day Contract for America. During the recent election, the Republican Party snowed the people of this Nation with empty, meaningless promises.

While this contract may sound good on the surface, its provisions are vague and unrealistic at best. The worst, I fear, will result in deceptive and detrimental and consequences for our country.

This contract cuts student loan funding and availability.

This contract cuts taxes for the wealthy, while at the same time taking food out of the mouths of children and young mothers.

This contract would end public assistance for the poor and disabled, with no provisions for putting people to work.

It has taken the majority party of this House 50 days to pass three contract items. It will soon become clear that the remainder of the Republicans' proposals are bad ideas masked in falsehood and obscurity. The contract for America is bad, deceptive, and dangerously detrimental for senior citizens.

WHAT DOES THE RECORD SHOW OF THE FIRST 50 DAYS?

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

Ms. SLAUGHTER. Mr. Speaker, last night I saw a wonderful cartoon in the latest issue of Business Week. It had an elephant dressed in an obviously very expensive suit, wearing a button on the lapel that said, ''Been robbed, raped, maimed or murdered? Call a block grant.'' That has a lot to say about what we have done here in the first 50 days.

We took the crime bill that was passed last year, took away all preventive measures and took away the police on the street who will make the streets safer for us. And that, along with trashing the Constitution, are two very important things that have happened here in the past 50 days. And all Americans ought to know it.

We have done very little to address the problems that are really on the minds of Americans today. They have educated their children at great expense.

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

first 50 days taking place on CNN right now over in the Cannon caucus room.

I thank my friend for yielding.

A REMAKE OF THE BODY SNATCHERS?

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

Mr. DEFAZIO. Mr. Speaker, is this a replay of the first 100 days of FDR? That is what the Republican leadership would have the American people believe. Or is it more like a really bad remake of ''Invasion of the Body Snatchers,'' some alien force has taken over the other side as they march lockstep and they will not consider any problems that they are creating with their contract. No matter how problematic, no matter how contradictory, no matter how poorly drafted their proposals, the contract must go forward, the alien force says.

Today $3 billion more for a needy Pentagon. They cannot make ends meet on a $271 billion budget. The American people know that. And next week we eliminate the School Lunch Program and the Program for Women, Infants, and Children because we cannot afford it.

Is there a little contradiction here? Is this 100 days to address the real needs of the American people akin to FDR, or is it a nightmarish remake of ''Invasion of the Body Snatchers''?

Make up your own mind.

THIS IS WAR

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, we are not dealing with the celebration of a contract. We are simply looking at a war where people are pitting one group of citizens against another. It is simple and clear to the children and women and those who are in need, working families, that we are in war with today.

I would like to celebrate what the 103d Democratic Congress did that really focused on working families: family leave, motor-voter law, reducing the deficit, responding to families and small businesses and, yes, providing opportunities for our youth to get educational loans.

What we are doing right now is fighting in a war that seems to be depend-

eat and, yes, we are going to continue to fight against gutting the crime bill, taking police off the streets. And we are finally going to stand against welfare punishment, because we believe in welfare reform.

Mr. Speaker, this is a war, and we are going to win this war for working Americans.

BALANCING THE BUDGET

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

Mr. DOYLE. Mr. Speaker, on November 8, the citizens of the 18th Congressional District in Pennsylvania sent me to Congress with a clear message. They wanted Government waste and inefficiency eliminated, they wanted the pork barrel, spendthrift ways of the past to change, they wanted our deficit brought down. I heard that message loud and clear, and I was proud to cosponsor the Democratic balanced budget amendment with CHARLIE STENHOLM and work to have it passed in this House with the help of the Republican majority.

I stand here today to express my extreme disappointment, that the very first spending package produced by the Republican majority since the passage of that balanced budget amendment would increase the 1995 deficit by $282 million and add $645 million to the deficit over 5 years.

It is ironic that when Republicans want to spend billions to build star wars, there is no mention of balanced budgets, but if it is lunches for our school children, Republicans want to abolish it in the name of a balanced budget.

Watch the vote today on the defense supplemental bill and we will see who is really serious about balancing the budget.

ON THE FIRST 50 DAYS

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

Ms. MCKINNEY. Mr. Speaker, today marks the first 50 days of the 104th Congress, and my Republican colleagues are boasting about how much they have accomplished. The fact of the matter is, they have produced a lot of icing, but there ain't no cake.

While the Contract With America does a great deal for you if you earn over $200,000 a year, for the rest of us it

care, the minimum wage or job security.

Once again, this leads to the question, who really is controlling the contract? I think it is time for an outside counsel.

SETTING THE RECORD STRAIGHT

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

Mr. LIVINGSTON. Mr. Speaker, I am a little bit puzzled by the speaker that preceded the gentlewoman who was just at the podium. I do not know where the gentleman gets his numbers, but the fact is that the emergency supplemental that is intended to repay the Defense Department for the missions directed by President Clinton in Haiti and Iraq and Bosnia and all the others is a $3.2 billion package, paid for by $1.8 billion in defense rescissions or cuts and $1.4 billion in nondefense rescissions or cuts, and it nets out to a savings of $14 million.

In other words, we are cutting $14 million more than we are spending.

The gentleman's figures are totally inaccurate. I hope this statement for the RECORD will reflect these corrected amounts accordingly.

MORE THOUGHTS ON THE CONTRACT'S PROGRESS

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

Mr. TUCKER. Mr. Speaker, my colleagues on the other side of the aisle are taking this moment to bask in the glory of what they call their first 50 days. And they are sticking their chest out, Mr. Speaker, and hoping that all of America will remember what they have done here.

Well, I hope all of America does remember what they have done here, Mr. Speaker. When they do things like slashing programs for children's lunches so that young people cannot go to school worrying about learning and eating at the same time, when they cut off student loan programs so as our young people matriculate they will not be able to go into modes of higher education, this is what I hope that the American people will remember about what they have done here on the floor of the House, because, Mr. Speaker, it is something certainly not worthy to be remembered for.

immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 92

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. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 889 modified as follows: on page 16, after line 12, insert a new title V consisting of the text of the bill (H.R. 845) rescinding certain budget authority, and for other purposes. The amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 2 or 6 of rule XXI are waived. No other amendment shall be in order except the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by Representative Obey of Wisconsin or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. Points of order against the amendment in the nature of a substitute for failure to comply with clause 2 of rule XXI are waived. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendment 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 amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, all time yielded is for the purpose of debate only, and I yield the customary 30 minutes to the gentleman from Dallas, TX [Mr. FORST], pending which I yield myself such time as I may consume.

order to foster fiscal responsibility the Committee on Rules has reported a fair and balanced rule for this emergency defense supplemental.

□ 1200

Mr. Speaker, the rule makes in order as an original bill for the purpose of an amendment an amendment in the nature of a substitute consisting of the text of H.R. 889, which makes emergency supplementary appropriations for military readiness, and rescinds $1.46 billion in defense spending, amended to add the text of H.R. 845, a bill rescinding $1.4 billion in budget authority for a range of low-priority foreign aid and domestic spending programs.

In order to permit the House to consider the texts of two bills together, this rule waives clause 7 of rule XVI pertaining to germaneness and clause 6 of rule XXI regarding reappropriations.

The rule provides for 1 hour of general debate and an amendment in the nature of a substitute, which may be offered by the ranking minority member of the Committee on Appropriations or his designee. That amendment shall not be subject to amendment. Finally, the minority is provided with one motion to recommit, with or without instructions.

Due to the unforeseen nature of emergency appropriations, the rule waives clause 2 of rule XXI against the bill and the amendment consisting of the text of H.R. 889 and H.R. 845. The rule prohibits unauthorized appropriations.

In the name of fairness, the amendment in the nature of a substitute provided to the rule by the ranking minority member of the Committee on Appropriations will receive the same rule waiver.

Mr. Speaker, changing the culture of deficit spending is not easy. The American people need only look to the other body to observe the daily antics of reactionaries fighting to stop bipartisan proposals such as the balanced budget amendment and an effective line-item veto.

In the past, Congress simply added emergency spending to the deficit. Even with a Federal budget of $1.5 trillion, there was always an excuse why offsetting spending cuts could not be found.

Mr. Speaker, things have changed. Our new leadership in the House has committed itself to finding offsets for all supplemental spending bills. The deficit buck stops here. Make no mistake, this defense supplemental addresses a true emergency. As the Preamble to the Constitution so clearly

ria, Iraq, Rwanda, and the Korean Peninsula have created an emergency. The Secretary of Defense and our leader military commanders have indicated that without these supplemental funds being provided by March 31, readiness and training will be cut back to dangerous levels.

Mr. Speaker, I would like to repeat this. The Secretary of Defense and our leading military commanders have indicated that if these supplemental funds are not available by March 31, readiness and training will be back to dangerous levels.

This rule provides a procedure to consider this emergency defense supplemental in a manner that is fiscally responsible. The Committee on Appropriations met the challenge of reporting rescissions to fully offset all the new spending, a challenge that the President has, unfortunately, not met.

In addition, the minority is given both a substitute amendment and a motion to recommit with instruction to offer alternatives.

To those who believe that far more can be done in the area of rescissions, I totally agree. That day is coming. The chairman of the Committee on Appropriations testified before our Committee on Rules that a major rescissions bill will be coming to the floor soon, possibly in March. That rescission, because it is not related to a national security emergency, will be considered under a much more open amendment process.

Mr. Speaker, this is a fair, balanced, and responsible rule. It provides the minority with two opportunities to provide alternative proposals. It provides the same substantive waivers to the amendment as are provided to the bill. All new spending, even though we have an emergency, is offset.

Finally, Mr. Speaker, this rule increases the likelihood we can maintain military readiness by enacting the necessary legislation by March 31.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this fair, balanced, and very responsible rule.

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

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

Mr. Speaker, since the end of the cold war, the United States has called upon the men and women of our armed services to perform duties ranging from humanitarian assistance, to peacekeeping, to engaging in an all out war. And these duties have been performed ably and with honor in an era of decreased funding for the entire Federal budget.

to provide these funds, and we are fulfilling our responsibility by acting on that request. There is no other acceptable course of action.

But, Mr. Speaker, I must rise in opposition to House Resolution 92 which provides for the consideration of H.R. 889, the Department of Defense emergency supplemental, as well as for the consideration of H.R. 845 which rescinds $1.4 billion in domestic discretionary budget authority. I want to be very clear that I support the provision of supplemental appropriations to the Defense Department in order that we, as a nation, do not find our strategic and defensive posture compromised.

But, Mr. Speaker, just a few short weeks ago I joined with over two-thirds of my colleagues in this body in supporting a constitutional amendment to balance the budget of the United States. That amendment did not exempt defense spending from its requirements, yet I cannot help but think that this supplemental—whether designated as an emergency or not—is not paid for and only adds to the deficit which we are so committed to erasing.

The Committee on Appropriations has recommended, in addition to the DOD supplemental, a bill which rescinds $1.4 billion in discretionary domestic spending which purports to cover the expenditures provided in the supplemental. However, there are many on this side of the aisle who wonder if these cuts are nothing more than a fig leaf. There seems to be some question whether our colleagues in the Senate will use domestic cuts to pay for defense increases. But, whether the Senate enacts these domestic rescissions or not, this bill still creates an outlay shortfall—nearly $300 million in this fiscal year and $645 million over the next 5 fiscal years. Mr. Speaker, where I come from those numbers can only mean one thing: We are adding to, not subtracting from, the deficit.

For that reason, Mr. Speaker, I urge my colleagues to vote ''no'' on this rule in order that the Committee on Rules might reconsider how we might deal with the critical necessity of meeting these urgent requirements of the branches of our Armed Forces while not adding to the national debt.

As this rule is constructed, there is really only one opportunity for Members to vote to not increase the deficit while at the same time assuring that DOD readiness is not impaired—by fully compensating the Defense Department for its contingency expenses. The Rules Committee has allowed for the consideration of only one amendment, a substitute by the gentleman from Mr. Speaker, I must ask why is only the Obey substitute made in order? Why is it necessary to consider this supplemental under such a restrictive rule? When the House considered the most recent supplemental—the 1994 California earthquake emergency supplemental—the Committee on Rules provided for the consideration of six amendments, not just one amendment, the Obey amendment in this case. Chairman SOLOMON then protested that the rule was too restrictive. He said, and I quote: ''Even when you move a bill with all deliberate speed, you must still deliberate—that is, carefully weigh and debate the merits of the legislation and consider amendments to improve on it.'' I would recommend to my colleagues that the chairman's words are every bit as relevant today as they were 1 year ago.

In addition, Mr. Speaker, when the House considered a supplemental appropriation in May 1993, under an open rule, my colleagues on the other side protested that the rule was not open enough. I would quote Mr. GOSS who said, ''True this is an open rule, but because of the rules of the House, there are several important amendments that were brought to the Rules Committee that will not be allowed to be considered, even under this open rule.'' Mr. Speaker, the Democrats on the Rules Committee have not even asked for an open rule in the case of House Resolution 92. What we have asked for is an opportunity for the House to consider amendments which might allow the House to fulfill its commitment to deficit reduction, not for a closed rule as has been reported out by the committee.

Therefore, Mr. Speaker, I would renew my appeal that this rule be defeated in order that the Committee on Rules might have an opportunity to quickly reconsider a rule for this supplemental. Time is of the essence, but so is our commitment to the defense of this Nation and to deficit reduction.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, to simply respond to my friend, the gentleman from Texas, by making it very clear that there is an important distinction between this year and last. That is, we have offsets, so that must be underscored time and time again.

We are not going into deficit spending here, we are having offsets, which this Committee on Appropriations, under the leadership of the gentleman from Louisiana [Mr. LIVINGSTON], has adequately recognized.

rection.

Let me say, Mr. Speaker, that I come at this from the same position I have always taken. When I went down to see President Clinton right after he was elected, I said ''Mr. President, we have been cutting the defense budget substantially over the last 6 or 7 years, and we have been trying to do it in a way where we did not end up with a hollow force. We did not want the disaster we had after World War II, after Korea, and after Vietnam.

I said to him that the only way that I can support this reduced budget, which he was proposing, was if he sent a supplemental appropriation for extraneous operations. As many of the Members know, I opposed the Somalia incursion, and yet last year, in a bipartisan effort, we funded that program substantially without offsets.

The Haiti invasion I personally supported. Most of the members of the subcommittee did not support it. However, we felt very strongly that the Congress passed legislation which supported Haiti, and this helps to refund money that the military has already spent. There is no way that we can continue the type of readiness we need to deploy troops quickly if we offset this money.

Mr. Speaker, I know there are two plans. One is to offset if from the rescissions, and one is to offset if from the Defense Department. I do not like either, but my proposal is that we move this supplemental forward. I am in favor of a restrictive rule. I feel very strongly about it, that we have to move this forward so that in the end we will be able to work this thing out.

In working with the new chairman, the gentleman from Florida, BILL YOUNG, and the gentleman from Louisiana, BOB LIVINGSTON, the chairman, there has been no proposal that I have made that they have not listened to and tried to find a way to work out.

I understand the pressure. I did not vote for the balanced budget amendment. Two-thirds of the House did, so I understand why there is a feeling that it is necessary, but I support the administration's position that this money should not be offset.

Actually, Mr. Speaker, if we were to offset all the money for these kinds of operations, it destroys the very thing we have done over the last few years, and that is to try to very delicately reduce the size of the force and make money available when there is an extraneous operation.

Many of the Members on the subcommittee feel exactly the same way, many of the Members of the floor feel

about, because I do not think the offsets can be found from the Defense Department without hurting the very viability and readiness of the Defense Department.

I feel strongly that there should be a restricted rule, that we should move forward with this legislation. All the Commanders in Chief of the various regions have said to us they have to have this legislation by the end of March. It is absolutely essential we get it through the House, that we get it over to the Senate, let the Senate act on it, and then we will work our will in conference.

Mr. Speaker, I just want to add that I understand what the gentleman from Wisconsin [Mr. OBEY] is trying to do. I feel very strongly, I am against that just as much as I am against the rescissions, so may feeling is very clear. My position is very clear. I am against any offsets. I think this bill should not be offset. I do not think we ought to take it out of the hide of the military.

On the other hand, I think we ought to move this legislation forward. I think this is the only way to get the legislation through in any method so we can start addressing it in the Senate.

□ 1215

I support what the Committee on Rules has done. I think this is the only kind of a rule that will expedite the matter and we should pass the legislation as quickly as we can and get to conference where we can work out the details.

Mr. FROST. Mr. Speaker, for the purpose of debate only, I yield 5 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], ranking member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, the gentleman from Texas [Mr. FROST], for yielding me this time.

Mr. Speaker, today we are being force-fed another closed rule that will prevent Members from trying to repair two badly flawed bills.

That is right, I said bills. This rule makes one bill out of two Republicans say that is because the two bills are closely linked, one is designed to pay for the other.

But according to the Washington Post that will not happen. The Post reported that Senate Appropriations chairman HATFIELD said the Senate will not consider domestic cuts to pay for military spending.

Since it takes both Houses to rescind appropriations it looks like Republicans do not have a way to pay for this increased military spending. Because if this bill still adds $282 million to the deficit this year and $645 million over 5 years.

And today's emergency supplemental directly contradicts the position Republicans took on the National Defense Revitalization Act.

Republicans who voted for H.R. 7 said in effect that they wanted to put the House on a path to restore the firewalls between defense and domestic spending.

But soon after voting to restore the firewalls with H.R. 7, Republican Members are voting to ignore them with this bill.

Mr. Speaker, I would be interested in knowing whether my Republican colleagues want the firewalls or not.

I urge my colleagues to oppose this rule and give Members a chance to fix this bill. And this bill needs all the help it can get.

That is why I am surprised the Republicans on the Rules Committee put out this closed rule. Plenty of Members, both Democratic and Republican, have lots of good ideas on how to cut spending.

I wonder, Mr. Speaker, what the Republican leadership is afraid of.

I urge my Republican and Democratic colleagues who want a chance to cut Government spending to join me in opposing the rule.

Mr. DREIER. Mr. Speaker, we have seen the bipartisan nature of support for this rule with the statement from the gentleman from Pennsylvania [Mr. MURTHA].

Mr. Speaker, I yield 4 minutes to the gentleman from Indian Rocks Beach, FL [Mr. YOUNG], the distinguished chairman of the Subcommittee on National Security of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I want to thank my colleague the gentleman from Pennsylvania [Mr. MURTHA], a former chairman of this subcommittee, for the strong support that he gave us as we put this bill together. I think that he would disagree with the previous speaker, as do I, that this bill is flawed. Is it perfect? Absolutely not. I do not think I have ever seen a perfect bill before the House since I have been here. But this is a good bill.

The problem that we face today is time, Mr. Speaker. When I was designated chairman of this subcommittee in the middle of November, I began meeting with folks at the Pentagon, the Defense Department, the civilian leaders, the military leaders, with commanders in the field, with war fighters. My question was, ''What do we need to look forward to for the next fourth-quarter training, flying hours, steaming hours, all kind of training was going to be degraded to the point that it would have a serious effect on readiness.

We committed to moving this bill expeditiously so that we could get it to the Defense Department by March 31. We are a week behind. We set a schedule that would move us along expeditiously. We are a week behind that schedule. We had difficulty getting a request for this supplemental from the administration. We finally got it. The truth is, we marked up ahead of the administration's request just to keep on our timetable.

One of the reasons that the administration hesitated in sending a request down here was that they were afraid this would become a target, or a vehicle for all kind of mischievous or extraneous nondefense-related activities. They did not want that to happen. Neither did we. So we have brought this out under a rule where the gentleman from Wisconsin [Mr. OBEY] has every opportunity to rewrite every section of this bill. He will do so in a substitute that he will offer here shortly.

But we have got to keep on track. We cannot sit here and decide what we think is right based on what we assume might happen in the other body. We should not be assuming what the other body might do. We have got to keep this bill moving. We will get into the debate as to why after we pass the rule, but this rule is a good rule to expedite this emergency defense supplemental.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I will very reluctantly vote for this rule because it provides for the offering of an amendment which I want to offer and I think it would come with ill grace if I did not support it. But I would simply say that I hope that Members are not fooled by this process that is going on today.

What has happened is very simple. The President sent down a $2.5 billion supplemental. He offset it with $700 million in rescission, leaving a gap of about $1.8 billion added to the deficit.

The committee decided they were going to add $670 million to the bill. They also added about $700 million to the rescission, so they also wound up with a $1.8 billion gap in spending. Then both sides got the benefit of almost $400 million in CBO scoring adjustments which means that at this point, the original bill that came out of the committee added $1.4 billion to the deficit.

ate, and that would have left us with that still $1.4 billion deficit hole in the bill.

So now reacting to that problem, what this rule is going to do is to merge the two bills so that the ''let's pretend'' second part of the act gets merged with the real first act and somehow they then want to suggest that the bill is entirely paid for.

The problem is it is still not paid for. It is paid for on the budget authority side but it is not paid for on the outlay side. As everyone knows in this place, the deficit is measured by outlays.

The fact is that even if you adopt this rule today, you will wind up if you vote for this package as is adding $282 million to the deficit this fiscal year and $644 million to the deficit over 5 years. That from a crowd that says that we are supposed to balance the budget through a constitutional amendment. I find that ironic indeed.

That is why I am offering my amendment. My amendment simply says this: It says instead of adding all of the bells and whistles and all of the let's pretend gimmicks in the second bill, let's drop everything except the administration's original request so that you have got a bill that costs $2.5 billion, and then give the Secretary of Defense the authority to make reductions in low-priority items and pork items in order to balance off the book. That is the only way we can keep a commitment to balance the budget.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my very good friend, the gentleman from Sanibel, FL [Mr. GOSS], my colleague on the Committee on Rules and chairman of the Subcommittee on Legislative Process.

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

Mr. GOSS. Mr. Speaker, I thank my friend from greater metropolitan San Dimas, CA, for yielding me this time.

I thank the gentleman from California [Mr. DREIER] and as well the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, for their hard work in crafting what I think is a very fair and well-tailored rule. The purpose is to implement a policy that many of us have long advocated around here, and, that is, paying for what we do. This rule will allow us to marry together an important defense appropriations supplemental bill needed to provide for military missions already undertaken as described by the gentleman from Florida [Mr. YOUNG] with a rescissions package designed to actually pay for I have seen it so far.

As best I can tell, the gentleman from Wisconsin [Mr. OBEY] has suggested temporarily granting a power I thought he opposed, that is, the line-item veto authority to the Secretary of Defense, a distinguished but nevertheless unelected official, and this is all without ensuring congressional review.

For those who thought H.R. 2, the line-item veto act passed by this House last month, was a little too much delegation of power away from Congress, I would have to think that the Obey approach, giving line-item veto to the Secretary of Defense, would be completely out of bounds. But that remains to be seen.

Finally, I wish to comment on the substance of this defense supplemental appropriations bill. The bulk of the money is earmarked to cover the costs of unbudgeted contingency operations in places like Somalia and Haiti. This is money that has already been spent and some of us think unwisely in part. Now the bill is coming due.

Although I strongly support our military, as we all do, and recognize that at this point we have no choice but to settle up our accounts on missions already underway or done, I am really troubled by the administration's tendency to embark on costly, ill-defined peacekeeping adventures around the globe without consulting with the Congress, and then coming forward after the fact and saying, ''Oh, we've got to have some money.''

This trend was especially disturbing in the case of Haiti where the administration did find a lot of time to seek U.N. approval for its plans but somehow or other did not seem interested in coming up to get some congressional support in advance for sending our troops there.

We have drained funds from our troops readiness to pay for what is arguably the misuse of our military in Haiti, and many Americans, including this one, strongly resent it.

Mr. Speaker, I fully expect a broad discussion of foreign policy and the appropriate use of our troops to continue as we move into the regular budget cycle. That is what we do. But in the meantime, I urge support for this creative rule, even though I know very full well there are those on the other side of the aisle who voted for misadventures such as the one we have experienced in Haiti who now do not want to pay for the bill.

We must pass this bill. It is a matter of life and death for our troops that we count on.

tention the inappropriate, business-as-usual way in which rescissions were generated for the DOD supplemental appropriations bill.

In the last days of the 103d Congress, the House voted on whether to eliminate $289.5 million of pork in the HUD portion of the VA, HUD and Independent Agencies' appropriations bill. One-hundred-seventy-nine Members voted with me to eliminate these earmarks; 189 did not. Today I planned to offer an amendment that would give this body a second chance to do the right thing—to vote to eliminate those earmarks in this rescission package. Unfortunately, last night, the Rules Committee denied us this opportunity.

Does this bill rescind any ''items of congressional interest,'' ''directed appropriations,'' or ''special purpose grants?'' The answer, of course, is no. Instead of going after pork-barrel appropriations, the bill's drafters chose to cut $1.3 billion from merit-based, competitively awarded research and development programs—vital investment in our Nation's future.

My colleagues in the House know of my active opposition to the practice of earmarking. In the past, a large majority of those who joined me in that effort came from my colleagues on the other side of the aisle. I am extremely disappointed that the first rescission package brought to the floor contains not a single cut to earmarked projects.

Although, my esteemed colleagues on the Appropriations Committee will be marking up another rescission package later this week, it will be too late to recapture the pork projects funded at HUD. Of the $289.5 million in HUD earmarks, $94.5 million has already been obligated. The obligation of another $149.2 million is in process. All of these funds have been obligated since the first of this year, which must be a record rate to get earmarks out the door. By the time the next rescission package comes to the floor of the House, there will be not a penny left to rescind.

In all my years in Congress, I have heard hundreds of speeches decrying pork-barrel politics, the majority of them coming from my Republican colleagues. Indeed the Republican views on the fiscal year 1994 Budget Act included a strong plea for the elimination of earmarking. However, perhaps my Republican colleagues are finding it harder to cut pork now that they are in the majority. Of the HUD earmarks nearly 32 percent goes to five States who elected Republican Governors or Senators in the last election.

vantage point, whether you call these projects a silk purse or a sow's ear, it looks like it will be business as usual in the 104th Congress.

□ 1230

Mr. DREIER. Mr. Speaker, may I inquire of my friend from Dallas how many speakers there are on his side?

The SPEAKER pro tempore (Mr. EMERSON). The gentleman indicates he has one additional speaker.

Mr. DREIER. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] has 13 minutes remaining and the gentleman from Texas [Mr. FROST] has 13½ minutes remaining.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentlewoman from California [Ms. HARMAN].

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

Ms. HARMAN. Mr. Speaker, I am for the supplemental, for a strong defense, and a supporter of the balanced budget amendment, but I rise in opposition to the rule for H.R. 889, because it does not permit adequate debate on the technology reinvestment project, a key dual-use technology program. I hoped to offer an amendment consistent with the approach of the bill providing additional rescissions—as recommended by the Department of Defense—that would have permitted the restoration of approximately half the funding for fiscal year 1995 for TRP. Unfortunately, I was denied the ability to offer my amendment.

Even though my amendment has been shut out, I rise now to express my strong support for the TRP program.

I believe that TRP is misunderstood, and its problems exaggerated. Without the TRP approach, DOD will not be able to access, shape, and afford much of the technology it needs.

TRP gives DOD greater access to affordable, leading-edge technology by leveraging commercial capabilities and markets for military benefit. Let me repeat that; for military benefit. A great many defense needs can be served better and less expensively using commercial means.

TRP projects are competitively awarded—as a result, these projects have been awarded to qualified companies and consortiums throughout the country and throughout our districts. These awards—which require a 50 percent match for the applicant—are based on the requirement that the

of scrutiny as the TRP. Receiving both considerable praise and criticism, the program was modified to expand participation by small business and increase the military services' involvement to ensure rapid integration into defense weapon systems.

Obviously, these changes have not satisfied the new majority. if we need to modify TRP further, by all means, let's do so. But I urge my colleagues to vote against rescinding all of the TRP funding and against killing a key dual-use technology program—it's too important for our industrial base as well our national security.

Mr. FROST. Mr. Speaker, if this is the concluding speaker of the gentleman from California, I would then sum up by simply stating we continue to be opposed to the rule. I would ask the House to reject this rule.

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

Mr. DREIER. Mr. Speaker, this is a very bipartisan rule, the support that has emerged from the ranking minority member of the committee and the former chairman of the Defense Appropriations Subcommittee has demonstrated that.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Metairie, LA [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. Mr. Speaker, I thank my friend from California for yielding time to me, and I rise in strong support of the rule. As he said, it does have bipartisan support. I think it is a good rule, a fair rule, and in the name of restoring funds to the Defense Department that are needed for emergency purposes to avoid a wholesale curtailment of operations and to avoid a risk of failure to support our young people in uniform, I think that it is very important that we not only support the rule, but that we support the bill.

The rule before us basically does three things. First it merges two bills developed by the Committee on Appropriations; namely, the defense supplemental and a companion rescission bill into one legislative proposal. The net effect of those two actions is to rescind approximately $14 million in budget authority more than we appropriate. That is, we are actually taking back $14 million in budget authority that we appropriated last year in excess of what we are spending on defense.

aircraft carriers in which young service people are killed, when an F–15 shoots down two U.N. helicopters filled with U.S. and U.N. personnel, that such programs as an advanced automatic train control system for the Bay Area Rapid Transit System that cost $39 million of taxpayers' funds is necessary. Likewise, when tanks are forced to stop, and their crews are forced to get out because the engines in those tanks are risking the possibility of catching fire and exploding, and then they do their tank maneuvers by walking around in the desert, I have a hard time explaining why the Diversity in Cultural Change Program involving manufacturing at the University of Wisconsin, which expends $3.3 million in taxpayers funds, or the Holistic Approach to Preparing Students to Learn and Lead in New Manufacturing paradigm at a cost of $3.7 million, or the Realization Coalition, whatever that is, at $6.6 million are necessary.

So I think those cuts are well placed. I think if we are going to prepare for the maintenance, the operations, the training of service people, we have to make cuts where cuts can be made, and those programs are not, in my opinion, necessary to the defense of the Nation.

As a second part of this rule, it grants to my ranking minority member, the gentleman from Wisconsin [Mr. OBEY], an amendment in the nature of a substitute, and I supported this request at the Committee on Rules because I support his right to offer such an amendment, even though I do not agree with the substance of his amendment and do not understand why delegating to the Secretary of Defense the authority for line-item vetos over appropriations bills for the Defense Department is necessary.

□ 1240

Third, this rule specifically grants to the minority a motion to recommit with or without instructions. I support that right even though proponents of this motion to recommit do not want to pay, apparently do not want to pay for the defense of the Nation, even though they are the same people who wanted to send our troops to Haiti last year.

So, Mr. Speaker, I may differ with my ranking member in his budget priorities, but I support this rule because it allows him to discuss his priorities and bring them to a vote.

I thank the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], and the distinguished member, the gentleman from California [Mr. DREIER], and all of the

the package, even with the two bills fused, will add $644 million to the deficit on the outlay side over the next 5 years and $300 million in deficit in outlays for this year alone?

Mr. LIVINGSTON. If the gentleman intends to deal only with outlays, it would be one of the first times, I think, that he has done so. As the distinguished member, former chairman of the Committee on Appropriations, knows, our committee deals with budget authority, we do not deal with outlays.

As far as the payment of this package, we deal with budget authority.

Mr. OBEY. If the gentleman would yield further, is it not true the deficit is measured only in outlays and not in budget authority, is that not true?

Mr. LIVINGSTON. I would say to the gentleman that in the out years the budget authority pays for the bill, then ultimately the bill will be paid for.

Mr. OBEY. Is it not true that the deficit is measured only in outlays?

Mr. LIVINGSTON. The deficit is measured—ultimately is measured in outlays, and ultimately the outlays will follow the budget authority and does so by a surplus of $14 million.

Mr. DREIER. Mr. Speaker, I urge strong support of this bipartisan bill, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. EMERSON). The question is on the resolution.

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

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 282, nays 144, not voting 8, as follows:

[Roll No. 151]

YEAS—282

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—144

Abercrombie
Ackerman
Baldacci
Becerra
Beilenson
Bentsen
Bevill
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
DeFazio
DeLauro
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Moakley
Mollohan
Moran
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Poshard
Rangel
Reynolds
Richardson
Studds
Tanner
Tejeda
Thompson
Thurman
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—8

Ehlers
Fattah
Gonzalez
Hoyer
Meek
Peterson (MN)
Rush
Williams

□ 1300

Mr. LUTHER changed his voted from ''yea'' to ''nay.''

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

So the resolution 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. 450, REGULATORY TRANSITION ACT OF 1995

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–45) on the resolution (H. Res. 93) providing for the consideration of the bill (H.R. 450) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman will state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, my parliamentary inquiry is with regard to section 749 of the House rules, and in particular clause 1 of rule XIV, in which Members are prohibited from addressing anyone but the Speaker, and in particular the practice that has apparently taken place today of Members wearing badges to relay a message rather than addressing their message through the Speaker.

Mr. Speaker, I realize this has happened in the past in the House, but I

Mr. TAYLOR of Mississippi. Mr. Speaker, can I count on the Speaker to enforce the rule?

The SPEAKER pro tempore. Members will abide by the rule. When addressing the Chair they must remove their badges.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 889, and that I may include tabular and extraneous material therein.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to House Resolution 92 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. 889.

□ 1304

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. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, with Mr. THOMAS of California 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 Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

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

Mr. Chairman, on Friday, February 10, the House Committee on Appropriations ordered reported two bills: H.R. 889, a bill providing for emergency supplemental appropriations for the Department of Defense; and H.R. 845, a unbudgeted contingency operations in Haiti, Somalia, Southwest Asia, Bosnia, Korea, and refugee support in the Caribbean. Without these reimbursements, defense readiness will suffer severe and immediate impacts. These necessary appropriations are partially offset by rescissions within the Department of Defense totaling $1.460 billion. The remainder of the offsets, $1.4 billion that are necessary in order to make the entire package budget authority neutral come from rescissions in H.R. 845, in foreign aid programs and low priority discretionary domestic programs.

I want all my colleagues to understand that it is the policy of the Republican leadership to pay for all supplemental whether they are emergencies or not. We're doing that. The reason the committee developed two bills is that in order to pay for the offset shortfall of the Defense supplementals of $1.4 billion, we reported a companion rescission bill of like amount.

I also want to eliminate any confusion at this point. The rescission bill we are considering today is not the rescission bill I have been talking about since January. Development of that bill is on track. In fact, five subcommittees are meeting this very day to report out their rescissions. We expect to have the bill on the floor in early March. The rescissions we are considering today is just a slice of that bill—in order to pay for the Defense supplemental.

The rescissions were developed in a manner that tried to minimize the number of accounts. In order to do this we sought activities that had larger dollar amounts available for rescission. These activities can be grouped into four categories:

The first is: Low priority defense and international programs, including $110 million for the Russian Army Officer Resettlement Program, which has been deemed an unnecessary expensive program; $100 million of atomic energy waste cleanup, funds that are not needed this year; $70 million from the Emergency Immigration Fund, monies available for reduction because of a lack of Haitian and Cuba refugees; and $62 million from the African Development Fund, monies that can't be spent because our government hasn't begun replenishment negotiations.

The second category is low priority domestic programs, including the following: A $200 million youth training program that doesn't work and which even President Clinton wants to cut in fiscal year 1996; a $100 million school velopment program for the Penn Station in New York City; and another unauthorized $400 million wind tunnel program for NASA.

Finally, in the fourth category we scaled back a Presidential increase of $107 million for the National Institute of Standards Industrial Technology Program. This will still leave an increase of $125,000,000 for that program in fiscal year 1995.

In order to explain a few points that I hope our colleagues will keep in mind as we proceed to consider the two bills now merged into one, let me explain the following:

First, it is the leadership's desire that all supplemental funds, even emergencies, be paid for completely. Our approach again does just that.

□ 1310

Second, as the distinguished chairman of the National Security Subcommittee will point out, we have made significant cuts in wasteful nonproductive Department of Defense programs, and we cannot in good conscience go further.

In fact, the President has just sent to this Congress a defense budget that represents a real decline in defense for the 11th straight year, representing a 71-percent cut in procurement of new weapons systems over those 11 years.

This policy is now directly threatening the safety and lives of our young men and women who need our support to defend our country. Although I personally opposed some of the questionable military ventures in Haiti and Somalia and Rwanda and other places that depleted these funds, the fact is that the money has been spent, and we must pay the bills.

That means that we must move this bill through the Congress by the end of March to avert a readiness crisis at the Pentagon.

Mr. Chairman, as you can see, the two bills that were developed in committee are not intimately linked together, and I urge their adoption and the passage of this bill.

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

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has consumed 6 minutes.

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

Mr. Chairman, this is really where the rubber hits the road for those Members who have told their constituents that they want to support a balanced budget and for those Members who have voted for a constitutional amendment on a balanced budget.

burse DOD for the costs that it incurred in operations such as Haiti and hold the line on the deficit is to vote for the Obey amendment which will be offered at the end of an hour on general debate.

Let me walk Members through the numbers so they understand what is going on, because it is fairly complicated.

The administration, before the balanced budget amendment was passed, sent down a request to spend $2.5 billion to replenish Pentagon accounts, and they offset that with $700 million in suggested cuts, leaving a deficit of $1.8. billion.

Then the appropriations subcommittee, when they marked up the bill, added $670 million in what they considered to be high-priority items. They added a similar amount in rescissions so they, too, came to the House with a bill which was adding $1.8 billion to the deficit, minus $400 million which was an adjustment that CBO provided both the administration's approach and the committee approach, which left each proposal with a $1.4 billion deficit.

So then to try to deal with the fact, the committee produced a second trailer rescission bill, which purported to cut $1.4 billion in spending but instead of taking that our of Pentagon programs, they took it out of nondefense programs.

The problem is that that was a separate bill. It was not going to go anywhere in the Senate. Everybody understood that and so the committee, wisely, finally faced reality and at least in a small concession to reality voted on the rule to merge both bills so that at least they were more credible in pretending that the bill was paid for.

But I would point out to my colleagues, if you campaigned and told your people, I am going to cut budget authority, then go ahead and vote for this bill without my amendment. But if you told your people, I am going to cut the deficit, then you have absolutely no choice but to vote for the Obey amendment. Because if you do not, you will be, by your vote, adding $300 million to the deficit this year and $644 million over 5 years.

The reason I say that is because while we are talking about budget authority, the deficit is measured only by what we actually spend, not what we authorize down the line but what we actually spend in any fiscal period. And that is determined only on the outlay side.

So if you do not vote for the Obey amendment, you will be going home and having to explain to your folds that you needed to actually balance this baby out, instead what you did is, you said, well, they ought to go after some other domestic programs.

I would point out that virtually every appropriations subcommittee is today marking up and tomorrow will be marking up on bills which will cut $14 billion out of this year's spending on the domestic side of the ledger. It seems to me that any domestic cuts which are being made in this bill, it seems to me that given the fact you have got $14 billion more in cuts in very important programs that affect your home towns, it seems to me that what you ought to be doing is taking the domestic cuts which are provided for in this bill and using those on the domestic side of the ledger, on those rescissions so you ease the squeeze on other programs for working families. That is what you would also be doing if you voted for the Obey amendment.

So what my amendment will do, when we get a chance to offer it, is to simply strip away all of the add-ons that the committee made on both the spending side and the rescission side and simply give the Defense Department the authority to simply scrub their budget to find $2.5 billion in low priority, nonreadiness, nonquality of life issues or areas. So if they want to dig into their budget and find $2.5 billion of pork to pay for it, they can, without damaging domestic programs and without damaging key defense programs.

It seems to me, if you want to go home with a straight face and say that you did not meet yourself coming back on the very first financial vote that you cast after you posed for political holy pictures and voted for the balanced budget amendment to the Constitution, it seems to me that if you want to measure up to that political promise you made when you voted for that resolution, you will vote for the Obey amendment. If you do not, pure and simple, you will be adding almost $300 million to the deficit this year, almost $700 million to the deficit over 5 years.

And regardless of the way anybody tries to fancy talk their way out of it, that is a fact. CBO says it is a fact. Everybody who scores us says it is a fact. And you know it is a fact.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has consumed 7 minutes.

Mr. LIVINGSTON. Mr. Chairman, I yield 8 minutes to the gentleman from Florida [Mr. YOUNG], the distinguished chairman of the Defense Subcommittee of the Committee on Appropriations.

were several things that I asked him to agree to, which he agreed to. But we have a good, bipartisan national defense bill here today. That is what we are talking about, is national defense.

Why are we here today? We are here today because the President, over fiscal years 1994–95, has sent troops to Bosnia, has sent troops to Somalia twice, to the area of Korea, to the southwest Asian area, to Rwanda, to perform refugee interdiction off Cuba, and Haiti. And at one time, these contingency operations have involved approximately 100,000 American troops in deployments that were not planned and not paid for.

□ 1320

Where did the money come from, then, to pay for these contingencies? It came from the fourth quarter operations and maintenance and training accounts of all of the military services.

What does that mean? It means that by March 31, and this is according to the Pentagon and the Department of Defense, as of March 31 if the money has not been replaced that was spent for these contingencies that most of us were not even consulted about, that fourth quarter training is going to be degraded. The word ''degraded'' came from General Shalikashvili, the Chairman of the Joint Chiefs.

He made that point in a public hearing, that training in the fourth quarter will be seriously degraded if we do not return this money. That is what we are here for.

In addition to that, Mr. Chairman, the subcommittee added some additional readiness enhancements. We identified about $2 billion worth of similar readiness requirements that had not been provided for in anybody's request, except the field commanders and the war-fighting military.

We looked through that list and picked out $670 million that we added to this emergency readiness package.

Mr. Chairman, what is the biggest part of that additional readiness package? It is salary increases for the soldiers and the sailors and the Marines and the airmen and the airwomen and all of those who serve in the military, whether they are in the continental United States or whether they are deployed somewhere overseas on a permanent basis, or whether they are part of these contingency operations; a pay increase that this Congress required but did not provide the necessary money to fully fund. That is the biggest item in the enhancement package that we added on.

defense today is going to be one of the easiest appropriation votes Members are going to have this year, because there are going to be a lot of cutting amendments.

Nevertheless, Mr. Chairman, we came up with a rescission package that we took from nonessential items that were paid for through the defense budget that really did not add a whole lot to our national defense.

Therefore, we bring to the Members a bill, and despite all the arguments about budget authority or budget outlays or CBO numbers here and CBO numbers there, I am not really into the politics of this. I am not really into the juggling of the numbers to make something appear to be something that it is not.

I am here to provide for the strongest national defense possible for the least amount of money; in other words, squeezing to get as much as we can out of the defense dollar. That is what this bill does. We are setting a new precedent with this bill, and we are making history today, because we are for the first time paying for this supplemental appropriations bill, despite the fact that it is an emergency.

Someone just asked me out in the Speaker's lobby, ''You guys are spending for this and spending for that.'' Back up. We guys did not spend this money. We had no part of the decision in spending this money. The President of the United States decided to go to these various contingencies. He spent the money.

From a political standpoint, we could have just sat back and waited for him to send his budget request. We could have sat on it for weeks or months. That would have been very irresponsible for us to do, because this money is necessary by March 31 or we are going to stand down flying hours.

Red Flag, Members all know about Red Flag and Top Gun. Would it not be a shame to close down these training activities, and they would be closed down, if we do not provide this money? Red Flag and Top Gun are the best experience that a combat pilot will ever have, other than going into actual combat. Members can talk to any pilot anywhere in the world that has ever gone to Top Gun or Red Flag, and they will tell us that, that this is what prepares them to be superior in the air.

Would it not be a shame for us to delay this bill and have to cancel Red Flag or Top Gun? Would it not be a shame that we do not have enough money for flying time and spare parts to keep the airplanes going so that our flyers and or pilots can stay proficient has been suggested and hinted that maybe there were some pet projects in here, maybe we did something for some Congressmen that is buried that would be helpful to that Congressman or Congresswoman personally, politically, back in their districts.

There is nothing in this bill to provide a special interest project of any kind to any member of the Congress, to any defense contractor, to any special interest. There is no money in here for that. These monies are directed to the U.S. Department of Defense for training, for operations, for maintenance, for spare parts, for keeping airplanes and ships and guns and tanks and everything ready to use and ready to be used for training. It brings back our accounts that are being sorely depleted. This is readiness at its best.

Mr. Chairman, when I talk about readiness, it is important, because some of these programs are down the road. It is important to note, and one of the very distinguished generals who testified just this week before our subcommittee made the point ''There is more to readiness than just readiness. There is immediate readiness, there is midterm readiness, and there is long-term readiness. If we do not do the things today to prepare us for midterm and long-term readiness, we are going to be in serious trouble.''

Members all know the story about the three Army divisions that were rated C–3, which is considerably below the readiness rating that we would like them to have. Our colleague, the gentleman from South Carolina [FLOYD SPENCE], made this notation in a public statement.

It was argued at the Pentagon that that was not true, but finally they came back and admitted, yes, it was true. We just cannot afford to let our military be affected in this way.

Mr. Chairman, this is a good bill. Put aside the arguments over politics, or who got to offer an amendment and who did not get to offer an amendment. Remember, this is just part of the procedure. We have to go to the other body. They have to go to the subcommittee, their full committee, to the floor. We have to go to conference.

We need to expedite this activity. I ask that Members pay close attention to the debate that follows as to the seriousness of this national defense readiness bill.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would simply like to point out that all of the projects that the gentleman from Florida [Mr. YOUNG] indicated ought to proceed will There is not. The pay raise was provided last year. The military personnel will get that pay raise whether the Obey amendment passes or whether it does not. That is a red herring. The only question is where are we going to get the money for the remainder of the pay raise.

If we pass the Obey amendment, we will get it out of pork that Congress put in the DOD bill. If we do not pass the Obey amendment, we will have to cut into domestic programs in order to finance it. I think the choice is clear.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I rise today in strong support of the amendment offered by the distinguished gentleman from Wisconsin, the ranking member on the Appropriations Committee, Mr. OBEY. Mr. OBEY's amendment keeps the books clean. It provides only what the administration asked for and pays for it.

Mr. Chairman, on January 26, 1995, the House of Representatives passed a resolution to make balancing this Nation's budget a constitutional mandate.

Once ratified, the balanced budget amendment will take its place along side the right to free speech, the right to vote, freedom of religion, and the abolition of slavery.

The Members of this House considered a balanced budget so fundamental that they flocked to the floor to support it.

I supported the balanced budget amendment, because I want the budget balanced. I have urged my colleagues not to use the balanced budget amendment to give the appearance of good fiscal policy, while, in reality pushing the hard choices off until the next century.

Today, less than a month later, the balanced budget amendment will get its first at bat. If the House fails to enact the Obey amendment, the balanced budget amendment will be zero for 1 so far this season, not even good enough for a replacement player.

We will raise this Nation's deficit by $645 million by the year 2000, just 2 years before the balanced budget amendment kicks in.

This legislation we consider today contains $3.2 billion in new spending, $2.53 billion in emergency funds the Clinton administration requested, and $670 million of Republic add-ons. Despite a promise to the contrary and despite their best efforts, the Republican majority has failed to pay for all this new spending. All told, this borrow and

est in the next 2 years alone for the new defense spending they refuse to pay for today.

Clearly the most disturbing aspect of today's debate is what it means for the rest of this Congress. In the next couple of weeks we are going to have to come up with an additional $15 billion in rescissions—this year's share of the Contract on America and the California flood relief bill.

If this Congress doesn't have the intestinal fortitude to come up with $3 billion in cuts—balanced budget amendment or not—how are we possibly gong to come up with $15 billion?

Mr. Chairman, this legislation makes a sham of the balanced budget amendment, and it deceives the American people. It is a relapse back into a terrible habit I thought we would finally overcome, that of sending our children the bill for our own failed leadership.

I urge my colleagues, support the balanced budget amendment. Support the Obey amendment.

□ 1330

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding me the time.

Mr. Chairman, let me thank the chairman of the full committee and the chairman of the subcommittee and the gentleman from Pennsylvania [Mr. MURTHA] who I know worked so hard to put this together.

Mr. Chairman, this really is an emergency supplemental. We use the term ''emergency'' many times, but this really is an emergency. Those of us on the Committee on Armed Services just had the Joint Chiefs of Staff in front of us a few minutes ago, and we asked the chiefs what would happen in terms of training and readiness if we did not pass this thing. General Sullivan, Chief of Staff of the Army, said, ''Readiness will drop off the table.''

He expanded on that by saying all training, all army training will cease May 31. He furthered that by saying he would have to stop the purchase of spare parts. The Commandant of the Marine Corps, General Mundy, said under this new policy of going around the world, as the chairman has pointed out, exercised by the Clinton administration, the Marine Corps has increased what is known as personnel tempo. That means whipping personnel around the world, a few days back at home, then back out in the field, by 300 percent over what it was during the cold war.

This is an absolute emergency to get this money in. Let me just say as a

the ammunition, the spare parts and the maintenance for the young men and women who operate this military, vote ''yes'' on this bill.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. MURTHA], the ranking Democrat on the Subcommittee on National Security.

Mr. MURTHA. Mr. Chairman, a couple of things I wanted to mention about the seriousness of this legislation. All of us take credit for the number of jobs that have been reduced in the Federal Government. Out of the 150,000 jobs that will have been reduced over a 3- or 4-year period, 80 percent of those jobs came from defense, active and civilian side. Fifteen percent of the budget is defense today, defense-related. In 1960, 50 percent of the budget, or the money that we spent in the Federal Government, was for defense. It is 4 percent of the GDP. That is the lowest level of spending in history. And when somebody gets up and says you can take just a small percentage out of defense and, for instance, I have to say that the gentleman from Wisconsin [Mr. OBEY] and I normally agree that these things should not be offset. He feels strongly now because it is coming out of domestic. I do not think it ought to be offset because it is an emergency and we cannot afford to take this out of defense, and I hope in the end we will be able to work this out.

We can no longer afford to pay for these operations out of the hide of the Defense Department, because all we do is reduce readiness. All these deployments, some were agreed to, some were not agreed to, by the Congress. Some were advocated by the Congress, some were not. The President has every right to deploy troops in an emergency situation, in a national security situation. I have urged every White House over the years to consult with Congress when it is for humanitarian deployment so that we will know what the cost is and how we are going to pay for it.

The gentleman from Pennsylvania [Mr. MCDADE] and I last year worked with the national security adviser, and we came up with language that said the White House will confer with Congress before they make humanitarian deployments. No President likes to do that.

I remember when Secretary Weinberger came before the Congress, and you could not ask him one question because if you had 5 minutes, your 5 minutes were gone. I would say to him, ''You can't reduce taxes, increase defense and balance the budget, because

ture. And anything we take out of defense hurts readiness. It hurts quality of life.

I went down to Fort Campbell. Sixty percent of the children going to school on the base needed some kind of supplement from the Federal Government. They were living and had to have some sort of help to pay for their meals.

We have got a backlog of real property maintenance of $12 billion, and depot maintenance of $2 billion. So anybody who thinks there is an excess of money in the Defense Department does not understand how the system works. In the end we will have another reprogramming, we will have all kinds of changes made in the amount of money the Defense Department has. It is absolutely essential they get this legislation as quickly as possible so we can go to conference and get the whole thing worked out.

I would urge the Members to support this supplemental.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. CALLAHAN], the distinguished chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations.

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

Mr. CALLAHAN. Mr. Chairman, I rise in support of this supplemental appropriations bill for defense, paid for through various rescissions.

Let me just give a brief history of one interest I have in this bill, that is, the aid to build new homes for Russian soldiers because their governors contended that they could not move them out of the Baltics without a place to live.

So we concocted, or at least the administration did, concocted a program where the United States of America would pay for their housing.

Let me further refresh your mind and tell you that President Yeltsin and President Clinton met, first in Vancouver, and then in Tokyo, and the devised this plan where the United States of America would give them about $160 million to build new homes. Why? Because they said there was no place for them to live, no existing available homes:

We were insisting that the Russians get out of the Baltics, and the President, rightfully, so, was questioning Mr. Yeltsin about that. ''Let's get these troops out of the Baltics, let's get them back to Russia.''

Mr. Yeltsin says, ''We don't have any homes for them to live in.''

and now are giving Russian officers $25,000 each to buy an existing home.

Now, since they contended the existing homes were not available, the Russians either misled us and told us an untruth. I should think that they were erroneous and not lying to us, but, nevertheless, that is where we are.

Included in this bill is a provision to rescind $100 million of that money that was an asinine program to begin with and is even more asinine today. Because, No. 1, we cannot afford it. And, No. 2, I do not know why we should give a golden parachute to Russian military retirees, and I do not know why we should be building new homes when now existing homes are available.

This is a very small part of this rescission package, but it is a very important, a very symbolic message that we must send to the American people.

□ 1340

I serve on the Military Construction Subcommittee, and the Defense Department is telling us that they desperately need moneys for 77,000 of our own active military people in order that they can have decent housing, and we are telling them that we do not have the money.

How can we tell them that and at the same time tell the Russians, well, you people served well, come on back to Russia and we are going to give you a voucher for $25,000. This is just one good reason to support this bill and I urge Members to support it.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. WILSON] ranking member of the Subcommittee on Foreign Operations.

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

Mr. WILSON. Mr. Chairman, I would like just to point out several things about the rescission of the money for the housing for the Russian officers.

No. 1, this was a clear-cut deal that was made between the President of the United States and Boris Yeltsin in Vancouver. The deal was, the agreement America signed on to was if you will take your soldiers out of the Baltics we will assist in furnishing housing for the officers. That was not only a deal made by the President of the United States but it was then validated by the Congress, and by this rescission we are pretty well telling the Russians that it is very difficult to make a deal with the United States which the United States will keep, because the Russians then did withdraw their troops from the Baltics and now we are withdrawing our part of the agreement.

will cost $65 million of the $105 million just to abrogate those contracts before the lawsuits are filed.

This is a very bad idea. It is America reneging on its word. It is provocation to the Red Army and furthermore it is not going to save a penny.

Mr. OBEY. Mr. Chairman, may I inquire how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 14 minutes remaining, and the gentleman from Louisiana [Mr. LIVINGSTON] has 11 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I rise today in strong opposition to H.R. 889. Not only does this measure falsely proclaim to be budget neutral by virtue of offsets contained in a companion bill, H.R. 845, it provides moneys not requested by the Defense Department and not related to any new costs for unplanned defense operations. These moneys are provided by cutting other important domestic programs.

Let me clarify that I am not in opposition to our fulfilling critical obligations to defense responsibilities we maintain as a result of continuing activities around the world. I support this administration's efforts to fulfill these responsibilities. I do not, however, support unfair and unnecessary reductions to domestic programs—to the sum of $1.4 billion—to fund other defense programs that could be funded from dollars already available to that agency.

Furthermore, Mr. Chairman, we are making these cuts and misleading the American public to believe that they offset the defense supplemental. In fact, in terms of the actual spending that will result from this supplemental, the offsets fall far short. Both in fiscal year 1995 and over the next 5 years, 5-year spending by the supplemental will be nearly $650 million more than the 5-year savings from the offsets provided from cutting these domestic programs.

Mr. Chairman, among the programs slated for cuts are critical training programs for our Nation's youth. Moneys to be utilized for training and employment services for youth ages 14–21 would be eliminated. Many of these young people are at a critical juncture in their lives and at risk of dropping out of school. In my hometown, Cleveland, such a cut would reduce invaluable resources to this program by $1.3 million and reduce the number of people served by 700.

lic schools alone need $800 million just to bring them up to standard. The moneys provided in fiscal year 1995, while hardly enough to address the national need, is at least a beginning down payment to providing safe and updated facilities in which our children can learn.

It is even more important, Mr. Chairman, that the American public know these actions come when, at this very moment, the Appropriations Subcommittees are beginning to mark up the next round of additional cuts in nondefense, domestic programs. These subsequent cuts are expected to total $15–$20 billion and are to pay for disaster relief and to serve as a down payment on the Republican Contract With America. How can we in good conscience support these unnecessary defense additions knowing what's ahead for our domestic programs?

Mr. Chairman, I am opposed to using domestic discretionary spending to offset defense funding that is not associated with the emergency supplemental. I urge my colleagues to vote against this measure and to support the amendment to be offered by the gentleman from Wisconsin [Mr. OBEY].

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington [Mr. NETHERCUTT] a member of the Subcommittee on Defense.

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

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in strong support of H.R. 889, the Department of Defense emergency supplemental appropriations bill and H.R. 845, the companion recission bill. I certainly commend Chairman LIVINGSTON and Chairman YOUNG for reporting out an emergency supplemental that is fully paid for without burdening the Nation with any new taxes.

The have worked very diligently to bring this bill to the floor today, despite the fact that the administration submitted its request to us only 16 days ago on February 6.

At present, the full readiness of our Armed Forces is in jeopardy. Our troops have been engaged in an excessive number of unplanned and unbudgeted operations around the world, resulting in the deployment of 100,000 American troops within the past 4 months with nearly 50,000 troops remaining deployed today. This situation has forced our military leaders to pay

days from now, our men and women in uniform will suffer from a drastic cutback in supplies and training.

Let me share with my colleagues just a few of the consequences of inaction on this bill would have:

All U.S.-based Army units would have to stop most major training by May 31; four Navy carrier airwings would be forced to stand down and 500 aircraft would be grounded; and flight hours in the Air Force would be cut in half.

The next time a hot spot such as Bosnia or Korea or Kuwait flares up and the President orders our troops abroad on a mission, our troops will be less prepared for possible combat than they should be or will be using equipment that is below par.

Despite the urgency of this supplemental, the committee at the behest of the Speaker has fully offset all $3.2 billion of additional spending in the bill through specific recissions. This is a significant departure from previous committee practice, where the cost of emergency supplementals was enacted because it was in the national interest to do so.

Like many of my new colleagues in the freshman class, I was elected to cut government spending and maintain a strong national defense. This bill does both things.

We are now charged as Members of Congress with making hard choices that set priorities on spending scarce Federal dollars. We must decide which programs of lower priority must be cut in order to pay for the objectives of policy we enact into law. The recissions the committee has recommended are fair. The end result will be less government spending.

We have no greater priority in this body then to those American men and women in uniform who risk their lives each day to protect our borders and our vital interests abroad.

We also have, in light of the passage by this House of a constitutional amendment to balance the budget, an obligation to offset all increased spending, emergency or otherwise, and we are doing so in this bill.

Mr. Chairman, the choice is simple. We must pass this supplemental to keep our promise to the men and women of our Armed Forces, and in our current national financial condition, we must pay for it to keep our promise to the men and women of our Nation.

I strongly urge my colleagues to support this legislation.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

into the Pentagon's coffers, above and beyond what it needs, makes absolutely no sense. But offsetting those increases with cuts in funding for programs such as job training, school restoration, and the renovation of a vital component of our Nation's transportation infrastructure is bad policy, plain and simple. Is this the mandate that the voters sent last November? I don't believe so.

Quite simply, Mr. Chairman, the priorities reflected in this bill are fundamentally flawed. This is a classic guns versus butter debate. Instead of having the Pentagon trim some of its own fat this bill asks our children to shoulder the costs. Talk about shortsightedness: cutting $100 million needed for the repair, renovation, and construction of public elementary and secondary schools and slashing $200 million from the Department of Labor's training and employment services should make very clear who is serious about job creation, wage enhancement, and the American dream. Actions speak louder than words.

The legislation will also have a devastating impact upon one of the linchpins of our Nation's entire transportation infrastructure. I am speaking of the proposed rescission of $40 million for the redevelopment of Penn Station in New York City.

Mr. Chairman, it's pick on New York time again. Seventy five million passengers pass through Penn Station every year—that's 500,000 passengers a day. Penn Station is Amtrak's busiest station in the country. In fact, it serves more than 40 percent of all of Amtrak's passengers nationwide. It is also the hub for the New York City transit system, the Long Island Railroad, and New Jersey Transit. But ask any one of those passengers and they will tell you that the principal rail station of the largest city in the United States is falling apart. Penn Station is dangerous, and within 10 years the station is projected to exceed its maximum pedestrian occupancy level.

In order to address this situation, the Federal Government, the State of New York, and New York City have embarked on a cooperative plan to rebuild Penn Station.

This project enjoys bipartisan support, including that of Senators MOYNIHAN and D'AMATO, Gov. George Pataki, and Mayor Guiliani.

Mr. Chairman, the contract on America has claimed it's first victim from New York, it is outrageous that the Republican majority is stealing from Penn Station to increase the Pentagon's budget. There is no good reason why this project was singled out for the budget

easing the growing gridlock on our highways. The shops, restaurants, and other businesses that will develop in and around the station will also mean much-needed revenues for the local economy and the Federal Treasury.

The same people who criticize New York City for being too dirty and crowded are the ones most against efforts to improve Penn Station. But anyone who doubts the merits of the station's redevelopment project need only look a few blocks from where we stand today—to Union Station. Once an uninviting and unsafe gateway to our Nation's Capital, Union Station—rebuilt with millions of Federal dollars—now stands as a national model for urban renewal. I think most of my colleagues would agree that the money spent on Union Station was a wise investment. So, too, will be this investment in Penn Station.

☐ 1350

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a distinguished member of the Committee on Appropriations.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Louisiana for yielding time to me.

Mr. Chairman, I rise in support of H.R. 889.

As a freshman Member and a member of the Appropriations Committee, I commend Chairman LIVINGSTON and the chairman of the Defense Subcommittee, BILL YOUNG, for a job well done.

Mr. Chairman, let me say to my colleagues this bill is unusual. For the first time in recent years, we are paying in full for a supplemental emergency spending bill.

In the past 2 fiscal years alone, Congress spent over $13 billion in emergency spending with no offsetting cuts.

For this first time in a long time, this supplemental is not a Christmas tree full of special projects. The needs of the Defense Department are genuine, well documented and in line with our goal of combat readiness.

This supplemental bill simply replenishes accounts that have been depleted due to emergency spending for our operations abroad. Even with approval of this bill, personnel and readiness-related funding shortfalls will still exceed $2 billion for the remainder of fiscal year 1995.

We may disagree over the particular reductions, but that's the point. Each one of us could have written a different bill with different cuts. I can guarantee my colleagues that we will all have ample opportunities to offer those cuts as we move forward with the next round of rescissions and tough choices.

Virginia [Mr. MOLLOHAN].

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

Mr. MOLLOHAN. Mr. Chairman, I find myself in a difficult position here today. On the one hand, I readily acknowledge the necessity of this Defense Department supplemental because it is important to assure our military readiness. On the other hand, the rule which I just voted against—but which passed—couples this supplemental with domestic rescissions, and that is not acceptable.

Given the current budget climate, and shrinking discretionary caps, our domestic discretionary funds are all the more precious. Paying for increases in defense spending by taking money away from important domestic programs sets a dangerous precedent—one that I cannot support. Particularly when this is only the first in a series of dips we will make this year into the domestic discretionary accounts.

I oppose the domestic rescissions package proposed here today based on the policy choices it reflects. For example, the proposed $107 million rescission from the Advanced Technology Program—an initiative at the core of President Clinton's competitiveness agenda.

I welcome this opportunity to tell you about the merits of the ATP Program—the successes it can claim and its importance to our Nation's future manufacturing capability. But first I want to focus in on one point—U.S. competitiveness.

In today's global economy, our Nation is lagging behind in terms of dollars spent on research and development. In fact, in terms of civilian research and development, the U.S. ranks 28th out of 40 nations in the percentage of government funds allocated. And U.S. business investment in research and development is not making up the difference. It too is declining.

And while we sit here proposing to rescind funding from the ATP Program, across the oceans our competitors—Japan, England, Germany, Australia, and Portugal, just to name a few—are investing heavily in similar initiatives. For example, Japan is strategically targeting more than $600 million in resources to a government-private sector cost-shared program very much like ATP. They also sponsor several other programs aimed at developing basic technologies for industry. And why are they spending precious Government dollars on these programs? Because they realize that it will increase their competitiveness in ing—ATP recipients pay more than half the total cost of the research and development. This helps ensure that companies have a vested interest in the success of projects and in timely commercialization.

Some would assert that if the technology was worth developing, the private sector would do it themselves. This is simply not true. ATP projects focus on precompetitive, generic technologies. Those that industry cannot afford to develop on their own; those that will push them beyond state-of-the-art in technology development for the future.

Additionally, the report accompanying this package suggests that a rescission of $107 million in fiscal year 1995 will not do harm to the ATP Program, that it allows for funding all of our commitments. The real issue is that while a substantial amount of the ATP's appropriation for fiscal year 1995 has not been obligated as yet, essentially the entire appropriation has been committed. If this rescission package is approved, ATP will have to cancel about half of their existing competitions. Companies that have formed joint R&D ventures and that have typically invested tens of thousands of dollars in good-faith proposal writing efforts will be faced with a government which is unable to honor its commitments. Companies will conclude that the ATP Program cannot be relied on, and they will be reluctant to submit proposals in the future. This could have a devastating impact on the program.

I think as a nation it is time for us to face facts. We have underinvested in technology development. What we need now is to work to build our manufacturing capability and increase our competitiveness in the global marketplace. This goal will not be served by rescinding money from programs central to our competitiveness agenda. In fact, it would have the opposite effect. In a way, Mr. Chairman, rescinding money from ATP is very much like eating our economic seed corn. I urge my colleagues to vote ''no'' on this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, this is a bill that has one serious defect among the others, and that is the reduction in funds for the Technology Reinvestment Project and the Advanced Technology Project.

Along with the gentleman from West Virginia [Mr. MOLLOHAN], this is even worse than what we have done in the past. If we have watched, Japan took mercialization of defense technologies in the long-term, we will not have a defense which has the technologically capable systems within it.

The cost of maintaining these systems as we reduce the buy will be critical to include commercialization.

These are two important programs. The provision offered by the gentleman from Wisconsin [Mr. OBEY] protects them.

Mr. Chairman, I rise today in opposition to H.R. 889, the Department of Defense Supplemental Appropriations Act. While I support the administration's request for emergency funds to replenish its accounts for U.S. troop deployments overseas, I am dismayed that the Republicans would choose to use this emergency appropriation bill as a vehicle to kill critical dual-use technology programs like the Technology Reinvestment Project [TRP] and the Advanced Technology Program [ATP].

The rescission bill before us wipes out $502 million from TRP and $100 million from ATP. While opponents have labeled the TRP as industrial policy, and have pointed to the limited failed projects, TRP continues to be a key component to our post-cold war defense strategy. The program assists our defense companies diversify into commercial markets, and develop practical commercial technologies and products while simultaneously maintaining and improving our military superiority. Our defense industries have always been the leaders in developing cutting edge technologies, and with Government-industry partnership programs like TRP, they will continue to be. Further, having industry develop these technologies in the commercial marketplace, with the assistance of TRP, allows the Federal Government to reduce its investment in research and development of modern weapons programs and thus save taxpayers money.

Southeastern Connecticut, a region heavily dependent on Department of Defense contracts, has some of the world's most highly skilled scientists, engineers, and craftsmen in the world. However, with the end of the cold war, many defense businesses have either closed their doors completely or are barely maintaining a work force half of what they were in the late 1980's. I have always maintained that we can utilize these skills not only for defense purposes, but for commercial applications as well. And since the advent of the TRP in 1992, I have been able to witness firsthand, the successes of defense diversification.

The School of Engineering at the University of Connecticut [UConn], located in my district, received $4 million to create an Engineering Academy for Southern New England. UConn, in partnership with other New England colleges, will educate engineers to lead industry in improving the region's manufacturing competitiveness.

The Photomics Research Center, another TRP participant, is helping small photonics firms in New England convert from defense-

the Naval Undersea Warfare Center for our Navy's submarines to clean up oil spills and limit the kind of environmental damage that occurred when the Exxon Valdez ran aground off the Alaskan Coast.

Once dependent on Government contracts for weapons systems, defense contractors are now developing new technologies which are maintaining and creating jobs in the fields of manufacturing, transportation, energy, and environmental cleanup. The unique TRP, which is not needs-based but rather is a competitive program and requires a 50-50 cost sharing between Government and industry, will maintain our Nation's technological and military edge. And by preserving this unique Government-industry partnership program, valuable technologies developed in the commercial marketplace will be available at lower costs to the Department of Defense.

This program has always enjoyed the support of both Democrats and Republicans. I urge my colleagues on both sides of the aisle to continue to support this program by voting ''no'' on this bill and ''yes'' on the Obey substitute. The Obey substitute provides the requested amount of $2.5 billion and protects the TRP.

Mr. LIVINGSTON. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I yield to our colleague, the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I request a colloquy with the gentleman from Florida and the chairman of the House Appropriations Subcommittee on National Security, Representative BILL YOUNG. We would like to emphasize that dual-use technology is a valuable resource to the Department of Defense and is supported by both sides of the aisle.

Mr. YOUNG of Florida. I will respond to the gentlewoman by saying that there is broad support to preserve the defense industrial and technology base by encouraging the development of technologies with both civilian and military applications.

Ms. HARMAN. As I said earlier in the debate, such dual-use technology is a key defense strategy for affordable, leading-edge technology. Programs such as the TRP's precision laser machining project employ dual-use technology to enhance technological superiority of defense systems while lowering cots. The PLM consortium represents what has been called a dual-use triple play—first, it brings together defense and commercial firms to put the speed and precision of military laser technology to work in machine shops

Mr. YOUNG of Florida. I would respond to the distinguished gentlewoman that we do believe in the concept of dual use technology and that it provides significant benefits. In fact, the fiscal year 1995 defense appropriations bill contains $1.5 billion for dual-use efforts this year, and we are not rescinding any of that money here.

Now, the difference between dual-use programs and TRP is this: Dual-use programs go directly to military items, military issues. TRP does not necessarily do that, and we are going to scrub the TRP requests in the fiscal year 1996 bill to make sure if they are funded they will be directly related to national defense and nothing else.

I thank the gentlewoman for her inquiry.

In the few seconds I have left, I want to point out to the Members that this is something very unusual. We have received a communication from the Citizens against Government Waste. Their first sentence says,

> The Council for Citizens against Government Waste strongly endorses H.R. 845 and H.R. 889, which together make supplemental appropriations for the Department of Defense and pay for the increases with spending cuts. We oppose the Obey substitute and all other amendments. Together, H.R. 845 and H.R. 889 comprise good faith, pro-taxpayer legislation for which the Committee on Appropriations should receive credit and support, and we urge your vote for the committee's package.

That is, again, a pretty substantial statement.

In addition, if the Members would be willing to check with the American Legion or VFW or some of the other veterans organizations or military service organizations, I believe they would find also considerable support for the package that we present today.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding.

I rise in strong opposition to the defense supplemental appropriations bill and in strong support of the Obey substitute.

The original bill is objectionable in many scores. For example, it takes $1.4 billion from the domestic budget, Head Start, education, job training. It takes $1.4 billion from that and puts it to defense purposes.

In addition to that, it increases the deficit over the next 5 years, increases the deficit over the next 5 years.

Some of the cuts it makes in the domestic budget include school construction and youth employment job training. What it also cuts is the dual-use

strong objection to deleting this environmental restoration.

We are all for readiness for our forces. In order for them to be ready, they must be able to read. Let us not cut the domestic budget, and let us cut the deficit.

□ 1400

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

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

Mr. Chairman, the Gingrich-ites who run this place have been calling at every opportunity for a balanced budget. Today they are celebrating the 50th day of their contract, and they are talking about a balanced budget.

But, you know, more than any media event they pull off around the country today, what happens on this bill and this Obey substitute will tell the American people whether there is any meaning to that contract, because at this first opportunity with a bill to do something about the budget deficit, how much do we cut under this proposal? Not one penny. In fact, we add to the budget deficit.

They say they are paying for this bill? I say let us stop paying for our defense by borrowing more money. Instead of a balanced budget, what this Congress is doing is digging in the same old deficit hole, and the Gingrich-ites tell us what we need are more shovels, not to stop digging in that same hole.

The Obey substitute provides what amounts to a line-item veto to assure a commitment to a pay-as-you-go finance, and it is essential it be adopted.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the chairman for yielding this time to me.

Mr. Chairman, chapter II of this bill would save some $100 million in funding for environmental restoration and waste management at DOE. The committee report says the reductions are not to affect direct cleanup activities. It expresses no position regarding funding for work to stabilize plutonium and reduce vulnerability to criticalities and other risks at other sites, at DOE sites which have serious public health and safety implications.

I would like to ask the chairman if these efforts as well are to be directed in the same way as direct cleanup efforts?

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

million reduction.

Mr. SKAGGS. I thank the gentleman.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the ranking member.

I would just like to say that this bill, in addition to all the other reasons not to vote for it, it takes a gratuitous slap at New York by gutting the revitalization of Penn Station.

Seventy five million riders pass through the station every year. It is heavily used, and it is a mess.

Yet this takes back that money and puts it into a lot of other things that are far less needed than what we have here.

I would urge every Member of New York, whether they been Democrat or Republican, to vote against this bill so we can save the money for Penn Station and finally get that station moving again.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms ESHOO].

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

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

Mr. Chairman, I am disappointed that the first spending package produced by the majority after passing the balanced budget amendment increases the deficit by $645 million over 5 years.

The Obey substitute cuts the deficit in fiscal year 1995 and is budget-neutral over 5 years.

It allows the Secretary of Defense to protect critical programs like the Technology Reinvention Program which leverages commercial technology in a way that benefits both the Defense Department and the commercial sector.

Mr. Chairman, in a front page story yesterday, the Washington Post reported that our Nation's military leaders are increasingly convinced modern warfare is experiencing revolutionary technological changes. National security experts believe those nations who do not maintain a technological edge will face serious threats to their security.

Now, at a time when America needs to make wise investments in defense technology, the Republicans' budget-busting shopping cart of defense priorities is full of last year's models and outdated strategy.

The Obey substitute reduces the deficit, cuts pork and allows budget priorities to be based on national security

marks.)

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

Mr. Chairman, rather than voting for a measure that would seriously increase the deficit by nearly $645 million over 5 years while making fatal cuts to domestic programs such as the school improvement fund, youth job training programs, the INS emergency fund, and environmental cleanup and restoration efforts, I support the Obey substitute.

Mr. Chairman, this is a responsible alternative to the Republican emergency supplemental. It adds an additional $670 million in unrequested defense spending without identifying offsets for this spending.

This plus-up of the emergency supplemental is not for emergency funding. The Republicans are trying to tell the American people they are in favor of balancing the budget. The Obey substitute would allow the Department of Defense to guide the rescissions from lower-priority defense programs to offset this supplemental appropriations bill. It does not affect domestic cuts.

In my central California district, the cuts to the youth job training programs would impact many disadvantaged youth.

I ask my colleagues to support the Obey substitute.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California, [Mr. BROWN], the ranking member of the Committee on Science.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Obey substitute, in opposition to the bill.

My primary problem with the bill is that it resorts to the rescission of civilian programs, and it takes about half of the total rescissions from the area of technology, with which I am deeply concerned as ranking member of the Committee on Science.

The technology programs which are proposed to be cut have been described by several previous speakers, and I do not need add to that.

I would just like to make the point, however, that these programs have been developed over course of a number of years. They did not begin with the Clinton administration. They began, actually, with the Reagan and Bush administrations.

They need to be defended or else the future of this country and its techno-

fect, would make significant imporvements to the bill we are considering.

The amendment would provide the President's request of $2.54 billion in new budget authority to pay for peace-keeping missions, and no more. It would not make available an additional $670 million to increase defense readiness, which we simply do not need.

The amendment is deficit neutral. New spending would be offset totally with reductions in other defense accounts that the Secretary of Defense would allocate. Cuts in higher priority investment programs, like education and training and R&D, would not be made under this amendment to pay for defense increases.

Mr. Chairman, the direction taken in H.R. 889 is unwise and detrimental to the future of this country. The bill, if adopted in its present form, would lead us down a path that will eviscerate the R&D infrastructure of the United States.

The bill proposes increases in defense programs well above what the President has asked for, and would pay for those increases by making disproportionate cuts in R&D programs that have greater long-term payoffs.

The rescissions in this bill total $2.9 billion. About $1.3 billion or 45 percent of those cuts would be in competitively awarded, merit-based R&D programs. These cuts represent 2 percent of the entire Federal support for R&D in the current fiscal year.

Two programs that would be crippled under H.R. 889 are the Department of Defense Technology Reinvestment Program [TRP], and the Department of Commerce Advanced Technology Program [TRP]. Both of these programs leverage Federal funding with matching funds from the private sector to undertake high-risk, long-term R&D projects that have potential for large economic payoffs. These are the kinds of investments we should be making, and the Obey amendment would allow that.

Thirty years ago, Federal R&D support was over 2 percent of gross domestic product [GDP]. That level of support has eroded drastically since then. If the Congress adopts the President's fiscal year 1996 budget, Federal support for R&D would fall below 1 percent of GDP to its lowest level since 1958. This bill would make a bad situation even worse.

For years the Federal Government has given inadequate support for R&D, education and training, and other valuable public investments. This neglect has contributed significantly to the decay in our society and to the decline in our economic competitiveness and living standards. We can not let this situation continue.

We must make the investments today that are necessary to improve the future of the country and all our citizens. The Obey amendment is a step in that direction.

I urge my colleagues, on both sides of the aisle, to put aside political differences and narrow interest and to do what is right for the

Defense rescissions	DOD	TRP & Defense conversion	537.0	19
	DOD	High definition systems	15.0	1
	DOD	Environmental restoration	150.0	5
	DOD	Procurement	758.2	27
Defense subtotal			1,460.2	51
Domestic rescissions	DOC/NIST	Adv Technology Prog (ATP)	107.0	4
	NASA	Wind tunnels	400.0	14
	DOE	Clean Coal Program	200.0	7
	DOE	Environmental restoration	100.0	4
	DOE	Youth Job Training Program	200.0	7
		Other domestic programs	395.1	14
Domestic subtotal			1,402.1	49
Total rescissions			2,862.3	
Net new budget authority			346.1	

Mr. OBEY. Mr. Chairman, I yield myself the balance of the time.

I simply say, in closing, that despite the comments that have been made by three previous speakers, this bill is not paid for, this bill is not paid for, this bill is not paid for, this bill is not paid for.

It is almost $700 million short of being paid for over 5 years, almost $300 million short of being paid for over 1 year.

If you have told your constituents that you are for a constitutional amendment to balance the budget and then you vote for this bill today without the Obey amendment, you are meeting yourself coming back.

Mr. LIVINGSTON. Mr. Chairman, I yield myself the balance of the time.

I point out to the gentleman that the contentions that the bill is not paid for are ridiculous. We have not paid for supplementals in the past; we are paying for this one.

The fact is this bill costs $3.2 billion, and the defense rescissions in this bill are $1.8 billion in budget authority and nondefense rescissions are $1.4 billion, and there is a surplus of $14 million in the rescission over the cost of the bill.

This bill is needed, Mr. Chairman. We are talking about a 35-percent decline in the Defense Department in the last 11 years. The procurement amount has gone down by 17 percent over these last 11 years. We are cutting maintenance, we are cutting operations, and we are cutting training hours.

Secretary Perry on November 16, was quoted as saying that 3 divisions of the 12 Army divisions were way below adequate preparedness.

Even the President himself, on the 1st of December, said that he was at least $25 billion short on defense, and, as a matter of fact, GAO says we are $150 billion short on defense adequacy.

We are finding that jet engines are not getting repaired, troops are not getting adequate training hours, and Naval Reserves have stopped drilling. Training in Abrams tanks has been cut back because their engines are not being adequately repaired.

Military recruits have less than high school diplomas.

We are seeing accidents like F–15's shooting down U.N. helicopters and F–14's colliding. A F–14 crashed on the west coast. There was an accident on the Nimitz that killed a young seaman. Just in the last 3 days a Huey helicopter went into the sea overrunning Somalia, and a crewman was killed.

Mr. Chairman, the minority for some reason comes up with the idea, the frivolous idea, about not paying for this bill. They say we have not paid for it. We have paid for it. It is needed.

Mr. Chairman, I urge the adoption of this bill.

Mr. PASTOR. Mr. Chairman, I wish to speak in support of a much-maligned program that is being proposed for rescission under the Defense Department supplemental appropriations bill for fiscal year 1995, the Technology Reinvestment Program [TRP]. No one in this Chamber questions the need for the urgent supplemental appropriations bill for the Department of Defense. The funds are necessary to cover the costs of U.S. peacekeeping and humanitarian missions abroad. What many of us question, including myself, is the way we go about paying for these emergency costs by terminating funds for important programs like the Technology Reinvestment Program.

TRP is a unique program. It is designed to ensure that the United States has the most advanced military technology available and the most competitive commercial products found in the world marketplace. Advances in technology are occurring at a faster rate in the commercial world than in the defense industrial sector. The purpose of TRP is to give the military advance access to commercial technologies and thereby enhance our military capabilities at less expensive costs. TRP promotes the development of spin-on and spin-off technology. Under the program the Federal Government acts as an agent—a partner, if you will—in fostering public-private partnerships to develop advanced technologies with military and commercial applications.

One theme I constantly hear from both Democrats and Republicans is that Congress should develop a framework which encourages greater cooperation among government, business, and academia. TRP does just that. And with only a 2-year lifespan, this Chamber is now deciding that programs like TRP are a waste of taxpayer's moneys. This decision was made by the House Appropriations Committee without the benefit of serious public hearings. Isn't it ironic, Mr. Speaker, that while we agree in theory on the need for greater public-private partnerships, the bill we are considering rescinds $500 million for a program that will assist our military to leverage the commercial base.

Mr. Speaker, I call my colleagues' attention to recent communications I have received from Arizona attesting to the importance of the Technology Reinvestment Program. For this and other reasons, I intend to vote against H.R. 889.

ARIZONA STATE UNIVERSITY,
Tempe, AZ, February 16, 1995.

Hon. ED PASTOR,
Representative, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE PASTOR: Last week the Washington Post ran an article that was critical of a Technology Reinvestment Project (TRP) funded program at Arizona State University. The ASU project had been singled out for having a rather nondescript title and thus may become a possible target for elimination as part of H.R. 889.

I am enclosing for you a review of that project, which we are happy to re-title, ''Manufacturing Across the Curriculum''.

Manufacturing Across the Curriculum has been a very effective program to re-engineer the educational relationship among the ASU Colleges of Engineering and Business with Arizona's largest high technology employers. Together, with the assistance of federal funding, we have created a new way to educate engineers and business students that gives them the kinds of skills necessary to immediately enter manufacturing positions and contribute to the success of these companies. We have found a way to eliminate the ''ramping up'' time necessary for new hires to these companies.

One of the most innovative and exciting parts of the ASU TRP is the placement of our students at companies such as Intel, where they actually take over full manufacturing lines. Realize the extent of corporate commitment this represents in the event that the students' errors may actually shut

appropriate to keep this project from being eliminated simply because it was poorly titled. We would encourage those who have criticized this project to read the attached summary explaining its purpose and accomplishments prior to committing themselves to its demise.

Thank you for your continued interest in and support of meaningful research activities at Arizona State University.

Sincerely,

ROBERT E. BARNHILL,
Vice President.

CARBORUNDUM MICROELECTRONICS,
Phoenix, AZ, February 10, 1995.

Representative ED PASTOR,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN PASTOR: The new Congress has been quoted in recent news articles to have expressed concerns regarding the value and future of the Department of Defense sponsored Technology Reinvestment Program (TRP). We believe that the TRP is valuable to both the United States and to our Phoenix, Arizona based business. We are convinced that without it, from both a defense technology and industrial manufacturing standpoint, our country would be relinquishing a vital competitive position.

Carborundum's Microelectronics Design and Manufacturing Center in Phoenix was recently selected by the Advanced Research Projects Agency of DOD to lead a TRP program to develop more affordable electronic packaging based upon a new high performance ceramic material (aluminum nitride). If successful, this program will provide a dramatic and much needed improvement in the performance and reliability of ceramic electronic packaging for the DOD.

The continued advancement of ceramic electronic packaging is essential in the design of the future's competitive electronic systems, whether commercial or defense related. The TRP investment in this effort is in direct support of a critical U.S. industrial technology that was nearly lost to offshore manufacturers, and more specifically to the Japanese. In fact, over 80% of the current ceramic packaging needs of DOD are supplied by Japan. The playing field in this arena has not been level. The Japanese have been, both through financial and other means, subsidized by their government, while at the same time, American industry has maintained a robust competitive position, defending a basic national capability, with its own funding sources.

At our Phoenix, Arizona facility, we are determined to use the TRP 50/50 funding program to expedite the development of a new superior ceramic packaging material, aluminum nitride. We believe in the spirit of the new TRP format that relies on the joint investment of both government and industry. We are convinced that the result of this effort will be a lower cost, economical material that will meet the technical and cost objectives of the DOD. In addition, spin off benefits will include the development of a wealth generator for our country, increased market share for American industry, and an expansion in our Arizona employment base.

This technology is important now and for the 21st Century. The TRP provides the necessary defense, saves taxpayers money, and creates jobs, most of my colleagues would be jumping up to support it.

Well, there is such a program, and it's called the Technology Reinvestment Project, or TRP. But rather than support such a program, this bill would kill it.

That's a sad case of misplaced priorities, and I hope funding for TRP will be fully restored before this defense supplemental appropriations bill is sent to the President.

TRP was created in 1993 to deal with two conflicting realities of the post-cold-war world. The first reality is that our national security depends ever more on superior technology. The second reality is that in an age of huge budget deficits, we often can't afford to develop such technology solely for defense.

The answer to that dilemma is the concept of dual-use technology—cutting-edge technology that has both defense and commercial applications.

The TRP program is the centerpiece of our dual-use strategy. TRP awards matching funds to industry-led projects that have the potential both to strengthen our national defense and to develop competitive commercial products.

I want to underscore two critical aspects of this program. One is that projects are competitively selected purely on the basis of merit. Two, the program requires private industry to put up matching grants. For an investment of less than $500 million a year, TRP has leveraged billions of private dollars for research and development.

To me, that sounds like a great deal for the taxpayer.

I know that TRP works because I've seen the results in my own district.

TRP funding has made possible a partnership in Wallingford, CT, between Dow Chemical Co. and United Technologies Corp. to develop lighter, quieter, more fuel-efficient materials for aircraft construction. These new materials will be used on both the F–22 advanced tactical fighter and commercial aircraft. Because of these commercial opportunities, production costs for the Defense Department may be reduced by as much as 50 percent.

There are winners all around.

The Defense Department wins because its getting a better jet fighter.

Taxpayers win because they're paying less for critical defense technology.

The two companies involved win because they're developing whole new commercial markets.

And the people of my district win because good-paying jobs are being created.

At the direction of then-chairman, Ron Dellums, the National Security Committee staff last year surveyed TRP grant winners from the first year of the program. Responses were received from less than a fourth of the winners. But even that small number estimated a potential annual commercial market of $4.7 billion for their new technologies, creating or sustaining 18,000 jobs. Keep in mind that's on various overseas military expeditions and pay for it by cutting both defense and domestic programs.

It is the first time in my memory where Congress has cut domestic programs—like clean coal technology, worker retraining, and new school construction—to pay for our invasion of Haiti, missions to Bosnia, our withdrawal from Somalia, and Cuban refugee programs. This legislation takes money from potential job-creating initiatives like clean coal technology and worker retraining and instead funnels into wasteful programs such as paying back our allies for equipment they used to help with our invasion of Haiti.

There is no reason why other defense programs, or our foreign aid program, cannot be cut to accommodate this supplemental appropriation. It makes no sense to me to cut or eliminate programs which actually help people find jobs in order to help the Pentagon balance its budget.

Two programs in particular will, if eliminated, be very detrimental to my congressional district.

The Clean Coal Technology Program faces a $200 million cut from 1996 and 1997, a program which is essential to exploring future markets for high-sulfur Illinois coal; and the $100 million new school construction fund, which will be eliminated under this bill. This program is one from which the Carterville School District is interested in vying for funding for construction of its new school.

Mr. Chairman, to shift domestic funds to pay for overseas military operations is a troublesome precedent. I urge my colleagues to vote against this misguided bill and vote for the Obey substitute, which will pay for this supplemental by using defense funds and not cut into domestic programs.

Mr. COLEMAN. Mr. Chairman, I rise in support of a supplemental appropriation for the Department of Defense and in opposition to the rescissions contained in H.R. 889, the Department of Defense Supplemental Appropriations and Non-Defense Appropriations Rescissions Act of 1995. I feel that this piece of legislation cuts many defense programs important to our national security and that the President's request is justified emergency spending which should not be offset.

I support our military's forays into diverse countries like Rwanda, Somalia, Bosnia, and Haiti. I also want to improve the combat readiness of our Armed Forces which this bill begins to do. However, this bill goes too far in gutting vital programs such as the Technology Reinvestment Program [TRP], environmental restoration programs, and a program to help Russian and Eastern Europe pay for dismantling weapons, among others.

A program such as the TRP is very important to our national security interests. I, and others, feel that the TRP is vitally necessary to our country's future as we position ourselves strategically in the post-cold-war era.

targeting are in the following thrust areas: computers and software, electronics, sensors, simulation and manufacturing. Pushing these areas will ensure that commercial firms in this country can supply the superior technologies that will maintain our military advantage.

This bill also cuts $150 million in environmental restoration projects going on throughout the country. As you know, Mr. Chairman, DOD environmental programs support the readiness of U.S. forces by protecting military personnel and their families from environmental, safety, and health hazards. The programs ensure the usefulness and long-term viability of DOD lands and facilities. Major environmental priorities include actions to achieve compliance with existing laws and regulations, pollution prevention, and cleanup of past contamination. We simply cannot cut these funds.

In 1990, Congress and President Bush agreed that we needed to maintain the flexibility to fund unforeseen emergencies. Congress and President Bush recognized then that we do not have a reliable method to budget for these unforeseen costs.

No one could have, nor did anyone, predict the number of conflicts to which our military would be asked to respond. What we can not afford to do is to continue to depend on an unreliable method to forecast the scope of these supplementals. We should not begin the practice of haphazardly cutting programs in the middle of their fiscal year to pay for defense missions or natural disasters. Until Congress devises a method to budget for these unforeseen costs, we should keep the supplementals to the minimum amount and classify them as what they are—emergencies.

Mr. OBEY, the distinguished ranking member of the Appropriations Committee, has offered an equitable alternative. The Obey substitute offsets defense spending with defense cuts without requiring cuts in nondefense programs. The Obey substitute grants the Secretary of Defense the authority to reduce or eliminate funding of low-priority defense programs without jeopardizing military readiness. Unlike the majority's bill, the Obey substitute is deficit neutral.

Mr. Chairman, given that as we speak committee staff is working on additional $15 billion in cuts in nondefense programs to pay for disaster relief supplemental and the so-called Contract With America, I believe it is unconscionable to ask nondefense programs to pay for peacekeeping and military relief missions.

Mr. Chairman, I strongly support a supplemental appropriation for Defense. I oppose the rescissions contained in H.R. 889. Therefore, I cannot support the Department of Defense Supplemental Appropriations and Non-Defense Appropriations Rescissions Act in its current form.

Mr. MCDADE. Mr. Chairman, I would like to take this opportunity to commend my friend, BILL YOUNG, who as chairman of the Subcommittee on National Security moved quickly and skillfully to bring together this vital emergency supplemental—despite the inaction and the lack of communication from the White House. This subcommittee has always worked in a bipartisan manner in the interest of maintaining our national defense, and I know we will continue to do what we can to preserve our military capabilities.

Mr. Chairman, I will be brief. During the past 16 months, American men and women have been scattered across the globe to take part in 13 different contingency operations—in places like Haiti, Bosnia, Somalia, Rwanda, Iraq, and Korea. These operations—which have involved the deployment of more than 100,000 U.S. troops—are not planned expenses in the annual military budgets. We do not plan for operations like these—but we do have to pay for them.

The annual defense budget is a peacetime budget—it is to train and equip our troops, to support them, and to keep them ready for when we need to call upon them. And let me remind you all that the 1995 defense budget was the 10th consecutive year of reduced defense spending, in constant dollars. Ten straight years of defense cuts—a 35-percent reduction between 1985 and 1995.

This emergency supplemental is an emergency. If we don't pay now, our troops will pay later. Both the Secretary of Defense and the Chairman of the Joint Chiefs of Staff testified that if this supplemental is delayed, then regular training, flight hours, and needed equipment repair and maintenance will not get done this year. Our readiness will be degraded, and our troops will suffer.

As has been noted, this emergency supplemental does contain offsets and rescissions which free up the readiness moneys we need for our troops without adding to the deficit. Half of the cuts in the supplemental come from low-priority DOD accounts, and half come from non-DOD rescissions.

I am pleased that we have been able to put together a budget-neutral Defense supplemental. The 104th Congress is listening to the American people and we are attacking the deficit. But I want to caution that we may not always be able to find offsets to pay for military contingency operations. If we commit our troops to these operations, I firmly believe we must be prepared to pay for them—and not decimate the readiness accounts in the regular defense budget.

I believe that when we commit our troops to these unplanned operations and put them in harm's way, we also make the commitment to keep up their training, their equipment, and their morale. That's what this bill does, and I urge its adoption.

Mr. RICHARDSON. Mr. Chairman, I have great reservation about today's Defense rescissions bill. I am concerned that H.R. 889 cuts into important programs that puts Americans in the battlefield at-risk and this is the reason I am opposing it. The Appropriations committee has cut funding for many important programs including the System Improvement Committee's actions are inconsistent with its intent of preserving the readiness of our troops. By indiscriminately cutting the SIP Program, Congress is turning a blind eye to our electronic warfare needs in the name of readiness. Why sacrifice force structure for readiness? Readiness and force structure must be addressed simultaneously. I hope that this issue will be fully addressed before these cuts are finalized.

This is the first time in 13 years I have voted against a Defense bill—I do so not only because it affects Cannon Air Base in my district but because it is a bad bill.

Mr. NADLER. Mr. Chairman, I rise in support of the substitute to the bill. The gentleman from Wisconsin's substitute would successfully offset the $2.5 billion in supplemental defense appropriations requested by the administration, without eliminating valuable programs which invest in our Nation's future. I am particularly concerned about maintaining congressional commitment for the Penn Station/Farley Building renovations in my district in New York City.

Penn Station is the single most heavily used intermodal transportation facility in the country, serving passengers not only in the Northeast corridor, but also to and from points south and west. In fact, 75 million passengers use Penn Station each year. This station is a significant component of our passenger rail infrastructure.

A number of regional private and public entities have acknowledged that the current underground facility is inadequate, decrepit, and overcrowded, pushing Amtrak, commuter-train and subway riders into the same space. These entities have committed funding for improvements to the station. So far, the Long Island Railroad has completed its $200 million portion of the project. New York City and State have signed an agreement to fund their $100 million share. New Jersey transit will renovate its portion as Amtrak moves to the Farley Building. Amtrak will fund its portion of the project with revenues from commerce that will be attracted to the renovated Farley Building. Additionally, the Federal Railroad Administration and the Department of Transportation have sited Penn Station renovations as a high priority project, and the administration has proposed a $50 million expenditure for the project in fiscal year 1996. During a time when we are seeking funding based on public-private partnerships, this rescission is particularly shortsighted.

Congress provided $10 million in fiscal year 1994 for this project, and should continue its contribution to the public/private partnership which will benefit many Americans throughout the country. The funding which is proposed to be rescinded today is modest compared with other transportation expenditures for projects serving far fewer Americans.

In conclusion, Mr. Speaker, the Penn Station project is underway, the State and local governments have committed to pay for the bulk of the project, and Federal support makes

ations for which no funds were budgeted. Because these operations were not foreseen or planned for, enormous sums consumed by these operations cannot be compensated through normal budgetary channels within the Department of Defense.

The administration has stated that this is an emergency situation. Without additional funding, military readiness will be seriously jeopardized and we will be unable to fully finance the long overdue military pay raise Congress promised last year. It should be stressed that this is an emergency of the administration's own making. Many of the administration's military adventures abroad are not only expensive, but highly questionable. But if we don't replace the funds robbed from personnel and readiness concerns, the administration won't suffer, and this Congress won't suffer. But the people who will suffer are the men and women of the U.S. military who are trying to carry out their orders without adequate support. For that reason I support these bills.

Under our budget rules we don't have to offset this spending, we could simply increase the deficit. The administration wanted us to do just that. But, we can't just follow the letter of the law, we have to follow the spirit in which it is intended and do what's best for our Nation.

Both the administration and Congress have a moral obligation to offset the spending contained in this bill. The administration abdicated their responsibility, we can't afford to do the same. We have to be willing to do what the administration wasn't willing to do—we have to pay for things as we go. We have to make the tough choices and bring spending under control.

This bill will ensure that our Armed Forces get the funding they need to carry out their missions, while at the same time we will fulfill our obligation to bring the deficit under control.

I urge my colleagues to support these bills and the rule.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of H.R. 889, modified by adding the text of the bill, H.R. 845, is considered as an original bill for the purpose of amendment and is considered as having been read.

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

H.R. 889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the Department of Defense to preserve

For an additional amount for ''Military Personnel, Army,'' $69,300,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy,'' $49,500,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps,'' $10,400,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force,'' $71,700,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy,'' $4,600,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army,'' $958,600,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy,'' $347,600,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps,'' $38,000,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force,'' $888,700,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

and Maintenance, Navy Reserve,'' $6,400,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army,'' $28,600,000, to remain available until September 30, 1997: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force,'' $8,100,000, to remain available until September 30, 1997: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program,'' $14,000,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II

RESCINDING CERTAIN BUDGET AUTHORITY

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $15,000,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $18,800,000 are rescinded.

ENVIRONMENTAL RESTORATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $150,000,000 are rescinded.

FORMER SOVIET UNION THREAT REDUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $80,000,000 are rescinded.

PROCUREMENT

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–139, $15,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $71,400,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $30,000,000 are rescinded.

DEFENSE PRODUCTION ACT PURCHASES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $100,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–139, $28,300,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $19,700,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–139, $1,200,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $58,900,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–139, $93,800,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $75,800,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–139, $77,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $491,600,000 are rescinded.

RELATED AGENCIES

NATIONAL SECURITY EDUCATION TRUST FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, Public Law 103–50, Public Law 103–139, and Public Law 103–335, $161,287,000 are rescinded: *Provided*, That the balance of funds in the National Security Education Trust Fund (established pursuant to section 804 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904)), other than such amount as is necessary for obligations made before the date of the enactment of this Act, is hereby reduced to zero: *Provided further*, That no outlay may be made from the Fund after the date of the enactment of this Act other than to liquidate an obligation made before such date and upon liquidation of all such obligations made before such date, the Fund shall be closed: *Provided further*, That no obligation may be made from the Fund after the date of the enactment of this Act.

emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy,'' $68,200,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps,'' $3,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force,'' $70,400,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army,'' $6,500,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy,'' $5,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps,'' $1,300,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force,'' $2,800,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army,'' $11,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force,'' $5,000,000: *Provided*, That such amount is designated by

suant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy,'' $107,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps,'' $46,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force,'' $80,400,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve,'' $13,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve,'' $18,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve,'' $1,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve,'' $2,600,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard,'' $10,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357, 2390) and sections 2608 and 2350j of title 10, United States Code, all funds received by the United States as reimbursement for expenses for which funds are provided in this Act shall be deposited in the Treasury as miscellaneous receipts.

This Act may be cited as the ''Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995''.

TITLE V

That the following rescissions of budget authority are made, namely:

CHAPTER I

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $70,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317 for the Advanced Technology Program, $107,000,000 are rescinded.

CHAPTER II

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $100,000,000 are rescinded.

CHAPTER III

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $62,014,000 are rescinded.

CHAPTER IV

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1996, $50,000,000 are rescinded and of the funds made available under this heading for obligation in fiscal year 1997, $150,000,000 are rescinded: *Provided,* That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

CHAPTER V

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for carrying out title II, part C of the Job Training Partnership Act, $200,000,000 are rescinded.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for new education infrastructure improvement grants, $100,000,000 are rescinded.

CHAPTER VI

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

LOCAL RAIL FREIGHT ASSISTANCE

(RESCISSION)

Of the available balances under this heading, $13,126,000 are rescinded.

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–331, $40,000,000 are rescinded.

CHAPTER VII

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

INDEPENDENT AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICAL FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, for construction of wind tunnels, $400,000,000 are rescinded.

The CHAIRMAN. No other amendment shall be made in order except an amendment in the nature of a substitute printed in House Report 104–44.

For what purpose does the gentleman from Wisconsin rise?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment in the nature of a substitute offered by Mr. OBEY:

Strike all after the enacting clause and insert the following: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the Department of Defense to preserve and enhance military readiness for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army,'' $69,300,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy,'' $49,500,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps,'' $10,400,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force,'' $71,700,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy,'' $4,600,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy,'' $347,600,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps,'' $38,000,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force,'' $888,700,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide,'' $43,200,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve,'' $6,400,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army,'' $28,600,000, to remain available until September 30, 1997: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force,'' $8,100,000, to remain available until September 30, 1997: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program,'' $14,000,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

to carry out this paragraph, the Secretary of Defense, to the maximum extent feasible (1) shall cancel or reduce only programs, projects, and activities that the Secretary determines are of the lowest priority; and (2) shall not cancel or reduce any program, project, or activity that the Secretary determines directly affects force readiness or the quality of life for service members and their families. No rescission, cancellation, or reduction under this paragraph shall take effect until 30 days after the Secretary of Defense submits to the Congress a notification of the proposed cancellations and reductions.

TITLE III

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357, 2390) and sections 2608 and 2350j of title 10, United States Code, all funds received by the United States as reimbursement for expenses for which funds are provided in this Act shall be deposited in the Treasury as miscellaneous receipts.

This Act may be cited as the ''Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995''.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized in opposition for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I need, I think, to once again explain something. This is very elemental, but very important.

It is true that the Committee on the Appropriations operates by approving new budget authority, but in fact, ever since the Budget Act was passed, we must abide by the CBO scoring on outlays because the deficit is determined by what our outlays are, not what our budget authority is. And the fact is that, while we have a great effort on the Republican side of the aisle to suggest that this package is paid for today, in fact it is not. The Congressional Budget Office, which is the neutral scorekeeping operation, indicates very clearly that this bill will result in almost $300 million more in outlays than we would have if we did not pass it, and over 5 years it would result in spending almost $700 million more in outlays, which is the only way to count under the budget rules, to the deficit over 5 years.

Now what is happening here is very simple. Both sides agree that we ought to reimburse the Pentagon for expenses

numbers.

I say to my colleagues, ''You cannot do that if you want to look your constituents squarely in the eyes. The fact is that without the Obey amendment you will go home tonight having voted to expand the deficit, and that will be the first vote that you have cast on an appropriation bill since you proudly told your constituents that you were for a balanced budget amendment to the Constitution.''

I say that to cast an inconsistent vote like that is—well, I will not say it. It would be against the House rules, but it would not be kind. Let me simply explain the amendment.

What the amendment says is that we should simply go back to the original administration request, provide the $2.5 billion to replenish the funds that the Pentagon wanted replenished, and then, to make certain that it is paid for, we simply give the Secretary of Defense the authority to select low priority, nonreadiness, non-equality-of-life programs for rescissions in order to fully pay for it. That is all this amendment does.

Now I would suggest to my colleagues, ''Why?'' Why should we shield projects such as the Wyoming project to assist the Fish and Wildlife Service to ensure that young ferrets have the best opportunity to survive when released into wild prairie dog colonies? Why are we going through this elaborate charade to protect those kinds of projects? What we are asking is to pay for what the Pentagon is asking for, give the Secretary of Defense the ability to knock out baloney like that rather than going after other items which are of much higher priority to the Defense Department and much higher priority to some people who are concerned about domestic programs.

Why should we also refuse to scrub the defense budget for the last one-half of 1 percent that would be necessary to honestly balance the budget on this bill? I ask, ''Why shouldn't we do that? Why should we continue to protect, for instance, the two executive jets added to the defense bill last year despite the fact that the Pentagon never requested them? Why should we be looking at adding $21 million to extend and upgrade the runway and fueling system at Tinker Air Force Base even though Tinker Air Force Base may be scheduled for base closing under the next base closing round?''

So, to me it is very simple, it is very simple. I say to my colleagues, ''If you want to go home to your constituents tonight and say that you have actually

is give the Secretary the authority to eliminate low grade projects and low grade pork such as the items I've mentioned rather than going after much more important programs in the budget.''

I urge my colleagues to vote for the Obey amendment.

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

Mr. Chairman, I want to point out that the gentleman's amendment would, in fact, eliminate $1.46 billion in specific, specific Department of Defense, rescissions that the committee has identified as being low priority, and that is twice the amount of actual rescissions that anybody, the President, the Defense Department, has ever talked about. In the President's letter he says he would ask the Secretary of Defense to identify approximately $700 million in nonspecific reductions. He has not identified them. He just says he will allow the Secretary of Defense to just pick them out of a hat. We do not know what they are going to be. Second, the Obey substitute grants line-item veto authority to the Department of Defense to do exactly the same thing, to find, cancel, and reduce up to $2.25 billion in previously appropriated funds. No congressional review is provided. The cancellation is automatic after 30 days of notification. It gives the Department of Defense, the Secretary of Defense, the authority to just pick them out of the hat without any congressional review. Third, it eliminates the enhanced readiness funding that the Department of Defense and all of their leaders say they desperately need by $670 million. Fourth, it would eliminate some $1.4 billion in nondefense offsets that we have used to pay for the programs that everybody on the other side says we are not paying for. We have specified nondefense items proposed for reduction in the companion bill that has been incorporated in this bill that are low priority.

We have an opportunity to reduce spending, and we should do it mainly in the foreign aid programs and low-priority domestic programs. The real flaw, Mr. Chairman, in the Obey amendment is that even if we give the Secretary line-item veto authority to cut $2.5 billion, he cannot do it. He is not going to do it. He could not even find $700 million like the President wanted him to find initially as stated in a letter to our committee last month. To this very day the Secretary of Defense has yet to identify 1 red cent of cuts, not 1 red cent.

even guarantee budget authority cuts.

□ 1420

In fact, the argument has been made that by adopting the Obey substitute and giving the Secretary of Defense line-item veto authority, he can make the bill outlay-neutral. Well, who knows? Who knows what the Secretary might do? Who knows what programs he might cut? Depending on the mix of cuts he picks, we might not get as many outlay cuts as are in the bill that is actually before us today. What if the Secretary goes after long-lead procurement? What if he goes after critical readiness accounts?

Giving the Secretary line-item veto is just buying a pig in a poke—we take specific cuts now and capture the savings now. Actually the substitute makes no sense at all.

Mr. Chairman, I urge the House to defeat the Obey substitute and vote ''aye'' on the final bill.

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

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman says that the Obey amendment does not guarantee that this money will be saved? I want to quote from page 5, lines 22, 23, and 24:

> Of the total funds made available for the Department of Defense in Public Law 103–335, $2,250,000,000 are rescinded.

Mr. Chairman, we cannot get more plain than that.

Mr. Chairman, I yield 5 minutes to the distinguished ranking minority member of the Subcommittee on Defense, the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, in December I took a trip down to Fort Hood, where I met with 3 of the division commanders. In the continental United States there are eight divisions, and I met with three of them. We talked about the readiness at Fort Hood and the problem they have had with lack of money in order to maintain readiness.

I do not mean to say that if they were to be deployed, by the time transportation would be available they would not be ready to move. But they were in a state of sea readiness, which is substantially below the rate we would like to see if they were to go into combat tomorrow. We could probably get them up to a top level in 30 to 45 days.

But the key to our success in deploying troops to Saudi Arabia in order to stop the Iraqis was the fact that we had troops ready to move and we were able

From Fort Hood I went down to Fort McPherson, where I met two more of the division commanders. So I met with five of the eight division commanders. Each one of them said to me that their readiness was on shaky grounds, that they had a state of readiness where they were concerned about the amount of money available.

I disagree with what the gentleman from Wisconsin is trying to do. In the past we have always felt that emergency supplementals should not be offset. He takes a different position, and I understand that. His position is that because of the balanced budget amendment, it ought to be offset. I take the position, the same position I have always taken, that this is an emergency supplemental, we are paying for deployments that the President ordered, they are humanitarian type deployments in most cases—the Kuwaiti deployment was paid for by the Kuwaitis—and they should not be offset.

As a matter of fact, when I was down at Fort McPherson, we went on down to Fort Bragg, and I talked to a couple of NCO's who are doing the training. The one NCO who had been in the Army for about 5 years took two salad dressing containers, and he said, ''This is the way I train my troops. I move this salad container''—I said, ''Wait a minute. You are not using this one?'' He said, ''No, we don't have what's necessary in order to do an adequate job of training because the money has been cut back so much.''

This is an example from enlisted people of what is involved in the actual training.

We had a terrible tragedy the other day at one of the bases. Some of the Rangers were involved. That is very difficult training. It is some of the most difficult training in any of the Armed Forces. They push them to the hilt. I do not know that happened there. I hope this did not happen because of inadequate supervision. I hope it did not happen because they did not have the money to get the helicopters out there. I have no idea what the results were, but I am concerned when those kinds of accidents start to happen.

At one time in the 1970's we only flew about 12 hours a month. We had accidents with some of the airplanes of the Air Force, and we had a very high accident rate. When we start losing the training time, we start increasing the accidents, and it is counterproductive and it costs us a lot more money.

We have been very careful in the way we have reduced the structure of the Armed Forces. As I said before, we

Obviously, our main line of defense is nuclear deterrence. We also have to worry about the possibility of somebody floating a nuclear device into one of our harbors, and we have to spend money on those kinds of things.

I am convinced that the offset that my friend, the gentleman from Wisconsin [Mr. OBEY], offers goes too far. I am not in favor of rescissions, but I would rather see Mr. OBEY's offset defeated, have us pass the bill as it is, and will work it out in conference.

Mr. Chairman, I urge a defeat of the Obey substitute and passage of the bill so we can get it to conference.

Mr. LIVINGSTON. Mr. Chairman, I am delighted to yield 2 minutes to the distinguished gentleman from Tennessee [Mr. HILLEARY].

Mr. HILLEARY. Mr. Chairman, I rise to engage the gentleman from California [Mr. LEWIS], the chairman of the subcommittee dealing with NASA, in a colloquy, if he is willing.

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield, I would be happy to do so.

Mr. HILLEARY. Mr. Chairman, as the gentleman is aware, my district contains the Engineering Development Center at Arnold Air Force Base near Tullahoma, and we believe that is an ideal place to locate new aeronautical facilities for NASA.

I was wondering if the gentleman could clarify the effect that this rescission bill will have on our ability to develop new wind tunnels.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, the rescission bill does specifically put on the block the authority for some $400 million for proposed wind tunnels. Frankly, it is time for us to rethink that whole technology and the Federal Government's appropriate role in it. It does not necessarily eliminate the possibility of the Federal Government's being involved over time.

Mr. HILLEARY. I think one of the stipulations with this original $400 million we are rescinding in this bill was that the President would include in his fiscal year package for 1996 an additional $400 million.

Mr. LEWIS of California. That is correct.

Mr. HILLEARY. And he did not do that.

Mr. LEWIS of California. Yes. When the $400 million was appropriated last year, the NASA appropriation bill contained a statutory requirement that the administration at least match the funds in the fiscal year 1996 budget. However, they did not do so.

bill today. Over time I fully expect that our subcommittee will address the question in a different way and perhaps redesign whatever the role of the Federal Government is that may be involved. I do expect that technology to go forward.

Mr. HILLEARY. Mr. Chairman, I thank the gentleman.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the exchange that we just heard demonstrates why the committee bill does not in fact balance the budget. On the wind-tunnel item, that money was appropriated subject to authorization. It has never been authorized.

Therefore, CBO itself has indicated correctly that since it has not been authorized, it cannot be spent. Even though it cannot be spent, the committee amendment cuts the money and pretends it saves money. CBO says we have not saved any money by cutting the wind-tunnel item because there was no money there to be spent in the first place.

Mr. Chairman, that is why the Republican proposal does not balance the budget, because it cuts funny money, and it does it twice.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. PETERSON].

□ 1430

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I support the Obey amendment for several different reasons. I would prefer, first of all, that we did not offset this money. I think that we are talking about an emergency appropriation here, and I think we are setting a precedent here that is very, very dangerous. Here is why.

We are going to look into the future and future administrations are going to have to look at national security decisions, that is, as to whether or not we are going to do some early intervention, that is to say take care of the cold before we get pneumonia in national security. We are going to have to look at that as a budgetary problem, as opposed to a national security problem.

I think we are going to have administrations in the future not taking the kinds of early action that we must in order to protect the national security of this country.

Now, that is the first side. However, if we are going to offset this, and if we are going to start out by taking $1.8 billion out of the Defense Department

money to assist the Russian Government and some of the satellite countries to reduce the nuclear threat, then that threat reemerges to us and we have to increase our DOD budget to meet that new threat. That is part of it.

The other part on that particular element, Nunn-Lugar, we are taking out of Russia and the satellite countries nuclear scientists and allowing them to stay in the country instead of selling their information to Iraq, Iran, Libya, and other rogue countries throughout the world that would in fact bring us a greater threat, thereby again increasing the DOD budget.

The TRP I think has been adequately discussed here. Clearly that is a program that makes us money, the transfer of technology between civilian and military in a joint use. We are getting 100 percent more on our dollar than we would otherwise.

Then there is the Russian housing that everybody wants to make fun of. Mr. Chairman, Russia is not a potted plant. They are a threat to this country from a national security standpoint, and we have got to do everything in our power to make sure that that threat does not rise beyond our ability to meet it.

Mr. LIVINGSTON. Mr. Chairman, might I inquire how much time each side has?

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has 24½ minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 15½ minutes remaining.

Mr. LIVINGSTON. Mr. Chairman, I yield myself 1 minute to point out only the Penn Station and the wind tunnel projects were both appropriated but not authorized. We are rescinding the appropriations. That is a real rescission. They were appropriated in previous bills. So we are cutting those out until such time as this House deliberates in the authorization committees and determines that they are worthwhile projects and should go forward.

As far as the Nunn-Lugar money, we are not cutting any money out to denuke the Russians. We are cutting money out to resettle the Russian soldiers in $25,000 plush complexes when some of our own service people are living in substandard housing.

Finally, I just want to reiterate, this entire bill is supported by the Citizens Against Government Waste. Tom Shatz, the president of that group, said that this is good faith, pro-taxpayer legislation for which the Appropriations Committee should receive credit

my distinguished colleague and chairman of the Committee on Appropriations for yielding and the fine job he is doing, along with the entire Committee on Appropriations.

As a member of the Committee on National Security for now 9 years and this session chairman of the Research and Technology Subcommittee, I have to share with my colleagues the frustration that I felt this morning sitting in on our hearing, full committee hearing, where we had the heads of the services come in and practically beg us to support the supplemental on the floor today. They made some very dire predictions to us of what would occur if we did not in fact fund this supplemental, and told us in very real terms what would happen in terms of Army training, shutting down at the end of May of this year, the Navy not being able to go forward with maintenance and operations and upkeep of our basic naval ships and vessels, and what really bothered me is that here we are now facing the prospect of funding a supplemental, which I totally support and congratulate the chairman and the subcommittee chairmen for fully paying for, when the real debate here should be focused on the administration's policy of committing our troops in places without the prior consent of this body.

As I pointed out last week on the House floor during the debate on the National Security Revitalization Act, what frustrates me the most today is a situation like we see going on in Haiti where we are using DOD dollars to pay the salaries and the benefits of troops from Bangladesh, Nepal, Guatemala, and other Third-World nations.

Here we are using DOD money to fund the full costs and benefits for foreign troops, when a unit of 600 troops of the Second Armored Division in Texas had to train in a tank range as though they were in tanks, because we did not have enough money to support the fuel and maintenance costs of keeping that tank unit operational and prepared.

Here we have a situation where the defense budget has been cut over 5 years by 25 percent, yet during that same 5-year time period, nondefense spending in the defense bill has increased by 361 percent. So while we are dramatically downsizing the amount of defense spending, we are rapidly increasing those items in the defense budget that our good leadership has seen fit to take out and say hey, we have a readiness problem. We have a problem with modernization, and we cannot fund these other niceties that Members of Congress want to stick in

want to use my time for the purpose of engaging in a colloquy with the gentleman from Florida [Mr. YOUNG].

Mr. Chairman, I want to clarify the language included in H.R. 889 as it relates to the rescission of $150 million in environmental cleanup activities. Is it the committee's intent for the Secretary of Defense to retain discretion over the remaining $1.6 billion included in the Defense environmental restoration account?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Yes, that is the intention of the committee.

Mr. UNDERWOOD. I also understand that the legislation still enables the Department of Defense to proceed with their fiscal year 1995 environmental restoration program. Is that correct?

Mr. YOUNG of Florida. The gentleman is correct.

Mr. UNDERWOOD. I thank the chairman for clarifying this matter which will support the release of $1.3 million from DERA for the cleanup of excess military lands identified for transfer to Guam under Public Law 103–339.

Mr. Chairman, I rise today in opposition to H.R. 889 and in support of the Obey amendment. I oppose the legislation before us not because I do not believe in being fiscally responsible, but because the current bill would seriously hamper our commitment to environmental cleanup and jeopardize the process of transfer of military lands in which we are engaged throughout our Nation. The Obey amendment offers a sensible alternative.

The package before us today would rescind $150 million from the Defense environmental restoration account or DERA. While I understand the difficult task that the appropriators had in coming up with rescissions that will fund ongoing contingency operations, I believe that taking it from DERA is the wrong place to look.

DERA is part of the so-called nontraditional defense spending that is under attack these days. It may be easy to assume that by curtailing funding for environmental surveys and studies we will reduce DOD's responsibilities. The reality is quite the contrary.

By taking this action today, we will not reduce DOD's responsibility one iota. And environmental cleanup is not something that we can relegate to the private sector or assume that charities will take over. This is not so much a Government program, as a Government responsibility. The Secretary of Defense requested this $150 million in fiscal year 1995 for a reason. It is not frivolous or unimportant spending.

Without funding, DOD is left with what I term an unfunded liability. They are still responsible for cleanup and the condition of

years have relied on local bases for an economic stimulus will be left without the resources to affect their economic future.

There are programs in the fiscal year 1995 budget that the Secretary of Defense did not request. It is his job to decide what our Nation's defense priorities should be. Why don't we let him decide these matters instead of having 435 Secretaries of Defense in Congress step in.

I urge my colleagues to reject the approach taken in H.R. 889 and instead vote for the Obey amendment that would leave the rescissions up to the discretion of the Secretary of Defense, where the authority should rest.

Mr. LIVINGSTON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in the next few weeks I want to promise all my friends who worry about not making real cuts that this committee will in fact be back on the floor with approximately $15 billion in real cuts. So if the other side is concerned we are not seeing sufficient numbers of cuts today, I hope they will stick with me, shoulder-to-shoulder, as these new cuts come to the floor. I look forward to their enthusiastic support, and I promise the House that they are coming.

Mr. Chairman, I reserve the balance of my time, and inform the Chair I only have one additional speaker, and we would ask that he close.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has 19½ minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 14½ minutes remaining. Under the rule, the gentleman from Louisiana has the right to close.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. SPRATT].

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

☐ 1440

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

Mr. Chairman, one key advantage of the Obey amendment is that it will allow the Secretary of Defense to decide what to cut and what not to cut in order to pay for this supplemental. In particular, this is why I rise to speak in support of it, it will allow the Secretary to avoid some $250 million in rescissions from environmental restoration and waste cleanup accounts, $150 million off the DOD account and $100 million off the DOE account.

Now, I know there is a widespread notion in this body and outside this body that somehow or another these appropriations do not really belong in the defense spending bill anyway, that

quired by law. They are imposed on the Department by regulations, by court decrees that they have entered into in State after State. And we are not just skimming these accounts, $150 million off DOD, $1.78 billion seems like it is not that big a hit, $100 million does not sound like much when DOE gets about $3 billion for this particular type of activity. But they are already at the margin because DOD has already squeezed these accounts and so has DOE.

And do not take my word for it. Let me quote the eloquent words of Gov. Pete Wilson of California in a letter he wrote to the Secretary of Defense dated January 25, 1995.

> The recent decision by Congress to cut environmental restoration for 1995 continues a disturbing trend begun last year when Congress rescinded 507 million from the BRAC account. California was reassured that this rescission would not affect environmental work at closing military bases, but work was indeed scaled back at several California military bases due to the cut. If the Federal Government will not keep its cleanup obligations, how can we expect private industry to do the same?
>
> California expects DOD to comply with the federal/state cleanup agreements it has sighed at California military bases. DOD is contractually obligated to seek sufficient funding to permit environmental work to proceed according to the schedule contained in those agreements. California will not hesitate to assert its rights under those agreements to seek fines and penalties and judicial orders compelling DOD to conduct the required environmental work.

If we pass this supplemental, we will in effect say that DOD is not subject to the same laws as other businesses.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. ACKERMAN].

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

Mr. ACKERMAN. Mr. Chairman, I rise in strong opposition to the bill and in support of the Obey substitute.

The bill rescinds more than $500 million from the Technology Reinvestment Program and would kill the TRP which leverages commercial technology in a way that benefits both the Defense Department and the private sector.

The TRP's mission is to maintain our defense industrial and technological base by promoting an integrated, national industrial capability which provides the most advanced, affordable military systems and the most competitive commercial products.

The defense industry on Long Island has been hard hit by downsizing and TRP has provided opportunities to develop dual use technologies that contribute to our national defense. Map potentially hazardous radioactive environments in order to prevent health and safety threats due to radiation contaminated materials. The system is also valuable for low-cost development of defense weapon systems and surveillance of nuclear sites for treaty verification applications. Comparable systems are not currently available.

Target Rock Corp., Peerless Instruments Co. of Elmhurst, NY, and MPR Associates of Alexandria, VA, have collaborated on a proposal to develop zero emissions control valves. These valves are hermetically sealed and prevent inadvertent leakage of hazardous material. The valves are designed to help U.S. manufacturing companies cost effectively meet the fugitive emissions requirements for volatile organic compounds defined in the Clean Air Act and the current EPA and OSHA regulations for personnel safety from these emissions. The valves are a direct technology spin-off from the valve technology that is critical to the U.S. Navy's nuclear fleet.

Mr. Chairman, the TRP has come under intense criticism that it does not have military applications. These are but two of many examples that show that dual-use technology can and does work. There are similar examples nationwide.

I believe that it is too early to judge the TRP. Even when research and development programs are focused entirely on military applications, it can take many years before such programs actually produce technology that can be incorporated into battlefield weapons.

Mr. Chairman, the Appropriations Committee should have considered alternative cuts. The thousands of defense workers who helped us win the cold war deserve our support during the transition to a civilian economy. The TRP provides that support.

I urge my colleagues to support the Obey substitute and save the TRP.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. SABO], the distinguished ranking Democrat on the Committee on the Budget.

Mr. SABO. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding time to me.

I rise in support of the Obey amendment. This bill clearly increases the deficit over the next year and over 5 years. Clearly, the House has spoken and said that emergency supplementals should be a thing of the past.

Personally, I do not agree with that judgment. I think the Federal Government should be able to respond to emergencies, both international and domestically, at times of great need.

However, the House overwhelmingly said ''no'' when we passed the balanced budget amendment. We said that the Congress would need to live within certain limits regardless of what happened internally or externally and that we in making decisions over our appropriating process.

The Obey amendment lets the Department make its judgments on programs that they deem to be of lower importance and of lower priority to pay for the bill.

It is an amendment that is thoroughly consistent with what the House has done in recent weeks, and I urge its adoption.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 9 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. STUDDS], the distinguished former chairman of the Committee on Merchant Marine and Fisheries.

Mr. STUDDS. Mr. Chairman, I thank the gentleman for yielding time to me. I rise in support of his amendment.

I would like to say a brief word, if I may, about the rescission of $150 million in the environmental restoration account. There is a lot of talk these days about contracts. Let me suggest to Members that if they support this rescission we will be violating a very important contract. I site a place in Cape Cod because I know it best, but there are dozens replicated all over the country.

A military installation, Otis Military Reservation, has polluted the groundwater of four communities, poisoned the drinking water of thousands and thousands of people. There is an obligation, a contract, if you will, to clean that up. It is an obligation dictated by common sense. It is an obligation dictated by common sense. It is an obligation dictated by the requirements of the public health and dictated by the law.

If we refuse to give the Defense Department this money, that obligation stands, that mandate stands. It is, horror of horrors, at that point an unfunded mandate. And that work will stop. Whether it will stop at Cape Cod or the other installations around the country, I do not know, but it will stop.

The problem will not go away. The obligation will not go away. The mandate will not go away. But the funds to fulfill it will.

I urge Members to think very, very carefully about that before voting for this bill.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DELLUMS], the distinguished former chairman of the Committee on Armed Services.

ministration presented a $2.6 billion supplemental request. The Committee on Appropriations chose to fund $2.5 billion of that $2.6. Then on top of that added $670 million for so-called readiness enhancement. So what we are looking at now is not a $2.6 billion but a rather $3.2 billion bill.

We raided $1.5 billion of a number of domestic programs. It is a Robin Hood in reverse, as it were. The military budget is huge, some $200 billion. Many of these domestic programs have been scraped to the bone. There is no need, it seems to me, to do that. The Pentagon was about the business of finding the necessary dollars to fund these 670 million dollars' worth of programs that are high priority. It seems to me what the Committee on Appropriations did was inappropriate at this time.

Finally, the authorization process is just going forward, Mr. Chairman. All of us, the dance that is going to be done is fiscal 1996, I call it the ''readiness dance. Everybody is going to try to ''out readiness'' each other.

The one account that probably will end up overfunded is the readiness account. We do not need to do it in the supplemental.

For those reasons, let us bring back some reason and sanity to this process. In that regard, I would rise in support of the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, this bill has two fundamental flaws, both of which my amendment attempts to correct. The first is that despite the fact that the gentleman from Louisiana has indicated that $15 billion in domestic cuts, rescissions, will be provided in the next 2 weeks, they still insist on digging into the domestic side of the budget for an additional $700 million. Why do they do it? So that they shield low priority pork in the defense budget from scrubbing by the Secretary of Defense. That is why it is done.

The second problem is that even after they do that, even after they pretend that their bill is paid for, they still wind up with $640 million being added to the deficit over 5 years and $284 million being added in this year alone.

□ 1450

Mr. Chairman, I would simply say to my friends on the other side of the aisle, if they are going to vote for the constitutional amendment to balance the budget, then they should not tell the American people that the first time they actually have an opportunity to produce on that promise by actually doing something real, on a real bill, which spends real dollars or cuts real

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

Mr. GEPHARDT. Mr. Chairman, I rise today to urge my colleagues to reject this defense supplemental and to vote for the Obey substitute. I urge all of us to step back for a moment and take a step back from the technical details of the bill, and to realize that we are voting today on something much larger and much more important than the details of this bill.

This vote is about the trust of the American people. It is about a Congress that keeps its promises, and is not afraid to match rhetoric with reality.

Last month, Mr. Chairman, we passed a balanced budget amendment. Now we are being asked to approve our first spending bill since passing that amendment, our first opportunity to make good on that commitment.

However, the defense bill that has been offered by the majority does not honor that commitment, it corrupts it. It does not draw down the Federal deficit, it increases it by $645 million over the next 5 years. In my opinion, Mr. Chairman, it does not preserve the trust of the American people, it trades it away in a flash of red ink.

Mr. Chairman, I ask Members this question: Can we afford to say one thing and then a few days later do the opposite? Is that really our idea of leadership? This is not serious public policy, Mr. Chairman, it is bold-faced hypocrisy. I may not have agreed with the final language of the balanced budget amendment, but I believed my colleagues when they said they would lay out a diet of fiscal responsibility. However, this spending bill is not a diet, it is a spending binge.

Thankfully, there is a choice. We can support the Obey substitute, which meets America's needs without busting the budget. This substitute provides every penny our Defense Department needs to maintain readiness, and it actually cuts the deficit by $128 million next year alone, without increasing the deficit at all over the next 5 years.

Best of all, if we choose this substitute, we choose serious policy over hypocrisy.

Mr. Chairman, whether we like it or not, this first opportunity after the balanced budget amendment sends a powerful message. I urge Members to make it a message of responsibility, a message of commitment, a message of reason, not one of recklessness.

There can be no good reason to bust this budget after the balanced budget amendment. Vote for the Obey substitute, vote for a bill that will balance

such an outstanding job on this bill.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to respond to something the gentleman from Massachusetts [Mr. STUDDS] mentioned about environmental cleanup. The decision we take here on the environmental issue here does not have a thing to do with moneys appropriated for environmental cleanup. To the contrary, we still leave about $1.65 billion available for cleanup.

There is a fund of $400 million for the study of potential future cleanups, potential future cleanups. Of that $400 million, we ask to rescind $150 million. It will not have an adverse effect on environmental cleanup.

Mr. Chairman, the issue seems to be whether or not the bipartisan bill presented by the subcommittee and the full committee is baloney, as the gentleman from Wisconsin [Mr. OBEY] has said, and I understand what baloney is; or that it is a charade, as the gentleman said, and I understand what a charade is; or that it is a red herring, as the gentleman suggested, and I do understand what a red herring is; or that we are posing for holy pictures.

Here is where I have a little problem, because I do not know what a holy picture is. I do not know what it means to pose for holy pictures. I have heard that statement an awful lot, Mr. Chairman, from the gentleman from Wisconsin, but I do not really understand what posing for holy pictures means.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin for 20 seconds for a response as to what a holy picture is.

Mr. OBEY. Mr. Chairman, it is obvious that the gentleman is not Catholic.

Mr. YOUNG of Florida. Mr. Chairman, there is a strong debate here today about whether or not the bipartisan committee bill is paid for, but we believe that it is paid for, honestly, sincerely. We have reason to believe that it is paid for, because the numbers add up. We have been very specific.

Now, if we want to compare, we are dealing now with the Obey substitute, compare the Obey substitute with the bipartisan committee bill and we cannot do it. The reason we cannot do it is that the Obey substitute does not have any specifics in the area of rescissions, no specifics. How do we compare?

The Obey substitute may never pay out in outlays, because we do not know and he does not know today what the

makes the Secretary of Defense even more powerful, because he could veto whatever and it would not have to come back to Congress for a reconsideration, or a re-vote, where a line-item veto would have to.

Mr. OBEY. Mr. Chairman, will the gentleman yield on that point?

Mr. YOUNG of Florida. I yield 20 seconds to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to make the point that the amendment provides the Secretary cannot make those cuts until it gives Congress 30 days' notice, which is the normal notice during the reprogramming process, so if we object, we can work it out with him.

Mr. YOUNG of Florida. However, Mr. Chairman, the procedure for overriding a veto in the line-item veto is nonexistent in the Obey substitute. The point is, we are specific. If we read the report, we can see exactly what we are providing money for and exactly what we are rescinding.

I want to repeat something I said earlier. A reporter asked me about ''You guys spending this money.'' We did not spend this money. This money was spent by the President of the United States when he sent about 100,000 American troops around the globe in the last year to Bosnia, Somalia, Rwanda, Cuba, Haiti, Southwest Asia, Korea, and the list goes on and on.

He did not come to Congress to get authority for those contingencies or for those deployments, but now we have a bill and we have to pay for it. The responsible position is to pay for it.

Mr. Chairman, I just suggest that Congress has that responsibility, and not the Secretary of Defense. If the Secretary of Defense had authority to rescind programs, let me tell Members one of the things that is in this bill for 1995 that they wanted to get rid of, and it was made very public. That was the money we put in there for breast cancer research. That was suggested to us at the subcommittee, and we said no, we are not going to rescind the breast cancer research money.

Shortly thereafter, the President issued a directive to the Secretary, ''No, you cannot rescind it, either.''

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman from Missouri will let me finish what I have to say, and then if I have time, I will be glad to yield to him. He is a very strong proponent of the national defense, and we know that.

Mr. Chairman, the question of housing has come up, housing for the soldiers in the military are having to live in substandard housing.

We want to correct that, Mr. Chairman. We want to make the money available to pay for the 2.6-percent pay increase for members of the military. If Members will check with the commissaries and the bases where Members might reside, in their districts, find out how many young soldiers—sailors, airmen, marines, male or female—how many of them are coming with food stamps. Over 11,000 of our young troops are eligible for food stamps, because of their expenses and their low incomes.

□ 1500

We provide in our package, our enhancement package, for the additional 0.6 percent of the pay raise.

I made a commitment, as many of us have many times, that I would not vote to send an American soldier into combat or a hostile situation without knowing that I had done the very best to provide them with the best training and the best technology possible before sending them into a hostile situation. I am going to stick by that commitment and this bill that we consider today is a part of that commitment.

I want to speak for some of these people who are going to be affected by this bill and their training, or their morale, their readiness, their quality of life.

I want to speak in behalf of the Marine gunnery sergeant and all of his colleagues who are on the U.S.S. *Essex* off Somalia today.

Or the wife and kids of the Army Special Forces lieutenant who are left behind in Fort Bragg, NC, while he works the countryside in Haiti.

Or the Air Force reservist flying airlift missions in support of operations around Bosnia.

The Navy families left behind in San Diego as their loved ones are deployed on the aircraft carrier *Constellation* in the Persian Gulf.

The AWACS crews flying over Saudi Arabia checking on Saddam Hussein.

The Marine F–18 pilot flying out of Aviano, Italy enforcing the no-fly zone over Bosnia in Operation Deny Flight.

The Army personnel manning the Patriot missile battalion we sent to Korea because of the increased tensions there.

The fighting unit at Twenty-nine Palms where they are forced to live in barracks that were damaged by the Joshua Tree earthquake and never repaired.

The 10th Mountain Division from Fort Drum which has been deployed over the past 2½ years to Florida for worse shape than the runways at Pendleton.

What I am saying is this bill is addressing those types of issues, and it is important that we pass this bill with its specifics and not take a pig in the poke as offered by the Obey substitute.

Mr. Chairman, I yield to my friend, the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. My friend, the gentleman from Florida, will recall on two occasions last week, I spoke as strongly as I possibly can in favor of taking care of the troops. I think that your measure today is a giant step in that direction.

One of the items that you could have very well mentioned is the fact that several hundred millions of dollars was taken out of training for the Army in Europe and put into family housing, in taking care of the troops there. But when we cut back on training, that cuts back on readiness. I think that this is a measure in the right direction. I wish the gentleman well.

Mr. YOUNG of Florida. I thank the gentleman for his comments. I can say that no one has a higher credibility in this House of Representatives than the gentleman from Missouri [Mr. SKELTON].

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. May I inquire of the Chair how much time we have remaining?

The CHAIRMAN. The gentleman from Florida has 10 minutes remaining.

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

I simply want to again point out that this bill has nothing whatsoever to do with whether servicemen will or will not get their pay raise. As the gentleman knows, they will get their pay raise whether the Obey amendment passes or not. They have already gotten it. The only question is, Will the money to reimburse the Pentagon for that pay raise come from low-priority defense projects, including pork projects, or will it come from other domestic programs which are cut?

They already have their pay raise. Your bill does not change that, my amendment does not change that, and we both know it.

Mr. YOUNG of Florida. I have to say to the gentleman that I disagree, that in our additions for readiness, we specifically mention the amount of money that would pay for the .6 percent of the pay raise that we did not fund.

If we do not appropriate this money and fund that additional amount, then

grant that the troops already have their pay raise and will continue to get their pay raise? Is that not the truth? It is and you know it.

Mr. YOUNG of Florida. But it has come at the expense of training, which is readiness.

Mr. OBEY. I thank the gentleman.

Mr. YOUNG of Florida. We are trying to be honest with the Pentagon and honest with the troops and appropriate the money that we have directed the Pentagon to spend for pay increases.

Mr. OBEY. I thank the gentleman for making that clear. They are getting the pay raise.

Mr. YOUNG of Florida. Mr. Chairman, I want to repeat that the Obey amendment does not specify any of this. We are up front. We are honest. We have given you the target to look at. We have listed item by item by item for rescission, we have listed item by item for inclusion in the bill. This is an up-front, genuine, sincere effort to make sure that our military forces have what they need for quality of life and to be trained for readiness.

The minority leader spoke eloquently here on the floor just a few minutes ago and he says we are not voting on the details of this bill today. I disagree with that. We are going to vote here in a few minutes on the details of the Obey substitute. Following that, we are going to vote on the details of this bill.

Do not try to read anything else into it. We have been up front, we have been very specific. You know what the details are.

He mentioned also that this has come after passing the balanced budget amendment, and that is true, but what he failed to say was this money was spent before this Congress ever convened. This money was spent. We are paying it back. That is the only responsible thing to do.

We could have sat back and waited and not done anything, let the administration push and cry and shove. We decided that was not the responsible way to do this. In fact, we had to pull them to get them to send down their requests for the supplemental. In fact, we marked this up on the 27th day of January and did not get their request until February 6. So we are pulling and expediting this emergency supplemental.

The minority leader also mentioned corrupting the system. I am not exactly sure what he meant there. I think that fits into the category of holy pictures. He talked about a flash of red ink. Our numbers again are specific. The numbers of the gentleman ers, the regimental commanders, the colonels and the generals and you ask them what is the problem with readiness and they will give you a many-page report on where readiness is short. We have denied readiness requirements dealing with flying hours and training and steaming and spare parts and ammunition accounts and things of this nature. The fact is we could spend a lot more to make our readiness more ready.

I want to make this last point. Readiness today is one issue. Readiness this time next year is something else, and readiness this time 5 years from now is something else again. What we do today not only deals with today's readiness but also next year and 5 years down the road and maybe even 10 years down the road.

We have an important responsibility today. I am satisfied that we are going to do it properly and we are going to vote against the unspecific Obey substitute and we are going to vote for the bipartisan committee bill.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield briefly to the gentleman from Minnesota.

Mr. SABO. Let me just simply ask a question. Clearly there are many of us who think the Federal Government should be able to respond to emergencies, whether they are international or domestic. Clearly the House said ''no'' when we adopted the balanced budget amendment. I am just curious what your judgment is for the future. We are wrapped up in this discussion now in its consistency, and I clearly think the Obey amendment is consistent with the balanced budget amendment. But let us project to the future. Let us assume that the decision is made that we need to deploy troops, whether it is made by the President as Commander in Chief or whether it is made by Congress.

How will that deployment be paid for in the future and what kind of procedure does Congress have to do to make that decision in the future under that amendment?

Mr. YOUNG of Florida. As the gentleman well knows, there is a proposal from the Department of Defense that we should consider that would deal with that very issue, how do you give the Pentagon flexibility to pay for these kind of contingency operations. But the best answer is this. If there is going to be a major contingency operation, a deployment of U.S. troops, the President should consult with the Congress and the Congress should be a player, because now we are having to

□ 1510

Now as far as the gentleman's suggestion that there might be a better way, there might be. We will monitor that very closely as we go through the fiscal year 1996 process.

Mr. SABO. Would I not be right in saying that if we follow that amendment, 50 percent of the Congress could choose to deploy troops but it would require 60 percent of the House and the Senate to raise the debt ceiling to pay for the deployment of those troops.

Mr. YOUNG of Florida. That is a hypothetical question, and what I am saying to the gentleman is we do not affect the balanced budget with this bill because we are paying for the bill with specifics. I realize there are disagreements, but tell me how many outlays would we save with the Obey substitute next year or the year after, can the gentleman tell me?

Mr. SABO. The Obey substitute requires, Mr. Chairman, the Obey substitute requires that the outlays be there to pay for it. The amendment clearly increases outlays by about $288 billion in the current fiscal year and about $600 billion over 5 years.

Mr. YOUNG of Florida. I yield back to the gentleman from Louisiana.

Mr. LIVINGSTON. I thank the gentleman. I think that the gentleman has explained his case. I would hope that we could break this off and get to a vote.

I yield back to the gentleman to wrap it up.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman from Florida. We have a crisis here. We have to replenish these accounts or we are not going to have money in the fourth quarter for the readiness of our troops. Anybody can vote whatever way they want on the Obey amendment, but we have to pass this supplemental. So we will have our vote on Obey. But I want to compliment the gentleman for being out in front trying to get this thing done, because if we do not get it done by the end of this, we are in serious trouble in terms of readiness of our troops. The Comptroller called me this morning and said, NORM, we have got to get this thing through the House. So let us vote on this after we vote on the Obey substitute.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for his comments and commend him for his support.

pired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 260, not voting 7, as follows:

[Roll No 152]

AYES—167

Abercrombie	Gutierrez	Olver
Ackerman	Gutknecht	Orton
Andrews	Hall (OH)	Owens
Baesler	Hamilton	Pallone
Barcia	Harman	Pastor
Barrett (WI)	Hastings (FL)	Payne (NJ)
Becerra	Hefner	Payne (VA)
Beilenson	Hilliard	Pelosi
Bentsen	Hinchey	Peterson (FL)
Berman	Holden	Peterson (MN)
Bevill	Hoyer	Pomeroy
Bishop	Jackson-Lee	Poshard
Bonior	Jacobs	Rahall
Boucher	Jefferson	Rangel
Brown (CA)	Johnson (SD)	Reed
Brown (FL)	Johnson, E. B.	Reynolds
Brown (OH)	Johnston	Rivers
Bryant (TX)	Kanjorski	Roemer
Cardin	Kaptur	Rose
Chapman	Kennedy (MA)	Roybal-Allard
Clay	Kennedy (RI)	Sabo
Clayton	Kildee	Sanders
Clyburn	Kleczka	Sawyer
Coleman	LaFalce	Schroeder
Collins (IL)	Lantos	Schumer
Collins (MI)	Levin	Serrano
Conyers	Lewis (GA)	Skaggs
Costello	Lincoln	Slaughter
Coyne	Lipinski	Smith (MI)
Danner	Lofgren	Spratt
Deal	Lowey	Stark
DeFazio	Luther	Stokes
DeLauro	Maloney	Studds
Dellums	Manton	Stupak
Deutsch	Markey	Thompson
Dingell	Martinez	Thornton
Doggett	Matsui	Thurman
Doyle	McCarthy	Torres
Durbin	McDermott	Torricelli
Engel	McHale	Towns
Eshoo	McKinney	Traficant
Evans	McNulty	Velazquez
Farr	Meehan	Vento
Fazio	Menendez	Visclosky
Fields (LA)	Mfume	Volkmer
Filner	Miller (CA)	Ward
Flake	Mineta	Waters
Ford	Minge	Watt (NC)
Frank (MA)	Mink	Waxman
Frost	Moakley	Williams
Furse	Moran	Wise
Gejdenson	Morella	Woolsey
Gephardt	Nadler	Wyden
Gibbons	Neal	Wynn
Gordon	Oberstar	Yates
Green	Obey	

NOES—260

Allard	Baldacci	Bass
Archer	Ballenger	Bateman
Armey	Barr	Bereuter
Bachus	Barrett (NE)	Bilbray
Baker (CA)	Bartlett	Bilirakis
Baker (LA)	Barton	Bliley
Blute	Frelinghuysen	Nussle
Boehlert	Frisa	Ortiz
Boehner	Funderburk	Oxley
Bonilla	Gallegly	Packard
Bono	Ganske	Parker
Brewster	Gekas	Pastor
Browder	Geren	Paxon
Brownback	Gilchrest	Petri
Bryant (TN)	Gillmor	Pickett
Bunning	Gilman	Pombo
Burr	Goodlatte	Porter
Burton	Goodling	Portman
Buyer	Gordon	Quillen
Callahan	Goss	Quinn
Calvert	Graham	Radanovich
Camp	Green	Ramstad
Canady	Greenwood	Regula
Castle	Gunderson	Richardson
Chabot	Gutknecht	Riggs
Chambliss	Hall (TX)	Roberts
Chenoweth	Hancock	Rogers
Christensen	Hansen	Rohrabacher
Chrysler	Hastert	Ros-Lehtinen
Clement	Hastings (WA)	Roth
Clinger	Hayes	Roukema
Coble	Hayworth	Royce
Coburn	Hefley	Salmon
Collins (GA)	Heineman	Sanford
Combest	Herger	Saxton
Condit	Hilleary	Scarborough
Cooley	Hobson	Schaefer
Cox	Hoekstra	Schiff
Cramer	Hoke	Scott
Crane	Horn	Seastrand
Crapo	Hostettler	Sensenbrenner
Cremeans	Houghton	Shadegg
Cubin	Hunter	Shaw
Cunningham	Hutchinson	Shays
Davis	Hyde	Shuster
de la Garza	Inglis	Sisisky
DeLay	Istook	Skeen
Diaz-Balart	Johnson (CT)	Skelton
Dickey	Johnson, Sam	Smith (NJ)
Dicks	Jones	Smith (TX)
Dixon	Kasich	Smith (WA)
Dooley	Kelly	Solomon
Doolittle	Kennelly	Souder
Dornan	Kim	Spence
Dreier	King	Stearns
Duncan	Kingston	Stenholm
Dunn	Klink	Stockman
Edwards	Klug	Stump
Ehrlich	Knollenberg	Talent
Emerson	Kolbe	Tanner
English	LaHood	Tate
Ensign	Largent	Tauzin
Everett	Latham	Taylor (MS)
Ewing	LaTourette	Taylor (NC)
Fawell	Laughlin	Tejeda
Fields (TX)	Lazio	Thomas
Flanagan	Leach	Thornberry
Foglietta	Lewis (CA)	Tiahrt
Foley	Lewis (KY)	Torkildsen
Forbes	Lightfoot	Upton
Fowler	Linder	Vucanovich
Fox	Livingston	Waldholtz
Franks (CT)	LoBiondo	Walker
Franks (NJ)	Longley	Walsh
Frelinghuysen	Lucas	Wamp
Frisa	Manzullo	Watts (OK)
Funderburk	Martini	Weldon (FL)
Gallegly	Mascara	Weldon (PA)
Ganske	McCollum	Weller
Gekas	McCrery	White
Geren	McDade	Whitfield
Gilchrest	McHugh	Wicker
Gillmor	McInnis	Wilson
Gilman	McIntosh	Wolf
Goodlatte	McKeon	Young (AK)
Goodling	Metcalf	Young (FL)
Gordon	Meyers	Zeliff
Goss	Mica	Zimmer
Graham	Miller (FL)	
Green	Molinari	
Greenwood	Mollohan	
Gunderson	Montgomery	
Gutknecht	Moorhead	
Hall (TX)	Murtha	
Hancock	Myers	
Hansen	Myrick	
Hastert	Nethercutt	
Hastings (WA)	Neumann	
Hayes	Ney	
Hayworth	Norwood	
Hefley	Nussle	
Heineman	Ortiz	
Herger	Oxley	
Hilleary	Packard	
Hobson	Parker	
Hoekstra	Pastor	
Hoke	Paxon	
Horn	Petri	
Hostettler	Pickett	
Houghton	Pombo	
Hunter	Porter	
Hutchinson	Portman	
Hyde	Quillen	
Inglis	Quinn	
Istook	Radanovich	
Johnson (CT)	Ramstad	
Johnson, Sam	Regula	
Jones	Richardson	
Kasich	Riggs	
Kelly	Roberts	
Kennelly	Rogers	
Kim	Rohrabacher	
King	Ros-Lehtinen	
Kingston	Roth	
Klink	Roukema	
Klug	Royce	
Knollenberg	Salmon	
Kolbe	Sanford	
LaHood	Saxton	
Largent	Scarborough	
Latham	Schaefer	
LaTourette	Schiff	
Laughlin	Scott	
Lazio	Seastrand	
Leach	Sensenbrenner	
Lewis (CA)	Shadegg	
Lewis (KY)	Shaw	
Lightfoot	Shays	
Linder	Shuster	
Livingston	Sisisky	
LoBiondo	Skeen	
Longley	Skelton	
Lucas	Smith (NJ)	
Manzullo	Smith (TX)	
Martini	Smith (WA)	
Mascara	Solomon	
McCollum	Souder	
McCrery	Spence	
McDade	Stearns	
McHugh	Stenholm	
McInnis	Stockman	
McIntosh	Stump	
McKeon	Talent	
Metcalf	Tanner	
Meyers	Tate	
Mica	Tauzin	
Miller (FL)	Taylor (MS)	
Molinari	Taylor (NC)	
Mollohan	Tejeda	
Montgomery	Thomas	
Moorhead	Thornberry	
Murtha	Tiahrt	
Myers	Torkildsen	
Myrick	Upton	
Nethercutt	Vucanovich	
Neumann	Waldholtz	
Ney	Walker	
Norwood	Walsh	
Nussle	Wamp	
Ortiz	Watts (OK)	
Oxley	Weldon (FL)	
Packard	Weldon (PA)	
Parker	Weller	
Paxon	White	
Petri	Whitfield	
Pickett	Wicker	
Pombo	Wilson	
Porter	Wolf	
Portman	Young (AK)	
Quillen	Young (FL)	
Quinn	Zeliff	
Radanovich	Zimmer	

NOT VOTING—7

Browder	Gonzalez	Tucker
Ehlers	Meek	
Fattah	Rush	

□ 1529

Messrs. ALLARD, SCOTT, and DOOLEY changed their vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN.

According to CBO, the total of 1995 appropriations enacted to date is only $135 million under the 1995 outlay cap in the 1995 budget resolution. After subtracting all of the cuts, this bill still adds $282 million to outlay spending for 1995. That means it breaks the budget resolution cap by $147 million.

All this motion does is to tell the committee to go back and scrub the bill to find that extra $147 million so that you do not break the budget cap that all of you told your constituents in the last election was already too high.

If you want to balance the budget, if you have any commitment at all to balancing the budget, you have no choice but to vote for this recommittal motion. Otherwise you will not be balancing the budget, you will be busting the budget.

Mr. Speaker, I yield to the gentleman from Minnesota, the former chairman of the Committee on the Budget, the gentleman from Minnesota [Mr. SABO].

Mr. SABO. I thank the gentleman from Wisconsin for yielding.

Mr. Speaker, is the gentleman from Wisconsin telling me that the bill in its current form would spend $147 million more than the discretionary spending caps we set in 1995?

Mr. OBEY. The gentleman is correct. It breaks the budget to the tune of $147 million.

Mr. SABO. So, the first spending bill which this new Congress is considering will exceed the discretionary spending caps in the budget resolution of 1995?

Mr. OBEY. The gentleman has got it.

Mr. SABO. I am surprised.

Mr. OBEY. I am not.

Let me simply say: What this means is that in the very first financial bill that you are voting on, after you told the country you were going to balance the budget by voting for a constitutional amendment to balance the budget, you are going to vote to bust the budget and add $147 million to our spending for this fiscal year.

If this is what you are going to do in the first bill that you vote on after you have voted for that constitutional amendment, I am very interested to see what the deficit is going to look like after you vote on the rest of the items in the contract.

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

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 5 minutes in opposition to the motion to recommit.

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

□ 1540

But of we agreed with him, if his motion to recommit passed the House, this would effectively send this bill back to committee to find an additional $282 million in cuts. Never mind that we have come up with $1.46 billion in defense cuts, never mind that we have come up with $1.4 billion in foreign aid and domestic cuts, all in budget authority. Mr. OBEY says that he is not satisfied. He is not satisfied even though most of the people that are voting for his motion to recommit, most of the people that voted for his substitute, voted to put our troops into Haiti, and most of us on this side voted against it. Now they do not want to restore the money that was expended in Haiti and all of those other places where this President detailed our troops, and this now has cut short our ability to train and maintain the forces of the United States.

Mr. Obey's own substitute——

Mr. OBEY. Mr. Speaker, will the gentleman yield for a correction on one number?

Mr. LIVINGSTON. Mr. Speaker, I want to complete my statement.

The fact is we have come up with a bill that has $14 million more in cuts compared to the amount of money we want to spend. We are rescinding in budget authority an amount equal, and then some, compared to the amount we are spending. Mr. OBEY's motion to recommit, does not do this.

Now look at the calendar. The fact is that within a couple of weeks we are going to be asking for some monumental rescissions, and we will hope that all of the people who have sounded so interested in balancing the budget will join with us and vote for all of the cuts that are coming out of the subcommittees today, tomorrow, and Fridays. Some $10 billion, perhaps $15 billion, in rescissions are coming out of those subcommittees, and I hope that all of my colleagues will vote for every one of those cuts.

I say to my colleagues, ''Whether you do that or not, sending this bill back to the committee puts it off the table for now. It denies the Defense Department the needed funds for operations, and I'm sorry that it gives Mr. OBEY another bite at the apple because we would have to revisit this bill in the context of a larger rescission bill.''

This is an emergency, and the motion to recommit is a bad idea. It is bad for the national security of the Nation. It undercuts the responsible cuts the committee has made to pay for this bill, it ties the needed supplemental funds up unnecessarily, and I urge every question is on the motion to recommit.

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 264, not voting 7, as follows:

[Roll No. 153]

AYES—163

Abercrombie	Gordon	Pastor
Ackerman	Green	Payne (NJ)
Andrews	Gutierrez	Payne (VA)
Baesler	Hall (OH)	Pelosi
Barcia	Hamilton	Peterson (FL)
Barrett (WI)	Hastings (FL)	Peterson (MN)
Becerra	Hilliard	Pomeroy
Beilenson	Hinchey	Poshard
Bentsen	Holden	Rahall
Berman	Jackson-Lee	Rangel
Bishop	Jacobs	Reed
Bonior	Jefferson	Reynolds
Borski	Johnson (SD)	Richardson
Boucher	Johnson, E. B.	Rivers
Brown (CA)	Johnston	Roemer
Brown (FL)	Kaptur	Rose
Brown (OH)	Kennedy (MA)	Roybal-Allard
Bryant (TX)	Kennedy (RI)	Sabo
Cardin	Kildee	Sanders
Chapman	Kleczka	Sawyer
Clay	LaFalce	Schroeder
Clayton	Lantos	Schumer
Clement	Levin	Serrano
Clyburn	Lewis (GA)	Skaggs
Coleman	Lincoln	Slaughter
Collins (IL)	Lipinski	Spratt
Collins (MI)	Lofgren	Stark
Conyers	Lowey	Stenholm
Costello	Luther	Stokes
Coyne	Maloney	Studds
Danner	Manton	Stupak
Deal	Markey	Thompson
DeFazio	Martinez	Thornton
DeLauro	Matsui	Thurman
Dellums	McCarthy	Torres
Deutsch	McDermott	Torricelli
Dingell	McKinney	Towns
Dixon	McNulty	Traficant
Doggett	Meehan	Tucker
Doyle	Menendez	Velazquez
Durbin	Mfume	Vento
Engel	Miller (CA)	Visclosky
Eshoo	Mineta	Volkmer
Evans	Minge	Ward
Fazio	Mink	Waters
Fields (LA)	Moakley	Watt (NC)
Filner	Moran	Waxman
Flake	Nadler	Williams
Ford	Neal	Wise
Frank (MA)	Oberstar	Woolsey
Frost	Obey	Wyden
Furse	Olver	Wynn
Gejdenson	Orton	Yates
Gephardt	Owens	
Gibbons	Pallone	

NOES—264

Allard	Bass	Brewster
Archer	Bateman	Brownback
Armey	Bereuter	Bryant (TN)
Bachus	Bevill	Bunn
Baker (CA)	Bilbray	Bunning
Baker (LA)	Bilirakis	Burr
Baldacci	Bliley	Burton
Ballenger	Blute	Buyer
Barr	Boehlert	Callahan
Barrett (NE)	Boehner	Calvert
Bartlett	Bonilla	Camp
Barton	Bono	Canady

Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Browder
Ehlers
Farr
Fattah
Gonzalez
Meek
Rush

☐ 1600

Mr. HOKE changed his vote from ''aye'' to ''no.''

Mr. PAYNE of Virginia changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. EMERSON). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Peterson (FL)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—165

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Becerra
Clayton
Coble
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Doyle
Duncan
Durbin
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Ford
Frank (MA)
Franks (NJ)
Furse
Gephardt
Graham
Green
Gutierrez
Gutknecht
Hall (OH)
Klug
LaFalce
Lantos
Largent
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Sawyer
Schroeder
Schumer
Sensenbrenner
Serrano
Shadegg
Shays
Skaggs
Slaughter
Smith (MI)
Souder
Spratt
Stark
Stenholm
Stokes
Studds
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—7

Blute
Browder
Ehlers
Fattah
Gonzalez
Meek
Rush

☐ 1618

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BLUTE. Mr. Speaker, I was unavoidably detained during the vote on final passage of H.R. 889, making emergency supplemental appropriations and rescissions. Had I been present I would have voted ''aye.''

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

☐ 1620

PAPERWORK REDUCTION ACT OF 1995

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call

consideration of the bill (H.R. 830) to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes. 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 Government Reform and Oversight. After general debate the bill shall be considered for amendment under the five-minute rule. The bill and the amendments recommended by the Committee on Government Reform and Oversight now printed in the bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. 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.

The SPEAKER pro tempore (Mr. LAZIO). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to 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 91 is a completely open rule providing for the consideration of H.R. 830, legislation that is designed to reduce the information collection burdens on the public, maximize the utility of Government information, and assure a more efficient and productive administration of information resources. In short, this legislation reasserts and enhances the commitment of Congress to uphold the principles of the Paperwork Reduction Act of 1980.

This rule provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Government Reform and Oversight, after which time any member will have the opportunity to offer an amendment to the bill under the 5-minute rule. Finally, the rule provides for one motion to recommit. Under this rule, members may offer amendments to H.R. 830 at any time, regardless of whether they have been preprinted in the RECORD.

and offer significant amendments on every piece of legislation considered this year.

It has been a busy 50 days with more to come, and I believe that the efforts by every member of the Rules Committee to open the process have empowered us all to work in bipartisan fashion.

I am pleased this bill will be considered under an open rule, which was unanimously approved by the Rules Committee yesterday. While the chairman and the ranking minority member of the Government Reform and Oversight Committee testified to the Rules Committee that they do not expect many amendments, there were a number of amendments that were either withdrawn or not approved during committee consideration of H.R. 830. Hopefully, this rule will provide these Members and the entire House with sufficient time to review these amendments and express any persisting apprehension about the bill.

I strongly support the goals and purpose of the 1980 Paperwork Reduction Act. However, it is clear the bill was not entirely effective in reducing the paperwork burden, as the total pages of rules printed in the Federal Register increased from an average of 50,618 during President Reagan's terms, to an average of 53,596 during President Bush's term, to an average of 61,000 pages during President Clinton's term.

The 1995 Paperwork Reduction Act is designed to reduce these paperwork burdens, and H.R. 830 has received considerable support. I believe that the Government Reform and Oversight Committee has crafted a good piece of legislation, and the members of the Rules Committee simply want to enable any member to offer perfecting amendments to the whole House that may enhance the benefits of legislation to the American people.

Mr. Speaker, H.R. 830 was favorably reported out of the Committee on Government Reform and Oversight by a vote of 40 to 4, and this rule received unified support from the Rules Committee. I urge my colleagues to support this rule, and I look forward to a thoughtful and deliberative debate on H.R. 830.

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

fact, it is exactly the kind of rule that we all think of when we hear the term open rule: There is no limit on the time for considering amendments; there are no waivers of rules; there are no preprinting provisions; there are no conditions or requirements of any kind.

This is a completely unrestricted open rule, and it has our full support.

Furthermore, the bill which this rule makes in order, the Paperwork Reduction Act of 1995 is, itself, relatively noncontroversial and has substantial support on both sides of the aisle. The one provision in the bill that is a major point of contention for Members on our side will be debated when the gentlewoman from Illinois, the ranking minority member of the Committee on Government Reform and Oversight, Mrs. COLLINS, offers her amendment.

The Collins amendment would strike the provisions of H.R. 830 that allow the Office of Management and Budget to review and reject Federal regulations that require businesses to disclose information to third parties, including their employees and the public.

This amendment would preserve the 1990 Supreme Court decision in the case of Dole versus the United Steelworkers of America, which held that OMB did not have the authority to review OSHA requirements that companies post safety notices in the workplace. In other words, the amendment would prevent the Paperwork Reduction Act from being used as a mechanism to deny workers the right to know about hazards they face in the workplace.

Other amendments we are anticipating include: one to be offered by the gentleman from Vermont [Mr. SANDERS] which would place a priority on reducing paperwork for very small businesses; one to be offered by the gentleman from Idaho [Mr. CRAPO] addressing the right of private citizens to seek court actions challenging Federal agency information collection activities that have not been cleared by OMB; and one to be offered by the gentlewoman from New York [Mrs. MALONEY] which would sunset this bill after 5 years.

Mr. Speaker, again, the rule before us is a completely unrestricted open rule, and I urge its adoption.

Mr. Speaker, I include the following material for the RECORD:

FLOOR PROCEDURE IN THE 104TH CONGRESS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1	Compliance	H. Res. 6	Closed	None
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None

H.R. 668	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision.	N/A
H.R. 728	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference.	N/A
H.R. 7	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference.	N/A
H.R. 729	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments.	N/A
S. 2	Senate Compliance	N/A	Closed; Put on suspension calendar over Democratic objection	None
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; contains self-executing provision.	1D
H.R. 830	The Paperwork Reduction Act	H. Res. 91	Open	N/A
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey Substitute	1D

71 percent restrictive; 29 percent open. These figures use Republican scoring methods from the 103d Congress. Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, and H.R. 440.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], the chairman, for reporting this unrestricted rule to the House floor and I want to acknowledge the gentleman from California [Mr. BEILENSON] for his support of the 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.

The SPEAKER pro tempore. Pursuant to House Resolution 91 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. 830.

□ 1628

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. 830) to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, with Mr. COMBEST 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 Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes, and the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

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

Mr. Chairman, I am pleased to bring to the floor today the first reauthorization of the Paperwork Reduction Act since it expired in 1989. This bill continues the very long tradition of seeking to reduce the burdens of Federal regulations on individuals and businesses which first began with the Commission on Federal Paperwork in 1977. The report of that Commission, chaired by our former good friend and colleague, Frank Horton, led to the establishment of the Office of Information and Regulatory Affairs at OMB, or IRA, and the passage of the Paperwork Reduction Act of 1980.

The Paperwork Reduction Act of 1995 was reported out of the Committee on Government Reform and Oversight on February 10 of this year with an overwhelming 40-to-4 vote, obviously a very broad bipartisan vote. I am here today to encourage all of my colleagues to support the passage of this important measure today.

As I say, the legislation is premised on the continuing belief in the principles and requirements of the Paperwork Reduction Act of 1980. All of the legislation's amendments to the 1980 act, as amended in 1986, are intended to further its original purposes, to strengthen OMB and agency paperwork reduction efforts, to improve OMB and agency information resources management, including in specific functional areas such as information dissemination, and to encourage and provide for more meaningful public participation in paperwork reduction and broader information resources management decisions.

□ 1630

With the regard to the reduction of information collection burdens, the legislation increases the act's 1986 goal of an annual 5 percent reduction in public paperwork burdens to a full 10 percent. OMB is required to include in its annual report to Congress, recommendations to revise statutory paperwork burdens. The legislation includes third-party disclosure requirements in the definition of collection of information to overturn the Supreme Court's decision, Dole versus United Steelworkers of America. This will ensure that collection and disclosure requirements are covered by the OMB paperwork clearance process, and this will be the subject of an amendment later in this debate. The Act is also amended to require each agency to develop paperwork clearance process to review and solicit public comment on proposed information collections before submitting them to OMB for review. Public accountability is also strengthened through requirements for public disclosure of communications with OMB regarding information collections—with protections for whistleblowers complaining of unauthorized collections—and for OMB to review the status of any collection upon public request. In combination with more general requirements, such as encouraging data sharing between the Federal Government and State, local, and tribal governments, the legislation strives to further the act's goals of minimizing government information collection burdens, while maximizing the utility of government information.

The legislation also adds further detail to strengthen other functional areas, such as statistical policy and information dissemination. The dissemination provisions, for example, delineate clear policies that were not articulated in the act's previous references to dissemination. These provisions require OMB to develop governmentwide policies and guidelines for information dissemination and to promote public access to information maintained by Federal agencies. In turn, the agencies are to: First, ensure that the public has timely and equitable access to public information; second, solicit public input on their information dissemination activities; and third, not establish restrictions on dissemination or redissemination of government information. Emphasis is placed on efficient and effective use of new technology and a reliance on a diversity of public and private sources of information to promote dissemination of government information, particularly in electronic formats.

With regard to over-arching information resources management [IRM] policies, the legislation charges agency heads with the responsibility to carry out agency IRM activities to improve

lection burdens on the public.

To improve accountability for agency IRM responsibilities, as well as responsibilities for paperwork reduction, the agency responsibilities provided in the act are amended to complement and more directly parallel OMB's functional responsibilities.

Finally, Mr. Chairman, I want to comment on a very minor section of the bill that was later removed during the committee's consideration which would have codified OMB circular A–130, a long-standing executive branch policy which states that the government should not compete with the private sector in using public information.

Single issue interest groups have distorted, I think, and misrepresented this provision to suggest that it was included in this bill solely to benefit one specific company. And I agreed to remove this provision from the bill, and it is not in the bill, and would consider it at another time, but I do want to state for the RECORD that as a matter of policy Congress should not condone the Government competing against the private sector, which was the concern raised in this amendment. But because it became extraordinarily controversial and because it was presented and seen as benefiting one company, although that was not the purpose, it has been deleted from this measure.

I am aware that a number of amendments will be offered to this bill. While many of these amendments were offered and defeated in the committee, I appreciate all of the constructive efforts that have been made by Members on both sides to improve this bill.

Let me say, Mr. Chairman, that I have given what is contained in the bill, but the bottom line is when you forget all about the technicalities of the bill, the effort here is to reduce the paperwork burden which has proliferated over the years the incredible mountain of information that the government demands be collected and reported and recorded. Very, very, many of these requirements are necessary, many of them are clearly not. And the bottom line is we are attempting to bring some sort of reasonable restraints on the ability and the power of the Federal Government to impose these burdens on the private sector and on local and State governments.

So at the end of the amendment process, which we will hopefully begin soon, I hope all Members will join what has really been a very long and bipartisan effort to minimize Federal paperwork requirements imposed on American citizens and taxpayers. This bill, I of Independent Business for the 104th Congress.

So we have an opportunity to do something here this afternoon and evening on a very bipartisan basis, which is good government, not very exciting, not very sexy issue, but it is one that I think is extraordinarily important for every small and large business, every household, every municipality in this country, and that is to reduce the crushing burden of paperwork requirements the Federal Government imposes.

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

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, today we are considering the reauthorization of the Paperwork Reduction Act. For many years, this act, and its subsequent reauthorizations, have been bipartisan.

Similarly, this bill contains many provisions of bipartisan agreement. However, a problem continues with this act, becuase it expands the authority of OMB to interfere with agency decisions for reasons other than paperwork reduction.

Over the years of Republican administrations, OMB became a haven for special interests to quietly plead for lesser regulations than those imposed by the Federal agencies. This backdoor special interest access came after these business lobbyists failed to get their way at the agencies.

No records were kept of these meetings. No one knew what went on behind those closed doors. However, we did witness the OMB cancellation of regulation after regulation. We also saw White House officials stonewall all questions about who came to the Office of Management and Budget, and what was said.

Let me give you an example of OMB's interference with agency regulations. In one case, it blocked regulations that required companies to post a notice to their workers of any toxic chemicals used at the work site, after companies complained about the posting requirements, even though OMB did not have the authority to do so.

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

When the case reached the Supreme Court, it ruled that OMB did not have the authority to act. This bill would overturn that Supreme Court decision known as Dole versus Steelworkers of and Regulatory Affairs. That is also a mistake. Without the threat of reauthorization, agencies grow complacent. Without the need for reauthorization, it is too easy for agencies to ignore congressional oversight. Congresswoman MALONEY will offer an amendment to sunset this bill after 5 years, and I support her amendment.

Mr. Chairman, there are some good provisions in H.R. 830, but I urge my colleagues to consider our amendments carefully, and give them your support.

☐ 1640

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. MCINTOSH].

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

Mr. MCINTOSH. Mr. Chairman, I wanted to rise today in support of this legislation.

Let me explain that it was my experience working with Vice President Quayle at the Competitiveness Council that this paperwork act is vitally important in reducing the amount of paperwork burden that the Federal Government puts on private employers and ultimately, therefore, consumers and workers.

The legislation that we have before us today does several very important things. Chief among them is the permanent reauthorization of that act so that we will be assured that all Government paperwork is reviewed by OMB in a central reviewing process to make sure we do not place unnecessary burdens, that we do not have forms that are duplicative, that we do not ask people to fill out forms for no good reason, if the Federal Government is involved.

The second very important provision in this bill is to close one of the loopholes created by a Supreme Court case called the Steelworkers' case which said that if the Government required people to fill out a form or disclose a particular form to another party but not send that form back to Washington, then it would be exempt from this review process. The problem with that particular loophole is that we have seen a mushrooming of paperwork that fits that description.

In our subcommittee we held hearings on this bill. One of my constituents who is from Shelbyville, IN, a gentleman named Bob Stolmeier, came and talked about the duplicative paperwork he has to fill out in his small business.

In particular he talked about the hazard notification forms that he has

the potential hazards related to these plastic bags. It is something he says nobody has ever asked him to take a look at. It is not a hazardous material the way we think of a chemical or nuclear materials that could be threatening to health and safety, but the Government regulations require him to go through that each time he sets up business and every time he ships his product. It is an enormous cost. It is a self-imposed cost that affects our competitiveness. He is in direct competition with manufacturers of the same product overseas and says they do not have to supply that same paperwork.

Those are some of the things that this bill would accomplish for men and women around the country. Let me say in general that if you stop and take a look at the magnitude of the problem, the Federal Government requires so much paperwork to be filled out that it would take over a million people working full time at entire year to fill out all of the forms that are required by the Federal Government. That is a million people doing nothing more than filling out forms and sending them in to Washington or having them there in their worksite.

We need to cut back on this unnecessary paperwork, free up our workers, free up our farmers, reduce prices for the consumers, and help to eliminate unnecessary paperwork and redtape.

Mr. Chairman, I rise in support of this bill. I am glad to see that it has broad bipartisan support and is not a huge controversial measure. The American people can rest assured that this change will do us a lot of good.

Mrs. COLLINS of Illinois. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, we had a couple of other requests, but I do not see them on the floor. I think this is evidence of what a bipartisan bill this is and how Members are convinced that we have a good piece of legislation here.

Mr. LATOURETTE. Mr. Chairman, 50 days ago I was a county prosecutor in Lake County, OH, so I'm somewhat new at this job. I am not new, however, at hearing people gripe about the Federal Government, Washington, DC., and the Congress.

It has been my experience that when folks are not chastising us for being a group of self-serving politicians, they are blasting us for being a part of the place that reeks of inefficiency and waste. Washington could literally bury itself under the mountain of paperwork it insists others complete. And do not for a moment think that thought has not crossed the minds of many a business owner.

Regulatory Affairs Committee.

Mr. Koeblitz, the CEO of a Cleveland-area company, explained how during each Congressional cycle the Chamber surveys its Members and asks them to rank issues of importance to them. Of the 64 issues identified for this Congress, paperwork reduction was No. 3, ranking behind only unfunded mandates and welfare reform.

Mr. Koeblitz and Chamber officials were kind enough to provide my office with the following examples of paperwork nightmares, all from the same Pennsylvania independent laboratory—a company with just 10 full-time employees. If these examples do not convey the message that paperwork reduction is necessary, nothing will.

The company had to establish an entirely new and separate bookkeeping system just to keep up with the paperwork required by the Family and Medical Leave Act.

To comply with a routine Affirmative Action Audit in 1988, the company had to expend approximately 600 hours of staff time to prepare and facilitate the process. And when we say ''mountain of paperwork'' it is no exaggeration. The completed paperwork package to comply with this, again—routine audit, weighed 13 pounds.

I ask you, how much does the paperwork from an audit weigh when it is not routine? Thirty-seven pounds? One hundred and fourteen pounds? It is one thing to comply with regulations, but quite another to bury companies under excessive and needlessly complex documentation.

I applaud Mr. Koeblitz for bringing this problem to the attention of the Congress and concur with the message he gave to the committee:

> We should let the American business community get back to the business of running their companies rather than spending ridiculous amounts of time complying with federal government edicts.

I urge my colleagues to support H.R. 830.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong support of H.R. 830, the Paperwork Reduction Act of 1995.

I am pleased to be a cosponsor of this legislation. Much work has gone into this legislation during the past two Congresses by the Small Business Committee and the Committee on Government Reform. This bill has been developed on a bipartisan basis and has received considerable bipartisan support. I want to particularly acknowledge the work of the gentleman from Pennsylvania [Mr. CLINGER] and of the gentleman from Virginia [Mr. SISISKY] who as a member of my Small Business Committee, has been most persistent on this legislation.

Both gentlemen sponsored similar legislation last Congress, H.R. 2995, which had over 100 cosponsors, evenly split between Republicans and Democrats. I also want to acknowledge the support of the gentleman from New York [Mr. LAFALCE] who as the ranking mem-

ing amendments to the Regulatory Flexibility Act we will be considering next week, are precisely the kind of commonsense regulatory reforms that this Congress can enact for the benefit of small businesses and all the American people.

On January 27, the Small Business Committee held a hearing on legislative proposals for paperwork reduction. The Administrator of the White House Office of Information and Regulatory Affairs [OIRA], Mrs. Sally Katzen, indicated the administration fully supported the bill we have before us today. After describing problems this administration has in implementing the Act as a result of the 1990 Supreme Court decision in Dole versus Steelworkers of America, she specifically stated the Clinton administration supports overturning that decision. She further echoed the testimony of our small business witnesses that strengthening amendments to the Paperwork Reduction Act are needed.

Authorization for appropriations to OIRA expired in 1989. The Supreme Court decision followed in 1990. Our small business witnesses noted that the Act's promise to protect them from bureaucratic excesses and unnecessary regulations has significantly eroded during the past 5 years. They gave three reasons: The Court decision which gave agencies an excuse to avoid the Act's requirements, the growing tendency of agencies to ignore the Act's requirements, and the inability of the Executive branch and the Congress to come to an agreement during the past three Congresses on what amendments are needed to the Act.

Put simply, this legislation needs to be enacted to strengthen the tools in the Act that encourage small businesses to participate in reducing the cumulative burdens of regulatory paperwork. The Act needs to be strengthened, corrected, and renewed, not weakened by time and neglect.

One of our witnesses estimated that 510 billion dollars worth of time and effort are spent by the American public meeting the Federal Government's information needs. Those are the hidden taxes, the off-budget costs of government programs. We need to be sure that we keep these costs to a minimum. The ability of small businesses, for example, to create new jobs and retain existing ones, depends on keeping the costs to a minimum.

I believe H.R. 830 will reverse the erosion that has occurred in recent years. It will strengthen the small business community' ability to reduce unnecessary regulations.

Let me point to the strong support within the small business community for this legislation. This bill has a broad base of support from a Paperwork Reduction Act Coalition, which includes some 75 trade, professional, and citizen associations. Small business organizations such as National Federation of Independent Businesses, National Small Business

day for small business. And it is—just as surely—a great day for this House.

Today we have a chance to really change the way Government does business. Paperwork reduction is not something that only academics and bureaucrats care about. It is a reform that will have a direct impact on millions of people—and especially small businesses—on a day-to-day basis.

If we really want to reinvent Government, we must constantly be thinking of ways for Government to perform its necessary functions without imposing a crushing burden on small businesses.

This administration has received praise from many quarters for its reinventing Government initiative. I, for one, think this praise is well-deserved. The National Security Committee, on which I serve, worked hand in hand with the administration last year to craft sweeping legislation to reinvent the Government procurement system.

However, despite this and other successes, much more remains to be done. If you ask small businesses how they think Government should be reinvented, I think most would say paperwork reduction is a good place to start. As a senior member of the Small Business Committee, I know that small businesses rank paperwork reduction as one of their highest priorities.

Small firms are forced to spend billions of dollars each year filling out Government paperwork. We sometimes forget that many small businesses, especially the smallest of the small, have a hard time just keeping their heads above water. Government paperwork is really a hidden tax on small business, and it makes it that much harder for them to survive.

Since small businesses are responsible for creating most new jobs in today's economy, it only makes sense to do what we can to eliminate this impediment to small business job creation. Paperwork reduction is a reform that both Democrats and Republicans can enthusiastically support.

We can be proud that the original Paperwork Reduction Act, as well as H.R. 830, have been genuinely bipartisan efforts. In the last Congress, Mr. CLINGER joined me in introducing a very similar bill, cosponsored by a bipartisan group of 120 Members. In this Congress, I had the pleasure of joining with Mr. CLINGER in renewing this effort. Both H.R. 830 and its Senate counterpart enjoy the backing of the Clinton administration.

I think that this legislation is an encouraging example of how Members of both parties can put aside partisan differences when it comes to small business and job creation, and I hope it can serve as a model for constructive bipartisan cooperation in the future.

Mr. Chairman, today we have a chance to help small businesses in America do what they do best—create more jobs. I strongly urge my Democratic and Republican colleagues to give their wholehearted support to H.R. 830.

H.R. 830

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 ''Paperwork Reduction Act of 1995''.

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

''CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

''Sec.
''3501. Purposes.
''3502. Definitions.
''3503. Office of Information and Regulatory Affairs.
''3504. Authority and functions of Director.
''3505. Assignment of tasks and deadlines.
''3506. Federal agency responsibilities.
''3507. Public information collection activities; submission to Director; approval and delegation.
''3508. Determination of necessity for information; hearing.
''3509. Designation of central collection agency.
''3510. Cooperation of agencies in making information available.
''3511. Establishment and operation of Government Information Locator Service.
''3512. Public protection.
''3513. Director review of agency activities; reporting; agency response.
''3514. Responsiveness to Congress.
''3515. Administrative powers.
''3516. Rules and regulations.
''3517. Consultation with other agencies and the public.
''3518. Effect on existing laws and regulations.
''3519. Access to information.
''3520. Authorization of appropriations.

''§ 3501. Purposes

''The purposes of this chapter are to—

''(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

''(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

''(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

''(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

''(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

''(6) minimize the paperwork burden for small businesses;

''(7) assure that information technology is acquired and information streams are managed in a manner that implements the policies and procedures of this chapter in accordance with prompt and proper consideration of the rights of persons with disabilities and maximizes the value to the Federal Government and persons who are members of the public of information resources that are obtained or made accessible to the public at reasonable cost and makes effective use of information technology;

''(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

''(A) privacy and confidentiality, including section 552a of title 5;

''(B) security of information, including the Computer Security Act of 1987 (Public Law 100–235); and

''(C) access to information, including section 552 of title 5;

''(9) ensure the integrity, quality, and utility of the Federal statistical system;

''(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

''(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

''§ 3502. Definitions

''As used in this chapter—

''(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

''(A) the General Accounting Office;

''(B) Federal Election Commission;

''(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

''(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

''(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

''(A) reviewing instructions;

''(B) acquiring, installing, and utilizing technology and systems;

''(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

''(D) searching data sources;

''(E) completing and reviewing the collection of information; and

''(F) transmitting, or otherwise disclosing the information;

''(3) the term 'collection of information' means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

''(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities,

tures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

''(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

''(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

''(8) the term 'information system' means a discrete set of information resources and processes, automated or manual, organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

''(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2));

''(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

''(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

''(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

''(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to—

''(A) retain such records;

''(B) notify third parties or the public of the existence of such records;

''(C) disclose such records to third parties or the public; or

''(D) report to third parties or the public regarding such records.

''§ 3503. Office of Information and Regulatory Affairs

''(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

''(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and

''(a)(1) The Director shall—

''(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

''(B) provide direction and oversee—

''(i) the review and approval of the collection of information and the reduction of the information collection burden;

''(ii) agency dissemination of and public access to information;

''(iii) statistical activities;

''(iv) records management activities;

''(v) privacy, confidentiality, security, disclosure, and sharing of information; and

''(vi) the acquisition and use of information technology.

''(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

''(b) With respect to general information resources management policy, the Director shall—

''(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

''(2) foster greater sharing, dissemination, and access to public information, including through—

''(A) the use of the Government Information Locator Service; and

''(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

''(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

''(4) oversee the development and implementation of best practices in information resources management, including training; and

''(5) oversee agency integration of program and management functions with information resources management functions.

''(c) With respect to the collection of information and the control of paperwork, the Director shall—

''(1) review and approve proposed agency collections of information;

''(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement and acquisition and to reduce information collection burdens on the public;

''(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

''(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and

''(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

''(d) With respect to information dissemination, the Director shall develop and oversee coordination, the Director shall—

''(1) coordinate the activities of the Federal statistical system to ensure—

''(A) the efficiency and effectiveness of the system; and

''(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

''(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

''(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

''(A) statistical collection procedures and methods;

''(B) statistical data classification;

''(C) statistical information presentation and dissemination;

''(D) timely release of statistical data; and

''(E) such statistical data sources as may be required for the administration of Federal programs;

''(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

''(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

''(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

''(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

''(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

''(A) be headed by the chief statistician; and

''(B) consist of—

''(i) the heads of the major statistical programs; and

''(ii) representatives of other statistical agencies under rotating membership; and

''(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

''(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

''(B) all costs of the training shall be paid by the agency requesting training.

''(f) With respect to records management, the Director shall—

''(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

''(2) review compliance by agencies with—

''(A) the requirements of chapters 29, 31, and 33 of this title; and

''(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

''(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

''(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

''(h) With respect to Federal information technology, the Director shall—

''(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

''(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

''(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

''(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759);

''(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

''(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

''(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

''(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

''(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

''§ 3505. Assignment of tasks and deadlines

''(a) In carrying out the functions under this chapter, the Director shall—

''(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least five percent, and set annual agency goals to—

''(A) reduce information collection burdens imposed on the public that—

''(i) represent the maximum practicable opportunity in each agency; and

''(ii) are consistent with improving agency management of the process for the review of collections of information and the control of paperwork, and with maximizing the value to the government and society of the information collected;

''(B) minimize the cost to the Federal government of the creation, collection, maintenance, use, dissemination, and disposition of information;

''(C) minimize the burden on the public, consistent with the proper performance of functions of the agencies, and minimize the disclosure of information collected or maintained by the agencies to those persons or to those agencies deemed appropriate by them;

''(D) ensure that the information collected by the agencies is the most useful information practicable for the purposes of the agencies;

''(E) minimize the burden on small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632));

''(F) assure that information collection procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden; and

''(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

''(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

''(B) plans for—

''(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

''(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

''(iii) meeting the information technology needs of the Federal Government in accordance with the purposes of this chapter; and

''(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions.

''(b) For purposes of any pilot project conducted under subsection (a)(2), the Director may waive the application of any regulation or administrative directive issued by an agency with which the project is conducted, including any regulation or directive requiring a collection of information, after giving timely notice to the public and the Congress regarding the need for such waiver.

''§ 3506. Federal agency responsibilities

''(a)(1) The head of each agency shall be responsible for—

''(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

''(B) complying with the requirements of this chapter and related policies established by the Director.

''(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

''(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate a senior official who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated for the military departments, the respective duties of the officials shall be clearly delineated.

''(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with regard to their qualifications to perform such important functions.

''(b) With respect to information resources management, each agency shall—

''(1) manage information resources to—

''(A) reduce information collection burdens on the public;

''(B) increase program efficiency and effectiveness; and

''(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

''(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

''(3) develop and maintain an ongoing process to—

''(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

''(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

''(C) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

''(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

''(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

''(c) With respect to the collection of information and the control of paperwork, each agency shall—

''(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

''(A) review each collection of information before submission to the Director for review under this chapter, including—

''(i) an evaluation of the need for the collection of information;

''(ii) a functional description of the information to be collected;

''(iii) a plan for the collection of the information;

''(iv) a specific, objectively supported estimate of burden;

''(v) a test of the collection of information through a pilot program, if appropriate; and

person receiving the collection of information—

''(I) the reasons the information is being collected;

''(II) the way such information is to be used;

''(III) an estimate, to the extent practicable, of the burden of the collection; and

''(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

''(C) assess the information collection burden of proposed legislation affecting the agency;

''(2)(A) except for good cause or as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

''(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

''(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

''(iii) enhance the quality, utility, and clarity of the information to be collected; and

''(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

''(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv); and

''(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

''(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

''(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

''(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

''(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

''(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

''(iii) an exemption from coverage of the collection of information, or any part thereof;

''(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

''(H) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

''(I) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

''(d) With respect to information dissemination, each agency shall—

''(1) ensure that the public has timely, equal, and equitable access to the agency's public information, including ensuring such access through—

''(A) encouraging a diversity of public and private sources for information based on government public information,

''(B) in cases in which the agency provides public information maintained in electronic format, providing timely, equal, and equitable access to the underlying data (in whole or in part); and

''(C) agency dissemination of public information in an efficient, effective, and economical manner;

''(2) regularly solicit and consider public input on the agency's information dissemination activities;

''(3) provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products; and

''(4) not, except where specifically authorized by statute—

''(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

''(B) restrict or regulate the use, resale, or redissemination of public information by the public;

''(C) charge fees or royalties for resale or redissemination of public information; or

''(D) establish user fees for public information that exceed the cost of dissemination, except that the Director may waive the application of this subparagraph to an agency, if—

''(i) the head of the agency submits a written request to the Director, publishes a notice of the request in the Federal Register, and provides a copy of the request to the public upon request;

''(ii) the Director sets forth in writing a statement of the scope, conditions, and duration of the waiver and the reasons for granting it, and makes such statement available to the public upon request; and

''(iii) the granting of the waiver would not materially impair the timely and equitable availability of public information to the public.

''(e) With respect to statistical policy and coordination, each agency shall—

''(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

''(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

''(6) make data available to statistical agencies and readily accessible to the public.

''(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

''(g) With respect to privacy and security, each agency shall—

''(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

''(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

''(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

''(h) With respect to Federal information technology, each agency shall—

''(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

''(2) assume responsibility and accountability for information technology investments;

''(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

''(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

''(5) assume responsibility for maximizing the value and assessing and managing the risks of major information systems initiatives through a process that is—

''(A) integrated with budget, financial, and program management decisions; and

''(B) used to select, control, and evaluate the results of major information systems initiatives.

''§ 3507. Public information collection activities; submission to Director; approval and delegation

''(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

''(1) the agency has—

''(A) conducted the review established under section 3506(c)(1);

''(B) evaluated the public comments received under section 3506(c)(2);

''(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations,

''(III) a brief description of the need for the information and the proposed use of the information;

''(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

''(V) an estimate of the burden that shall result from the collection of information; and

''(VI) notice that comments may be submitted to the agency and Director;

''(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

''(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

''(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except for good cause or as provided under subsection (j).

''(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

''(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

''(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

''(A) the approval may be inferred;

''(B) a control number shall be assigned without further delay; and

''(C) the agency may collect the information for not more than 1 year.

''(d)(1) For any proposed collection of information contained in a proposed rule—

''(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

''(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

''(2) When a final rule is published in the Federal Register, the agency shall explain—

''(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

''(B) the reasons such comments were rejected.

''(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

''(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

''(A) from disapproving any collection of information which was not specifically required by an agency rule; approved under the standards set forth in section 3508; or

''(D) from disapproving any collection of information contained in a final rule, if—

''(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

''(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

''(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

''(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

''(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

''(2) Any written communication between the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs, and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

''(3) This subsection shall not require the disclosure of—

''(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

''(B) any communication relating to a collection of information, the disclosure of which could lead to retaliation or discrimination against the communicator.

''(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

''(A) any disapproval by the Director, in whole or in part, of a proposed collection of information that agency; or

''(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

''(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

''(g) The Director may not approve a collection of information for a period in excess of 3 years.

''(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

''(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

''(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

''(A) publish an explanation thereof in the Federal Register; and

''(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

''(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

''(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

''(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

''(j)(1) The agency head may request the Director to authorize collection of information prior to expiration of time periods established under this chapter, if an agency head determines that—

''(A) a collection of information—

''(i) is needed prior to the expiration of such time periods; and

''(ii) is essential to the mission of the agency; and

''(B) the agency cannot reasonably comply with the provisions of this chapter within such time periods because—

''(i) public harm is reasonably likely to result if normal clearance procedures are followed; or

''(ii) an unanticipated event has occurred and the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information related to the event or is reasonably likely to cause a statutory or court-ordered deadline to be missed.

''(2) The Director shall approve or disapprove any such authorization request

''Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary for any reason, the agency may not engage in the collection of information.

''§ 3509. Designation of central collection agency

''The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

''§ 3510. Cooperation of agencies in making information available

''(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

''(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

''(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

''§ 3511. Establishment and operation of Government Information Locator Service

''In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

''(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the 'Service'), which shall identify the major information sharing and dissemination systems in order to promote information sharing, interoperability, and uniform access;

''(2) in cooperation with the Director of the National Institute of Standards and Technology and the Administrator of General Services and the Archivist of the United States, initiate work on standards that will be required for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

''(3) in cooperation with the Director of the National Institute of Standards and Technology and the Administrator of General Services and the Archivist of the United States, conduct a study of commercial information locator services and other information dissemination mechanisms to determine their utility for the Service;

''(4) consider public access and other user needs in the establishment and operation of the Service;

''(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

''(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

''§ 3512. Public protection

''Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain, provide, or disclose information to or for any agency or person if the applicable collection of information—

''(1) does not display a valid control number assigned by the Director; and

''(2) fails to state that the person who is to respond to the collection of information is not required to comply unless such collection displays a valid control number.

''§ 3513. Director review of agency activities; reporting; agency response

''(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

''(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

''(1) be taken to address information resources management problems identified in the report; and

''(2) improve agency performance and the accomplishment of agency missions.

''§ 3514. Responsiveness to Congress

''(a)(1) The Director shall—

''(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

''(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

''(2) The Director shall include in any such report a description of the extent to which agencies have—

''(A) reduced information collection burdens on the public, including—

''(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

''(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter;

''(B) improved the quality and utility of statistical information;

''(C) improved public access to Government information; and

''(D) improved program performance and the accomplishment of agency missions through information resources management.

''(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

''§ 3515. Administrative powers

''Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

''§ 3516. Rules and regulations

''The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

''§ 3517. Consultation with other agencies and the public

''(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

''(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, the person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

''(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

''(2) take appropriate remedial action, if necessary.

''§ 3518. Effect on existing laws and regulations

''(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

''(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

''(c)(1) Except as provided in paragraph (2), this chapter shall not apply to obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions—

''(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

''(D) during the conduct of intelligence activities as defined in section 4–206 of Executive Order No. 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

''(2) This chapter applies to obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

''(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89–306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

''(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

''(f) Notwithstanding any other provision of this chapter or any other law—

''(1) any public information that an agency discloses, disseminates, or makes available to the public may be used by any person for profit or nonprofit activities; and

''(2) if any person adds value to the public information, the Federal Government shall not have any right to obtain, collect, acquire, disseminate, use, or convert—

''(A) the resulting data, database, or other information product, or

''(B) any method used by the person to identify such resulting data, database, or information product,

except under terms that are expressly agreed to by such person.

''§ 3519. Access to information

''Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

''§ 3520. Authorization of appropriations

''There are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter such sums as may be necessary.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1995.

The first committee amendment was agreed to.

Mr. CLINGER. Mr. Chairman, I ask unanimous consent that the remaining committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mrs. COLLINS of Illinois. Mr. Chairman, reserving the right to object, and I will not object, it is correct that this en bloc amendment is solely in compliance with the amendments adopted in committee?

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

Mrs. COLLINS of Illinois. Further reserving the right to object, I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, that is correct. This just incorporates those amendments which were adopted in the committee.

Mrs. COLLINS of Illinois. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Clerk will designate the remaining committee amendments.

The text of the remaining committee amendments is as follows:

Committee amendments: On page 12, line 22, insert '', and payment'' after ''acquisition''.

In the proposed section 3505 (page 19, line 18), strike ''five'' and insert ''10''.

In the proposed section 3514 (page 51, line 14), strike ''5'' and insert ''10''.

In the proposed section 3518 strike subsection (f).

The CHAIRMAN. The question is on the remaining committee amendments.

The remaining committee amendment were agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. COLLINS of Illinois: Page 6, beginning at line 23, strike ''soliciting, or requiring the disclosure to third parties or the public,'' and insert ''or soliciting,''.

Page 9, beginning at line 18, strike ''records,'' and all that follows through page 10, line 2, and insert ''records.''.

Page 49, beginning at line 12, strike ''maintain, provide, or disclose information to or for any agency or person'' and insert ''maintain or provide information to or for any agency''.

considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. COLLINS of Illinois. Mr. Chairman, my amendment would strike from the bill those provisions giving the Office of Information and Regulatory Affairs authority to block regulations concerning so-called third-party communications. These regulations involve requirements for companies to provide notifications to third parties, for example, their workers, about matters such as safety problems in the workplace.

Let me discuss the history of this issue and explain why it is so important. OSHA issued a rule in 1987 to private companies requiring that they post signs in the workplace to notify workers of the chemical hazards that they may face. After some companies complained to OMB, its Office of Information and Regulatory Affairs, using the Paperwork Reduction Act as its authority, overturned the rule. OMB claimed that the signs posted for the workers were covered by the act, and thus were a paperwork burden.

Mr. Chairman, we are talking about a small poster telling workers of the hazards in the workplace. Removing these warnings is not paperwork reduction, it is safety reduction. Yet OMB, in the name of paperwork reduction, said that employers do not have to warn workers about the hazards they face at work.

The Steelworkers, on the other hand, believe workers have a right to that information, and challenged that authority in court. The Supreme Court in 1990 agreed in a decision known as Dole versus the United Steelworkers of America and found that OMB had no authority over these notifications. Now, this bill overturns that hard fought victory of the workers.

Overturning Dole, as this bill does, says to workers that relieving the paperwork burden on business is more important than their health and safety on the job. Overturning Dole opens the door for political influence to prevail over scientific judgment within the corridors of the Office of Management and Budget. Overturning Dole opens the door for political favoritism over common sense.

A number of justifications are given for overturning Dole, but each is a smoke screen to hide the fact that the back door has been opened for businesses to plead their case in private after losing before an agency. The issue in this case was not the paperwork, but

this authority be used to cancel notification on the safety of children's toys? Will it be used to remove the hazard warnings from packs of cigarettes? If the safety of the work place is not beyond reach, then very little is.

Of course, others greet this expanded authority with gusto. They have something to gain. If the government requires something of you, and you have the necessary political clout, you needn't worry. A brief visit to the proper officials by the appropriately connected lobbyists will relieve your burden. There will be no questions about scientific evidence. There will be no public forum in which the ideas must be defended. Instead there will be a quiet meeting in a room off to the side where deals are struck. No records will be kept, and there will be no paper trail. After all, we're reducing paperwork here.

The pesticides and herbicides that farmers use are labeled to warn of the hazards of exposure to the skin or by breathing. Are we going to put farmers at risk in the name of paperwork reduction?

Day-in and day-out the American worker is exposed to hazards at the work place. And as manufacturing gets more complicated those hazards increase. The process of refining petroleum, making plastic, etching silicon chips for computers each involve potentially toxic chemicals. The workers in these industries have a right to know what risks surround them.

Let there be no mistake about it. Overturning the Dole decision creates the opportunity for OMB to keep workers in the dark about those dangers. My amendment merely preserves the current law on this issue. History has taught us that despite the many benefits of the Paperwork Reduction Act, it can be abused. There is no reason to overturn the Supreme Court decision that ensured workers the right to know about hazards at the workplace.

Mr. Chairman, I urge support for my amendment.

□ 1650

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, regrettably, I must oppose the gentlewoman's amendment.

One of the really important accomplishments, I think, of H.R. 830 is that it overturns the Dole decision and includes third-party disclosure requirements within the provisions of the bill.

The basic reasons, the fundamental reasons for insuring that third-party disclosure requirements are clearly

self, they have increasingly turned to require third parties to collect that information and transmit it. Third-party disclosure has increased partly because agencies which have had limited resources to collect and analyze information—and I think that capability clearly is going to be even less in the future; they will have even more limited resources to collect and analyze information—these agencies have discovered that their program objectives can be met by requiring private parties to provide information directly to the intended beneficiary or to the enforcer, which, in effect, totally eliminates the Federal middle man in this operation. It becomes a federally directed, unfunded mandate by saying, ''We don't have the resources to collect this information and transmit it, so we are going to impose that requirement on you to collect it and transmit it because we don't have to be concerned where you get the resources to do this with.''

So in order to decrease the direct cost of government services, agencies may also adopt third-party disclosure in the form of self-certification and recordkeeping by private entities to replace extensive information collections.

And the third reason, Mr. Chairman, why I think this reversal of the Dole decision is important to be included in this legislation is that the Federal Government has dramatically increased the use of third-party disclosure by having private institutions and individuals report to State and local governments, again totally leaving the Federal Government out of the loop.

States, for example, are often charged with the responsibility for implementing and enforcing Federal program requirements with extensive information collection. In such situations, the Federal agency may not actually receive the information that is collected, but require the States to retain the reports and the public for possible State or Federal inspection or having States send the Federal agency only a summary of the information reported to them.

So, we have really gotten this whole process fairly far distantly removed from the actual Federal involvement, processing, evaluating of the information that is being collected.

So, Mr. Chairman, Federal paperwork burdens, as we all agree, are skyrocketing and the language contained in this bill is designed to close a very, very wide loophole, one that, as I say, we have not reauthorized this whole bill

ment and urge a vote against the amendment.

Mr. MASCARA. Mr. Chairman, I move to strike the required number of words.

Mr. Chairman, I rise in strong support of this important amendment offered by the gentlewoman from Illinois [Mrs. COLLINS].

As I mentioned during committee consideration of this amendment, I know first-hand the importance of enforcing health and safety laws which protect workers from dangers on the job.

My father was a steel worker who died as a result of a work-related injury. And I represent thousands of workers who toil daily in the steel industry and mining industries.

These are dangerous jobs and these workers face many hazards. They deserve laws that protect, not the provisions contained in H.R. 830 which would deny them their right to know and be informed about safety and health hazards in the workplace.

The language contained in H.R. 830 would in a few lines overturn an important worker-safety decision handed down by the Supreme Court in 1990 in Dole vs. The United Steelworkers of America.

After 9 years of struggle, the steelworkers urged and got the top Court in this land to agree that companies had to provide so-called third party notices to their workers to make them aware of potential exposure to chemical and safety hazards in the workplace.

I find it amazing that in an effort to ensure that every last collection and disclosure requirement is covered by the Office of Management and Budget, the committee's bill so blatantly throws out this important protection for workers.

Most of the notifications involved here, Mr. Chairman, are simple notices posted on worker bulletin boards. We are not talking about any great or burdensome requirements. We are simply telling workers ''beware.''

In his opinion on Dole, Justice Brennan wrote, ''Disclosure rules protect by providing access to information about what dangers exist and how they can be avoided.''

Let us not take this important protection away from workers. I urge those who say they care about working men and women to support the Collins amendment.

Mr. MCINTOSH. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment.

unnecessary and burdensome disclosures to third parties.

I received a letter from the National Federation of Independent Businesses, who have indicated that they strongly oppose this amendment. They believe that the requirements for unchecked disclosure and paperwork fall disproportionately upon small businesses in this country and that on behalf of their 600 members they are urging Members of Congress to vote against this amendment and have indeed indicated that they would have it as a key vote in their ratings of how Congress Members vote in support of small businesses.

Mr. Chairman, I urge us to vote against this amendment and retain the bill in its full form.

Mr. DOYLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlelady from Illinois. This amendment will remove from the bill the provision which would overturn the 1990 Supreme Court decision in the Dole versus United Steelworkers case.

The Paperwork Reduction Act can be an appropriate response to the problem of excess government forms, surveys, and paperwork collected by government for its own use. I support the ability of OMB to develop uniform information policies for government agencies in order to reconcile unnecessary and redundant information requests. However, the dissemination of vital information from private entities to the public is a completely different matter.

Without this amendment we will be expanding the powers of the federal government, specifically OMB, to regulate non-governmental third parties. Prior to the Dole decision, OMB was able to function as a ''super regulator''—utilizing ideologically-driven actions to override the scientific and technical determinations of regulatory agencies. In one case, OMB sought to diminish the worker safety requirements of the Hazard Communications Standard which had been promulgated by OSHA. The Hazard Communications Standard required that companies compile ''material safety data sheets'' to disclose what hazardous materials are present in the workplace.

It was because of the MSDS requirement that employees of a small metals processor were able to correct a dangerous situation in their workplace. This company used a variety of chemicals, including potassium cyanide, which was stored in close proximity to acidic cleaning solutions. When cyanide OMB as a federal ''superagency'', able to indiscriminantly use nonscientific political or economic judgments with little or no accountability. I support real regulatory reform, but giving OMB arbitrary power over all regulatory agencies is not my idea of reform.

□ 1700

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. GENE GREEN of Texas. Mr. Chairman, I voted for this bill in committee, and this amendment corrects one of the oversights that I noticed in the bill that we lost on it in committee. I support the amendment offered by my distinguished ranking member, the gentlewoman from Illinois [Mrs. COLLINS].

As currently written, the bill will overturn a 1990 Supreme Court decision that assures workers of their right to know about hazards in the workplace.

In the Dole versus U.S. Steelworkers case the Supreme Court said that the OMB had no authority to block another agency's decision that businesses disclose information on health and safety to their employees or the public.

The specific matter in the Dole case was an OSHA regulation that required employers to make sure that their employees were told of potential hazards posed by chemicals in the workplace.

Justice William Brennan wrote:

> Because Congress expressed concern only for the burden imposed by requirements to provide information to a federal agency, and not for any burden imposed by requirements to provide information to a third party, OMB review of disclosure rules would not further this congressional aim.

By a 7–2 margin the Court upheld the agency's right of action in this case. Among those supporting the decision were Justices Scalia, O'Connor, and Kennedy.

Supporters of this provision will argue that the existence of questionable regulations prove that the right-to-know is an outmoded concept. I do not believe that protecting the safety of workers in the refineries in my district is an outmoded concept.

I do not believe that protecting the safety of the workers and the retirees in my district is an outmoded concept. These employees and these workers have a right to know, and I would hope that in—to sacrifice them in this bill in the reduction of paperwork that we could really have both ways. We can peared to have it.

RECORDED VOTE

Mr. CLINGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 254, not voting 10, as follows:

[Roll No. 155]

AYES—170

Abercrombie	Gibbons	Ortiz
Ackerman	Gordon	Orton
Baesler	Green	Owens
Baldacci	Gutierrez	Pallone
Barcia	Hastings (FL)	Pastor
Barrett (WI)	Hefner	Payne (NJ)
Becerra	Hilliard	Pelosi
Beilenson	Hinchey	Peterson (MN)
Bentsen	Holden	Pomeroy
Berman	Hoyer	Poshard
Bevill	Jackson-Lee	Rahall
Bishop	Jacobs	Rangel
Bonior	Jefferson	Reed
Borski	Johnson (SD)	Reynolds
Brown (CA)	Johnson, E. B.	Richardson
Brown (FL)	Johnston	Rivers
Brown (OH)	Kanjorski	Roemer
Bryant (TX)	Kaptur	Roybal-Allard
Chapman	Kennedy (MA)	Sabo
Clay	Kennedy (RI)	Sanders
Clayton	Kennelly	Sawyer
Clement	Kildee	Schroeder
Clyburn	Kleczka	Schumer
Coleman	Klink	Scott
Collins (IL)	LaFalce	Serrano
Collins (MI)	Lantos	Skaggs
Condit	Levin	Slaughter
Conyers	Lewis (GA)	Spratt
Costello	Lipinski	Stark
Coyne	Lowey	Stokes
de la Garza	Luther	Studds
DeFazio	Maloney	Stupak
DeLauro	Manton	Tejeda
Dellums	Markey	Thompson
Deutsch	Martinez	Thornton
Dicks	Mascara	Thurman
Dingell	Matsui	Torres
Dixon	McDermott	Torricelli
Doggett	McHale	Towns
Doyle	McKinney	Traficant
Durbin	Meehan	Tucker
Edwards	Menendez	Velazquez
Engel	Mfume	Vento
Eshoo	Miller (CA)	Visclosky
Evans	Mineta	Volkmer
Farr	Minge	Ward
Fazio	Mink	Waters
Fields (LA)	Moakley	Watt (NC)
Filner	Mollohan	Waxman
Flake	Moran	Williams
Foglietta	Murtha	Wilson
Ford	Nadler	Wise
Frank (MA)	Neal	Woolsey
Frost	Ney	Wyden
Furse	Oberstar	Wynn
Gejdenson	Obey	Yates
Gephardt	Olver	

NOES—254

Allard	Bateman	Bryant (TN)
Andrews	Bereuter	Bunn
Archer	Bilbray	Bunning
Armey	Bilirakis	Burr
Bachus	Bliley	Burton
Baker (CA)	Blute	Buyer
Baker (LA)	Boehlert	Callahan
Ballenger	Boehner	Calvert
Barr	Bonilla	Camp
Barrett (NE)	Bono	Canady
Bartlett	Boucher	Cardin
Barton	Brewster	Castle
Bass	Brownback	Chabot

Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
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
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Johnson (CT)
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
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
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
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Browder
Dickey
Ehlers
Fattah
Gonzalez
Hall (OH)
Meek
Radanovich
Rush
Whitfield

□ 1722

Mr. WICKER and Ms. DANNER changed their vote from ''aye'' to ''no.''

Mr. NEY changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair announces that future votes will be limited to 17 minutes.

Are there further amendments to the bill?

quired to maintain the records specified;

Redesignate the subsequent subparagraphs of the proposed section 3506(c)(3) accordingly.

Mrs. MEYERS of Kansas (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 gentlewoman from Kansas?

There was no objection.

Mrs. MEYERS of Kansas. Mr. Chairman, I would like to speak just very briefly about the importance of this bill to small business.

(Mrs. MEYERS of Kansas asked and was given permission to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Chairman, I am very pleased to be a cosponsor of this legislation. Much work has gone into this legislation during the past two Congresses by the Committee on Small Business and the Committee on Government Reform and Oversight. This bill has been developed on a bipartisan basis and has received considerable bipartisan support.

I would like to point out particularly the strong support within the small business community for this legislation. We have had several hearings on this legislation, and this bill has a broad base of support from the Paperwork Reduction Act Coalition, which includes some 75 trade, professional, and citizen associations.

Small business organizations, such as the National Federation of Independent Business, National Small Business United, the Small Business Legislative Council, U.S. Chamber, and the National Association of Manufacturers, all of whom are members of this coalition, have independently indicated they will highlight a vote for this bill as an important pro-business, pro-small business vote.

Mr. Chairman, I would like to propose an amendment today that I think will improve this legislation. The amendment that I propose regards recordkeeping requirements. Simply put, my amendment would require all recordkeeping requirements to indicate how long records must be kept. Section 3506(c) of the bill states what agencies must do to check the need and practical utility of a proposed collection of information by a Federal agency before the public is asked to maintain or provide information.

What my amendment does is explicitly add the requirement that all recordkeeping requirements, which are elsewhere in the bill defined as a type of collection of information, contain

cializing in the management of records, has suggested that this requirement will save taxpayers billions of dollars in wasted storage and maintenance costs.

The failure to make clear how long records must be kept causes everyone to hold on to records way past their usefulness. This is particularly true of small businesses who often do not have the resources to hire accountants and lawyers or professional managers to determine how long their records must be kept and frequently they do not have the space to keep them.

This amendment is supported by the Paperwork Reduction Act Coalition, a broad-based coalition of some 75 business, professional, and citizen associations. The coalition includes a number of small business groups, which I have previously named.

I believe this amendment is noncontroversial. It will save taxpayers money. I understand the administration has no objection to it, and I urge my colleagues to adopt it.

Mr. Chairman, the amendment I propose regards recordkeeping requirements. Simply put, my amendment will require all recordkeeping requirements to indicate how long records must be kept.

Section 3506(c) of the bill states what agencies must do to check the need and practical utility of a proposed collection of information by a Federal agency before the public is asked to maintain or provide information. What my amendment does is explicitly add the requirements that all recordkeeping requirements, which are elsewhere in the bill defined as a type of collection of information, contain how long the specified records are to be kept.

This is a commonsense step. Witnesses before the Small Business Committee have repeatedly recommended that the Paperwork Reduction Act be explicit on this point. Testimony on behalf of the Association of Records Managers and Administrators, a professional association specializing in the management of records, has suggested that this requirement will save taxpayers billions of dollars in wasted storage and maintenance costs. The failure to make clear how long records must be kept causes everyone to hold on to records way past their usefulness. This is particularly true of small businesses who often do not have the resources to hire accountants, lawyers, or professional managers to determine how long their records must be kept.

I believe H.R. 830 will reverse the erosion that has occurred in recent years. It will strengthen the small business community's ability to reduce unnecessary regulations.

Let me point to the strong support within the small business community for this legislation. This bill has a broad base of support from a

portant pro-small business vote.

I want to again commend the work of Chairman CLINGER on this legislation. I urge my colleagues to vote in support of H.R. 830.

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

Mrs. MEYERS of Kansas. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I want to commend the gentlewoman for this amendment. We have had a chance to review the amendment. I think it makes a valuable addition to the measure.

As the gentlewoman indicated, the administration has no objection and actually would support this. I know that the gentlewoman held hearings and this amendment was fashioned out of the hearings that were held on this matter. So we would be pleased to accept the amendment of the gentlewoman.

Mr. PETERSON of Minnesota. Mr. Chairman, will the gentlewoman yield?

Mrs. MEYERS of Kansas. I yield to the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Chairman, the minority has reviewed the amendment. We have no objection, and we support the amendment. We think it is a good amendment.

The CHAIRMAN. Is there any further debate on the amendment?

The question is on the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS: On page 13, after line 9, add:

(6) Place an emphasis on minimizing the burden on small businesses with 50 or fewer employees.

On page 30, after line 16, add:

(4) Place an emphasis on minimizing the burden on small businesses with 50 or fewer employees.

Mr. SANDERS (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 Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, this amendment was brought up at the committee level. I believe it now has the support of the majority.

Mr. Chairman, my amendment is entirely consistent with the overall purpose of updating and revising the Paper Work Reduction Act. It is time for us to revisit and strike a new balance between the collection of vital information requirements.

My amendment does just that. It requires the Director of the Office of Information and Regulatory Affairs within OMB to make it a priority to first consider the adverse effects on the smallest of small businesses—those employing 50 or fewer employees—when directing and overseeing efforts to cut Federal paperwork and information reporting. Currently, the Small Business Administration typically defines a small business as one that employs 500 or fewer employees.

This amendment also makes helping the smallest of small businesses a priority for voluntary pilot projects when OMB, other Federal agencies and non-Federal entities test alternative policies, practices, regulations, and procedures to reduce the Federal paperwork burden.

A few weeks ago I met with small business leaders from all across Vermont where most businesses have 10 or fewer employees. Repeatedly they expressed two overriding concerns: First, SBA and other Federal agencies don't appreciate the different problems and comparative risks confronting different-sized small businesses, and second, Uncle Sam does not pay his bills on time, thus making it very hard for small businesses with limited cashflow to sell goods and services to the Federal Government.

With this amendment and other provisions in this bill we can tackle both of these problems.

In conclusion, we live in a time when the Federal Government must learn to do more with less. Therefore, in setting out to cut Federal regulatory costs and paperwork for American businesses, we should first strive to help the truly vulnerable small enterprises who operate mush closer to the margin and whose survival is always in greater jeopardy.

I urge my colleagues to support this amendment.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I am happy to yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, indeed, I would confirm what the gentleman from Vermont said. I think it is a good amendment. It did arise during our hearing, during the markup. We have worked with the gentleman on crafting the language, which I think now is a valuable addition. We are pleased to accept the gentleman's amendment.

Mr. SANDERS. Mr. Chairman, I thank the chairman of the committee very much, and I thank his staff for their support as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

title 44, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of chapters at the beginning of title 44, United States Code, is amended by striking the item relating to chapter 35.

(c) EFFECTIVE DATE.—This section shall take effect 5 years after the date of the enactment of this Act.

Mrs. MALONEY (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 gentlewoman from New York?

There was no objection.

Mrs. MALONEY. Mr. Chairman, the Paperwork Reduction Act provides for permanent authorization for the Office of Information and Regulatory Affairs.

My amendment will place a limit on this authorization, by sunsetting the agency after 5 years. This should not be a controversial amendment. Both Democrats and Republicans support the intent of this legislation: to reduce the unnecessary paperwork for businesses, citizens, and government.

My amendment would force Congress to re-evaluate the Office of Information and Regulatory Affairs by a date certain. After 5 years, Congress could decide if it, too, is creating unnecessary paperwork. We should force the agency to prove to Congress and the American taxpayer that it is actually meeting its objective, and based on our conclusions, we could reauthorize it, or decide that the agency has completed its mission and is no longer needed.

Or decide that it is just another Federal bureaucracy in need of a mercy killing. This body should have the option to make those decisions. But if we give this agency a permanent authorization, we will make it more difficult to make those decisions.

And if proponents of term limits have their way, many of us may not be here to participate in those decisions.

If some of my colleagues support sunsetting a Member's elected service after 6 years, why wouldn't that person support sunsetting a Federal bureaucracy after 5 years?

Mr. Chairman, sunsetting this agency will also allow Congress to take into account new technologies developed over the next 5 years. Information technology is moving very quickly. It's impossible for us to anticipate the new means by which data will be collected and made available to the public.

Five years from now, the technology that we use today might be obsolete. It might even make paperwork obsolete. Consider how out-of-date technology from 1990 appears today.

outlived their usefulness.

The administration received bipartisan praise for trying to get rid of the useless redtape. On the House floor, my colleagues on the other side of the aisle insist there is too much Government, and too many Government bureaucracies.

So I ask my colleagues, why create yet another Federal agency with a permanent authorization?

It just does not make sense.

I'll give you an example: In the coming weeks and months, my Republican colleagues may promote legislation to abolish enormous Federal agencies, like the Department of Education. They might win. They might lose. But either way, they are going to have a titanic battle on their hands.

All my amendment says is let us install a simple mechanism to make eliminating this new Federal agency much easier.

If my Republican colleagues truly believe in reducing the Federal bureaucracy, they should welcome this amendment with open arms. I urge my colleagues—on both sides of the aisle—to support it.

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I must rise in opposition to the amendment of the gentlewoman from New York. I think as a general proposition, Mr. Chairman, I do support limited authorizations, but I think for every rule there has to be an exception. I would submit that this is one of those times.

The Office of Information and Regulatory Affairs, as we are hearing during this debate, performs a very, very vital service. Beyond implementing the Paperwork Reduction Act, which is a primary part of its responsibility, they also are charged with bringing a degree of sanity to the rulemaking process of the Federal Government. Basically, it is the nerve center of the regulatory control process in the Federal Government.

Like its counterpart, the Office of Federal Procurement Policy, OIRA needs a permanent authorization, and I would say that when we had a hearing on this matter the director of OIRA testified in support of a permanent authorization for that agency. Those Members who support strong efforts to limit Government regulatory burdens I would suggest should vote no on this amendment.

I also oppose the amendment due to the fact that, really, there has been a lack of comity that the House has shown in reauthorizing this important agency. Since the authorization ex- unanimously passed by the other body.

An identical bill was introduced in this House with over 120 bipartisan cosponsors of that measure, and the gentleman from Virginia [Mr. SISISKY] who was a prime cosponsor of that measure, and I tried to move that piece of legislation through the House, and not a single hearing was held on the matter.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, if I understand the distinguished gentleman's statement in support of not sunsetting this, it is that the head of the agency involved here does not think the agency should have temporary authorization?

Mr. CLINGER. Reclaiming my time, Mr. Chairman, I recognize that the director of an agency would have a special interest, but I think she also does reflect why there is a need for a permanent authorization, because there needs to be some sort of continuity in the regulatory control process.

Mr. DOGGETT. Mr. Chairman, if the gentleman will yield further, I was just curious as to whether the gentleman had ever met a head of an agency or Government bureau anywhere that did not think it should be permanent.

Mr. CLINGER. Mr. Chairman, I thank the gentleman for his comment, but I would say that the director of the agency also, I think, is entitled to have her opinion considered as to why it is necessary that she have that permanent authorization.

Mr. Chairman, if limited authorization means that the House can virtually ignore the subject of reauthorization, which I think is what we are dealing with here, then I must support permanent authority for this most important agency, and I would urge my colleagues to oppose this amendment.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Texas [Mr. COLEMAN].

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

Mr. COLEMAN. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, H.R. 830 carries the benign title of the Paperwork Reduction Act. In many respects, the legislation is crafted to achieve the important goal described by that title. It reauthorizes the paperwork review and approval activities of the Office of Information and Regulatory Affairs in the Office of Management and Budget. Furthermore, it amends the 1980 offered in tandem with provisions that amend the Paperwork Reduction Act's definition of ''collection of information'' to include ''disclosure to third parties or the public'' of information. This unreasonably expanded definition would have the practical result of overturning the 1990 Supreme Court Case Dole versus United Steelworkers of America, which prohibits the Office of Information and Regulatory Affairs from reviewing proposed Federal regulations requiring businesses to disclose certain information to parties other than the Government agency collecting the information. Under the definition of ''collection of information'' proposed in H.R. 830, the Office of Information and Regulatory Affairs would be allowed to review, and possibly reject, regulations that require businesses and Government agencies to disclose information to affected parties, including their own employees or the public.

This portion of the bill may indeed serve to reduce the amount of paperwork that a business or local government has to do. But it also has the potential to expose workers and the public to untold dangers. Indeed, as the Dole case vividly illustrates, such instances have occurred in the past. H.R. 830 is supposed to be aimed at eliminating unnecessary paperwork. Unfortunately, this provision will result in the elimination of paperwork that is very necessary to the protection of employees and the pubic.

Representative COLLINS has proposed an amendment that would strike provisions of the bill that extends the definition of the phrase ''collection of information'' to subsume requirements for third party disclosures. Because the Collins amendment thereby eliminates the unnecessary dangers posed by certain provisions of H.R. 830, it deserves strong bipartisan support. If the bill passes without this amendment, H.R. 830 will jeopardize workers and the American public. Countless individuals will not be informed about dangerous working conditions or the safety threats posed by a product should such warnings be deemed burdensome paperwork requirements by the OIRA. Therefore, I urge support for the Collins amendment. Without that amendment, this bill is no longer a good idea; it is a dangerous one.

Mr. DOGGETT. Mr. Chairman, I rise in support of the Paperwork Reduction Act. I think it is a good step forward, but I also rise in support of the gentlewoman's amendment.

Mr. Chairman, as I listen to the distinguished chairman argue against the amendment, I heard not one argument that was any different than that that comes from any government bureaucrat in his commitment or her commitment to the permanence of the Government agency.

There are some of us who think that just because a government bureaucrat thinks that a bureau should go on forever, that that is not reason enough.

continuation. It makes sense that when we have these new Government initiatives, whether they are good initiatives like this one or not so good initiatives, that we set up a process as the gentlewoman would do through her amendment to automatically review every one of these programs.

There are unintended consequences of the best-intentioned government program. It is just the nature of life that events change, that consequences that were never anticipated occur, and sunset is a way to ensure that we address these matters.

There are a couple of ways that we can handle this. The approach advanced, which is the traditional approach of this Congress against sunset, is that, ''Well, we'll put the burden on the people that are against a new government program to come in and convince us to abolish it.''

Under sunset under the approach advocated by the gentlewoman, the approach shifts the burden where it should be. The burden to keep Government going forever ought to be on the people that want the Government, not the people that want less Government.

Under the sunset amendment that is advanced here today, we would shift the burden to where it rightfully belongs. Sunset will build into the process a scheduled time at which the Congress will review this program and determine if it sounds as good then after we have seen it in practice as it sounds today.

If the Government initiative fails, we will not be stuck with it forever, regardless of whichever bureaucrat is in charge of the agency thinks it is a good idea at that time or not. Sunset will compel this Congress to automatically review this program or it will expire.

I find it not a little bit ironic, Mr. Chairman, that the only sunset initiatives that have been advanced in this Congress have been rejected by those who are today celebrating that they have a contract for a less burdensome, less intrusive, and more limited Government. What on this 50th day of the Congress could be more consistent with that than the whole approach of sunset, that government bureaus ought not to last forever, that these new initiatives, no matter how well-intentioned, ought not to last forever and that we ought to put a fixed life after which they will be reviewed.

We think of Government on this side of the aisle as not being in permanent terms but being limited and that is what the sunset process is all about. That is what this amendment will accomplish.

Act, would be the best way to apply it not only here but to set a precedent today in applying it to this act that every time we have new Government initiatives, every time we have new Government regulations, they will not go on forever, we will review them, we will concentrate on the laws we pass, not just on passing more laws.

I urge a vote for the Paperwork Reduction Act but to improve it with the Maloney amendment. I congratulate the gentlewoman on the excellent work that she has done on this amendment.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Maloney amendment would place a 5-year authorization on OMB's Office of Information and Regulatory Affairs, or IRA, which is the key agency charged with implementing the regulatory reduction goals of the Contract With America. Not a single hearing has been held on reauthorization of IRA since its current authority expired in 1989. We are making sure it does continue. Even the Clinton administration supports permanent authority for IRA.

I appreciate the fine work of the gentlewoman from New York and what she has done in committee. But we need to ensure that the paperwork reduction reforms that we have here in this bill continue unimpeded.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. MALONEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 265, not voting 13, as follows:

[Roll No. 156]

AYES—156

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Rangel
Reed
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Yates

NOES—265

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
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
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker

Ramstad	Smith (OR)	Watts (OK)
Regula	Smith (NJ)	Weldon (FL)
Richardson	Smith (TX)	Weldon (PA)
Riggs	Smith (WA)	Weller
Roberts	Solomon	White
Roemer	Souder	Whitfield
Rogers	Spence	Wicker
Rohrabacher	Stearns	Wolf
Ros-Lehtinen	Stockman	Wyden
Roth	Stump	Wynn
Roukema	Talent	Young (AK)
Royce	Tanner	Young (FL)
Salmon	Tate	Zeliff
Sanford	Tauzin	Zimmer
Sawyer	Taylor (MS)	
Saxton	Taylor (NC)	

NOT VOTING—13

Browder	Gonzalez	Rush
Coburn	Kleczka	Stenholm
Collins (IL)	Meek	Waxman
Ehlers	Payne (VA)	
Fattah	Radanovich	

□ 1801

The Clerk announced the following pair:

On this vote:

Mrs. Collins of Illinois for, with Mr. Radonovich against.

Mr. SHAYS changed his vote from ''aye'' to ''no.''

Mr. SCHUMER changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, what I would like to do is engage in a colloquy with the chairman of the committee, the gentleman from Pennsylvania [Mr. CLINGER.]

Mr. Chairman, I want to commend you for all of your fine work on H.R. 830, the Paperwork Reduction Act. Your leadership on this issue is much appreciated especially by those of us on the committee where you have listened to all of the amendments and discussions.

Mr. Chairman, again, to the chairman of the committee, we really are grateful for the courtesy extended to all of the members of the committee and the suggestions that he has responded to.

I would like to engage in a colloquy about one section of the bill that has been brought to my attention by some of my constituents, section 3506(d)(4). As you know, Mr. Chairman, this section of the bill would permit the Office of Management and Budget to waive the cost of dissemination rule regarding information dissemination to the public. I know that you share my belief that the Federal Government should not be in the business of profiting from its information resources and that the report language in H.R. 830 reflects your convictions in this regard and, pelling need, and that compelling need, Mr. Chairman, is to be directly related to the information in question rather than to any fiscal motivation on the part of Federal agencies.

Is that your understanding of the provision, Mr. Chairman?

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

Mrs. MORELLA. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, the gentlewoman is absolutely correct.

Mrs. MORELLA. And also, in other words, Mr. Chairman, the committee is in no way authorizing the Office of Management and Budget to routinely permit the levying of broad user fees aimed at earning revenues for the Federal Government and, on the contrary, the committee has specifically stated in its report that the granting of waivers will be rare and that the authorized terms and conditions will narrowly circumscribe any waivers? Is that correct?

Mr. CLINGER. If the gentlewoman will yield further, that is absolutely correct. This is not a fundraising device. This is purely a very rare and probably exceptional kind of situation that might arise where an agency would be entitled to retain some of the funds, but it requires a very difficult procedure to get that approval and would be used in only exceptionally rare circumstances.

Mrs. MORELLA. I appreciate the gentleman stating this for the RECORD, and I know that you are committed to aggressively pursuing the intent of this bill with regard to this section and that the committee will act swiftly to curb any abuses of the provision.

I thank the gentleman very much for this very important clarification.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CRAPO

Mr. CRAPO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAPO: Page 48, strike line 24 and all that follows through line 8 on page 49, and insert the following:

''(a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the collection of information involved was made after December 31, 1981, and at the time of the failure did not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

''(b) Actions taken by agencies which are not in compliance with subsection (a) of this section shall give rise to a complete defense or bar to such action by an agency, which may be raised at any time during the agency decision making process or judicial review of

There was no objection.

Mr. CRAPO. Mr. Chairman and Members of the House, we have heard a lot about the important need for the Paperwork Reduction Act in the legislation we are considering today. This amendment will give that legislation and that law some teeth to truly protect the private citizens in the United States.

Currently section 3512 of the act requires that before a regulation involving the collection of information can be effective that it must be submitted to the Office of Management and Budget and receive an OMB control number. When Congress enacted this legislation in 1981, it specifically included this public protection provision to prevent the unauthorized regulatory requirements from being imposed on the public. It was bipartisan legislation.

I would like to quote to you what its lead sponsors at that time said about it. Senator Danforth said if an information request goes out of Washington without being approved by the paperwork watchdog, the person who gets it does not have to answer it. Senator Chiles said a properly cleared form will have an Office of Management and Budget number in the right corner and if it is not there, it is going to be a bootleg form and everybody should be on notice that they can throw out that form, that they would not have to fill it out.

Mr. Chairman, the purpose of this amendment is to clarify that when an agency does not comply with the provisions of this act that its failure to comply is a complete defense to the enforcement of the regulations that violate the act.

The National Federation of Independent Businesses has been strongly in support of this approach. We would like to have inserted a private cause of action, but since that was not relevant to the germaneness of this bill, we have created a defense or a bar to action by the agency.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. CRAPO. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding, and would commend him on his effort. I think it does represent an improvement to the bill. It strengthens the bill. It recognizes that small business is particularly impacted by this overkill that we have on regulations and gives them some protection against this kind of activity.

So we are pleased to accept the amendment on behalf of the majority.

thank the gentleman for yielding.

Mr. Chairman, the minority has reviewed the amendment, and we have no objections.

Mr. CRAPO. I thank the gentleman. I appreciate that.

Mr. Chairman, if this amendment passes, then it will make it clear to the agencies, the regulators and the courts in this country, that we must start taking this act seriously.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. CRAPO].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NEY) having assumed the chair, Mr. COMBEST, 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. 830) to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, pursuant to House Resolution 91, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted by the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CLINGER. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 0, answered ''present'' 6, not voting 11, as follows:

[Roll No 157]

AYES—418

Abercrombie	Allard	Archer
Ackerman	Andrews	Armey
Bass	Fawell	LaHood
Bateman	Fazio	Lantos
Beilenson	Fields (LA)	Largent
Bentsen	Fields (TX)	Latham
Bereuter	Filner	LaTourette
Berman	Flake	Laughlin
Bevill	Flanagan	Lazio
Bilbray	Foglietta	Leach
Bilirakis	Foley	Levin
Bishop	Forbes	Lewis (CA)
Bliley	Ford	Lewis (GA)
Blute	Fowler	Lewis (KY)
Boehlert	Fox	Lightfoot
Boehner	Frank (MA)	Lincoln
Bonilla	Franks (CT)	Linder
Bonior	Franks (NJ)	Lipinski
Bono	Frelinghuysen	Livingston
Borski	Frisa	LoBiondo
Boucher	Frost	Lofgren
Brewster	Funderburk	Longley
Brown (CA)	Furse	Lowey
Brown (FL)	Gallegly	Lucas
Brown (OH)	Ganske	Luther
Brownback	Gejdenson	Maloney
Bryant (TN)	Gekas	Manton
Bryant (TX)	Gephardt	Manzullo
Bunn	Geren	Markey
Bunning	Gibbons	Martinez
Burr	Gilchrest	Martini
Burton	Gillmor	Mascara
Buyer	Gilman	Matsui
Callahan	Gingrich	McCarthy
Calvert	Goodlatte	McCollum
Camp	Goodling	McCrery
Canady	Gordon	McDade
Cardin	Goss	McDermott
Castle	Graham	McHale
Chabot	Green	McHugh
Chambliss	Greenwood	McInnis
Chapman	Gunderson	McIntosh
Chenoweth	Gutierrez	McKeon
Christensen	Gutknecht	McKinney
Chrysler	Hall (OH)	McNulty
Clay	Hall (TX)	Meehan
Clayton	Hamilton	Menendez
Clement	Hancock	Metcalf
Clinger	Hansen	Meyers
Clyburn	Harman	Mfume
Coble	Hastert	Mica
Coburn	Hastings (FL)	Miller (CA)
Collins (GA)	Hastings (WA)	Miller (FL)
Collins (MI)	Hayes	Mineta
Combest	Hayworth	Minge
Condit	Hefley	Mink
Conyers	Hefner	Moakley
Cooley	Heineman	Molinari
Costello	Herger	Mollohan
Cox	Hilleary	Montgomery
Coyne	Hilliard	Moorhead
Cramer	Hinchey	Moran
Crane	Hobson	Morella
Crapo	Hoekstra	Murtha
Cremeans	Hoke	Myers
Cubin	Holden	Myrick
Cunningham	Horn	Nadler
Danner	Hostettler	Neal
Davis	Houghton	Nethercutt
de la Garza	Hoyer	Neumann
Deal	Hunter	Ney
DeFazio	Hutchinson	Norwood
DeLauro	Hyde	Nussle
DeLay	Inglis	Oberstar
Dellums	Istook	Obey
Deutsch	Jackson-Lee	Olver
Diaz-Balart	Jacobs	Ortiz
Dickey	Jefferson	Orton
Dicks	Johnson (CT)	Oxley
Dingell	Johnson (SD)	Packard
Dixon	Johnson, E. B.	Pallone
Doggett	Johnson, Sam	Parker
Dooley	Johnston	Pastor
Doolittle	Jones	Paxon
Dornan	Kanjorski	Payne (NJ)
Doyle	Kaptur	Payne (VA)
Dreier	Kasich	Pelosi
Duncan	Kelly	Peterson (FL)
Dunn	Kennedy (MA)	Peterson (MN)
Rahall	Skelton	Vucanovich
Rangel	Slaughter	Waldholtz
Reed	Smith (MI)	Walker
Regula	Smith (NJ)	Walsh
Reynolds	Smith (TX)	Wamp
Richardson	Smith (WA)	Ward
Riggs	Solomon	Waters
Rivers	Souder	Weldon (FL)
Roberts	Spence	Weldon (PA)
Roemer	Spratt	Weller
Rogers	Stark	White
Rohrabacher	Stearns	Whitfield
Ros-Lehtinen	Stockman	Wicker
Rose	Stokes	Williams
Roth	Studds	Wilson
Roukema	Stump	Wise
Royce	Stupak	Wolf
Sabo	Talent	Woolsey
Salmon	Tanner	Wyden
Sanders	Tate	Wynn
Sanford	Tauzin	Yates
Sawyer	Taylor (MS)	Young (AK)
Saxton	Taylor (NC)	Young (FL)
Scarborough	Tejeda	Zeliff
Schaefer	Thomas	Zimmer
Schiff	Thompson	
Schroeder	Thornberry	

ANSWERED ''PRESENT''—6

Becerra	Owens	Velazquez
Coleman	Roybal-Allard	Watt (NC)

NOT VOTING—11

Browder	Gonzalez	Volkmer
Collins (IL)	Meek	Watts (OK)
Ehlers	Rush	Waxman
Fattah	Stenholm	

□ 1833

Ms. ROYBAL-ALLARD, Mr. WATT of North Carolina, and Ms. VELÁZQUEZ changed their vote from ''aye'' to ''present.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I inadvertently missed a vote on the Paperwork Reduction Act. Had I been present, I would have voted ''yes.''

GENERAL LEAVE; AUTHORIZATION FOR THE CLERK TO MAKE CHANGES IN ENGROSSMENT OF H.R. 830

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 830 and that the Clerk be allowed to make conforming and technical changes.

The SPEAKER pro tempore [Mr. NEY]. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce; Committee on Government Reform and Oversight; Committee on International Relations; Committee on the Judiciary; Committee on National Security; Committee on Resources; Committee on Transportation and Infrastructure; and Permanent Select Committee on Intelligence.

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 gentleman from New York.

Mr. FIELDS of Louisiana. Mr. Speaker, reserving the right to object, and I will not object, we have consulted with the Members on our side of the aisle on the committees that the gentleman just mentioned, and we have no objection to the unanimous consent request.

Mr. Speaker, I withdraw my reservation of objection.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for carrying on the comity of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. SOLOMON]?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 2

Mr. KIM. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 2.

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

There was no objection.

REVISED DEFERRAL AND REVISED RESCISSION PROPOSALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–40)

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 Appropriations and ordered to be printed.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral, totaling $7.3 million, and two

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to the provisions of section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Chair, without objection, appoints to the Commission on Security and Cooperation in Europe the following Members of the House: Mr. PORTER of Illinois; Mr. WOLF of Virginia; Mr. FUNDERBURK of North Carolina; Mr. SALMON of Arizona; Mr. HOYER of Maryland; Mr. MARKEY of Massachusetts; Mr. RICHARDSON of New Mexico; and Mr. CARDIN of Maryland.

There was no objection.

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore. Pursuant to the provisions of 22 U.S.C. 1928a, the chair, without objection, appoints to the United States Group of the North Atlantic Assembly the following Members of the House: Mr. ROSE of North Carolina; Mr. HAMILTON of Indiana; Mr. COLEMAN of Texas; and Mr. RUSH of Illinois.

There was no objection.

□ 1840

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. NEY). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 5 minutes.

[Mr. TORKILDSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. BRYANT] is recognized for 5 minutes.

[Mr. BRYANT of Tennessee addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. LEWIS] is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, today marks the midway point in NEWT GINGRICH's Contract With America. It is an extremist document which sets back the clock. It is a contract which rewards the wealthy at the expense of our children, our senior citizens, the poor and hard working class Americans. Let's look back over the past 50 days and review what this band of extremists has done.

The new majority has reduced the number of police that were to patrol our city streets through their crime bill—this is their Contract With America. They have proposed denying food to hungry school children through elimination of the School Lunch Program—this is their Contract With America. The Republican majority has passed a bill which will make it more difficult to protect our air and keep our water clean. They would cut nutrition programs for our senior citizens—these, too, are the Contract With America. The Republicans seek to gut the Corporation for Public Broadcasting which through its PBS stations provides educational television for us and our children—this is the Contract With America. And the Republicans have vowed ''to fight with all their being'' a small increase in the minimum wage, a wage which provides those who receive it a living standard 30% below the poverty level—alas, this also is the Contract With America.

And the new, extreme, Republicans have done all this while advocating tax cuts for the top 1% of Americans. This, my friends, all of this, is their Contract With America.

Of course, not everything they have done these 50 days has been bad. The Congress did pass the Congressional Accountability Act which makes the Congress live by the same Labor and Civil Rights laws as those in the private sector. Of course, the last Congress, the Democratic Congress, passed the same bill with more than 400 votes.

Mr. Speaker, if these are the accomplishments of the Republican Congress, if this is what they've done to us in the first 50 days, imagine what they'll do to us in the next 50 days and in the next two years.

We need a government that is leaner, not a government that is meaner. We need a federal government that is less bureaucratic, not one that is less compassionate.

NEWT GINGRICH and his Republican colleagues have gone too far. In their rush to the right, they have forgotten not just those on the left, but those in

They want to earn a decent wage and be able to save a little money at the end of each month. All of these things, Mr. Speaker, all of these are what the American people want. The Republican Contract With America does none of them.

The American people deserve better than this extreme Contract With America. And the time has come that we not just pray and we not just speak. The time has come for action. I did not sign this contract. The American people did not sign this contract. The time for action is now.

CONTRACT WITH AMERICA NOT FOR MIDDLE-CLASS FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, if the Contract With America was a song, it would be ''50 Ways to Leave the Middle Class.'' How is it possible that we have been in session 50 days, we have cast 150 votes, yet we have not passed one single amendment, not one, that addresses jobs, incomes, health, education, job training? You cannot send your kid to school on an unfunded mandate, Mr. Speaker.

On the issues more important to working middle class families, this contract has been silent for 50 days. And you know what, it is going to be silent for the next 50 days as well.

Instead, Republicans have voted to pull 100,000 police officers off the beat. They have said no to protecting Social Security, and they have said yes to Star Wars, a $50 billion project, and on top of that, they want to balance the budget. But yet, what do they do? They go and vote for renewing Star Wars at a $50 billion price tag. And, of course, today we saw in the supplemental, they busted the budget by voting for that. They said no to many things that are necessary for middle income people.

Now we read that in the next 50 days, they intend to cut the student lunch program.

Mr. Speaker, you cannot renew American civilization by making kids in America go hungry. Republicans may be in a rush to ditto every single bill, but in this rush to extremism, the Gingrich revolution is leaving the values of working families behind in this country.

We will meet them, as we discuss these issues that are important to working families over the next 50 days, and they will know and the American people will know that when it comes to

ria [Mr. KLINK] is recognized for 5 minutes.

[Mr. KLINK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. HILLEARY] is recognized for 5 minutes.

[Mr. HILLEARY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BECERRA] is recognized for 5 minutes.

[Mr. BECERRA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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.]

THE 104TH CONGRESS DELIVERS THE LEGISLATION AMERICA HAS WANTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I do agree with the previous speakers that now is the time for action, and that is exactly what we have been doing. I heard a previous speaker tell us that this Contract With America was a rush to extremism, I don't understand that, and a rush away from the middle class. I don't understand that.

When we look at poll after poll, survey after survey, everybody out there is agreeing on the very concepts that we are bringing to the floor these first 50 days.

We have pushed through a balanced budget amendment that the middle class wanted. We have pushed through a line-item veto. We have pushed

coast the type of legislation that they have been wanting. We have been delivering it for the first 50 days, and for anybody to stand up here and say that it is a rush to extremism ignores political reality in this country.

It has been a rush to the middle class, a rush back to the values that Americans have been begging for in their leadership, a rush back to the type of principles that Americans have been begging for.

Just imagine it, in 50 days we now have a Congress that has to abide by the same laws that they make all of American abide by. Just imagine, in the first 50 days, we now have a balanced budget amendment that has been passed from this House that requires the Federal Government to abide by the same laws that Americans have to abide by in writing their checks.

We cannot spend more money than we take in, according to our balanced budget amendment. What is so extreme about that? What is so extreme about cutting committee staff by one-third? What is so extreme about cutting congressional staff from 21 down to 16? There is nothing extreme about it.

This is what America has demanded. This is what America has asked for. This is what liberals have denied America from so long, and this is what we are delivering on. There is nothing extreme about the Contract With America, or this legislation that has been passed.

For all those pollsters and pundits and political experts out there that are trying to figure out why there was a conservative landslide on November 8, all you have to do is look at the leadership on the other side of the aisle and listen to what they have been talking about, saying that these measures are extremism. Come on, who are they fooling?

They are saying that they have nothing to do with jobs or income or health. Who do they think they are fooling? Anybody knows that when you cut regulations, when you put the type of regulatory reform on the table that we have put on the table, you are going to save jobs. You are going to create jobs. You are going to take the handcuffs off of small business men and women across this country, and allow them to create jobs.

When you pass a taxpayer protection plan that we passed the first day of Congress, that requires this body to pass new tax increases by a three-fifths vote in the 104th Congress, you are saving jobs and you are saving income from a middle class and a lower class

the table, back to Congress, that actually make a difference.

To say that this is a rush to extremism, or to say that this is NEWT GINGRICH's radical Contract With America, simply is not true, and denies reality in this country. This is not a rush to extremism, this is a recognition of what America has so sorely needed for 40 years. We have had real leadership, we have had real change, and we have a real reason to tell America that Congress again works.

If we were so off the beaten path, if we were being so radical, then why would the country's approval rating of Congress storm up from 18 percent to almost 50 percent today, on the 50th day? The reason why is obvious, because we are doing what Americans have elected us to do. We are making a difference.

This is not about ideology, it is about what works, and just wait for the second 50 days. You ain't seen nothing yet.

REMOVAL OF NAME OF MEMBER FROM H.R. 867

Mrs. MALONEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 867.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York.

There was no objection.

220 MEMBERS OF THE MAJORITY PARTY VOTED TO DENY AMERICANS CONTINUATION OF HEALTH INSURANCE COVERAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. TAYLOR] is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I happened to hear the comments of the gentleman before me, about all the things that the new Republican majority has done for the people of America. Last night they had an opportunity to do one of the greatest things they could have done for the people of America, and they did not.

They did not give the people of America the same protection that every Member of Congress has, should we decided to leave Congress, or should the voters decide for us that we should leave.

Mr. Speaker, if a Member of Congress wishes to leave or gets fired by the American people, he can buy back into the House insurance by paying the full cost of the premium. Unfortunately for most Americans, if they lose their job, member should develop cancer, leukemia, or any other horrible disease, they are then locked to their job for life, because when they go to apply to a new employer for a better job, that employer is going to find out that they have cancer, they have leukemia, or a family member has it, and they will either be told they cannot take the job, or they cannot get insurance at any price.

Mr. Speaker, last night this body, this Contract With America, had the opportunity to change that for 4 million American people; nothing special, just give them the same breaks that you and I have, Mr. Speaker, you and I who have families, you and I who have kids that can get sick.

The same good deal for a Congressman ought to be a good deal for the rest of the people of America, but it was not included in the Contract With America. We did not even give 4 million people the opportunity to just buy their own insurance policy through their former employer. That is wrong.

So for all the talk of accountability, for all the talk of putting people first, the bottom line is that only 4 Members of the majority party voted for the motion to recommit, but 222 of the majority party thumbed their noses at the people of America.

I would really like to hear of any Member of this body on either side of the aisle explain why it is OK for them to have permanent coverage under health insurance, to be able to buy into this policy, pay 100 percent of the cost when you leave, but it is not OK for the people we represent to have that same privilege.

Last night, 220 Members of the majority party, almost all of them, said that is not right, they would not do it. That is not fair, that is not accountable, and that is not putting Congress under the same laws as the American people.

This is going to be a long session. We should be here at least until Thanksgiving. I want to encourage especially the newer Members of the majority party, who are most likely to want to change things, to take a second look at this. Let us try to be as fair to the American people as Congress is to itself.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

[Mr. MICA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

ACCOMPLISHMENTS OF THE 104TH CONGRESS, 50 DAYS INTO THE CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, what a day it was today. Fifty days into the session, and we have had much to rejoice about and celebrate about. Today we had a news conference and talked about some of the things we have accomplished. Today America faces a brighter future because of what we have done in the first 50 days.

We have passed the balanced budget amendment, and not only does that make sense for us as we live our lives out today, but it also makes sense for my children and my grandchildren, who I do not even know yet, because they have not been born, but I know that we are not going to pass on a debt to them.

We are going to keep our spending in line. We are on a plan to balance the budget by the year 2002.

□ 1900

It is a good plan, we are holding to it, and we are doing it because it is important to the people of America. That is why we face a brighter future.

We are also regaining trust in America, because we have changed Congress. We have changed the way we are doing business here in Washington.

On opening day, we required Congress to live under the same laws as the rest of America does. We limited committee chairmanships, we eliminated proxy voting, we in fact changed the way business is done. It is something that has been called for for a long time. And we finally accomplished that in the first 50 days.

We are also now more accountable as a Federal Government than we were 50 days ago. We passed unfunded mandate reform that makes Congress accountable for the actions. When we impose unfunded mandates, we are going to try and eliminate that because we know what they will cost now and we will understand what we are passing on to local governments.

I think it is very evident that Congress is listening more now than it did 50 days ago. We have a crime package that addresses the real true problem. We are not doing midnight basketball, we are not having dance lessons for Federal inmates. What we are doing is block grants to local communities, because they are the ones that can determine best how to spend their money. Do they need new computer systems? Do they need new troopers, new cars

they match with Federal funds to get more police on the street? It does not make sense.

That is why the crime package that was passed by this Congress is more sensitive to what the real true needs are in America.

We are restoring common sense to Washington. It was very evident in our National Security Revitalization Act. Right now we have made it harder for the President to put U.S. troops under U.N. control. We have had terrible instances of abuse, where miscommunication has cost the lives of American troops overseas and we are going to stop that. We are going to do only our fair share of funding with the U.N. Those are important issues that people in the Fourth District of Kansas have called out for time and time again.

Those were the first 50 days, we have accomplished that and more. Now we are looking forward to the next 50 days. Welfare reform, regulatory and legal reform, our first ever vote on term limits, family tax relief, economic growth tax measures. We have a lot to do.

How are we going to get it done? Well, it is going to require, just like out in America, individual support, individual effort, teamwork, team support, and also the support of the public.

As a Member of the freshman class, I have joined with us and we have formed a group called the New Federalists. The New Federalists believe in limited government. Our goal is to make a smaller, more economical, more friendly government for the people of this Nation. We have developed four teams and those four teams are in the process of trying to eliminate four government agencies. It is not because we dislike bureaucrats or we think that there are some things that should just be totally eliminated. We are trying to find those parts of government which are effective. And we are going to keep those on board. We may put them in different compartments, but to remove the duplication and bureaucracy is a very important issue and a very important message and a very important task.

The four teams are to eliminate the Department of Education, the Department of Commerce, the Department of Housing and Urban Development, and the Department of Energy. I am heading up the task force to do away with the Department of Energy. We have found out in looking through what has been going on through the DOE that it is really a gas guzzler.

work.

In the early 1980's we eliminated the controls, we eliminated the allocation controls, and we in fact removed the crisis. So now it is time to turn the lights out on the Department of Energy. In looking at the Department of Energy, it has reinvented itself so that it can continue as a bureaucracy. Sixty percent of what it does now is a bomb factory and should be in the DOD. Only 20 percent is related to energy issues. There have been widespread contracting abuses that have been uncovered by the GAO. We have one instance in which the security guards at a laboratory in New Mexico are being paid overtime while they exercise in the gymnasium.

Now, most people in America think it is important to be fit and a lot of them work out in gymnasiums but none of them that I know except for these guards get paid overtime to do this. I think this is a travesty and those types of abuses need to be uncovered and they need to be stopped.

But once you start a bureaucracy, it is very difficult to get rid of. So this task force has seven other Congressmen on it. We are going through the different parts of the DOE. We have made assignments, we are making assignments to go and uncover the parts of the bureaucracy that do not work effectively and eliminate them. We are incorporating help from past secretaries. We have former Secretary Don Hodel who has been helping us. We are joining together with upper classmen in Congress to do away with this agency.

Tbere is a new Congress in town. We have a new voice. The first 50 days have proved it. We have made this Government more responsive to the American people. We have made our workings here on the Hill more efficient. We have downsized our staffs and we are doing what I think the American people told us.

In this one respect, we are trading in the gas guzzler of the Department of Energy for a more efficient government.

RECOGNIZING NATIONAL ENGINEERS WEEK

The SPEAKER pro tempore (Mr. NEY). Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, I rise before the House floor today to recognize National Engineers Week which is celebrated from February 19 through the 25th. Engineers are hardworking people

What many people do not know is that engineering is our Nation's second largest profession. According to the Bureau of Labor Statistics, there are more than 1.8 million engineers in the United States.

National Engineers Week is also celebrated at the time of George Washington's birthday. Many people do not know, but George Washington was also an engineer himself. He was a civil engineer, as a matter of fact. Also he was a land surveyor. And he was considered our Nation's first engineer.

As President, Washington led a growing society toward technical advancements, invention and education. He promoted the construction of roads, canals, docks and ports, and development of manufacturing resources.

As a matter of fact, Mr. Washington led the cornerstone of the construction of this Capitol Hill building right here, the United States Capitol building.

There is no question that America has the best highway system, best water system, best sewer system, best airports, and the best electrical system.

National Engineers Week has been celebrated annually since 1951. It is sponsored by the National Engineers Week Committee, a coalition of 64 engineering societies, corporations and government agencies. This year, the event is being chaired by the American Institute of Chemical Engineers and the Fluor Corp.

In addition, the national finals of the National Engineers Week Future City Competition are held during National Engineers Week.

The competition features seven teams of seventh and eighth grade students presenting their designs, their imagination for cities of the 21st century, using computer simulations and scale models. The teams were selected in regional competitions around the Nation.

I must say that I have personally found engineering to be an intellectually challenging and professionally fulfilling career.

Mr. Speaker, I salute all engineers nationwide who have contributed their ingenuity and their ideas that has made America the best place to live.

EFFECTIVE CHILD SUPPORT ENFORCEMENT: ADMINISTRATIVE LIENS AND FULL FAITH AND CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr.

supporting dependent children may flee one State for another. While the law allows for the attachment of wages, it does nothing to allow a custodial parent to place a lien on real property. Thus, a parent can avoid paying support payments simply by keeping his or her wealth tied up in real estate, fancy cars, boats, and the like.

Under current law, the only solution would be for a custodial parent to travel to the other State to place a lien. This is not a realistic solution for most custodial parents.

Imposing liens on the properties of delinquent parents can be a highly effective means of forcing payment of child support. States already allow the use of liens within their own States, but few States coordinate this process between States.

My bill would establish full faith and credit for liens imposed in other States.

For example, my home State of Massachusetts currently has this arrangement with neighboring Vermont. If a delinquent parent flees to Vermont from Massachusetts, Vermont will enforce the Massachusetts lien on real property in Vermont, without forcing the custodial parent to travel to Vermont to fight a legal fight there.

If every State had this type of agreement, delinquent parents would have no place in the United States to run.

They would be unable to hide their wealth in expensive cars, boats or real estate while neglecting their children and asking the taxpayers to pick up the support payments.

Massachusetts has been using administrative liens since 1992. Since then, 90,000 liens have been placed, with $13 million collected in past due support.

The Massachusetts Child Support Enforcement Division estimates that about one third of delinquent parents own property eligible for a lien.

The booklet, with the 10 most wanted list of child support enforcement reforms, can serve for a model for child support enforcement efforts.

I urge my colleagues to support this legislation to allow the placement of administrative liens for the enforcement of child support payments. This is only one step to increase child support payments.

Unpaid child support payments amount to $34 billion or more. Many children denied these legally owed payments turn to the taxpayers for support. We need this type of common sense reform in overhauling our welfare system, and forcing delinquent parents to support their children.

THE ''DO SOMETHING'' REPUBLICAN MAJORITY

Mr. HAYWORTH. Mr. Speaker, it is an honor to stand here in the well of the Congress of the United States in the People's House and to have my good friend from Ohio chair and to look around and take stock, Mr. Speaker, of what has transpired in these first 50 days of the 104th Congress.

History reminds us that the last time the Republicans held the majority of the seats in this Chamber, a President of the other party, President Truman, called that Republican-controlled Congress the ''Do Nothing'' Congress. And yet, as we take a look today in terms of more recent history, that description defies reality with reference to the 104th Congress.

As they might say in sports parlance, look it up. We have bothered to check the numbers and it is very interesting to take a look at this new Congress, this 104th Congress, and the flurry of activity that has transpired, simply in terms of numbers. For example, Mr. Speaker, the number of hours in session, heading into day 50 of this new 104th Congress, 236 hours in session, doing the people's business in the people's House.

Now we also compiled numbers over the previous 12 years, in the 97th Congress all through the 103d Congress, to really try to assess how the guardians of the old order were involved in business as usual.

Here is what we found. The number of hours in session through the first 50 days for the previous 12 years, just a little better than 41. Compare this work of the 104th Congress. The number of votes on the House floor heading into this 50th day, in our new Congress, already 145 votes on this floor, in the People's House, about the people's business.

During the previous 12 years, the average number of votes, just a little better than 14.

The number of committee sessions in this new republican Congress, heading into this 50th day, 313. The previous average over 12 years, 121.

But more than quantity, Mr. Speaker, it is quality of work, work that is being done by this Congress, because people come into this Chamber not to score debating points, not to take a vacation at taxpayers' expense, but to be about the work of this Congress and to honor the commitment of the voters of our respective districts.

It has been chronicled before but it bears repeating because it is important to take stock of what has transpired. tion, but it is not a radical revolution. Instead, it is a reasonable revolution. The notion that may seem radical to guardians of the old order is what is reasonably expected by the bulk of Americans, this simple notion that Congress people live under the laws that everyone else lives under. The Shays Act incorporated into our House rules in this 104th Congress, and then a notion that this legislative branch should lead by example. We have done so, cutting committee staffs by one-third, calling for an independent audit of this body to understand where the people's money has gone, to make sure that the people's money has been used for the people's business.

Working in so many ways with the adoption of new rules to really be involved in the House cleaning, to open the windows of this institution and allow for open debate and a dialog and a new partnership with the American people.

So much has transpired, from a balanced budget amendment to a line-item veto to a meaningful crime control package, to eliminate the notion of hug-a-thug, to get away from the concept that we would do things to make us feel good but really not influence what transpires in the cities and counties and towns of America, making a difference. That is what these first 50 days have been about.

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

Mr. HAYWORTH. I am glad to yield to my good friend from Georgia.

Mr. KINGSTON. I thank the gentleman very much for yielding. Let me tell you one of the things I have learned during my tenure in politics. I think it is important. This is not just patting each other on the back, but it is a different way of thinking, because I was in the State legislature and have lots of friends who are in elected office, and it is generally the accepted rule that you run for office, you pass out a brochure that says how tough you are going to be on crime, how strict you are going to be on welfare, how tight you are going to be about the people's money. As soon as you get elected, you put the brochure on the shelf and do not worry about it. You basically handle an agenda already in progress, many items set by special interest groups.

So I think what is so different, you were talking about the Republican Congress during Truman's days and here we have a Speaker who has an agenda that was introduced on the steps of the Capitol to the American

party, he means to stand by his promises, that is a very clear signal to the rank and file membership, completely different. I have not forgotten my brochure, the boss is the folks back home. Here is my brochure, I carry it with me. I am going to be accountable to these promises, passing or not passing them, I will be accountable, and he pulls it out on a regular basis to the American people.

Mr. JONES. If the gentleman will yield, I thank the gentleman from Georgia and the gentleman from Arizona. I would just like to add to the statement by the gentleman from Georgia that each time I go home to my district, and as you know, I am from the Third District of North Carolina, I spend a great deal of the time walking in the malls stopping people to say I am your Congressman, WALTER JONES, Jr. I would like to know what you think about this Congress.

□ 1920

And to add to what you have said and the gentleman from Georgia, I cannot adequately express to you the encouragement that I receive from the people as we are helping to rebuild the public's trust. The public has lost faith in the Congress, but finally,because of what has been said by you two gentlemen tonight, they are seeing that a campaign promise is being kept, and they believe that with the help of God that we will change the direction of this Nation in which the majority of people in my district at least in North Carolina think that the liberals have taken this Nation down the wrong road for too long. So it is an exciting time and a great time and a great change for America.

Mr. HAYWORTH. Following up on that, I think the gentleman's experience is indicative of what has transpired nationally, because the gentleman from North Carolina has the great name, WALTER JONES. He has worked very, very hard, and he had a gentleman precede him in this body of another persuasion and another party, and I think it is very, very interesting to see the change that has come about with our friends on the other side of the aisle with many folks joining the Republican Party, as was your personal experience. I also know the gentleman from North Carolina, you have been working very hard in terms of keeping our promises and our commitments to the men and women in uniform and certainly the Third District of North Carolina that is very important with a number of military bases.

tesy.

Mr. KINGSTON. My jogging buddy from the Northeast who has to come to Washington for warm weather these days, we will yield.

Mr. BARRETT of Wisconsin. Whatever time you have, I would like to address some of the comments. I certainly will stick around.

Mr. JONES. Let me tackle this, because so many good things have happened with the contract. Having three military bases in my district, Cherry Point Marine Air Station, Premier Air Station from the Marine Corps, Camp Lejeune in Jacksonville, well known for the great service they have rendered to our Nation, and Seymour Johnson Air Force Base. We passing the National Security Revitalization Act, what we are doing is what the military needs done is to get support from the United States Congress and this Government, and with the passage of that act, H.R. 7, what we have done, just three or four points, I want to make this quick, first, demands that U.S. troops be commanded by U.S. commanders and not placed under foreign commanders; second, reduce the cost to the United States of United Nations peacekeeping missions and demands that the United States mission to the U.N. press for reforms in the notorious U.N. management practices; tightens controls and reporting requirements for sharing of U.S. intelligence information with the United Nations; and expresses the sense of Congress that firewalls be restored between defense and discretionary domestic spending for budget years 1996, 1997, and 1998.

And very quickly, the gentleman from Arizona and the gentleman from Georgia, let me show you, last August during the campaign, the Cherry Point pilots for about 5 weeks, the fighter pilots that are there to defend our Nation and to fight for us overseas, could not train because of the moneys that had been spent on these overseas projects by this liberal administration, in Haiti and elsewhere.

So we are trying to restore the integrity of the defense budget so that our men and women will be ready to defend this Nation.

Mr. HAYWORTH. I thank the gentleman from North Carolina. The gentleman from Georgia.

Mr. KINGSTON. The gentleman from Arizona controls the time. We do want to yield to the gentleman. We do want to make one point from the gentleman from North Carolina [Mr. JONES].

I represent the 24th Infantry. I had the great honor of doing that. We hope

can for the United States Government. They do not want a French military commander telling them to go up and take the hill.

I do not think that is too much to ask. That is a very important point which is what we have done.

Mr. HAYWORTH. I will be happy to hear from our good friend from Wisconsin whom I have seen in the hall and I guess the gentleman from Georgia needs to jog with. My goodness, I need a chance to go out and jog with the gentleman from Wisconsin. We welcome him to the dialog.

Mr. BARRETT of Wisconsin. You are welcome to join us on our jogging. The gentleman from North Carolina, too.

I hope I am not raining on your parade. I was sitting in my office listening to your very compelling discussion of the first 50 days, and I felt compelled to come over.

Mr. HAYWORTH. We welcome you here to engage in the dialog.

Mr. BARRETT of Wisconsin. My reaction was, again, I certainly agree with your comments that this has been a very busy first 50 days. It certainly, in terms of committee meetings, in terms of votes taken, in terms of time spent on the floor, is far busier than it was 2 years ago when I was a freshman in Congress.

As I was listening to you talk, it reminded me of the three little pigs. That is no reflection on the three of you, but in particular, in all seriousness, one character in particular, I have a 2-year-old son, and so we asked him what the wolf says. The wolf says, as my 2-year-old son says, ''I will huff and I will puff and I will blow your house in,'' which is not that dissimilar to what many of the new Members said when they were elected to Congress this fall.

But the point I want to make is even though we have been very, very busy, the first 50 days, I certainly do not mind being busy, I think what the American people want, and I think all of us would agree to this, the American people want action. They want us to complete things, and it is smart to talk about all the time we spent here.

But I think if you look at what we finally accomplished in the first 50 days, we have passed and signed into law the grand total of one bill. So I think we have to keep things in perspective.

Mr. HAYWORTH. Reclaiming my time, the gentleman from Wisconsin, let me yield then to the gentleman from Georgia.

Mr. KINGSTON. I want to also ask if your children are familiar with the

And, you know, we are hoping, as you know, that the bipartisan spirit that passed the bill that put Congress under the same laws as the American people and that passed the balanced budget amendment and that passed the national security bill that the gentleman from North Carolina [Mr. JONES] talked about, and the unfunded mandates bill, we hope that that bipartisan spirit goes on in the next body, and then the President has the great unique opportunity to say, ''You know, some of this I can live with.'' And we hope that does happen.

Mr. HAYWORTH. I think it is a valid point. I will yield to the gentleman from North Carolina in just a second.

But again to follow up on what our friend from across the aisle has come down to talk about tonight, in dealing with fairy tales, it is no fairy tale, as the gentleman from Georgia points out, there are different instruments of government with different jobs, and I am sure certainly not in the position of pretending to lecture the gentleman from Wisconsin, but the fact is the other body is hard at work given its special set of rules, given its special set of priorities and, of course, as the gentleman from Georgia mentions, there is another gentleman ensconced at the other end of Pennsylvania Ave., our Chief Executive, who has a chance to sing into law the different provisions, and we welcome the involvement of the other body and of the Chief Executive.

But what we have been doing is fulfilling the promises we made to the American public and working very hard to do so, and to use a line almost Shakespearean in its resonance, it certainly is not, as some might suggest, much ado about nothing. We are very hard at work.

The gentleman from North Carolina.

Mr. JONES. If I may very briefly and quickly thank the gentleman from Arizona for yielding, I would like to remind the gentleman from Wisconsin that our Contract with America came from extensive national polling of the people to find out their many concerns and to find out their 10 top concerns. And what we have done is that we cannot speak for the Senate, but we promised the American people that we would get these 10 bills to the floor for a vote, and we are accomplishing that promise to the American people. So we are keeping our promise.

We cannot promise what the Senate will do. Hopefully I believe that the Senate will follow suit on most of these bills.

Mr. BARRETT of Wisconsin. If the gentleman will yield further, I recognize, Paul Harvey would say, let us tell the rest of the story. I think in this case the rest of the story is we have had one bill that passed I think it is an excellent bill. I was a cosponsor for the congressional accountability bill when I was first elected to Congress 2 years ago, and I was proud to be an original cosponsor this year. It is a good bill, a bill overdue. My only concern with it, and we have talked about it before, we did not have the language in there banning the use of frequent fliers. Perhaps we will get an opportunity to deal with that issue as well.

□ 1930

But again you are having a fine discussion, and I wanted to stop by and say hello.

Mr. HAYWORTH. I yield to the gentleman from Georgia.

Mr. KINGSTON. I thank the gentleman.

I think the important thing is I know that you have been with us on many of these votes, and we appreciate your joining us tonight. The thing to also remember, though, the balanced budget amendment does not even have to have President Clinton's signature. He is against it, which is fortunate. But what it does need to have—I am not sure what the count is right now, I think it is two Democratic Senators who have not voted. So I hope the people from Wisconsin, Arizona, Georgia, and North Carolina and anywhere else in between who are listening tonight, will pick up their phone and call their Democratic Senators and say, ''Pass that balanced budget amendment. Run your household in Washington or our country the way we have to have our households in America.'' I think it is a good point.

The Democratic Party in the Senate is just bogging down the balanced budget. Let us get it passed. Let us get on to other things.

Also, on things that we do not need Senate approval, for example, cutting committee staff by one-third, limiting the term of committee chairmen and eliminating some of the committees; we eliminated about 25 subcommittees. We have done that without having to have Senate approval for it. So there are many things that were in the contract that were done within our power that we could do within these walls, in this Chamber, without having the other body sign off on it and slow us down.

Mr. HAYWORTH. I thank the gentleman from Georgia.

I think the gentleman from Georgia, having served in this Congress and the 103d Congress, as has my friend from Wisconsin, knows very well for our democratic Republic and our constitutional form of government because, unlike what had transpired in previous years, we did not move to cut off our friend. We were happy to welcome him. Perhaps it is a departure from special orders in the strictest sense, but we are very happy. I think it is indicative of this new partnership and this new dialog.

Will there be points of disagreement? Certainly. But this is indicative of the change in the way we are doing business.

I yield to the gentleman from Georgia.

Mr. KINGSTON. Does the gentleman from Wisconsin see what he has done now? The gentleman from Arizona is an old sportscaster, and he is getting wound up. He knows politics is a contact sport, and that is good to have the contact, and I am glad the gentleman is here.

Mr. HAYWORTH. I yield to the gentleman from North Carolina.

Mr. JONES. I just wanted to say that what has been exciting about the first 5 weeks is that we have had on these major votes to help make this a better country, to help small business, help people as it relates to crime, we have had quite a few of the Democrats come in, percentages of up to 60 percent who have joined us in passing this legislation.

And that bipartisan effort in coming together for America is what the American people wanted. I am delighted, I say to the gentleman from Wisconsin, that we are working together in a bipartisan way to make this a better country.

Mr. BARRETT of Wisconsin. In closing, again I thank you for the opportunity to spend some time this evening. I felt compelled to point out that only one bill has become law, though I trust the Senate will look at some of the bills that we have passed. My hunch is that those that will pass will be those that actually passed the House in the past. The Congressional Accountability Act, which passed the House last year. And now it passed both Houses.

My only request that I have been making, in closing, is that the gentlemen also are sensitive to some of the needs that are expressed in the contract that I think are bad for America, in particular, things like the school lunch program. My wife is a school teacher. I asked her about the school lunch program. She said—she is critical of the current welfare system, that they could use some changes, but she

insinuation that by trying to offer block grants to the States, by trying to streamline and rethink delivering services, certainly the gentleman from Wisconsin is not implying those of us in the new majority who are trying to open this process up are trying to take food out of the mouths of children, because I think that is a very, very serious accusation.

I yield to the gentleman.

Mr. BARRETT of Wisconsin. Again, I am reporting to you what my wife, as a school teacher, said. She said, ''Why do they want to change this program? The school lunch program is not like the welfare program, where people are abusing it. Frankly, it is not even like the food stamp program, where people can take the food stamps and maybe have a black market. But what the school lunch program is all about is apples and milk for kids who may have that as their only meal of the day.''

And I think, in all candor, I think to serve the American people, which we all want to do, I think we have to be very, very sensitive that we do not inadvertently, perhaps—so I do not mean to imply to the gentleman from Arizona that I think he is doing this intentionally—but only I don't think any of us, as a result of our actions, want to make it more difficult for children. Again, I think what our goal is for all of us is that children in America learn and they certainly learn better when they have food in their stomachs.

Again, I ask the gentleman to be sensitive to that. I have to close.

Mr. HAYWORTH. I yield to the gentleman from Georgia.

Mr. KINGSTON. One of the sad things about Washington is when you do not have the facts, you kind of rattle a little emotionally and say this and that. I will not accuse my friend from Wisconsin of that, but I would say there are Members in the Democrat Party who have school nutrition as their Social Security issue that, first, we scare the senior citizens, now we go after the hungry 6-year-old.

The fact is there are 16 different school nutrition programs. We talk about these school lunch programs. There are 16 of them.

What we are trying to do is eliminate them so that we can feed the children and let the bureaucrats go out and find other work, other things to do.

Eleven different bureaucracies are trying to be consolidated, as I understand it, by the Opportunity Committee, and then four by the Agriculture Committee.

All we want to do is say, ''Hey, there are too many people feeding at the teach them about math, English, prepositions, adjectives, and all that sort of stuff.

Mr. HAYWORTH. I thank the gentleman from Georgia.

I appreciate the comments of the gentleman from Wisconsin, and welcome him to this dialogue during this special order. I think it speaks volumes about the fact that we have opened up the windows of this Congress and just as we engage in a dialog here in the well of the United States House of Representatives, so too do we seek that dialog, Mr. Speaker, with the American people. That is the difference.

To our friend from Wisconsin, even as he departs, and others who may be viewing these proceedings on television and at home, I think it is important as the gentleman from Georgia points out, the idea is to make services more efficient. According to some estimates, for every dollar in social spending, 80 cents of that dollar goes to the delivery of that program. In other words, the money is not a straight transfer from the pockets of the taxpayers to the kids at school. It goes through so many different middlemen, if you will, and what we are trying to do is reduce the number, reduce the amount of middlemen and make sure that in these programs that have great import to the children of this country, to the seniors of this country, to the hardworking men and women of the 6th District of Arizona and beyond, that we have a practical, efficient way to do so. That not always is it more money and more programs and more centralized bureaucracy here in the Nation's Capital.

I yield to the gentleman from North Carolina.

Mr. JONES. Just very briefly, the gentleman from Arizona and the gentleman from Georgia are absolutely on target. This is exactly why people back home understand what we are trying to do as the new majority. We are trying to streamline government. We are trying to make sure that the majority of the dollar gets to those who need the dollar and cut through these layers of bureaucracy that keep, as the gentlemen said, the gentleman from Georgia and the gentleman from Arizona, from absorbing most of the money.

So we are on target. The people of America, the people in my district, say to us, ''Keep going forward like we are doing.'' We are going to make government less intrusive into the lives of people, make sure those who need the help get the help, but it will be done in a very efficient way.

Mr. HAYWORTH. I thank the gentleman from North Carolina.

support on average from our friends in the new minority who are coming with us on these programs, there are many measures that have a bipartisan nature.

I know my friend from Georgia would like to speak about the balanced budget amendment and talk about that very real accomplishment.

Mr. KINGSTON. I thank the gentleman. Absolutely, as we speak about senior citizens programs, balanced budget, programs for the disabled, we have to keep in mind, when we are going broke it does not matter.

□ 1940

Remember when you were kids, if you found out your dad might have a charge at the local drugstore, you go down and you get you a soda pop, and you just sign his name. You did not have to pay the 35 cents for the Coca Cola, and you thought you were getting something. You were charging it to your dad.

Well, little did we know that, when we were grown-ups, we would be charging things to our children, and you would not dream of going to a drugstore and charging a sandwich to your 8-year-old, but that is what we are doing. We are doing it in Congress, and, if we are going to be worrying about kids' nutrition programs, and senior citizens, and so forth, we are talking about compassion. We better talk about paying down this debt that we have, this $4.5 trillion debt that we have.

That balanced budget amendment, it is critical because, if there is anything that our history has proven since 1969, Congress cannot say, ''No.'' We have got to have the constraint, the discipline, that a balanced budget amendment forces on us.

I wish everyone would call their Senator tonight and say, ''Where are you standing, and why aren't you for it?''

As my colleagues know, a friend of mine, John Carswell, a farmer, told me something interesting last week, and he said a guy went down to farm and wanted to borrow another farmer's ax. He said, ''I'm not going to lend you your ax—my ax. You can't use my ax.''

And he said, ''Why not?''

He said, ''Because I'm making soup tonight.''

He said, ''Soup? What does that have to do with me borrowing your ax?''

He said, ''Nothing, but, if you don't want to do something, any excuse is a good one.''

That is what the U.S. Senate is doing to the balanced budget amendment.

folks in the other body would also be interested in hearing from the people as the other body approaches this very real vote on a balanced budget amendment. It is important for the people of this country, Mr. Speaker, to be heard. They were heard November 8, but what I think we are trying to say tonight is:

Just as this continues through the Contract with America over the next 50 days, it is an ongoing process, and certainly the American people should not think it is a fait accompli, that we have already done it. It is continually evolving. The other body has a major role to play, and just as we welcome calls, I am sure the Members of the other body welcome them, too.

Mr. KINGSTON. Absolutely, and on top of the balanced budget amendment we have that very important line item veto which we, the majority party in the House, are willing to give to a Democrat President. We might be the ones who—that might be just like a boomerang to us. It is going to come back and cut projects in our own districts, but it is more important than any single congressional district. It will help attack that deficit, and I know that the gentleman from North Carolina [Mr. JONES] has worked hard on the balanced budget amendment and the line-item veto.

Mr. JONES. Thank you, the gentleman from Georgia and the gentleman from Arizona. I will always remember during this campaign for Congress information I received from the majority leader, the gentleman from Texas [Mr. ARMEY], during the campaign that said, ''As you're talking about line item veto, and you're talking about balanced budget, that in America today the average working family will spend more on paying taxes than the average working family will spend on clothing, housing or food when half of what they are making is going to paying taxes. How can they realize the American dream? When you have a government that is bloated and taking more and more out of the paycheck, that's what all this is all about. That's why we are the majority party.''

Mr. HAYWORTH. I think the gentleman from North Carolina [Mr. JONES] makes a very important point that can be restated in the following way:

Certainly the gentleman from Georgia has also seen the figures, and according to some estimates, if we fail to rein in this runaway government spending, if we fail with a balanced budget amendment or some other mechanism to restore fiscal sanity at the Federal level, or children unfortu- Federal levels now outstrips manufacturing as the Nation's No. 1 employer by 600,000 jobs.

It is a fair question to ask, ''Does the Federal Government need to operate in such a pervasive fashion?'' I believe not, and I believe that is why we are taking the important steps.

Mr. KINGSTON. I think also, if you look and consider that the third largest spending item in our entire budget is the interest on the debt, which is about $20 billion each month, it is money we do not ever get back. We talk about investing in education. We talk about investing in our Nation's economically disadvantaged so they can join the mainstream. We cannot do that when we are spending $20 billion a month, and I can promise you that this year you will have requests from your congressional district, folks back home, worthy projects perhaps in Arizona, North Carolina. They will not come to $20 billion, and yet that is what is spent each month just on the interest, and that money is gone. We have got to do this.

Now, one of the things we are trying to do in the contract is the welfare reform so that people who are able to work will be required to work. We are going to try to make it so dads do not have this alley cat mentality that they can go off and just get a woman, or a girl in many cases, pregnant and not have any more responsibility than an alley cat. We are trying to say, ''Look, you're on the hook, you have got to raise that child,'' because those children now are becoming welfare recipients themselves, in many cases drug addicts, in many cases high school dropouts and so forth, but they need to have dads back home, and our welfare reform plan works on restoring the family, and that is something so very important.

Mr. HAYWORTH. I think it is very important. The gentleman from Georgia makes an extremely valid point, and so there is no mistake, Mr. Speaker, let us try to explain we are not here to demonize, or castigate, or point fingers at anyone in our society. But instead we are taking a look at the simple facts.

Indeed, from the time 30 years ago, when President Johnson stood at the podium behind me here and declared war on poverty, by some estimates we have spent in excess of $5 trillion on social spending programs. Let me repeat, $5 trillion, government at all levels involved in social engineering, and, when you consider our national debt and the problem we have there, by recent estimates being $4.8 trillion, our spending welfare reform we have to look at this very simple concept. Some of my friends from the other side talk about budget formulations, and they talk about the dollars that will be lost, the Federal dollars that may be lost in their congressional district, and to me it fails to take into account this very valid and irrefutable fact, the money is not the Federal Government's money to begin with. It is wealth created by hard work in the business community, by people earning their paychecks and then paying their taxes. That is the part of this process that we cannot forget about, and, even as we talk about runaway spending, we must also talk about this excessive burden of taxation and why it is so important to make sure that parents have money to spend on their children.

The Family Restoration Act makes sure that parents have additional moneys, a $500 tax break or an increase on deductions per dependent to make sure that families can spend money on members of that family. That is what is so important.

Mr. KINGSTON. And if the gentleman would yield, I think we have proven under Ronald Reagan and John F. Kennedy, who frankly did not have many successes while he was President, but one of the things that he did was he gave a tax cut in the early 1960's. Reagan did one in the early 1980's. In both cases it brought about economic growth and economic prosperity because the American people know how to spend their money better than the United States Congress: more clothes, more hamburgers, more records, more cars, more houses are bought by them which creates jobs, and that has a multiplier effect for more revenues.

□ 1750

Mr. HAYWORTH. I think we learn from the example of the late President Kennedy, and indeed the example of President Reagan, that a tax cut really does reinvigorate the economy. That is what we seek to do. Certainly the gentleman from North Carolina has lived this, being part of a family that has made the transition. I know certainly he champions the actions of President Kennedy and certainly looks back to those actions as a vibrant, market-oriented, new frontier Democrat looked at it 30-some years ago, and we share in that tragedy and our sorrow for the Kennedy family and for this Nation. But certainly you have seen the change and I know that you join us in this idea of tax breaks.

Mr. JONES. I could not agree more with what the gentlemen have said. I

place for 30 years has perpetuated itself to help keep people down in back. What we want to do, we want to see welfare become a trampoline, not be a hammock. We want to see people have an opportunity to join the productive work force of America. That is what the Republican party stands for and that is what our welfare legislation would be about, helping people get off welfare.

Mr. KINGSTON. Part of this getting folks to work, we have got to make sure that the jobs are out there. I think by giving middle class families this $500 per child tax break will help empower consumers and stimulate the economy through more consumer spending and create jobs. I think the other part of it is to get the Government off of the backs of business. Requirement of risk assessments: When EPA and OSHA and all the other thousands and thousands of government agencies and bureaucracies come and harass mom and pop businesses on Main Street, Arizona, North Carolina, Georgia, all over the country, let them make it harder to pass regulations on businesses, because if businesses do not have to pay so much time, effort and energy and money to Uncle Sam, they can expand. They can take that little lawn mower store and build a branch on the south side of town and create jobs that way. Remember, 70 percent of America is still working for small businesses.

Mr. HAYWORTH. I think the gentleman from Georgia again is right on the money when he talks about these issues of money and taxation, and I think it is very, very interesting to see how the debate has transpired in the wake of the mandate of November 8th. The liberal media talks about anger and hostility and as if there is some sort of latent hostility about the Federal Government. I will let folks in on a little secret. It is not that much of a secret. It is not a visceral dislike for any segment of our society. No, it is simply this notion: Why should people who work hard and play by the rules and try to create jobs be subjected to unreasonable, excessive, overregulation. Certainly we would all agree that there is a valid place for a modicum of regulation within the workplace, a modicum of regulation even in our free market economy, but not to the point where it retards the growth of business, where it holds back our economy. What we need to do is unshackle the chains and let this market move forward with a dynamic, free enterprise system. That is what is so vitally important.

cies Act because the bureaucrats, if you will, have taken these regulations and these acts and have extended it to interpret it as they see fit.

What we need to do, as you and the gentleman from Georgia are saying, we have to bring a balance between business and the environmentalists. We have to bring a balance, because obviously the regulations have gone too far, created too many problems for business owners, property owners and business itself. So again, this is part of the Republican majority. We are going to make the changes that can bring the balance that I think would be great for this Nation.

Mr. HAYWORTH. I think it is very, very important to take a look beyond the contract, and we will continue to do so, not only on the Resources Committee, but in so many other avenues. Because this does not stop at day 100. Yes, we are stopping here at day 50 to take stock of what has been accomplished, and we will do so during the continuation of this special order. But it is an ongoing process and a national dialog and a new partnership with the people of America, Mr. Speaker, that we hope to foster.

Certainly we encourage their input, especially as tomorrow we move to this whole concept of overregulation and we move to a concept of a moratorium on regulations, to stop that and take stock of what has transpired thus far.

Mr. KINGSTON. I think it is important also for us to keep in mind that we do not want to lose species when we talk about the Endangered Species Act. We do not want to lose wetlands when we talk about wetlands. What we do want to do is bring some sanity in.

For example, I had a gentleman, a businessman in my district, send me a stack of papers about a half an inch thick. He said ''I have got to do this to get a permit to dig a hole because there is questions about the wetlands.'' The hole was 3 feet deep. He has to fill out what I can only say would be about a half an inch of paperwork, and it would probably take a half a day to do it, to dig a 3 foot hole. Not three foot long or wide, just 3 foot normal size hole.

Cases like that we hear right and left. There is a road contractor in Georgia, and I know you know what a silt fence is, when you are building a new road that now they build these fences to help stop erosion, and that is the kind of wavy fence that you see on sticks. I have never seen one, frankly, do much good.

But I asked the contractor, how much did that silt fence cost you on widening this road project? The total

need a silt fence. If you need one, you do not need one the entire length ever the road. In north Georgia where it is hilly, you need it, and in south Georgia where it is hilly you need it.

But he can't have that flexibility to decide. What he says is let me decide when to use a silt fence or not, and, if I am wrong, fine me. Eat up all my profit on the job. Take away my tractor. I promise you I am not going to let any dirt move from the site.

What we are talking about is let's do not micromanage everything out of Washington. Let the Georgia DOT or the county commissions make these decisions along with the road contractor. You might not need it on every single project.

Mr. HAYWORTH. The point of the gentleman from Georgia is well taken again, and indeed the experience of his constituent serves as a metaphor. One thing we understand certainly is that in a nation this vast, in a nation that differs from region to region, while we may speak with a united voice within terms of political philosophy, why do not we try to reach consensus with our friends across the Hill? In this Chamber the biggest misguided notion is this concept that one size fits all. Washington can decree what works in Philadelphia will work in Phoenix. What is good until Athens, GA, is also good in Athens, OH.

What we find is it is better and truly a form of federalism to let cities, towns, counties, and States deal with problems where they are on the front lines everyday as opposed to a bureaucracy in Washington dictating to those groups what should transpire.

We see it very clearly in what we were able to do in terms of putting some meaningful legislation together on the problem of crime, the notion of block granting and giving those items back to the States and those people on the front lines fighting crime, so vital to our situation.

Mr. JONES. Just to add to your comments, because today at the news conference celebrating the end of the first 50 days, I do not think I have ever heard a more meaningful talk than the lady who had been raped from Ohio and how much she supported and felt that the legislation that we passed with this tough crime bill, how much it would help other people throughout America. And I thought that what she shared with us and the press being there today made us all realize the importance of what we had done to help protect America. I just thought that was a very special event this morning.

in a direction where hardened criminals could use technicalities, could try and trample upon the Constitution, and, in my humble opinion, to try and take away the legitimate rights of victims of crime.

□ 2000

So this Congress, again, is not radical, it is reasonable, recognizing that the pendulum needs to be dead center; that we have to respect individual rights and the rights of the accused, but just as the lady from Ohio told us, we can never have those rights come at the sacrifice of the law-abiding and those who are victimized by crime in our society.

Mr. KINGSTON. If the gentleman will yield further, he is right. We have protected the rights of the individual, which is extremely important, if not sacred, but at the same time, we cannot compromise the safety of the society.

Yet, we have done that. Criminals on an average serve 35 percent of their time, which means our streets are full of people who have been arrested not once or twice but 7, 8, 9, 10 different times. The block grant concept says to States that ''If you have truth-in-sentencing, meaning if you sentence somebody for 10 years, he or she serves 10 years, we will give you block grants for new prison construction.''

We hear so often about overcrowding in prisons, and what this will do is make our streets safe by taking that element off the street, which is what the victim who was raped needs, what people in Arizona need, what people all over the country need.

Mr. HAYWORTH. I think, again, the lady from Ohio, as the gentleman from Georgia made a very vital point and very meaningful point today about the whole notion of crime and punishment, because her attacker, her assailant, was able to take advantage of prison programs to get an education, and no one would deny that benefit, but also taking advantage of free weights and building his body so he could go back out and commit other crimes.

We are not saying that those who meaningfully choose a route of rehabilitation should be stifled, but those who look at their time incarcerated as free time at a health club or self-improvement to go out and perpetrate criminal acts, clearly that must stop.

What this Congress is trying to do, by engaging in debate with our friends from the other side of the aisle, by hammering out these programs, by engaging in a new dialog with the American public, is to deal directly with those problems, because we believe

Mr. BENTSEN. As to yourself, as well.

Mr. Speaker, I will only take a minute of the gentleman's time. I am actually waiting here for another special order.

The gentleman talked about the block grants, and I would like to ask the other gentleman as well, there are a couple of things that I have concerns about the block grants that affect my State of Texas.

My State has been on a prison building program for quite some time, and yet, according to the Justice Department, while we have reformed our penal code, we are building more prisons at an extremely fast pace, we are selling bonds and raising millions of dollars in capital in order to do this, we still will not qualify to meet that 85 percent in sentencing the way that it is calculated under the bill.

The problem that I see is that we are sort of caught between a rock and a hard place, because as we try and build our way out of it into the capacity that we can raise capital, and then we look to the Federal Government for some of the tax dollars that we send up, and we send a lot of tax dollars to Washington from Texas, the Congress is saying in this legislation ''We are sorry because you are not quite there yet,'' and try as we might, we may not be there. I have a problem with that.

That is one. The other question I would ask relates to the other block grant, which is a concern that I have. Isn't it true under the law enforcement block grant program that replaced the 100,000 police, isn't it true that if a State or a city wanted to, that they in fact could spend all that money on midnight basketball or some other program that some of us might feel is not proper?

Mr. HAYWORTH. Reclaiming my time, I yield to the gentleman from Georgia.

Mr. KINGSTON. Let me ask the gentleman a question, first. Although I was born in Texas, I do not claim to know all the politics there for 1995. I would say to the gentleman, with the majority leader, DICK ARMEY, with the majority whip, TOM DELAY, and I understand there is a gentleman named PHIL GRAMM who may be the next President, I do not think we would pass a bill that is punitive to the State of Texas prison program.

The Department of Justice, as you know, was against this crime bill. Janet Reno fought it every inch of the way. I suspect that information is not 100 percent accurate. I will follow up

not there.

I trust my city police in the First District of Georgia, all over the State of Georgia, as I know you do in Texas, to make the right decisions. I'm not afraid of them taking that money and building midnight basketball domes. I just do not believe they will do it.

They may say ''We do not need police officers, but we need a police car, we need some radio and we need some other drug interdiction equipment,'' but I think they are going to be able to make that decision better than Congressmen and women from New York City and from California and elsewhere.

Mr. HAYWORTH. Reclaiming my time, I have a couple of questions for my good friend, the gentleman from Texas. I appreciate the gentleman being here, but I think the point is very valid that the gentleman from Georgia [Mr. KINGSTON] makes.

The gentleman from Texas [Mr. BENTSEN] outlined what I believe to be in one sense the worst case scenario, and yet even with that type of construct that he offers us, should it not really be left up to local governments in that regard if law enforcement officials who ultimately are accountable, I would imagine, to the voters, or to the city councils and city managers of respective localities in Texas? If they were to spend that money in an ill-advised way, from my point of view, I believe they would be directly accountable to the people of those areas. I do not believe it should really be under my purview to make that change.

With reference to the prison system in Texas, and I will defer to my friend's knowledge of Texas politics, and what transpires at the State capitol in Austin, but let me ask this simple question: is there a truth-in-sentencing provision under Texas State law?

Mr. BENTSEN. If the gentleman will continue to yield, Mr. Speaker, in Texas, and I will take the opportunity, in fact, to ask my good friend, the State Senator, John Whitmire, who led the effort to reform the penal code in Texas, to come up here and talk to Members of the House about what we have done in Texas to ensure that in Texas, if you do the crime, you serve the time. I will bring him up, so we are trying to make this.

Mr. HAYWORTH. You have passed the truth-in-sentencing provision out of both houses?

Mr. BENTSEN. We have passed our version of it, yes, which I think is a very tough bill, and I will be glad to get the gentleman the information on it.

However, let me say, my point really comes down to where people have argued, and I was not here, like the gentleman, I was not here last year, I was in the private sector.

Mr. HAYWORTH. You were in the real world?

Mr. BENTSEN. As opposed to the unreal world, yes, whatever we determine that is. But I was watching what was going on up here. Last year we were saying that we didn't want block grants. Last year we were saying we didn't want midnight basketball.

Now we turn around and we do this. Mr. Speaker, I have a disagreement with that structure of the block grants. I have people who come back, some people from your party, who come around and say ''Well, Mr. BENTSEN supports midnight basketball.'' That is not exactly accurate, because the bill as it is drafted would allow it.

I disagreed with that, so I bring that up as a matter of debate, that some of us do believe if we are going to fund things for police and that is what we want to do, that is an issue of debate, but I would say some in your party, political operatives, et cetera, would come back and accuse people such as myself, to say that I am for something when in fact I am making the point that I'm not.

Mr. HAYWORTH. I appreciate the gentleman from Texas and his point of view, and in fact welcome him to this special order, as we did the gentleman from Wisconsin preceding him.

If the intent is to decry the theatrics and the hyperbole of politics, let me assure the gentleman from Texas that certainly those of us involved in the campaign in 1994 were subjected to the same unfair scare tactics, and I guess it is a simple situation that what is good for the goose is good for the gander, but I think it is only a small part of the larger questions that delivered the mandate on November 8. I welcome the gentleman from Texas, who was elected November 8 as well.

But what we see nationwide is a concept of accountability and responsibility, while at the same time we move to ensure constitutional rights and establish this new dialog with the American public.

Mr. KINGSTON. If the gentleman will continue to yield, I think it is important to remember that this bill takes the power away from Washington bureaucrats, and it puts it back in the hands of the Houston police department and the folks in Atlanta and Savannah and Brunswick and Statesboro and Waycross that I represent, where I were committed, or people in the sheltered Washington, DC world.

I know the gentleman will agree with us, that the decisions are better made locally.

Mr. HAYWORTH. I think we are all in agreement that it is marvelous to have this time together, even under the guise of a special order, to actually engage in this meaningful, I believe, debate, because I believe this Nation is better for it.

To be certain, we may be of two minds, we may be of 435 minds in this august Chamber, as to how to redress the problems of our society, but it is helpful to have a chance to represent our districts.

☐ 2010

Mr. KINGSTON. There is another important subject that is in the contract, and that is term limits. I know the State of Texas, the legislature only meets every other year, and that generally you are in the real world as a result of that. In the State of Georgia, we meet 40 days a year, but the representatives on the State level and the county commission and so forth are generally not full-time. They are involved in making an honest living in the real world, and one of the things that we need in Congress is more people like you who have been in the real world, more people who have a frame of reference of business, of education, of being a police officer, and so forth. We need to have that element to get away from the professional politicians.

One of the things the Contract With America calls for is an involvement on term limits.

Mr. BENTSEN. If the gentleman will yield.

Mr. HAYWORTH. I will be happy to yield. I know our time is almost up. I know you are here to be part of a special order, in keeping with the spirit of this open time, if you just have a question.

Mr. BENTSEN. I thank the gentleman for yielding and his courtesy.

One quick question: Does the contract, or would you support retroactive term limits? Because as newer Members, I think that without retroactivity, and the city of Houston has retroactive term limits, by the way, because the voters passed that, without that that puts the newer Members at an uneven keel compared to the Members who have been here for a while.

Mr. HAYWORTH. That is a very interesting question. During the course of this debate as we continue along, certainly that amendment may come at that time, he said, ''Son, I didn't do a very good job of raising you.'' Of course, he had been here again for 26 years, but I am a strong proponent of term limits, and I hope that both sides, as you feel strongly about term limits apparently, that we will gather the 290 votes that we need to pass this part of the Contract With America, because the American people throughout every poll that I have seen for the last year and a half, and I used to be in the North Carolina General Assembly; I served for 10 years; the people of America want the right to see term limits come to the Congress of the United States.

I hope that both sides in a bipartisan way will come together and work together to get the 290 votes, because we apparently right now, the gentleman from Arizona, it is my understanding we are anywhere from 30 to 40 short.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. NEY). Under the Speaker's announced policy of January 4, 1995, the gentleman from New Jersey [Mr. PAYNE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PAYNE of New Jersey. Mr. Speaker, thank you very much for giving us this opportunity to speak this evening. I would like to thank my colleagues who are here for taking time in their busy schedule to join us, join us in this special order.

First of all, let me acknowledge the true sponsor of the special orders during Black History Month, the gentleman from Ohio [Mr. STOKES], from Cleveland. The gentleman from Ohio [Mr. STOKES] for a number of years has taken time out in special orders, and although he is currently in committee where he is conducting some very important business, he will be here at the first opportunity that he gets.

As you know, the Stokes family really rewrote history in the middle 1960's when Carl Stokes became the first African-American to become elected to a major city, and it sort of set the trend and the tone through the 1960's, and up to the current time where we have close to 9,000 African-American elected officials. But it was Carl Stokes, led by LOUIS STOKES, who was able to finally break through and to be a real hero. He is currently serving as United States Ambassador, and we are very pleased at his great achievement, a judge recently also.

to pause and remember the dreams and visions of these three men as well as thousands of other African-Americans, men and women, who championed the cause for freedom through vigilance and aggressive action.

I would like to take a few minutes to honor an individual out of these three that I will talk about for a few moments. Frederick Douglass is one of the three that we are reflecting on and others in our history, but Frederick Douglass was an accomplished author, he was a journalist, he was a statesman, he was an orator, he was a publisher, he was a Presidential adviser, he was fluent in many languages, he was an abolitionist, he was an activist for women's rights, he was an internationally celebrated leader.

Born into slavery, he was self-educated. Frederick Douglass was being taught by his slaveowner's wife, Mrs. Old, who had a young son and taught both Frederick Douglass and the young son to read at the same time. When the slavemaster heard what was occurring, he demanded that his wife stop teaching Frederick Douglass how to read and said that a slave is no good if he is educated.

Frederick Douglass though, being creative as an 8- or 9-year-old, found several neighborhood young boys who could read. They were not African-American youngsters. They were poor youngsters, but he was able to strike a deal with them that he would give them food that he would slip out of the house if they would teach him how to read. So Frederick Douglass continued to learn how to read and really moved into being one of the most outstanding men this Nation has ever had.

Abraham Lincoln, a contemporary of Douglass, once referred to him as the most meritorious man of the 19th century. Frederick Douglass became a spokesman for the abolitionist movement. He also, in 1848, decided that he would attend the Seneca, NY, conference on women where he was one that pushed women's rights, one of the first men in the Nation to speak out for women's rights. He was in full support of the Declaration of Rights and Sentiments which demanded equal suffrage for women.

In 1848, he became the editor and publisher of the North Star, which was a newspaper that was the truth squad of the Nation, and he went out defending the rights of women, defending the rights of the abolitionists who had a forum and a platform.

As I sort of conclude on Frederick Douglass, he directed his talents to the abolitionist movement. It was Fred- War.

At that time slaves were supporting the Confederacy. They were doing work that made the Confederacy strong, and what happened was that when the Emancipation Proclamation occurred, not only did Frederick Douglass encourage Lincoln to do that, but he encouraged Lincoln to allow freed slaves to fight in the Civil War, and two of Douglass' sons, Louis and Charles, were among the first to enlist in the 54th Massachusetts Volunteers. I think that was something that we saw in the movie ''Glory.''

It was Frederick Douglass who told Lincoln and urged him to use these freed slaves, because these slaves then fought for their freedom. There were over 180,000 African-Americans who fought in the Civil War, and at that time, the Civil War was at a stalemate, and it was the infusion of the African-Americans into the Civil War that tipped, totally tipped, the scale towards the North, and in the Navy there were 30 percent of the persons in the Navy at that time in the Civil War that were African-Americans.

And so we saw that Frederick Douglass was a real hero. He became a U.S. marshal in 1872. He became the Registrar of Deeds and Mortgages for the District of Columbia in 1881, and the Counsel General to Haiti in 1889.

He also said that he was not going to abide by a white-only covenant in housing, and he purchased a home in Cedar Hill here in Anacostia.

☐ 2020

He was a person who had the first Colored Person's Day, which was held at the 1883 World Columbian Exposition. The World Columbian Exposition was celebrating the 400th anniversary of the discovery of the New World. At that particular meeting that was held on August 25, 1893, over 2,000 people came, mostly African-Americans. That was a time when Frederick Douglass was being interrupted by white hecklers. That is when he finally become annoyed and angry at his tormentors, and he gave the speech. Once again, the old lion roared:

> Men talk of the Negro problem. There is no Negro problem. The problem is whether American people have loyalty enough, honor enough, patriotism enough to live up to the Constitution. We Negroes love our country. We fought for it. We ask only that we be treated as well as those who fought against it.

At that great first African-American Day on August 25, 1893, Paul Lawrence Dunbar was at that meeting, Ida B. Wells was there, James Weldon Johnson was there. Many of the African-

So, as we talk about Douglass, as we talk about the debate between Du Bois and Booker T. Washington, we needed both. It was a great debate as to which way should we go. The majority people made those two great heroes conflict with each other, but we needed both Booker T. Washington, who said you should train and learn and stand in rural areas and have trades and be farmers, and then you will earn your respect. Du Bois, who was tired of lynching, went on the 1909 Niagara convention where the NAACP was founded, and he said, ''We should be scientists, and they could help the rest.'' So we needed both, we needed Washington and we needed Du Bois. We saw in the 1960's the same argument whether it should be Malcolm or Martin. That was a time when both were necessary.

Mr. Speaker, thank you for giving me the opportunity to speak this evening. I want to thank my fellow colleagues who have taken time from their busy schedules to join us for this special order. We take pride in the opportunity to highlight our heritage and honor the many African-Americans who have contributed so much to this great Nation.

The 1995 National Black History Month theme, ''Reflections of 1895—Douglass, DuBois, and Washington,'' marks a milestone in the life struggle of Black America. It causes us to pause and remember the dream and visions of these three men, as well as thousands of other African-American men and women who championed the cause for freedom through vigilant and aggressive action.

I would like to take a few minutes to honor an individual who was probably the foremost voice in the abolitionist movement of the 19th century. Frederick Douglass was an accomplished author, journalist, statesman, orator, publisher, Presidential adviser, multilingual, activist in women's rights, and an international celebrated leader.

W.E.B. DuBois and Booker T. Washington had the same inspiring effect on their listeners. These two men had completely different approaches, but the same determination and commitment to solving the same problem—freedom and better quality of life for African-Americans.

Washington was an advocate for industrial education and vocational training for Southern blacks, and founded Tuskegee Institute. He believed that blacks should remain in the rural areas and work the land, rather than migrate to the city.

DuBois was displeased with the compromising attitude of Washington and advocated that blacks study many different disciplines. DuBois began to speak out on civil rights for African-Americans through the Niagara Movement, which became the NAACP.

What these three great leaders advocated then, still applies today. Many problems continue in our communities, tarnishing the ideal

covering and celebrating our history so that we can begin a new era of healing and hope.

So, as I yield to the gentleman, who I will ask to, temporarily for me as I go back to the committee, handle the proceedings until I or Mr. LOUIS STOKES returns, I yield to the gentleman from Louisiana, Representative FIELDS.

Mr. FIELDS of Louisiana. I thank the gentleman from New Jersey.

Let me commend the gentleman from New Jersey for calling this special order tonight and also commend the gentleman for being a chairman, and a very good chairman, I may add, of the Congressional Black Caucus, because he indeed will go down in history today.

Mr. Speaker, I yield to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise to join our Nation in celebrating Black History Month. The theme of this year's special order observance is ''Reflections on 1895: Douglas, DuBois, Washington.'' However, I would also like to take this opportunity to highlight and pay tribute to the vast accomplishments and contributions of African-Americans in all facets of our Nation's history.

In particular, I want to recognize and pay tribute to the late John Wesley Peavy, Sr., and the late Judson Robinson, Jr. They are not household names and you may never find them mentioned among the great African-Americans of our time. However, in Texas, especially in Houston, these two men were in the forefront of the civil rights movement at a time when such activities were much less accepted than they are today.

The late Mr. John Wesley Peavy, Sr., a labor and civic leader in Houston, was born November 22, 1906, in Bethel Grove, TX. He received many accolades and awards during his lifetime, and was recognized locally in Houston and nationally as a political leader. Under President Roosevelt, he was appointed political action chairman of the AFL-CIO. The late Mr. Peavy served as precinct judge and executive committee chairman for precinct 48 in Houston's fifth ward from 1942 to 1994. As the chair of the Democratic executive committee I had the great honor of working with him. He was an original member of Houston's NAACP chapter. He was the first African-American Texas elector in this century and the first black Texan to attend a State Democratic Convention.

and cared about the city of Houston and worked to make it a better place to live. His deeds were appreciated by the residents, and the love he had for the community was reciprocated by them in their efforts.

That is why today, if you are traveling to Houston going to the ship channel, there is a possibility that you will travel on John Wesley Peavy, Sr. Drive to get there.

Additionally, if you traveled down Market Street in Houston, there is a good chance you may pass the J.W. Peavy Senior Citizens Center. These and many other honors were awarded to the late John Peavy by the residents of Houston for his tireless efforts in devoting over 50 years of community service and making a difference. I might also add that among Mr. Peavy's children is the Honorable John Peavy, Jr., a former Harris County district judge and recently elected member of the Houston City Council. Mr. Peavy has left us a living legacy in his son, Councilman Peavy.

The second person that I am going to pay tribute to is the late Judson W. Robinson, Jr. The late Mr. Robinson was a distinguished graduate of Houston's Jack Yates High School, where he was active in football, debate, and drama. After completing college at Fisk University, he returned to Houston where he joined the family real estate business and began devoting himself to breaking barriers and expanding opportunity for African-Americans in the business arena.

Mr. Robinson's commitment to the Pleasantville community, which is on the east side of Houston, ignited his flame of political involvement. He was elected president of the Pleasantville Civic Club and later became precinct judge of precinct 259. In 1971, he became the first African-American elected to the Houston City Council and held a councilman-at-large position for five terms. Additionally, Mr. Robinson was nominated and unanimously confirmed by his city council colleagues as a mayor pro tem, a position he held until his death.

Mr. Robinson promoted educational and enrichment opportunities for youth. The late Mr. Robinson was an exemplary public servant and an advocate for racial equality, and served as a role model for all children in the Houston community. Like Judge Peavy, Sr., Mr. Judson Robinson left a living legacy in his son Councilman Judson W. Robinson III.

Judson Robinson, Jr.'s years of public service left its mark on Judson III and thus he decided to run for city

tion in the legacy of many black Americans before them. This endless honor roll includes the late Supreme Court Justice, Thurgood Marshall; some compelling speakers and leaders like Sojourner Truth; educators and intellectuals like Mary McLead Bethune and W.E.B. DuBois; and giants of the civil rights movement like Rosa Parks and Dr. Martin Luther King, Jr., and other great Houstonians such as Mickey Leland and Barbara Jordan.

The people I just named contributed substantially to the history of this country. However, we should not forget those less prominent who worked just as hard to open the doors of opportunity for all Americans, let's not forget the John W. Peavy, Sr.'s and the Judson Robinson, Jr.'s of the world.

☐ 2030

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentleman from Texas for his dissertation.

I yield to the distinguished gentleman from Alabama [Mr. HILLIARD].

Mr. HILLIARD. Thank you, Mr. Speaker, and let me thank my colleague, the gentleman from Louisiana [Mr. FIELDS], for getting us together on a magnificent program. But before the gentleman from Texas [Mr. BENTSEN] goes, I would like to say to him that I had a very wonderful opportunity of getting to know Mr. John W. Peavy, Sr., and I met him through his son. His son and I were classmates at Howard University School of Law, and we graduated in 1967, and I was there to celebrate his victory when he became, I believe, the first judge in the State, the first African-American judge elected in the State of Texas. That was a wonderful honor that the people bestowed upon him, but he has the ability, he has the tenacity, and it was well deserved for him, and I am very happy that the gentleman had an opportunity to get to know such a magnificent individual as John Wesley Peavy, Sr., and I am also happy that he had an opportunity, and my colleague has an opportunity, to interact with his son, John Peavy, Jr., and I would like to say that I was elated to learn that he has won a seat on the city council in Houston. I am certain that he will do a fantastic job, and, as the gentleman said, he is carrying on in the footsteps of his father. It is a beautiful legacy, it is a lovely story, and it is one that should be told over and over again, and I say to the gentleman, ''The next time you see him, please give him my regards. Thank you very much.''

Mr. Speaker, today I rise also in observing Black History Month, and I

University Institute while working as a janitor, and as a janitor he got to know the instructors there, he got to know the students there, and he built on that, and later he moved to Alabama, and he believed truly in education. So in 1881 he founded Tuskegee Institute, and, as a result of his belief in education, he trained since that time more than a hundred thousand students who have passed through Tuskegee University, and once again he set the stage for them to have an opportunity to be educated. This man, with limited financial resources, began Tuskegee Institute with only 40 students. He did not see the lack of finances, nor the lack of students, as an inopportunity, but he saw it as an opportunity to move forward and to take care of the business of educating the Negro.

Tuskegee was founded in a dilapidated shanty near the Negro Methodist Church of Tuskegee, and it was a very small shotgun house, but it has grown now to over 80 buildings and is a magnificent institution. I have the honor and pleasure of serving as one of the trustees of that famed university. I would like to say that by the time of Booker T. Washington's death in 1915, Tuskegee Institute had grown to an enrollment of over 2,000 students, and it had accumulated a yearly budget in the millions of dollars.

However more important than the intellectual legacy that Booker T. Washington was known for, he was known for his use of words, and one phrase still stands before us, and it is one that we all remember. He said, ''There are two ways of exerting one's strength. One is pushing down, and the other is pulling up.'' And I would like to say to all Americans today that it is time that we all began pulling up. In a time when African-Americans were not educated, this African-American stepped forth. He took a challenge, and he performed as a pioneer, magnificently.

In 1860, the Civil War was fought, it was won, and in 1960 the civil rights struggle was fought, and it was won, and I would like to think that education made the difference, and because Booker T. Washington, through the famed Tuskegee Institute, helped educate hundreds of thousands of African-Americans, the civil rights struggle did not have the casualties that the Civil War had, and it was because of Booker T. Washington.

In 1895 African-Americans fought to make sure that all the rights that had been won by the Civil War would not be undone. In 1995, we still have that struggle. We will struggle now to make sure that all the affirmative rights a leader for yesterday and one whose legacy I share today.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentleman from Alabama [Mr. HILLIARD] for his moment in black history and tell the gentleman he himself will go down as a moment in black history, not only today, but in the future as well.

GENERAL LEAVE

Mr. FIELDS of Louisiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of this special order tonight.

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

There was no objection.

Mr. FIELDS of Louisiana. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. CLYBURN] to give us his moment in black history.

☐ 2040

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

Mr. CLYBURN. Mr. Speaker, as I rise today in honor of Black History Month, I rise to look back on the history of a proud people, who despite seemingly insurmountable odds, made a way out of no way, and made their indelible mark on American history and culture. The names are familiar to us: Frederick Douglass, the great abolitionist; George Washington Carver, the brilliant scientist and inventor; Harriet Tubman, a feisty former slave who led hundreds of slaves to freedom; Booker T. Washington; W.E.B. DuBois, and hundreds, yes, thousands of others. There are some more recent names, of course: The great civil rights leader and Noble Prize winner, Dr. Martin Luther King, Jr., and many others during his period. And today, in my native State of South Carolina, Judge Matthew Perry, Judge Ernest Finney; and civil rights activists Septima Clark and Majestica Simkins. All of these have made significant contributions toward the development of African-Americans in our great Nation.

I would like to pause here at the mention of these illustrative South Carolina trail blazers, because I would like to talk for a few minutes about South Carolina history; to be more specific, a particular timeframe in South Carolina history.

The period is 1868 to 1878, that brief time just after the Civil War, during which black South Carolinians held Federal and State public offices in numbers approximately close to their

Let me set the scene for you. The time is 1868, just a few years after the Civil War. The Black Code, a set of State laws restricting the rights of newly freed slaves, had been deemed null and void 2 years earlier in 1866. A year later, in 1867, blacks in South Carolina registered to vote. In 1868, South Carolina adopted a new State constitution which among other things provided for equal rights for Negroes, abolished property qualifications for holding office, and established a free public school system. And I might add, Mr. Speaker, the general assembly that gave us all of that was two-thirds black.

In 1873, the State university opened to blacks. A black man, Pennsylvanian Jonathan Jasper Wright, sat on the South Carolina Supreme Court from 1870 to 1877. Blacks served in the State legislature, including Francis L. Cardoza, a Charleston, SC-born educator, who served as Secretary of State and State treasurer, and later served here in Washington, DC as principals of various DC schools. In fact, today one of those schools, Cardoza High School, bears his name.

South Carolina had its share of black representatives in Congress, the first one being Joseph H. Rainey, and then George Washington Murray, who served from 1893 to 1895, and again from 1896 to 1897. Murray was the last black Congressman to serve the State before I was elected in 1992, 95 years later.

Why did it take so long to elect another black representative? What happened in South Carolina and other places throughout the country just after Reconstruction?

Here is where parallels can be drawn between then and now. South Carolina's political climate shifted, along with its economic climate, in the 1870's. Cotton was no longer king. Industrial technology had yet to make its big debut in the South. And both blacks and whites were going hungry as a result. Enter into this unstable economy the likes of ''Pitchford Ben'' Tillman, who became Governor of South Carolina in 1890, and later a U.S. Senator in 1894. By playing on the fears of hungry and angry white farmers, who, looking for a scapegoat for their plight, immediately pointed the finger at what they called uppity free blacks.

Tillman was successful in revising the State constitution, and by 1895, almost all blacks were disenfranchised and a rigid policy of racial segregation was developed that would last until the civil rights movement of the 1960's.

Now, let us draw some parallels to what is happening today. Let us look

of the Nation's budget woes on everything from welfare mothers to affirmative action, to crime prevention programs.

As I watch the witch hunt on African-American office holders and potential political appointees that we are experiencing today, as I hear the lopsided debates for abolishing affirmative action, as I see the legal maneuvers involved in countering what some have labeled bizarre-shaped congressional districts, I cannot help but wonder in which direction are we headed?

Mr. Speaker, I close by saying as I used to say to my students when I taught in the Charleston, SC public schools, if a thing has happened before, it can happen again.

As I close, I want to say in this current political climate, I want to applaud all of the black Americans who were pioneers, as well as those here this evening carrying on their legacy. I want to applaud all of our fellow white Americans who understand this history, who know what it means, and who are working with us to make sure that the clock is not turned back, to make sure that we do not repeat that period of our history, and I want to say to all of them, good luck and Godspeed, and I know what the apprehensions are.

Mr. FIELDS of Louisiana. Mr. Speaker, I want to thank the gentleman from South Carolina for adding to this special order tonight, and also want to thank the gentleman for bringing more insight as it relates to the State of South Carolina and its participation and contribution to black history.

Mr. Speaker, I yield to the great gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman and thank the members of the Black Caucus for organizing this very special special order.

Mr. Speaker, I rise today to participate in this historic celebration we have appropriately named Black History Month. Black History Month is a time of reflection and a time to gain insight from the past and to help our continual striving for equality for all.

Today, Mr. Speaker, I want to underline the importance of the continued fight for freedom for Africa-Americans, because that fight is in reality a fight for freedom for all Americans. It is a fight that has seen many victories and overcome many obstacles, only to be faced with more challenges.

In Germany during the 1940's repression was called fascism. In the 1960's, during the civil rights movement, we called it racism. Now in the 1990's, repression has a new face. We do not have Navy's elite Blue Angles; Miss Regina Petty, the first African-American ever to be named president of the San Diego County Bary Association; the Montford Point Marine Association, the Historic African-American Marine fighting force from World War II; Bethel African Methodist Episcopal Church, the oldest African-American Church in San Diego County; the Neighborhood House, an organization that originated the Head Start Program in San Diego; the San Diego Urban League, an organization that has served as a leader, mentor and an instructor for the African-American community. The list goes on and on.

These individuals and organizations have served as role models not only for the African-American community, but for all residents in the San Diego area, and I am honored to serve as a representative of these outstanding Americans and organizations.

But, Mr. Speaker, if we are not forceful in our efforts to combat racism, we will destroy these achievements in the legacy of the civil rights movement and thrust our country backward into hostility and animosity. We know, of course, due to these celebrations, the name of African-American heroes, W.E.B. DuBois, Frederick Douglas, George Washington Carver, Dr. Martin Luther King, Jr., Rosa Parks, Fannie Lou Hamer, Thurgood Marshall, and many, many others who dedicated their lives to the fight for equality and justice.

But even as we celebrate the progress African-Americans have made in our lifetime, we cannot become comfortable with what has been achieved. The torch must be passed to each generation and the responsibility to continue the fight rests on our shoulders. Yes, we must reflect on the past as we are doing tonight, but, more importantly, we must organize and work in the present and plan for the future.

As we go through the new majority's 100 days, we need to understand that today's actions have consequences for our Nation. We must work together to ensure that our policies are based on hope, optimism, equality and justice.

So I stand to honor African-Americans for their culture and achievements on this occasion tonight, but let us never forget we are all writing the next chapter in this important history. Let us make sure that our chapter is read by our children with price.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentleman from California for adding to this particular special order, and particularly talking about those African-Americans in the State gentleman from New Jersey, the gentleman from Ohio, for taking this special order to reflect upon the great contributions that African-Americans have made to our society.

One of my constituents, Mrs. Daisy Bates of Little Rock, deserves special recognition, not only for her courageous and inspiring role in encouraging and supporting the nine African-American students who enrolled in Central High School in 1957, but also for a lifetime of advancing the cause of racial justice.

Mr. Speaker, the gentleman from Louisiana and I had the privilege just a few short months ago of visiting in Mrs. Bates' home, and I am glad to report that she is doing well and in great spirits, as always.

I had the privilege, as president of the University of Arkansas, to write the forward to her book, the Long Shadow of Little Rock, which was reprinted by the University of Arkansas Press in 1986. In that foreword I wrote:

> During a critical period in the history of our state, Daisy Bates charged into the heart of a gathering storm of intolerance and prejudice, armed only with principles of justice, of reason, of compassion, and of tolerance. Her leadership, her vision, and her courage have lifted all of us to a clearer understanding of the dignity and ultimate value of the human spirit. This book should be read by all who celebrate those virtues.

Mr. Speaker, I am also very proud that the University of Arkansas, long before the decision, the United States court decision in Brown against Board of Education, became the first Southern state to voluntarily admit African-American students to previously segregated programs in law and in medicine.

Silas Hunt, Wylie Branton, and Dr. Morris Jackson were among those first students admitted in 1948, and no chronicle of Arkansas history would be complete without giving recognition to our own son, John H. Johnson, who, with $500 of borrowed money loaned by his mother, founded Johnson Publishing Company, Incorporated, the publisher of Ebony Magazine, and a host of related enterprises.

How complete would our literature be today without the contributions of Arkansas' own Maya Angelou, whose childhood in Stamps, Arkansas, caused the formation of her beautiful poetic spirit?

Mr. Speaker, African-Americans from Arkansas have not only led in business successes and the cause of education. Many were pioneers in the years before 1952 and the struggle for voting rights.

kansas long before the nationwide civil rights achievements of the 1960s.

Mr. Speaker, I ask that Mr. Kirk's article, ''Dr. J.M. Robinson, the Arkansas Negro Democratic Association and Black Politics in Little Rock, Arkansas, 1928 to 1952,'' be made part of the RECORD at this point.

The article referred to follows:

DR. J.M. ROBINSON, THE ARKANSAS NEGRO DEMOCRATIC ASSOCIATION AND BLACK POLITICS IN LITTLE ROCK, ARKANSAS, 1928–1952

[By John Kirk]

[After the 1944 elections] the activities of Dr. Robinson and ANDA seemed to wane for some time. Other factors and players now began to come into the equation. In 1940, at Stamps, Arkansas, the Committee On Negro Organizations (CNO) led by Pine Bluff Attorney W.H. Flowers was formed. This movement had the stated aim of seeking the ''endorsement of its program by Negro church, civic, fraternal, and social organizations.'' It formed one of the most important black movements in the struggle for black political freedom of its time in Arkansas. By attempting to organize a coalition of the diverse black political, civic, religious and economic groupings and giving coordination and focus to their efforts in their various communities, the CNO pioneered the ethos of mass voting on a much more extensive scale and seems to have had some degree of success in its efforts.

Increasing the significance of black voter potential by promoting poll tax drives, the CNO built an ever-increasing reservoir of black political power. In later elections this would provide an already established electorate upon which to build a black political power base. Even though blacks were deprived of the vote at the time, these drives evidenced a genuine political interest in the black community and meant that larger numbers of qualified voters were now being deprived of their say via the Democratic primaries. In turn, as the rhetoric of ''democracy'' grew throughout the war years, there was more and more pressure for change on those who were denying black voters their full suffrage rights.

In Little Rock, voting blocks organized by different community leaders, like the East End Civil League under the guidance of Jeffrey Hawkins, for example, began to have an impact on city elections. The double primary system, which had been used to prevent blacks from voting after the *Smith v. Allwright* decision proved to be both expensive and an administrative nightmare and had been grinding to a halt ever since its installment in 1945. Statewide blacks began voting in Democratic primaries again. Pulaski County, however, financed separate primaries to the bitter end, which came in 1947, when the General Assembly repealed the law which had established them. Thus, although not officially sanctioned (since blacks still could not be members of the Democratic Party and so technically could not vote), blacks did begin voting in Little Rock's Democratic primaries again in 1948. With local black groups encouraging citizens to pay the poll tax and providing voter education and information, the black vote bested: ''Arkansas Negro Democrats don't want any Wallace stuff or their party stuff.'' he said. Dr. Robinson gave his continued support, endorsing ''the Democratic administration tooth and toe-nail,'' in particular the Free Employment Practices Commission (FEPC) in government jobs and the anti-lynching law. At the same time, however, he expressed indifference to the anti-poll tax law (''We believe that individuals will buy poll taxes and vote, if they have sufficient interest in elections'') and was set against ''civil disobedience'' espoused by some black leaders nationally.

Just as Dr. Robinson had been innovative in his day, starting a new movement and leading black politics in a new direction, now new circumstances were overtaking his organization. With the political currency of mass voting by blacks rising in value, Dr. Robinson found his one-man leadership threatened. The organization and following he had built now could have significant political leverage but only with a ''new style'' black politician, attuned to the possibilities of mass voting and the potential for advancement which it held.

In November of 1949 a new group called the Young Negro Democratic Association was formed, with I. S. McClinton as its president. In May of 1950, blacks representing political interests in all of Arkansas's seventy-five counties met in North Little Rock, apparently to discuss voting in the Democratic primaries of that year. Dr. Robinson was not informed of the meeting, although he attended. An associate of his at this meeting demanded to know why Dr. Robinson had not been consulted. Harry Bass, then secretary of the Urban League, replied that in the job at hand it did not matter ''who called the meeting or who the officers were.'' Dr. Robinson tried to smooth matters over by taking the floor and declaring that he had been ''mighty angry'' when he had first learned of the meeting, but after matters had been explained to him, he realized that the meeting had been organized ''in good faith.'' In a conciliatory tone he added, ''I want this group to know that I am with you in this effort.''

Times were rapidly changing. The next political challenge was to be neither from Dr. Robinson, ANDA, nor the new style political leaders. It was the NAACP who finally managed to break the barrier into the Democratic Party structure. In May of 1950, the Reverend J. H. Gatlin, of the Metropolitan Baptist Church, announced his intention to become a candidate for Second Ward city alderman. To do so would mean standing in the Democratic city primaries. To do this would mean becoming a member of the Democratic Party. The immediate reaction from June Wooten, secretary of the County Committee, was to comment, ''I see no way under the rules of the State Committee that a Negro would qualify for a place on the State ballot.'' Black groups, including ANDA, fought shy of the attempt, with Dr. Robinson commenting that Gatlin was not part of his organization and ''cannot be identified as a Negro Democrat in Arkansas until he joins.'' The local chapter of the NAACP initially withheld its official sanction, even though it had held its monthly meeting at Gatlin's church the Sunday before.

Before Gatlin could run, the filing fee had to be paid to the secretary of the Pulaski prepared by the legal redress committee of the Little Rock NAACP, which was then sent out to the State Democratic Central Committee members, asking that they change the rules preventing blacks from being put on the Democratic ballot. In this letter Gatlin cited recent U.S. Supreme Court decisions as a precedent for his request. Although not mentioning the case specifically, Willis R. Smith, State Democratic Party chairman, called a special session meeting for the following Tuesday at the Hotel Marion in Little Rock.

At the meeting on June 13, it was ruled, after a protest by Roy Penix, committee member from Jonesboro, that only the State Democratic Convention and not just the Central Committee acting alone had the right to vote upon rule changes to the Party's constitution. June Wooten urged the members of the committee to think seriously about their actions since in light of recent court decisions she believed that Gatlin would, if the case came to court, win. As the meeting adjourned with the decision to put the matter to the convention in the fall (well after the primaries), Wooten half-heartedly joked, ''if I get in jail somebody bring me a case of Cokes.''

In response to the decision, L. C. Bates, chairman of the legal redress committee of the local NAACP, stated, ''we are calling our committee together immediately'' and that ''it will probably be a matter of hours before a suit is filed.'' The suit was duly filed, naming June P. Wooten and Willis R. Smith as defendants. Later that week, even though the rules of the Democratic Party remained unchanged, a black candidate was allowed on the Democratic primary ballot in Pine Bluff. Yet, in Little Rock, the gridlock remained.

On June 17, attorneys J.R. Booker of Little Rock and U. Simpson Tate of Dallas filed Gatlin's case with the United States District Court, together was a request for an injunction preventing the exclusion of Gatlin ''or any other person qualified * * * on account of race, color, religion, national origin or any other unconstitutional restriction'' from the Democratic Party city primaries. The case was based on the argument, stated often before, that primary elections in Arkansas were tantamount to election to office and therefore should be held to be public elections.

On July 5, 1950, Judge Thomas C. Trimble upheld this argument and ordered that Gatlin be placed on the Democratic primary ballot on July 25, basing his decision on an ''analogy'' with other similar recent decisions in the courts. He finally clarified in his decision that the primary election was ''an integral part of the state election system * * * tantamount to election at the general election'' and ruled: ''It is not sufficient that a citizen have a token exercise of his right and privilege [to vote].''

Mr. Gatlin was duly allowed to stand. The ludicrous situation now existed that blacks were permitted to stand for election under the Democratic banner, but still not allowed, technically, to vote in Democratic primaries or to be a member of the Democratic Party. Even for the die-hard Democrats this was a farce that could not be perpetuated for any

a ''furor,'' and he was forced to drop the suggestion. ''One man can only do so much at one time.'' Parish said.

The following day at the convention, the ''white electors'' only clause was removed from the party constitution. Governor Sid McMath in his closing speech said: ''I am proud, and I know you are proud * * * [that the convention] * * * has said the Negro citizen is entitled to rights and privileges of Party membership.'' The only real dissension came from Amis ''Gutheridge and his Pulaski County junta'' who had been the only delegation to cast a ''nay'' vote on the amendment to the party constitution. Gutheridge had told the party conference, ''Sid McMath is all right but is just a man of the moment. You are going to do something here today that you may have cause to regret for years to come.'' Gutheridge would return to center stage, as a man of a different moment, in not many years to come.

The NAACP financed victory, gaining the right for Gatlin to be placed on the ballot, did not succeed in isolation. Credit must be given to the McMath administration which had from the outset taken a principled stand on the race issue. Yet of more impact and significance were the efforts of local community politicians in registering blacks to vote, which undoubtedly gave evidence of a latent black interest in politics. Also significant were the blueprints for political organization and the previous court struggles which were a legacy of Dr. Robinson and ANDA. It was these efforts which provided important precedents and set a contemporary context in which the battle for participation in the Democratic Party structure was won.

Such networks of local support were vital in providing continued pressure on obstructionists and mandates for those how favored change. The NAACP had to rely upon such local groups for channeling its efforts and laying the groundwork within which it could maneuvre at the ''grass-roots'' level. It was, however, significant also that it was the NAACP which exerted the final pressure to allow full participation in the party. It had the advantage of a national network of support not embroiled in the local situation of political stalemate, and, perhaps more importantly, it also had the financial clout to sustain its protests through the courts which local organizations did not. Help like this was to become increasingly important in the years ahead.

While the NAACP fought the Gatlin case in the courts, political activity continued on the local level elsewhere. Dr. Robinson, perhaps in an attempt to adjust to the new demands on black politicians, had begun to organize more poll tax drives to boost mass voting in general elections. He began to stress getting ''every Negro'' to pay the poll tax to gain the vote in the various counties with greater emphasis than he had in the past. At the same time he pointedly expressed anger at the Young Negro Democrats for having ''nothing to do with the mother group'' after ''giving these persons our good blessings.''

On another occasion Dr. Robinson reacted angrily to the circulation of ''pink tickets,'' which were pre-marked ballots, distributed to black voters going into the polling place. Such a practice contravened the law. He be-

of the black vote as possible. While Dr. Robinson was making these statements, I. S. McClinton was continuing to expand the base of his rival group, the Young Negro Democrats, establishing chapters in more than ten counties and declaring that his organization was the ''only political organization in which a young man or woman has the chance to help direct the policy'' which affected the black community. In making an appeal to ''young people'' it seems he was clearly contrasting a new dynamic ''all out'' style of utilizing the political process on behalf of the black community, rather than an old style of relying on the ''good faith'' of the white Democratic Party. In the same meeting at which these statements were made, a committee of three was set up to investigate state and local candidates for office with a view to informing black voters about them, since voters had already begun to request such information. The committee consisted of Wiley Branton, Charles Bussey and McClinton himself.

Shortly after the fight by blacks to participate in Democratic politics was won, a fight which Dr. Robinson had himself long fought, he announced his decision to retire from politics. ''I am tired,'' he said and ''I have spent twenty-five years fighting for my people. I've done my work, I will ask the convention to name a younger man to the reins.'' His decision came after dissension from within ANDA ranks over Dr. Robinson's switch from favoring Sid McMath to Jack Holt in the governor's race.

However, the change in leadership seemed to have been brewing for a while. Dr. Robinson's philosophy of getting blacks into politics had been overtaken by a new, more aggressive stance, of asking what blacks could get out of politics by using their political leverage to make gains. New leaders also pushed to become fully integrated members of the Democratic Party Central Committee which they achieved for the first time under the governorship of Orval Faubus in 1954. The political climate was moving toward integration, to blacks becoming an integral, not separate, part of political and social affairs. Thus, in 1952, the *Arkansas State Press* concluded that ''the ANDA under Dr. Robinson has served well, but today, its usefulness is ended.''

Old ways cannot last forever and just as Dr. Robinson had taken the reins for advancement, now he had decided to relinquish them and move over for others to take his place. Yet advancement did not necessarily mean improvement. There were abuses. Undoubtedly a more focused and pragmatic use of politics could bring gains. However, the new freedoms could also lead to dissension and turn campaigning into a money-making racket so that, ''Every time a white candidate seeking a political office gives a Negro a campaign card and a 3 cent cigar, that Negro immediately becomes a leader of his people.''

In later years the *Arkansa State Press* would voice regret at the retirement of ''the dean of Negro politics, Dr. J. M. Robinson,'' claiming that since that time ''politics among Negroes has become just as rotten as it is among white people.'' The charge was that ''Negro politicians have found politics to be a lucrative item by bargaining off the

with the black community in return for certain ''expenses.'' Often these ''leaders'' could take money to campaign with, without holding any influence whatsoever. I. S. McClinton referred to the problem of ''two month politicians'' in later years, indicating that these corrupt practices continued for some time.

However, despite the phoney politicians, there were also genuine politicians who could exert genuine influence. Among these were the already mentioned Jeffery Hawkins and the East End Civic League, as well as I. S. McClinton, whose Arkansas Democratic Voters Association (ADVA) eventually appropriated the Democratic mantle from Dr. Robinson. Other groups like Charles Bussey's Veterans Good Government Association also successfully dabbled in politics.

These various groups were not necessarily antagonistic to one another, alliances and coalitions seem to have shifted continually. Since many of these politicians had their own sections and areas of interest, however, as in most political rivalries, competition and friction could exist. In spite of periodic divisions, however, by unifying black political action, these leaders could make white politicians more receptive to requests for amenities like parks, general community improvements and so on. Even, albeit in a limited sense, the barriers of segregation could be negotiated. By advocating ''block'' voting, black political strength could become more effective through being focused.

Following Dr. Robinson's retirement the black political scene became more complex and diverse than when he had been almost its sole voice in the state. The complexities and subtleties of the new black politics would lead to a jostling for position among these different organizations and leaders, with different groups having varying amounts of success in their endeavours.

Dr. Robinson's political career had included many other highlights aside from ANDA, including being invited to attend all functions of President Truman's inauguration, attending several Democratic party conferences, being elected as first vice chairman of the National Progressive Voters League and president of the Mid-Western Negro Democratic Association.

Even after retirement from politics he did not fade into obscurity. As he had always done, he worked for the continual betterment and improvement of the black community. In 1953 he was one of the first black doctors to be admitted to the Pulaski County Medical Society, along with Dr. O. B. White, Dr. G. W. Ish and Dr. Hugh Brown. As well as leading ANDA and being Little Rock's foremost black Democratic politician for many years, Dr. Robinson's career also included service in the Urban League, NAACP, YMCA, YWCA, Little Rock Chamber of Commerce, Community Chest Drives (he was awarded the Bronze ''Oscar'' in 1949), Bethel AME Church, and the Free Masons. He also once chaired the Negro division of the Arkansas Livestock Show.

He was a founder of the Baptist Memorial Hospital, helped organize the Pulaski County Medical, Dental and Pharmaceutical Association (of which he served as president five times), was a member of the National Medical Association, published in the national

is approaching fast.'' If Dr. Robinson had not actually led the black political cause into the modern era, then he, like Moses, had certainly begun to ''part the waters,'' laying the foundations upon which many leaders would continue to build.

That ANDA finally disappeared does not constitute a failure. On the contrary, it fully lived up to and finally went beyond the original intentions of its formation. Through ANDA Dr. Robinson had kept politics alive, providing a forum for black protest and expression, almost single-handedly, and sustaining the movement many times from his own pocket. An ethic of civic mindedness and a thirst for justice and political equality served to sustain one of the most important black political organizations of its time. Dr. Robinson was the quintessential community politician, not only leading from the front, but also lending a hand to better the day-to-day lives of those in the community.

In some small way, this article hopes to recognize Dr. Robinson as one of Pulaski County's leading politicians as well as give some insight and understanding of his career in the context of the black political struggle of the time in which it took place.

(Mr. Kirk won first place in the 1993 F. Hampton Roy History Awards Contest. He is a student at the University of Newcastle upon Tyne in England and is in Little Rock for a year doing research for his Ph.D. dissertation.)

Mr. FIELDS of Louisiana. Mr. Speaker, I want to thank the gentleman for participating in this special order tonight, and I thank the gentleman for giving me the opportunity to actually meet Ms. Daisy Bates, who is a constituent of his.

It was a pleasure to meet her, it was a pleasure to get an autographed book, and it is a pleasure to know that the gentleman played a vital role, along with the University of Arkansas, so I want to thank the gentleman.

The gentlewoman from Arkansas also reminds me of a gentleman from Louisiana who made a significant contribution to civil rights by the name of A.Z. Young, who opened up many doors for African-Americans in the State of Louisiana, and perhaps across the world.

Mr. Speaker, I yield to the distinguished gentleman from the State of Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Speaker, I thank my colleague for yielding to me.

Mr. Speaker, from its beginning nearly 50 years ago, Black History Month has helped enlighten the country about the true role played by African-Americans in the country's cultural, intellectual, and economic development. It has given millions of black citizens, particularly young people, a better sense of their heritage and a more hopeful vision for their own future and the future of the country. At a time when poverty, and drug abuse, and violence still plague our communities everywhere, His name was Henry Ossian Flipper. He was born into slavery in 1856 in Thomasville. His dream was to become an officer in the U.S. Army, and following the Civil War he set out to fulfill that dream.

In spite of the incredible obstacles, Henry Flipper succeeded in securing an appointment to West Point. In fact, he turned down the enormous sum of $5,000—about $75,000 in today's economy—offered by a white student for his academy nomination. Although he was to suffer abuse and ostracism during his years at West Point, he persevered and became the academy's first black graduate.

While serving with the 10th Cavalry in the West, he was falsely accused of embezzling commissary funds. And, although he was exonerated, he was nevertheless discharged from the Service.

Perhaps his success after that profound setback is the most inspirational part of his life. During the remaining years of his life, he was to serve as an inventor, surveyor, engineer, newspaper editor and author, a developer of the Alaskan Railway system, a special agent to the U.S. Justice Department, an assistant to the Secretary of the Interior, and a pioneer in the country's oil industry.

But Henry Flipper always considered himself, first and foremost, a soldier. He repeatedly appealed to Congress to clear his name. But was rejected. When he died, he was buried in an unmarked grave in Atlanta. His death certificate listed the one occupation he wished recorded: ''retired Army officer.''

It was not until 1977 that the Army formally reinstated him to honorable status. His body was reinterred amid full military honors and a 21-gun salute. Today, his statute is on the grounds of West Point.

His story is an inspiration to us today because he faced injustice and bigotry with courage, honor and dignity. By examining his life, we are taught the importance of hard work and determination. Through him, we know the value of education. His fight to regain his honor gives us a thirst for truth.

Mr. Speaker, it is fitting during Black History Month to reflect on the lives of great Americans like Henry Ossian Flipper of Thomasville, GA.

Mr. FIELDS of Louisiana. Mr. Speaker, I want to thank the gentleman from Georgia for adding to this special order, talking about the significance of African-Americans in the State of Georgia who have made a great contribution to this country.

Indeed, this is, as you know, Black History Month. I think it is fitting and proper that at every opportunity we get we should highlight the importance of African-Americans to this country.

Mr. Speaker, I rise today to commemorate Black History Month by paying tribute to the late Fanny Lou Hamer, who rose from a sharecropper on a Mississippi plantation to a prominent position as one of America's most distinguished human rights leaders.

Mrs. Hamer revolutionized the Mississippi Democratic party by helping to organize the Mississippi Freedom Democratic Party, which was established in 1964, to organize disenfranchised citizens.

The party's primary goal was to challenge the exclusion of African-Americans from the Mississippi Democratic party. Mrs. Hamer was a powerful orator, a courageous leader who led by example. She encouraged people to register and vote. In 1964 Mrs. Hamer ran for Congress on a Mississippi Freedom Democratic Party ticket.

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Because of the discriminatory practices of the Mississippi Democratic Party, Mrs. Hamer led the fight to challenge the seating of the delegates of the Mississippi Democratic Party at the 1964 Democratic National Convention in Atlantic City, NJ. Even though she was unsuccessful in this effort, the State Democratic Party eventually became a diverse party.

The most visible result of her struggle is the fact that an African-American is now serving as chairman of the Mississippi Democratic Party. In addition, Mississippi currently has more African-American elected officials than any other State in the Nation.

Even though Mrs. Hamer had little formal education, she always encouraged young people to obtain a good education. She was the recipient of honorary doctorate degrees from numerous colleges and universities across the country for her civil rights activism.

In the 103d Congress, I introduced a bill, which became law, that designated the post office in Ruleville, MS, in honor of Mrs. Hamer. Last Saturday, we dedicated the post office in her honor.

Last Saturday we dedicated the post office in her honor with over 700 people present.

It is ironic that with the assaults on affirmative action and the playing of the race card by many Members of this body that Fannie Lou, if she was here

thank the gentleman from Mississippi for his contribution tonight, particularly in talking about Fannie Lou Hamer, who is a person who was born and raised in Mississippi and one of her famous quotes, as the gentleman stated, was one that stuck with me and will stick with me for the rest of my life when she said, ''I am sick and tired of being sick and tired.'' I want the gentleman to know people like Fannie Lou Hamer; those words are all across the country.

I yield to the distinguished gentleman from Wisconsin [Mr. BARRETT], who walked in and who wishes to participate in the special order.

Mr. BARRETT of Wisconsin. Mr. Speaker, I want to compliment the gentleman from Louisiana for organizing tonight's special order.

Mr. Speaker, I commend my colleagues, Mr. LOUIS STOKES and Mr. DONALD PAYNE for reserving this special order to celebrate Black History Month, a tradition dating back to 1926 when Dr. Carter G. Woodson set aside time in February to honor the contributions and achievements of African-Americans.

The theme of this year's observance, ''Reflections on 1895: Douglas, DuBois, Washington,'' gives us an opportunity to honor three heroes from America's past. As we look back at the contributions Frederick Douglass, W.E.B. DuBois, and Booker T. Washington have made to our society, we can all find inspiration in the seemingly insurmountable odds they overcame to establish themselves as giants in American history.

I take pride in saluting these American heroes and in heralding their accomplishments this Black History Month.

While it is important to remember the achievements of the past, it is equally important to recognize African-Americans who are making a difference in their communities today.

Mr. Speaker, I am proud to stand before you today to salute an outstanding citizen who lives in my hometown of Milwaukee, Mr. James Cameron.

Mr. Cameron clearly understands the importance of preserving a thorough and accurate record of our past history for future generations of Americans.

In his book entitled ''A Time of Terror: A Survivor's Story'', Mr. Cameron recounts the lynching he survived 64 years ago. The rope was strung around his neck tight enough to leave burn marks as he dangled from a tree. He prayed, and in those last moments his prayer was answered. But, the memory has never faded.

collection teaches us about the events of our past to prevent history from repeating itself.

Now 80 years old, Mr. Cameron has led a rich life. He married, raised a family, and has dedicated much of his life's work to civil rights. I am certain that the people of Milwaukee will continue to benefit from his tireless efforts for years to come.

This month and every month, we should pay tribute to the many accomplishments of African-Americans of the past and to those outstanding citizens, like James Cameron, who are making history by their actions today.

Again, I thank Mr. STOKES and Mr. PAYNE for reserving this special order to honor heroes of America's past and those who are with us today.

Mr. FIELDS of Louisiana. I want to thank the gentleman from Wisconsin for participating in this special order and also bringing to the forefront those African-Americans in his own State who have made a significant contribution to this country.

Mr. Speaker, it gives me great pleasure to yield to the gentleman from Georgia, a person whom I have had and have a great deal of respect for and a person I have watched from afar from my own State of Louisiana and a person I have always viewed as a significant contributor to African-American history, because he, in fact, has always been on the front edge, the leading edge, the cutting edge of the civil rights movement, and I want to thank him today, because it is people like him who have opened up doors for people like me to be in this very House today. I want to thank the gentleman from Georgia [Mr. LEWIS], and I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague, the gentleman from Louisiana [Mr. FIELDS], for holding and organizing this special order, and I want to thank my friend and my colleague for those very kind words. Thank you for being my friend.

Mr. Speaker, It is time to pay tribute to those great men and women who have dedicated their lives to making sure that African-Americans are able to enjoy all of the rights and freedoms of this great Nation. It is also a time for us to reflect on the distance we have come as Americans and the distance we have yet to travel.

Since I have been in the Congress, I have made a special effort to encourage the preservation of black history. Earlier this month, I introduced a bill to establish a National African-American Museum in Washington, DC. the bill seeks the establishment of a national

uplift present and future generations of Americans. Our history is a precious resource. We should do all that we can to preserve it, and to ensure its accuracy by including the history of all Americans. I urge my colleagues to support this important legislation.

Today, I rise to remember three giants of American history. Frederick Douglass, Booker T. Washington, and W.E.B. DuBois provided visionary leadership for African-Americans in the 20th century. Their ideas have served as the intellectual and spiritual foundation for the black struggle in America. Their arguments for full social, political and economic rights provided the ammunition for African-Americans to overturn segregation and outlay discrimination.

Mr. Speaker, these men were men of great vision. I feel a tremendous sense of gratitude and humility to be able to stand on their shoulders.

As the great abolitionist, Frederick Douglass personally lobbied President Abraham Lincoln to abolish slavery. Douglass was easily the most influential African-American public figure of the 19th century. He preached that agitation and protest were the instruments of freedom for an oppressed people. Frederick Douglass planted the seeds of liberation and inspired generations to pursue social justice at all cost.

During his lifetime, Booker T. Washington was known to many as the Wizard of Tuskegee. An innovative and determined leader, Washington founded prestigious Tuskegee University in southern Alabama. Washington preached that social uplift would result from economic prosperity and independence. Washington sought a pragmatic approach to the betterment of the African-American people.

Though he was criticized by some for not being forceful enough in advocating political freedom for African-Americans, Booker T. Washington was a visionary whose philosophy guides us still as we seek economic empowerment. Indeed, Washington's views will continue to guide us as we move into the 21st century.

W.E.B. DuBois, the author of ''The Souls of Black Folk,'' can be considered the intellectual father of the American civil rights movement. A founding member of the National Association for the Advancement of Colored People, DuBois offered an uncompromising vision for political and social freedom. His writings helped to inspire the legal foundation of the NAACP that eventually led to the desegregation of public schools and facilities.

Mr. FIELDS of Louisiana. Mr. Speaker, again let me thank the gentleman from Georgia [Mr. LEWIS] because I know of the work that the gentleman has done across this country, with other great African-Americans, to secure the right to vote, to secure equal access to public housing, to public facilities and accommodations. I thank the gentleman because I know the gentleman has worked the highways and byways of this Nation. I also think of other great African-Americans, like Sojourner Truth, who was on a journey for the truth when she said, ''I hold this Constitution in my hand, and I look and look into this Constitution, but I see no rights for me.'' She died so that African-Americans could be in this Congress.

I want to thank Fanny Lou Hammer, who said, ''I am sick and tired of being sick and tired.'' I want to thank Rosa Lee Parks, who took a seat so we all could stand, take a stand. I also want to thank some of the great pioneers in my home State whose names will never be written in the history books. I want to thank A.Z. Young, who opened many doors for African-Americans in Louisiana. And also Annie Smart, Lillie B. Coleman, and Acie Belton, Leon Robinson and Ben Jeffers.

I also want to thank those great inventors. They have opened up so many doors and made life so much better for African-Americans. Every time I wake up in the morning and I put on a pair of shoes, I say, ''Thank you, black America,'' because a black man named Jan Matziger invented the shoes. Every time I get in my automobile and I touch the brakes, I say, ''Thank you,'' in tribute to black America, because a black man by the name of Granville T. Woods invented the air brakes. And I want the gentleman to know that every time I stop at a traffic light, I say, ''Thank you, black America,'' because a black man by the name of Gray Morgan invented the traffic light. And if I ever run a traffic light and get into an accident and need some blood, I am going to say, ''Thank you, black America,'' because a black American named Charles Drew invented the process for preserving blood.

If the doctors ever tell me I need open heart surgery, I am going to say, ''Thank you, black America,'' because a black man by the name of Daniel Hale Williams was the first to perform open heart surgery.

And further, I wanted to mention to the gentleman that every time I stick my spoon or knife in a jar of peanut butter, I always say, ''Thank you, out the first design for the clock.

So I just want to thank those African-Americans. But in particular I want to thank the gentleman from Georgia because as a young man in this Congress and as the youngest black American in this Congress, I am smart enough to know that I would not be here today but for Members like the gentleman from Georgia.

So I say, ''Thank you, gentlemen.''

Mr. LEWIS of Georgia. I want to thank the gentleman, my colleague and friend from the great State of Louisiana, for those words. The gentleman is so right that countless, nameless individuals whose names will never appear in a newspaper or a magazine, their faces will never appear on television, African-Americans who made outstanding, unbelievable contributions that we must never forget.

I thank my friend.

Mr. STOKES. Mr. Speaker, I want to express my appreciation to my colleagues who are joining me in the House Chamber this evening for our special order in observance of Black History Month. We take special pride in this opportunity to highlight and pay tribute to notable African-Americans who have contributed so much to this great Nation. I am pleased to also recognize the distinguished chairman of the Congressional Black Caucus, the gentleman from New Jersey [DON PAYNE] who joins me in sponsoring the special order.

I want to share with my colleagues and the Nation some pertinent information regarding our celebration of black history. It was in 1926 that the late Dr. Carter G. Woodson initiated the observance of Negro History Week. He set aside 1 week in February to recognize the contributions of African-Americans to the building and shaping of our Nation. Dr. Woodson, a noted historian, understood that black Americans were not receiving recognition in history for their vast contributions. He hoped that through this special observance, black Americans and, indeed, all Americans, would gain a greater understanding and appreciation of these contributions.

In 1972, the association for the study of negro life and history, which Dr. Woodson founded, changed the name of the observance of African-American History Week. The celebration was expanded during the Nation's Bicentennial in 1976, and President Gerald Ford urged the Nation to join in the first month-long observance of Black History Month. The U.S. Congress also recognized the importance of the black history observance. In February 1976, our colleague from Illinois, the late Ralph Metcalfe, introduced legislation, House Resolution 1050, which declared that the House of Representatives recognize the month of February as Black History Month.

Mr. Speaker, African-Americans have a magnificent and rich history; a history which is woven into the economic, social and political ing a theme for the national observance of Black History Month. This year the association has selected the theme, ''Reflections on 1895: Douglass, Du Bois, Washington.'' I want to take a few moments to recognize the contributions of these three giants to American History.

Frederick Douglass was born a slave in Talbot County, MD, in February 1817. He was taught to read by the wife of his owner. Douglass escaped and eventually his freedom was purchased by Quaker abolitionists. During his lifetime, Douglass was a powerful, effective spokesman for the cause of freedom and equality. In his writings and speeches, Douglass' major concerns were civil rights and human freedom. He fought to end slavery, racial prejudice, and discrimination.

Frederick Douglass utilized his own newspaper, the North Star which he began publishing in 1847, to give voice to the struggle. His writings also included his autobiographies, ''The Narrative of the Life of Frederick Douglass: An American Slave,'' and ''Life and Times of Frederick Douglass.

During his lifetime, Douglass held a number of prestigious government positions including marshall and recorder of deeds in the District of Columbia, and United States Minister to Haiti. Indeed, our Nation's Capital provides a fitting reminder of Frederick Douglass' historical contributions. We can look to the White House and recall Douglass urging President Lincoln to declare emancipation as the central cause of the Civil War. And, we recall that here in this Capitol building, Frederick Douglass came to Congress to protest the inadequacies of Reconstruction.

Frederick Douglass died on February 20, 1895. In the cause for freedom, he was one of America's greatest orators, writers, and editors. He fought to guarantee that the ideals of the Declaration of Independence be extended to all Americans.

Mr. Speaker, during Black History Month, we note the accomplishments of William E.B. Du Bois, a teacher, author, editor, poet, and scholar. This great American was born in February 1869, in the State of Massachusetts.

Du Bois made history in 1895 when he became the first African-American to earn a Ph.D. from the prestigious Harvard College. He went on to teach Greek, German, and English at Wilberforce University, and economics and history at Atlanta University. In one of his greatest works, ''The Souls of Black Folk,'' it is said that the reader may sample history, sociology, biography, economic analysis, educational theory, and social commentary.

One of the greatest contributions of W.E.B. Du Bois was his strong leadership which resulted in the birth of one of America's most distinguished organizations, the National Association for the Advancement of Colored People, or NAACP, in 1909. Du Bois and others saw the need for an organization to fight for voting rights, educational opportunities, and

role in the quest for justice and equality for all Americans. W.E.B. Du Bois died on August 27, 1963. He will always be remembered as a champion in the struggle for equality.

Mr. Speaker, as we reflect upon our theme for Black History Month, we note the historical contributions of Booker T. Washington, a gifted educator and leader. Washington was born in April 1856, in Franklin County, VA. He spent 9 years in slavery before his mother moved the family to West Virginia.

On September 19, 1881, Washington received the opportunity of his life when the Alabama Legislature authorized the establishment of a school which would train black men and women to be teachers. Washington was recommended and accepted the post as head of the institution. Arriving at Tuskegee, AL, Washington found that no land or buildings had been acquired for the projected school, nor were funds allocated for these purposes.

Undaunted by these circumstances, Booker T. Washington went to work recruiting black students and gaining financial support for the effort. Borrowing funds from Hampton Institute, Washington purchased an abandoned plantation and students then went to work not only making the bricks, but constructing buildings for what would become one of the Nation's most distinguished black institutions of higher learning.

By 1888, Tuskegee Institute owned 540 acres of land and had an enrollment of more than 400. The school offered the first training to African-Americans in the trade skills such as carpentry, cabinetmaking, printing, and shoemaking. The influence of the school extended far beyond Alabama. By the time of Washington's death in 1915, similar institutions modeled on Tuskegee had been founded in other states.

Although Tuskegee was Booker T. Washington's most enduring monument, his oratorical skills and writings also signaled him as a leader and spokesman for the African-American community. He is also famous for his autobiographies ''My Life and Work,'' ''Up From Slavery,'' and ''My Larger Education.'' Booker T. Washington died on November 15, 1915. His spirit lives on through the work which continues at Tuskegee Institute, and in his published works.

Mr. Speaker, this evening as we remember the contributions of Frederick Douglass, W.E.B. Du Bois and Booker T. Washington, we are led back to our theme for Black History Month, ''Reflections on 1895.'' One hundred years ago, America was poised to undergo tremendous social and political change with the abolishment of slavery 32 years earlier.

Slavery ended with the issuance of the Emancipation Proclamation on January 1, 1863, by President Abraham Lincoln. Yet, for African-Americans, true freedom would continue to be denied by the systematic exclusion of economic opportunity and equality.

The legal restrictions on black civil rights arose in 1865 and 1866, when many Southern tion. The new cotton mills and mill towns were generally for whites only, and sharecropping was the way of life for the majority of blacks in the South. Black Americans who lived in northern cities were largely confined to jobs that required the least skills and brought the lowest pay.

Several decisions of the U.S. Supreme Court enabled Southern States to continue to practice segregation and discrimination. In 1883 the Supreme Court declared the Civil Rights Act of 1875 to be unconstitutional. That act had prohibited segregated public transportation and accommodations. In addition, the Civil Rights Act of 1866 and the 14th amendment to the Constitution, ratified in 1868, had forbidden the States to deny equal rights to any person. But in 1896, the Supreme Court ruled in the case of Plessy versus Ferguson that a Louisiana law requiring the separation of black and white railroad passengers was constitutional. This ruling, known as the separate but equal doctrine, became the basis of southern race relations. African-Americans were dismayed as they saw their rights eroded by court decrees and insensitive political leaders.

One hundred years later, as we gather this evening to celebrate Black History Month, we should ask ourselves where America stands in the quest for equality and economic opportunity. As we reflect on the conditions of 1895, has this great Nation embraced the declaration of equality for all its people?

In the nearly 100 years since the infamous Plessy versus Ferguson decision, I must express my concern about the continued assault on the African-American community through the dismantling of affirmative action programs and other legal devices designed to guarantee equality. Today, Congress and the Nation is involved in one of its most important debates on the issue of affirmative action.

Affirmative action has been employed as the primary tool to allow minorities and women to break through the many barriers of discrimination. Studies prove that these barriers help to keep them unemployed, underpaid, and in jobs where there is little or no opportunity for advancement.

Tonight, I would remind those who oppose affirmative action that African-Americans and other minorities also have a contract with America. That contract is rooted in both the Constitution and the Declaration of Independence. As it relates to jobs in America, people of color have every right to believe in the doctrine that reads: ''We hold these truths to be self evident, that all men are created equal.''

Mr. Speaker, as we celebrate black history and black progress since 1895, I want to also recognize the importance of voting rights laws. Without this important vehicle, many of us would not be here today.

The Voting Rights Act of 1965 was aimed at dismantling all voting-related discrimination practices. Over the years, the Voting Rights Act and redistricting have played an essential lized the ballot box to bring about change.

This evening, I pay special tribute to my colleagues in the Congressional Black Caucus. We are Members of Congress elected to office from every corner of America, North, East, South, and West. I also recognize the importance of the organization which binds us, the Congressional Black Caucus. Since its founding in 1972, the Caucus has been instrumental in articulating the concerns of the African-American community. From our founding 13 members to the present 41, we have grown not only in size, but in significance, shaping the way America views the African-American community.

Mr. Speaker, I am saddened to report that while the doors of opportunity have allowed African-Americans and other minorities to step forward into leadership posts in government and other areas, through devious and sometimes overt means, our minority leaders are subjected to relentless investigations, witch hunts, and character assassinations. Today, we include the names of Lani Guinier, Mike Espy, Jocelyn Elders, Ron Brown, and Dr. Henry Foster to the list of those who have been subjected to unwarranted attacks. Until we can eliminate the selective character assassinations on persons of color, our Nation cannot stand and proudly proclaim that government is: of the people, by the people, and for the people.

Mr. Speaker, I want to thank my colleagues for joining me in this special order celebrating Black History Month. As we reflect back on our accomplishments, we are even more determined to move forward in the spirit of the brave heroes and heroines in whose path we follow.

It is our hope that one day, the celebration of Black History Month will not be limited to 1 month. It is our hope that 1 day American leaders, heroes, and activists of all races, will stand side by side throughout all the pages of our history books, for all the world to appreciate. Then, in fact, we will be the Nation to which we pledge allegiance: One Nation, under God, indivisible, with liberty, and justice for all.

Mrs. MEEK of Florida. Mr. Speaker, I rise before you today standing on the broad shoulders of Josiah T. Walls; the first black elected to the Florida House of Representatives, the Florida Senate, and the U.S. House or Representatives from Florida; Joe Lang Kershaw, the first black elected to the Florida House of Representatives in this century; and Gwen Sawyer Cherry, the first black woman ever to serve in the Florida Legislature.

Often times we Members of Congress like to remember those who came before us by naming buildings or erecting monuments in their memory. But Mr. Speaker, I rise before you today to pay tribute to a person whose work and commitment to our children, our race, and women everywhere is still bearing fruit today.

based upon a sure knowledge of the achievements of the past. That knowledge and that pride we must give them if it breaks every back in the kingdom.

This quote, perhaps more than anything else, captures the basic spirit and philosophy and commitment that Mary McLeod Bethune had for her race and the promotion and the development of women and African-American history.

I am greatly moved by the memory of Mary McLeod Bethune. She was an inspirational American woman, of African decent, who was from the people—not of the people. She provided my generation, indeed many generations, with a beacon of light and hope that all things are possible through God and through hard work. I am hopeful that future generations will be able to light their individual torches from the bright flame of wisdom, strength, and knowledge that Mrs. Bethune displayed. Today, Mrs. Bethune's light still shines through the work of her students, including me, and the generations of young people she has laid the foundation for a Bethune-Cookman College in Daytona Beach, FL.

Beginning as an educator and founder of a school which bears her name, Mrs. Bethune became the valued and trusted counselor to four U.S. Presidents, the director of an important government agency, the founder of a major organization for human rights, and a consultant to world leaders seeking to build universal peace through the United Nations.

Mrs. Bethune gained national and international prominence for her advocacy and work on behalf of African-Americans and women. During her life, she was elected and appointed to a number of key positions, which provided visibility for her causes and an opportunity to mobilize African-Americans on issues of concern to the race. From the early 1930's, until her death in 1955, she was a very vocal advocate and activist for African-American and women's history.

In the early 1920's, Mrs. Bethune, was one of the first to actively campaign for legislation to build a national black museum in Washington, DC.

Born in 1875, in Mayesville, SC, Mary McLeod Bethune grew up in the rural South during a period of great transition and turmoil. Her experience with poverty, racism, and ignorance in South Carolina, and later in Georgia and Florida, provided her with first-hand knowledge of the suffering and needs of her people. It was in this context that she committed her life to work with, and on behalf of her people.

A strong believer in education and in self-help, she was an integrationist and Pan Africanist, who argued for unity among people of African decent throughout the world. She viewed education as an important link to African-American freedom and equality. In her view, white people needed to know and appreciate African and African-American history, as well as blacks. In concert with W.E.D. DuBois, and Carter G. Woodson, she believed that, if this at the Daytona Normal School for girls, which she founded in 1904. Working to produce and sustain a school, she stressed the achievements and contributions of historic figures such as Frederick Douglass, Booker T. Washington, Lucy Laney, and others who were role models, she held them up to the pupils for emulation.

Developing contacts with both white and black leadership, Mrs. Bethune was able to build a base of power and influence, which by 1940, would allow her to be recognized as the foremost leader of African-American women.

Tonight as we celebrate Black History Month, I challenge all Americans to reflect on the example of faith, hope, and charity provided by Mary McLeod Bethune's great legacy. As Mrs. Bethune challenged Americans to continue the search for sustaining truth, and to spread that truth far and near, until we, in our turn, shall pass her saving legacy, undiminished, into the waiting hands of posterity.

Many of us here today have relighted our torches from the bright flame provided by Carter G. Woodson, Mary McLeod Bethune, Gwen Sawyer Cherry, Joe Lang Kershaw, Josiah T. Walls, Mary Church Terrell, Nannie Helen Burroughs, and many others whose lives have informed and inspired our work.

Mrs. Bethune's pioneering work in the education, and in the preservation of the history of Blacks and women is to be celebrated and perpetuated. Few leaders have been so diverse in their contributions and so distinctive in their vision. Mrs. Bethune saw African-American history as an integral part of our lives. She has left us a rich heritage. We must commit ourselves and dedicate our lives to carrying forth that vision to another, higher level, unit we too shall pass the torch.

Mr. HOYER. Mr. Speaker, I am honored to join my colleagues today to commemorate Black History Month. Particularly, Mr. Speaker, I would like to thank Mr. STOKES and Mr. PAYNE for requesting this special order.

Black history is more than just a designation on a calendar; it is a time when all Americans can reflect upon the towering achievements African-Americans have made and continue to make in this country. It is a time when we honor men and women who have influenced and shaped American culture and life.

We thank those who through their writings and teachings have enabled all of America to know and appreciate the African-American legacy, past struggles, and present dreams. We pay tribute to America's sports heroes. We honor scientists and educators who labored so hard to overcome racial barriers in our society and proved that America could not afford squander the talent and knowledge of African-Americans.

I want to honor and share with you the story of an African-American whose history is deeply rooted in the part of the congressional district I represent. The achievements of Henry Jenifer, a person who dedicated his life to pre- lutionary War soldier and a former Maryland governor. Far from the stately house with ornately carved doorways handsome chimneys and rolling falls, a small clump of trees stands out in the middle of a farmer's soybean field. There, obscured and buried in the overgrowth, is the site of former slave cabins that once housed the working force of the Southern Maryland tobacco plantation. The hills and fields are silent now, but there is a story passed down from oral tradition of African-American History, the legend of a natural healer and his passage to freedom.

Henry Jenifer was a slave of Dr. William Thomas, owner of Deep Falls. Henry's family served the Thomas' for generations. Thomas' brother, James, was Maryland's 26th governor. From the time he was a boy, Henry cared for the doctor's horse and buggy, accompanying him on his rounds of serving the Chaptico community.

As he grew older, Henry learned medicine, not only from watching the white physician as he performed his practiced skills, but from the ancient healing ways of his African ancestors. Using simple methods such as looking at the tongue or a patient's eyes, he could diagnose the illness, amble to the deep woods and emerge with root, tree bark or plant to effectively cure what ailed them. The black folk began calling him ''Doc'' Henry, and at times when Dr. Thomas was away or had failed to produce a cure the whites called upon Doc as well. Like the Native American preceding them on the landscape, the African American combined spiritual as well as physical remedies to heal his patients, often with great success.

At times Dr. Thomas would send Henry to tend his patients. A white farmer with a large open wound on his foot was treated by the white physician with a solution of carbolic acid and water, and it was Henry's job to bathe the wound in the solution on a daily basis. After the gash failed to heal, Doc Henry offered to help, but only if his patient agreed not to tell. The slave soaked some wheat bread in water and left it in the open air until it was covered with a heavy growth of mold. This he applied to the wound, which healed in a short time. Dr. Thomas never knew that his patient was cured by a crude form of penicillin—a hundred years ahead of its time.

As 1848 dawned in St. Mary's County, a severe outbreak of yellow fever ravaged the countryside. When the epidemic reached its height, Henry was taught the art of ''bloodletting'' by his master, through which patients were bled to leech out the poison in their system. As the fever raged through the long, hot summer, fear soon mingled with ignorance. Residents attempted to flee to other areas, but were stopped at the county's borders by gunpoint and forced to return. Henry's services became invaluable as he tended to the sick, sometimes while family members lay dead nearby.

As summer waned into fall, the yellow fever epidemic finally began to subside. It lasted 10 weeks and took hundreds of lives. The dead were buried in graveyards and cornfields. Prayers of thanksgiving were offered. Black and white, slave and free man, mourned together. Their joy and their sorrow knew no color, no race.

trayed, Henry conceived a plan. Unbeknownst to Dr. Thomas, Henry had saved some money on his own. He got word to ''dat Harriet woman'' that he wished to leave St. Mary's County on the Underground Railroad. Harriet Tubman's ''underground train'' was situated on Maryland's Eastern Shore, but had a network that stretched throughout Southern Maryland.

One day Dr. Thomas waited with frustration for Henry to arrive and hitch up his horse to buggy in order that he might make his daily rounds. Henry, however, had fled across back roads and fields to Leonardtown, eventually making his way to the Patuxent River, then on to Cove Point in the Chesapeake Bay. Dozens of participants, black and white, from every profession, helped make up the ties of the underground railroad, which led from Dorchester County to Canada. Before he left Maryland, Henry was to meet his benefactor, Harriett Tubman, in Cambridge.

After long weeks passed, the former slave reached his destination a safe and free man. He mourned having left behind his family, still in bondage at Deep Falls. Another 15 years would pass before they were awarded freedom during the War Between the States, the same war in which their masters would fight for Confederate Army.

Mr. CLAY. Mr. Speaker, the theme ''Reflections on 1895: Douglass, DuBois, and Washington'' is most appropriate for this time because we are asking the same question in 1995 that these men attempted to answer in 1895—''How can black Americans empower themselves economically, educationally, and politically''?

It is my hope that during this observance of Black History Month, my colleagues will study the works of Douglass, DuBois, and Washington very carefully and make a distinction between their leadership qualities.

Instead of focusing on education and professions like medicine and law, avenues to self-empowerment, Booker T. Washington preached that all Negroes should be satisfied and happy to have a job working in the cottonfields or in the farmyard. If he had been successful in his course of action, black Americans would have been guaranteed jobs, but they would have been doomed to a life of servitude in menial jobs.

Booker T. Washington was a Negro leader created by whites who supported him because his message served their general purpose of keeping Negroes as close to a state of bondage as legally possible. As a matter of fact, a New York Times article put it succinctly in 1958, and I quote:

> Washington was far from being the Negroes' acknowledged leader, but he was still the only Negro leader the whites acknowledged.

Booker T. Washington may have been a leader to them, but he was a disappointment to many black Americans.

DuBois, a creative thinking leader, who promoted racial integration, was criticized because he disagreed with Washington, thus antagonizing the power structure. In his re-

DuBois believed that blacks had tilled enough fields, picked enough cotton, dug enough ditches. He thought it was time to perform surgery, teach physics, develop businesses, write poetry, and sing the operas.

Frederick Douglass believed that blacks should have the opportunity to improve themselves and their standard of living. He warned that despite individual efforts, the black race would not reach its full potential until whites stopped putting road blocks in their way. Douglass warned:

> Where justice is denied, where poverty is forced, where ignorance prevails, and where one class is made to feel that society is an organized conspiracy to oppress, rob, and degrade them, neither persons nor property will be safe.

What does all of this have to do with Black History Month? The answer is everything. Black History Month was adopted because the black experience has been neglected, downplayed, and in some instances ignored in American history. A large section of a country's history has been left out of the history books and the accomplishments of millions of its citizens are not acknowledged. In the process, Black Americans have been denied the opportunity to empower themselves. They have been denied access to resources that would afford them the opportunity to obtain better jobs, better education, better housing, and all other necessities.

For a long time black history was not included in history books because those who wanted to justify human slavery and the oppression of the race, attempted to do so by alleging that black Americans made no significant contributions. Despite the years of contributions our forefathers made to the growth of this country, there were attempts to write black Americans out of history—completely. And, if there was any effort to include them, men like Booker T. Washington and others, who entertained the country with demeaning speeches about the inferiority of the black race, were presented as heroes and leaders of the race when, in fact, they were black Americans' biggest enemies.

But, thanks to Dr. Carter G. Woodson, a renown historian and one of the few blacks to earn a PH.D. from Harvard University in the early part of the century, we now celebrate the accomplishments of black Americans who were real leaders and progressive visionaries like DuBois and Douglass. Dr. Woodson established the original idea of a separate time for celebrating black history, arguing that it should be a week long and held in the month of February between the birthdays of Abraham Lincoln and Frederick Douglass. Later, Black History Week was expanded to Black History Month. The underlying purpose is to familiarize whites, as well as blacks, with the contributions black Americans have made to our advancement as a nation.

I do not want to give the impression that this great country could not have progressed and their lack of knowledge about the race. Many of them don't realize that their everyday lives have benefited from the intellect and talents of black Americans.

To illustrate, let's imagine what their lives would be like if they refused to enjoy the discoveries of black scientists and inventors.

Any person who chooses to boycott black inventions would wake up tired in the morning from tossing and turning all night on a bed covered by some coarse material instead of cotton—because it was a black slave who provided the genius in the development of Eli Whitney's cotton gin which makes cotton affordable. When that person throws his legs out of bed, he would not have a nice inexpensive pair of leather house shoes to put on because Jan Matzeliger, a black man, invented the shoe last which made it possible to mass produce shoes. Then, of course, he would not have the pleasure of drinking a cup of instant coffee which was invented by Dr. George Washington Carver. Nor would that person have the opportunity of putting a spoon of sugar in it because Norbert Rilliexux invented the sugar refining system that is still used today.

He probably would have had a clock to wake up to because they are common now-a-days. But the first clock made in America was by a black man, Benjamin Banneker, who helped design the city of Washington, DC. Then, one boycotting black creations, he would have had to wait until the sun came up in order to see what time it was, had it not been for Louis Howard Latimer, a black man, who supervised the installation of Thomas Edison's electric lights in America and invented an incandescent light bulb of his own.

If it's a Saturday morning, the old boy who is boycotting black accomplishments would not be able to cut his grass because the first lawn mower patented in this country was by a black American. He would even have trouble playing his usual game of golf had it not been for George F. Grant who gave us the golf tee. And at the 19th hole had it not been for Hyram S. Thomas, there would be no ice cream served.

If it's a work day and he drives, he would be late getting there, had it not been for Garrett A. Morgan who was responsible for the electric traffic light. You say he could take the subway. No way. Black inventors, Granville T. Woods and Elijah McCoy, made it all possible. Woods invented the third rail which made subway transit possible. And McCoy alone with 75 other inventions developed the system for automatic lubricating of locomotive machinery. Have you heard the expression, it's the ''real McCoy''. That's him.

And the list of things to be boycotted goes on and on. The first successful open-heart surgery was performed by Dr. Daniel Hale. The recipe for potato chips was invented by Dr. George Washington Carver who, born a slave, received international acclaim for his research in agriculture. He developed products

potato, he made 118 products, including flour, shoe polish, and candy. From the pecan another 75 products. He made synthetic marble from wood shavings; dyes from clay; and starch, gum, and wallboard from cotton stalks.

The best way I can explain why this is important is the quote from Justice John W. Hammond of the Supreme Judicial Court of the State of Massachusetts. He once said to Irishmen attending a St. Patrick's Day celebration:

> * * * You are of Irish ancestry and are proud of it. I am of the strongest pilgrim ancestry, and am proud of it. It is right, proper, and beneficial that each of us maintain those memories which are peculiar to ourselves. It is right for us to emulate the virtues of our ancestors as it is right to criticize their faults and avoid them if we can * * *

If both black and white know the complete history of our country and all of the people who contributed to it, very few will join the ranks of those who say, ''I just don't like black people.''

I know that I have departed from today's theme a little. But, it is because I believe that our theme's importance lies in its relation to the issues of today. The purpose of history is to learn from our mistakes and to find hope in our accomplishments. By studying the works of DuBois, Douglass, and Washington, you will get an understanding of where black people have been and how far we have to go. In doing so, it will help you to understand the problems that black people face and to come up with effective solutions to these problems. But, if nothing else, you will learn that black people are a people with a rich history.

In closing, I commend my colleagues for recognizing the contributions of great black Americans. However, I encourage them to move beyond recognition to constructive action. We must not forget that many of the black Americans we are honoring this month were selfless men and women who went beyond the call of duty to make the American dream a reality for all Americans. Some of them even gave their lives for this purpose. It is incumbent upon us to build upon their accomplishments. Anything less would be derision.

Mr. FAZIO. Mr. Speaker, I join my colleagues today in this special order recognizing the accomplishments of African-Americans and their contributions to our Nation's history.

Black History Month gives all Americans the opportunity to appreciate and understand the involvement of African-Americans in America's history and society. Arising from a legacy of slavery and oppression, African-Americans have made ongoing contributions to America's agriculture and industry. There is no area in which their ongoing presence and contributions are not felt—be it the military, Government, education, literature, the sciences, entertainment, the arts, sports, or social reform—all while struggling for equality and freedom, and fighting to counteract the effects of the racism that continues to pervade our society. their world by writing, speaking, and living lives that were influenced by the belief that all men, regardless of color, are created equal. They showed all Americans how much better a world in which all are equal can be. Because of this I recognize them and urge all Americans to live by their example. We often take the freedoms that Douglass, Dubois, and Washington worked so hard to achieve for granted. Imagine how much better our country and world would be if all of us had the energy and zest for learning that made them great men.

Mr. Speaker, I am honored to participate in this opportunity to highlight the accomplishments and contributions of our African-Americans citizens. I also commend the distinguished gentleman from Virginia [Mr. PAYNE], chairman of the Congressional Black Caucus, and the distinguished gentleman from Ohio [Mr. STOKES], for calling this special order, and I thank them both for including me in this effort.

Mr. PICKETT. Mr. Speaker, the month of February provides us with the opportunity to examine, explore, and celebrate African-American history. I thank Mr. STOKES for calling this special order today in honor of African-American Heritage Month.

In light of the 1995 theme for Black History Month, ''Reflections on 1895: Douglas, DuBois, Washington'', it is fitting to note that 92 years ago, in 1903, W.E.B. DuBois began writing what has become one of the great works not only of American literature but also of American history, ''The Souls of Black Folk.'' In this work, DuBois paints his vision of an ideal America, an America in which Americans of all races develop in large conformity to the greater ideals of the American Republic, in order that some day on American soil two world-races may give each to each those characteristics both so sadly lack. Well, that ''some day'' has arrived.

While DuBois provided America with an ideal to aspire to, it is the many African-Americans who have followed in this great leader's footsteps who have transformed his vision into reality. African-American artists, musicians, authors, politicians, educators, scientists, doctors, and athletes have acted as emissaries of their culture and heritage, facilitating an exchange of ideas and values amongst the American people.

To witness a clear and quite poetic symbiosis of two races, one need only look as far as the world of music. African-American musicians and composers have heavily influenced American music by introducing new musical forms and acquainting America with the traditional music of Africa. Songs and rhythms which were once confined to slave cabins now echo around the country.

In the early 20th century, the meshing of ragtime and blues resulted in jazz as we know it today. The lively rags of Scott Joplin, the blues of B.B. King, and the jazz of Ray Charles have become mainstays of American can-Americans have inspired and enlarged the music world, passing their musical message not only onto American audiences but onto international audiences as well. Stars such as Diana Ross, Stevie Wonder, and Whitney Houston have enjoyed international fame. And in attaining that fame these individuals have shared with the world their black heritage and culture.

Music, whether lyrical or not, has a special way of speaking to its listener. Its rhythm, tone, and melody tell a story as effectively as any novel. All that is required is a willing and open ear. African-American music speaks to a listening America, as one world race gives to the other characteristics which it lacks. DuBois himself recognized the power of music and its ability to convey thoughts, feelings, and even social agendas. In fact, DuBois entitled the final chapter of ''The Souls of Black Folk,'' ''Of the Sorrow Songs''.

In this concluding chapter, DuBois studies and analyzes certain popular slave songs. DuBois argues that the Sorrow Songs ''breathe a hope -a faith in the ultimate justice of things. The minor cadences of despair change often to triumph and calm confidence''. But whatever the case, DuBois declares that in these songs, ''the meaning is always clear: that sometime, somewhere, men will judge men by their souls and not by their skins''. That sometime and that somewhere are now, today, in America. The Sorrow Songs have spoken, they have delivered their message, and they have been heard. In celebrating Black History Month, let us celebrate this triumph. Let us celebrate the attainment of W.E.B. DuBois' vision of America.

Mr. DIXON. Mr. Speaker, I rise today to recognize the Crenshaw High School students participating in the school's choir and the enterprising students from this school who have dedicated themselves to Food from the 'Hood, the Nation's first student-owned natural foods company. As we observe Black History Month, I believe it is important to acknowledge these students who have worked hard to reach their potential and create opportunities for themselves.

Food from the 'Hood has an ambitious company mission that seeks to illustrate the potential of young adults and provide them with jobs, give back to the community, and prove that businesses can be socially responsible and profitable. The students have successfully marketed their first product, Straight Out the Garden Creamy Italian Salad Dressing, at over 10 major grocery stores in southern California. Profits from the project are used for scholarships for the student-owners and contributions to local charities.

In response to the Los Angeles disturbances, a science teacher at Crenshaw High School, Ms. Tammy Bird, encouraged her students to restore the school's garden and give the food to the needy. On December 18, 1992, the students reaped their first harvest

In devising a means through which they could further their education and enhance the quality of life within their community, these young entrepreneurs have served as examples for our youth and have provided a source of much-needed hope to the inner city community of Los Angeles.

Another group of students from Crenshaw High School has inspired the Los Angeles community and people all over the world. The Crenshaw High School Choir consists of over 200 talented and dedicated students who have consistently been recognized for their outstanding music. Iris Stevenson, the dedicated and inspirational director of the choir, has taken representatives of Crenshaw High School Elite Choir to the Caribbean and France. The choir won the Jamaican Jazz Festival 4 years in a row and performed in French at Nice's Worldwide Music Festival in 1992 and 1993. The group is currently performing at the festival in France. The talented Elite Choir has performed on several television shows and was the inspiration for Disney's ''Sister Act II.''

Black History Month is an important time to look at the contributions made by African-Americans to this nation. It is also a time to look at where our children will take the country in the future. The students at Crenshaw High School show us the positive aspirations of this generation and the inspirational and caring way that they contribute to our society. I am pleased to have this opportunity to commend the outstanding students of the Crenshaw Choir and Food from the 'Hood. They inspire hope for our future. I also commend the Principal of Crenshaw High School, Mrs. Yvonne Noble, and Mrs. Iris Stevenson, Ms. Tammy Bird and the other instructors who work with these students.

Mr. GILMAN. Mr. Speaker, I rise today to join my colleagues in commemorating Black History Month for 1995. I would like to thank the gentleman from Ohio [Mr. STOKES] for arranging the time for this special order.

Black History Month is an appropriate time to commemorate the great black men and women who have contributed so much to our society. This year we are paying special attention to the deeds of three black leaders who were changing America 100 years ago and more.

Frederick Douglass was an escaped slave who rose up in the face of opposition to meet and conquer any and all obstacles. An abolitionist leader at a young age, Douglass spread his ideas through writings and speeches and probably did more to call to the attention of the entire world the injustice and inhumanity of slavery than any other individual of his generation of any race. His talents and influence as an orator were unmatched in his time. While living as a fugitive in England, he earned enough money to purchase his own freedom. His accomplishments while working for the Federal Government as an advisor to President Lincoln and later as a diplomat are

land to receive a Ph.D. in history from Harvard. He went on to publish dozens of books and articles concerning the Black condition, and founded the NAACP. He spent an incredibly busy lifetime teaching African Americans to work toward social emancipation by fighting for their Civil Rights. This made him one of the most influential men of all time, but also made him a major opponent of Booker T. Washington. Washington believed that Afro-Americans could enjoy the full fruits of freedom by achieving economic self-sufficiency within a segregated society. W.E.B. DuBois contended that as long as the races were kept separate, true equality and freedom was impossible. While Washington's philosophy was endorsed in the Supreme Court decision Plessy versus Ferguson (1896), it was DuBois' view that ultimately prevailed, when the Court reversed itself in 1954, ruling in Brown versus Board of Education of Topeka that segregated facilities in education are inherently unequal.

Booker T. Washington, like Frederick Douglass, rose out of a childhood in bondage to accomplish significant deeds. While controversial, his ideas helped motivate southern blacks to improve their economic situation. In retrospect, many today deplore Washington's argument that freedom for Afro-Americans could be won through economic improvement and self-reliance, without social equality. But we must remember the times in which he lived, and remember that all progress in human history has come about one step at a time. It is doubtful that future advances could have been made had not Booker T. Washington become a living symbol of his race, blazing a trail in his own day by specific symbolic achievements, such as becoming the first Black person invited to dine at the White House. Washington's founding of Tuskegee Institute in Alabama, the first institute of higher learning for Afro-Americans in the nation, have earned him an immortal place in the hearts of all of us.

As my colleagues have pointed out, these three men changed American society in ways that are yet to be equaled. They are not alone, however, as black heroes and leaders. Our history books do not yet tell of all the most significant African Americans and all they have done to make America the fine country that it is today.

For example, Crispus Attucks, a free black man who, at the Boston Massacre, was the first American to die for the Revolutionary cause. After our War of Independence was won, a black man by the name of Benjamin Banneker laid out our Capital City of Washington, D.C.

Black men and women were among the most courageous and determined fighters in the war to end slavery. While thousands of African Americans were dying at the hands of their owners as examples to their peers, thousands more were escaping to the north by way of the Underground Railroad founded by Sojourner Truth and Harriet Tubman. And of course, let us not forget the tens of thousands

great Civil Rights Movement of the 1960's, in which the moral conscience of the entire nation was awakened, and in which our laws were finally brought into compliance with the ideals of our own American Revolution, Declaration of Independence, Constitution, and Bill of Rights.

Black History Month is an appropriate time to recall and recite the events in which black Americans changed our nation's policies and attitudes. But we must also remind our students that the struggle for equality goes on today not only in The United States but also broad. Fortunately, today we are blessed with heroic black men and women who work to bring our races closer together and set a shining example for our youth.

It is imperative that we not simply acknowledge Black History this month, forgetting about it in months to come. The contributions of African Americans to our society are truly overwhelming yet are too often taken for granted. I urge my colleagues to bear these contributions in mind throughout our deliberations.

Our Nation's rich diversity sets it apart from every other nation on the face of the Earth. If we embrace that diversity and learn from it, then nothing will stand in our way. Black Americans have significantly contributed to every facet of our society and therefore our culture. This, Mr. Speaker, is the point that we must teach our children, in hopes that they too will one day teach their children these thoughts.

Mr. FROST. Mr. Speaker, in celebration of this year's theme, I am pleased to be here today to honor the memories of three great African-Americans in recognition of Black History Month. But first let us recognize Dr. Carter G. Woodson, the man who in 1926 first called for a period of time to be set aside for the recognition of important historical achievements by African-Americans. It is his legacy that we also celebrate today, and his work to create this important holiday.

One hundred years ago, Mr. Speaker, in 1895, the lives of three giants in history intersected. Frederick Douglass, runaway slave and later educator to thousands, passed away. He left behind a legacy that has continued to inspire those who love freedom.

After successfully escaping from slavery, he traveled widely, speaking against the enslavement of people everywhere and supporting the rights of women. He later held various government posts, including the territorial legislature of the District of Columbia.

Mr. Speaker, Frederick Douglass was a man who refused to accept defeat. Even though he had been taught to build ships, the indignities of prejudice forced him to work as a common laborer. He helped President Lincoln to organize the celebrated 54th and 55th Massachusetts regiments of all black soldiers. And shortly before his death, he served as the consul general to the Republic of Haiti. Frederick Douglass led a life of which we could all

As a founding member of the NAACP Dr. DuBois believed that an important goal for African-Americans was the utilization of any and all educational opportunities. He stressed the need for African-Americans to promote their own cultural and social values.

Finally, Mr. Speaker, Booker T. Washington delivered a famous speech in 1895, which outlined his philosophy of vocational education as an avenue of advancement. Mr. Washington's speech at the Atlanta Exposition urged the African-Americans at that time to try and gain an industrial education in order to make use of the rural areas where many blacks lived. Although his views were considered controversial at the time, he helped to further the dialog that led to equal rights for all of America's citizens.

Mr. Speaker, these three men made their mark on history by pursuing truth, justice and equality. They were truly great statesmen, and great leaders.

Mr. VISCLOSKY. Mr. Speaker, I am pleased to take part in this Special Order on Black History Month to recognize the achievements and contributions that African-Americans have made to our country. I would like to thank Congressman LOUIS STOKES and Congressman DONALD M. PAYNE for organizing this opportunity to applaud the accomplishments of the African-American culture. Since 1976, the month of February has been celebrated as Black History Month. But the origins date back to 1926 when Dr. Carter G. Woodson had the vision to set aside a week in the month of February to celebrate the accomplishments and heritage of African-Americans.

Indeed, it would be foolish not to recognize such a large part of our heritage. On the national scene, the contributions that African-Americans have made to our society are innumerable. Through literature, we have been blessed with the powerful writings of Maya Angelou, W.E.B. DuBois, and Alice Walker. We all have received joy from listening to the stirring melodies of Ray Charles, Aretha Franklin and Duke Ellington.

While all of these are important contributions, what I find to be of equal importance are those of people who are in our own community: The men and women who live down the street, attend the same church with you, or whose children play with your own. These men and women have performed extraordinary acts of bravery and selflessness that should make us all proud. Indeed, Alonzo Swann, a World War II veteran from Northwest Indiana, was just awarded the Navy Cross for showing extraordinary bravery in the face of Japanese Kamikaze attacks.

The theme for Black History Month this year is ''Reflections on 1895: Douglass, Dubois and Washington.'' In keeping with the dedication to education and political involvement these men supported, Ms. Patricia Harris, Supervisor of the Gary Community School Corporation's Staff Development Center, sponsored several events that helped to educate the citizens of club facilities at Freemen Field in Seymour, Indiana and were consequently threatened with court martial. An independent commission of inquiry, appointed by President Truman, exonerated the airmen and ordered integration of the club. In addition to Mr. Smith, Ms. Dharthula Millender spoke about the origins of the City of Gary and the crucial role that African-Americans had in forming the city. In the city's first census, African-Americans numbered 100 of the first 334 people in the area. Ms. Millender also pointed out that as Northwest Indiana's steel mills grew, steelworkers were recruited from all over the U.S. and in many European countries. The result was that, from its beginning, the people of Gary had an appreciation for its multi-ethnic community.

The goal of these programs is to teach Gary's parents and children about their community's history. I commend Patricia Harris and the staff of the Staff Development Center for taking the initiative to make the teachings of Black History Month extend throughout the rest of the year. By having our children learn about a part of their culture, we can help ignorance give way to understanding and realize that we all are created equal. In closing, I commend and thank all of the people of Northwest Indiana, who in their own special way have brought special meaning to this month. Again, I would like to thank my distinguished colleagues, Congressmen STOKES and PAYNE, for giving the U.S. House of Representatives this special opportunity to celebrate Black History Month.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. NEY). Under the Speaker's previously announced policy of January 4, 1995, the Chair recognizes the gentleman from New York [Mr. OWENS] for 60 minutes.

Mr. OWENS. I want to congratulate, Mr. Speaker, my colleagues and congratulate the Association for the Study of Afro-American Life and History for their theme this year on Black History.

Mr. Speaker, in the interest of maintaining the continuity that we have started, I am going to reserve my own comments and let my colleagues who have been waiting go at this point ahead of me.

I would like to first yield to the gentleman from Puerto Rico, Governor Romero-Barceló.

Mr. ROMERO-BARCELÓ. I thank the gentleman from New York for yielding some time for me to speak on this occasion to commemorate the outstanding African-Americans throughout this Black History Month.

Mr. Speaker, there have been some outstanding African-Americans in cause in those days they did not give blacks too much of an opportunity for the leading roles.

And of course, one who needs no explanation as to the things he has done throughout his lifetime, the outstanding player, one of the most outstanding players in the All-American game, Roberto Clemente.

But there is an African-American in Puerto Rico whose influence transcends all of them, and I refer to Dr. Jose Celso Barbosa.

Mr. Speaker, as we continue to celebrate Black History Month, I wanted to take this opportunity to honor the memory of Dr. José Celso Barbosa, the founding father of Puerto Rico's statehood movement, founding father of the Republican Party in Puerto Rico and the island's most prominent and distinguished African-American leader.

Born in the City of Bayamón, PR, on July 27, 1857, Dr. Barbosa dedicated his whole life to his struggle for political and economic equality for all Puerto Ricans. He was very instrumental in the extension by Congress in 1917 of U.S. citizenship to all persons born in Puerto Rico.

From very humble origins—his father was a craftsman—Dr. Barbosa contributed to make our goal of achieving political and economic equality through statehood, no longer a distant dream, but a reality well within our reach.

A very intelligent and dedicated student, he graduated with honors in 1875 from the Conciliate Seminary School. Five years later he graduated with a doctor's degree in medicine and surgery from the University of Michigan. In so doing, Dr. Barbosa was the first black Puerto Rican and one of the first island residents to graduate from a university in the continental United States.

Back in his native Puerto Rico, Dr. Barbosa acquired a solid reputation both as a doctor and as a respected citizen. At the age of 23, he started to become involved in Puerto Rican politics.

When the sovereignty change came to Puerto Rico after the Spanish-American War in 1898, Dr. Barbosa began his struggle so that Puerto Ricans would benefit from the American political process and the democratic values that he had experienced first-hand during his earlier years as a student in Michigan.

In 1899, Dr. Barbosa founded and organized Puerto Rico's Republican Party, committed to achieving political and economic equality through statehood for the island. He devoted the rest of his life to this purpose.

Mr. Speaker, I thank you for the opportunity to bring to the attention of our colleagues in the House of Representatives the accomplishments of Dr. José Celso Barboso, Puerto Rico's Dr. Martin Luther King. He was truly an exceptional individual whose legacy runs deep in the hearts of all Puerto Ricans.

□ 2120

Mr. OWENS. Mr. Speaker, I thank the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ], and to continue our special observance of Black History Month I yield to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, nearly 70 years ago, Dr. Carter G. Woodson launched a tradition of celebrating the legacy of African-Americans. ''Black History Month'' began to be officially acclaimed a half century later, in 1976. The contributions and achievements of African-Americans is a subject rich in substance and worthy of recognition. The history of blacks in America is a compelling story that must be told and retold.

James Weldon Johnson, in his renowned work, ''The Autobiography of an Ex-Colored Man,'' captured the importance of telling history—particularly black-American history—again and again. ''Every race,'' he said, ''and every nation should be judged by the best it has been able to produce, not by the worst.'' I believe, Mr. Speaker, too often black Americans are judged by a distorted image of who we are and what we stand for. Too often, the portrait of black America is painted with a muddied brush—one that fails to render an accurate depiction of what we have given to the construction of this nation.

We are heroes in defense of democracy, like Crispus Attucks, the first to die in the Boston Massacre; like the 9th and 10th calvaries and the 24th and 25th infantries—best known as the Buffalo Soldiers, who helped win Texas and the Southwest; like Benjamin O. Davis, Sr., the first black general; and like private first class Milton L. Olive III, who was posthumously awarded the Congressional Medal of Honor. During the Vietnam war, he fell on an exploding grenade, taking his own life to save the lives of his fellow soldiers, black and white. We have shed our blood in battle and given our lives to preserve those words of freedom, ''liberty'', ''justice'', ''equality''. We are scientists and inventors, like Benjamin Banneker, who helped plan Washington, D.C.; like Dr. Charles Drew, a blood plasma researcher, who set up the first blood bank in England; and cators, like Maya Angelou, who knows why the caged bird sings; like Ralph Ellison, who pondered the question of the black-American as, The Invisible Man; like Alex Haley, who discovered his Roots and raised the consciousness of the nation and the world; and like Phyllis Wheatley, whose poems have played an historical role in the growth of black literature. We are artists, musicians, television personalities, lawyers and judges, educators, athletes, politicians and leaders. But, we are also small farmers, common laborers, maids, dishwashers, construction workers, food service employees, and some of us are recipients of public assistance. A disproportionate number of us, however, are minimum wage workers, with families, thrust below the poverty line. We ask not for charity, but a chance—a chance to meet our obligatons—to feed, clothe and shelter our families. We too want welfare reform. The best welfare reform is a job at a livable wage. We too want to rid our communities of crime. The best crime bill is a jobs bill. We too want a balanced budget. But, balance the budget in a fair way, not just on the backs of those who broke their backs picking this Nation's cotton. We too want to eliminate teenage pregnancies. But, we will resist with all of our might, the attempt to take nutrition from pregnant women, children and seniors. This year, we place special recognition on the lives and legacies of three great and powerful black men, Frederick Douglas, William E.B. DuBois and Booker T. Washington. Yes, we are men, and we are women, like Rosa Parks; Harriet Tubman and Sojourner Truth. But, perhaps most importantly, Mr. Speaker, we are Americans. We are no different than those who populate this great Nation from the Atlantic to the Pacific Ocean and all points in between. We want what they want—a decent life, a strong family, a home, security, something to aspire to and a place at the bountiful table that is America.

These are tough times in America. But, like Dr. Martin Luther King, Jr. reminded us on one occasion:

> The test of good government is not where it stands or what it does when times are good. The true test of good government is where it stands and what it does when times are tough.

African-Americans have given their best to this Nation. Some want to underscore the worst. The best far outweighs the worst. We pause on this day and during this month of celebrate our best. Much more is yet to come.

her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I do humble thank the gentleman from New York.

Mr. Speaker, as I rise in this great House to speak in commemoration of Black History Month, I am strengthened by the rich contributions of my ancestors.

Reflecting upon the year 1895, I am moved to think of the state that found America herself in during the Reconstruction era. Thirty years after the abolition of slavery, newly found freedoms were being negotiated against newly found means of oppression. Emancipation and liberation were met by Jim Crow laws and black codes; eager men and women with hopes for education and opportunity were handed miseducation and disenfranchisement; children who had heard stories of a better life were left having their dreams deferred. Although America had ended its Civil War, an even more insidious war was being waged—the war of racial intolerance. Hope, however, continued to abound among a people hungry for opportunity.

My friends, standing here a mere 100 years post 1895, I am heartened by the progress that we have made as a nation, and yet standing here a mere 5 years before the dawn of a new century, I am filled with great trepidation. When our allies come to us for military assistance, no other nation takes up the banner of national defense faster than the United States. When human rights abuses are brought to our attention, we are vigilant in our pursuit of justice and fairness. Mr. Speaker, America's own private war is destroying our Nation. As America moves its great caravan of truth and justice across the globe, our righteous cries of fairness and equity are being drowned out by the piercing rattle of the skeletons of hypocrisy that reside in our darkest closets.

Gunnar Myrdal, the Swedish sociologist commented some 30 years ago that America's greatest problem would be that of race relations. As we herald the accomplishments of African-Americans today in this Black History Observance, we all should recommit ourselves to the quests of our ancestors excellence and opportunity. African-American history in the country is to be lauded.

While we take pride in saluting the great African-American scientists and inventors, America remains a nation still needing to heal. While we marvel at the majesty and grace of African-American performers and artists—America is still groping to implement racial equality. As I stand in this great

democracy and for real inclusion. Reflecting upon 1895 and upon the memory of Frederick Douglass, W.E.B. DuBois, and Booker T. Washington, the vision that each held continues to burn passionately in those of us who bear their legacy.

I am indebted to Frederick Douglass, who was born into bondage, sold repeatedly in the slave markets of the South, yet who secretly taught himself to read and write. Up to his death in 1895, his defiance against the pervasive system of racial inhumanity enabled him to speak out and to illustrate the moral dilemma that America embodied. Frederick Douglass empowers all of us today.

Known as the intellectual father of modern African-American scholarship, W.E.B. DuBois worked fervently to establish the NAACP, edited and published ''The Crisis,'' founded the Pan African Congresses, and made pilgrimages to Ghana. DuBois' international leadership set the stage in 1895 for a global African-consciousness movement that reverberates today from Haiti to Soweto. His presence is affirmed in this great House today, and my colleagues and I are honored to carry on his legacy.

As Booker T. Washington struggled through Hampton Normal and Agricultural Institute, the Great Wizard of the Negro who eloquently expressed himself at the Niagara Conference and at the Atlanta Exposition, urged us all to be diligent in our work. He spoke of action and commitment. He exemplified his dedication through establishing Tuskegee Institute, and his tenacity left us a chronicle of his life through his autobiography, ''Up From Slavery.'' Mr. Washington, my colleagues and I have heard your call to action, and we stand here ready to move.

Mr. Speaker, now if I may personally salute the African-Americans of the 18th Congressional District of Texas. Hard-working, dedicated Americans reflected in the lives of the late Zollie Scales, Dr. John B. Coleman, Jack Yates, Hattie White, Christie Adair, Moses Leroy, and others.

Mr. Speaker, as I reflect upon Frederick Douglass, W.E.B. DuBois, and Booker Taliafero Washington, let us honor the memory of these great American patriots by affirming the principles for which they pledged their lives. We, Mr. Speaker, you—me—and our colleagues, have an opportunity to send strong messages to the American people as we consider the balance of the legislation pending before us. Let us move away from race-baiting descriptions of programs and proposals, ing a 12-inch knife 6 inches from the back of a dying man, is not progress. We cannot be content with incremental change.

Mr. OWENS. I thank the gentlewoman from Texas, and I yield now to the gentleman from Louisiana [Mr. JEFFERSON].

Mr. JEFFERSON. Mr. Speaker, I rise today to join my colleagues in the Congressional Black Caucus for special orders in conjunction with Black History Month. Each year, CBC members speak on important contributions to the African-American community, individuals or organizations. This year, I have chosen to honor the Congressional Black Caucus itself as it celebrates 25 years of service to the African-American community in America and, indeed, to all of America.

The Congressional Black Caucus was born in 1970, when 13 African-American Members of Congress joined ranks to strengthen their efforts to address concerns of blacks, women, Hispanic, Asians, and other disadvantaged citizens.

Mr. Speaker, it did not take long for the fledgling caucus to capture national attention. In March, 1971, the CBC made headlines presenting President Richard Nixon with 60 recommendations for government action on domestic and foreign policy issues.

Although President Nixon did not respond positively to the recommendations, his less than adequate response strengthened the resolve of the original members of the CBC to continue on its new found mission.

During the past 25 years, the CBC has blossomed as a strong and progressive voice for alternative legislative programs.

Mr. Speaker, let me name just a few of the CBC's achievements during its quarter century of existence.

In 1972, the CBC convened hearings on ''Racism in the Media'' and a national policy conference on ''Education for Black Americans.''

In 1974, the CBC introduced the Humphrey-Hawkins Full Employment and Balanced Growth Act to reduce unemployment and inflation which became law in 1977.

In 1977, the CBC established the National Black Leadership Roundtable; and, in Congress, amended the Public Works Employment Act to provide for 10 percent of the $4 billion of authorized Federal funds to be spent with minority firms.

In 1980, the Caucus offered the first CBC constructive alternative budget and published ''Black Voter Guidelines'' for elections that year.

created four major Federal minority enterprise programs—the most notable in the $32 billion Defense Authorization bill.

In 1989 the CBC cofounded the Parliamentary Black Caucus in the British Parliament.

And in 1992, the CBC pushed through important legislation for financial assistance for the college education of disadvantaged, and for historically black colleges.

Mr. Speaker, these are just a few of the significant accomplishments of the Congressional Black Caucus.

The Congressional Black Caucus has grown in numbers, diversity, expertise and influence during the past 25 years.

New members represent urban and rural areas, the east coast and west coast, the North and South and agricultural and manufacturing centers.

They come to the U.S. Congress uniquely prepared to serve, many bringing a wealth of experience in State and local governments as well as the desire to make an immediate impact on issues important to the poor, the underprivileged, women, African Americans, Hispanics, Asian Americans, and the middle class.

In fact, the 40-member Congressional Black Caucus turned the 103d Congress into the most productive in its history—passing motor-voter legislation, tax incentives for private investment in minority venture capital funds, improved earned income tax benefits, enterprise zone legislation and full funding for the Women, Infant and Children program, and for Head Start.

As the 41-member Congressional Black Caucus begins its second quarter century of work, its members will face new challenges. These new challenges will, I am confident, be dealt with like the old ones, with persistent, dogged commitment, with strong, solid leadership and with experienced and determined membership.

As the members of the Congressional Black Caucus' silver anniversary, we pause to remember the Congressional Black Caucus itself, with grateful hearts and with a deep and justifiable pride. The caucus' accomplishments, indeed its continued existence have contributed significantly to not only African-American History, but also to American history for the last quarter of a century. It has truly been the conscience of the Congress and the conscience of the nation.

With God's help, may it always be so.

☐ 2140

Mr. OWENS. Mr. Speaker, I thank the gentleman from Louisiana.

slaveowner's wife, who once he found out what was going on, stopped it, but Frederick Douglass ran away. He became a runaway slave, and his record, as you know, speaking out for women, speaking out for abolitionists and so forth, was really a tremendous record.

Mr. Speaker, let me just say that Frederick Douglass also had John Brown spend a month with him before John Brown had the raid on Harper's Ferry, and tried to convince him that he was not sure that that was the right way to go. As we know, there was that whole incident of John Brown, and later Denmark Veasy, who attempted to free slaves in South Carolina.

As a matter of fact, there was a commerce clause that today is the basis of interstate commerce, which was denied by the Supreme Court. They would not take up the fact that there should be interstate commerce controlled by the Federal Government because slaves were a part of the interstate commerce, and the courts did not want to rule on whether slavery should be, then, a national problem, and left it to the States.

When we look at some of the things that happened, it is so important that we recall our history and what impact it has had on this Government.

Let me just say, the first Black History celebration was on August 25 in 1893, when Frederick Douglass, at a World's Fair celebrating 400 years of the founding of this country, had colored Americans there, so the real first observance, as I mentioned before, happened to be in 1893.

Actually, in 1895 a woman by the name of Josephine Bruce put forth the proposal before the organization of the National Council of Colored Women's Clubs, which later became the National Council of Negro Women, and she put a formal proposal before her organization to say, ''Let's have Negro history week.''

Interestingly enough, it was defeated. Then, of course, we do know that in 1926, Carter G. Woodson moved forward, and we have this whole question of African-American History Month today.

I just want to mention very quickly in the remaining minutes that I have that African-Americans have been participants in our history from the beginning. We have had approximately 5,000 African-Americans fight in the Revolutionary War, but it was not until the British invited all blacks to join its forces, promising freedom as a reward, that then George Washington decided to allow blacks to fight for the colonial people.

I would just like to say in conclusion the fact that at the battle of Savannah in the Civil War, it was a group of troops from Haiti that fought so valiantly at that battle, and it really reversed the history of this country, because, as you know, the Haitian army back in the late 1700's defeated the British and the French.

Napoleon then had to sell the Louisiana Purchase to the United States of America at 15 cents an acre, which gave the land west of the Mississippi to the United States Government, which therefore relieved the French's threat on the United States Government, because France and the United States were still battling each other. When we look at our history, we can thank the Haitian military for eventually causing the French to have to sell all that territory.

Let me conclude by saying there are some heroes today. We have seen Ron Brown, who has brought more trade to this United States of America, $40 billion from China, $7 billion recently from India, an outstanding person, but under attack.

We see a Dr. Foster, a hero of today, who should be appointed. We see a Lannie Guinier, who should have had an opportunity, but it was taken away before she could do what she could have done positively for this country. We see Joycelyn Elders, today an outspoken person who was doing the job well, but was brought down from her position, and Mike Espy.

As we talk about heroes of the past, I would like to say that we must continue to support those outstanding Americans today, the Ron Browns, that are making this Nation a better place for all of us.

Mr. OWENS. Mr. Speaker, I thank the gentleman from New Jersey.

I yield to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I thank the gentleman from New York and the gentleman from Ohio for organizing this special order on Black History Month.

Mr. Speaker, I rise to call the attention of the House to Black History Month. As I reflect on the importance of this celebration I am reminded of the commitment of Frederick Douglass, W.E.B. Dubois, and Booker T. Washington to bettering their communities and the Nation. Like many other men and women, these individuals spent their lives fighting for equality and opportunity for all of America's citizens. While each differed in his approach, each one of these men recognized and utilized education as a vital long commitment to providing the same skills and opportunities to his peers both as an orator and as a crusader against slavery. Ultimately, Frederick Douglass recognized that education is necessary in order to obtain both freedom and equality.

Like Frederick Douglass, W.E.B. Dubois, a graduate of Fisk University and the first African-American to receive a Ph.D. from Harvard, also exemplified the importance of education and national progress. Not only was Dr. Dubois committed to his personal scholarship, he spent his life providing research and education resources to African-Americans nationwide. As a founding father of the NAACP, DuBois provided the Nation with the Crisis magazine, which continues today as the literary arm of the NAACP. In addition, he taught at both Wilberforce and Atlanta University.

Booker T. Washington, much like Dubois and Douglass, also made education a paramount part of his work and life. As the proud graduate of Hampton University, which is located in my district, Mr. Washington sought to provide access and resources to communities that were disadvantaged and disenfranchised. Believing that education would assist in achieving economic equity, Booker T. Washington founded Tuskeegee University in 1881.

Recognizing the legacy of education that these men have given us, we are charged with no less of a commitment to education today. It is our responsibility to ensure that each American has access to a quality education. We must support and defend those institutions and programs that make such access and equity possible.

Keeping that in mind, Mr. Speaker, I would like to recognize the 103 historically black colleges and universities [HBCU's] that are currently working tirelessly to provide education to students nationwide. In particular, I would like to recognize Mr. Washington's alma mater, Hampton University, as well as Norfolk State University, Virginia Union University, St. Paul's College, and Virginia State University which have graduated many of our Nation's leaders and continue to serve the residents of Virginia and the Nation as a whole. As we celebrate Black History Month and recognize HBCU's, I must also acknowledge the 50th anniversary of the Central Intercollegiate Athletic Association [CIAA] basketball tournament that is being celebrated this week. The CIAA is the Nation's largest African-American athletic association.

Mr. Speaker, education continues to be essential to freedom as well as to

Mr. OWENS. Mr. Speaker, I thank the gentleman from Virginia, and I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, it is with great pride that I pay tribute to my distinguished colleague, Representative EVA M. CLAYTON, the first black Congresswoman ever elected from North Carolina (representing the First Congressional District).

I am especially pleased to recognize Congresswoman CLAYTON, because I was privileged to join her in the 103d Congress, as one of two African-American Representatives elected from North Carolina since 1901, 94 years ago.

In recognition of Black History Month and in honor of this special Representative, I am pleased to submit a paper entitled ''The Election of Eva M. Clayton as the First Black Congresswoman from North Carolina,'' written by Philip A. Grant, Jr., professor of history at Pace University in New York, which documents this historic event.

Mr. Speaker, this paper is being made a part of the RECORD at this point in the RECORD, as follows:

On October 4, 1991 Congressman Walter B. Jones of North Carolina formally announced that he would not be a candidate for re-election to a fifteenth term. Jones, a seventy-eight year old Democrat, had initially entered the House of Representatives in 1966, after winning a special election to fill a vacancy in North Carolina's First Congressional District. Since 1981, Jones had occupied the post of Chairman of the House Committee on Merchant Marine and Fisheries.

The First Congressional District had been created by the North Carolina Legislature on June 16, 1961, at which time the ''Tarheel State'' lost one of its existing twelve districts. Based on well-documented population patterns, the boundaries of the First District were slightly altered after the Censuses of 1970 and 1980. Located in close proximity to the Atlantic Ocean, the First District was primarily rural in character and solidly Democratic in terms of party registration.

Throughout the nineteen seventies and nineteen eighties Congressman Jones seldom encountered political difficulty in his numerous House campaigns. Because of Jones' enormous personal popularity and the indisputable fact that the veteran incumbent was in the process of accumulating valuable seniority, formidable Democratic primary challenges simply did not materialize.

When Jones announced his decision to retire, it was anticipated that several candidates would opt to seek the Democratic and Republican congressional nominations. While the Republican Party has grown steadily in eastern North Carolina since the late nineteen sixties, no G.O.P. candidate from 1970 to 1990 has polled more than 35.2% of the popular vote in the First District. Consequently, the victor in the 1992 Democratic for the First District seat.

Inasmuch as North Carolina would gain a House seat because of its sustained population growth over the previous decade, the Legislature would have the task of redrawing the boundaries of the state's congressional districts. When the Legislature failed to produce an acceptable plan, a panel of three federal judges resolved the question. According to the court ruling of February 6, 1992, the Black population of the new First District was estimated at 57.3%.

The First District consisted of twenty-eight counties extending from the Virginia line to approximately ten miles of the South Carolina border. While twenty-one of these twenty-eight counties were rural in complexion, the district also included a number of eastern North Carolina's urban centers. Among the cities located within the confines of the district were Wilmington, Fayetteville, New Bern, Greenville, Wilson, Rocky Mount, and Henderson.

Competing against one another in the May 5 Democratic primary were seven candidates, four Blacks and three whites. Generally regarded as the foremost Democratic candidates were Eva M. Clayton, a Black, and Walter B. Jones, Jr., a white. Clayton was a Warren County Commissioner, while Jones, the son of the retiring incumbent, was a member of the North Carolina House of Representatives.

North Carolina law provided that a minimum of forty percent of the popular vote was required to win a party primary, whenever more than two rival candidates were involved. Since Jones obviously benefitted from name recognition, he was striving to reach the forty percent threshold. On primary night Jones assumed a modest lead over Clayton, but fell short of the necessary forty percent. The official returns were: Jones, 33,634 (38.7%); Clayton, 27,477 (31.6%); Others, 25,855 (30.7%).

The failure of any candidate to prevail in the Democratic primary made a run-off contest mandatory. Clayton strongly urged Black Democrats to participate in the run-off, believing that a huge Black turnout would certainly enhance her prospects.

In the June 2 run-off primary it appeared that Blacks were voting in record numbers. The preliminary returns indicated that Clayton would defeat Jones by at least five thousands votes. The final returns were: Clayton, 43,210 (54.8%); Jones, 35,729 (45.2%). While Jones gained an additional 2,095 votes over his showing in the first primary, Clayton's total increased by an astounding 15,757.

It was a foregone conclusion that Clayton would win the general election. The highly respected Congressional Quarterly in late October listed North Carolina's First Congressional District in the ''Safe Democratic'' column. Congressional Quarterly noted that eight-seven percent of the citizens of the First District were affiliated with the Democratic Party.

On November 5, 1992 Clayton overwhelmed her Republican opponent, Ted Tyler, The official tabulation was follows: Clayton, 116,078 (68.1%); Tyler, 54,457 (31.9%). Clayton thus became the first Black woman ever elected to Congress from North Carolina and only the second Black congresswoman ever elected to represent a district in a southern state.

Mr. WATT of North Carolina. Mr. Speaker, I rise today to commemorate Black History Month by honoring Dr. Charlotte Hawkins Brown, an African-American North Carolina native who had a vision in the early 1900s: to ensure that all black youth receive the type of education that would fully prepare them for their futures.

Lottie Hawkins was born in 1883 in Henderson, North Carolina. When she was young, the Hawkins family moved to Massachusetts, where she studied at Cambridge High School and Salem State Normal School. Before graduating from high school, young Lottie changed her name to Charlotte Eugenia Hawkins.

At age 18, Miss Hawkins accepted a teaching position from the American Missionary Association to return to her home state to teach at Bethany Institute near Greensboro at a time when North Carolina had the second highest illiteracy rate in the country. Unfortunately, the school closed after Miss Hawkins' first year there. The school closing only made Miss Hawkins even more determined to start her own school. She felt there was a lack of educational opportunities for young blacks in the South. There were approximately 2,400 elementary schools across the country responsible for educating young black children, but many of these schools, she felt, were far from adequate.

Miss Hawkins left for Massachusetts to raise money to finance her dream. She personally met with supporters and even sang for donations at seaside resorts. In 1902, she returned to North Carolina where 15 acres of land and an old log blacksmith's shop were donated to her by a local minister. She used the money raised in Massachusetts to convert the shop into a school, thus making her dream a reality.

The schools' beginnings were extremely humble. Fifteen girls and two teachers including Miss Hawkins slept in cramped quarters in the loft. The rest of the building was occupied by classrooms, a living room and a kitchen. Nevertheless, in November 1902, classes began at the Alice Freeman Palmer Memorial Institute. The school was named for Miss Hawkins' benefactor and friend who was also the second female president of Wellesley College in Massachusetts.

After its opening, the school was faced with ever-present financial battles. Although tuition was $5.00 a month, many of the students at Palmer found it difficult to manage. The school was involved in letter-writing campaigns and the students themselves worked the land to help keep expenses

ness with living in Sedalia. Still Mrs. Brown continued to move forward. Under her direction, the school grew to more than 350 acres of land. Donations and community and student involvement enabled the construction of several frame buildings.

The growing needs and changes of the community forced Palmer's curriculum to go from an agriculture and manual training-based curriculum to one that expanded to include more classes in liberal arts, languages, sciences, and dramatics. Elementary education was eliminated and a junior-college level teaching course was added.

Palmer evolved into ''an elite institution that prepared African American youth for college.'' Tuition rose to $800 per year by the late 1950s and 90 percent of the graduates went on to pursue further education. More and more students began enrolling from around the country.

The school survived three fires and economic hardship. Even with the unfortunate mishaps, the school was able to exult about its 1,000 strong, proud black student graduates. Dr. Brown went on to receive several honorary degrees herself. She often spoke to multiracial groups of women advocating equality, wrote novels, and was given the nickname ''The Mayor of Sedalia'' by her community.

On January 11, 1961, Dr. Charlotte Hawkins died. Her legacy which was her school, continued until 1971. Bennett College, a historically black women's college in Greensboro bought the campus.

Today, the Charlotte Hawkins Brown Memorial sits on 40 acres of land in Sedalia, North Carolina, east of Greensboro. The state legislature allocated $400,000 to purchase the land and partially restore the campus. It is the first historic site honoring an African-American and a woman.

Mr. OWENS. Mr. Speaker, I thank the gentleman from North Carolina.

Mr. Speaker, it is customary for the Congressional Black Caucus during this observance of Black History Month to allow Members to speak about whatever aspects of black history they wish to speak of. We have had a number of different testimonials to black history.

I would like to stay close to the theme that has been developed by the Association for the Study of Afro-American Life and History. Some of my colleagues have dealt with that theme, but I would like to focus on it in more detail and try to relate it to what is currently happening here in the Congress.

nius that they put Douglas, Du Bois, and Booker T. Washington together, Booker T. Washington, W. E. B. Du Bois, and Frederick Douglass.

□ 2200

These are all giants in black history. These are all people of great stature. They happened all to be alive in 1895. In 1895 it was the last year of Frederick Douglass' life. He died in 1895. In 1895 Booker Washington was alive. In 1895 W.E.B. DuBois was alive. W.E.B. DuBois was born in 1868, and he died in 1963. Booker Washington was born in 1856, and he died in 1915. Frederick Douglass was born in 1817, and he died in 1895, a hundred years ago.

I was very much influenced in my life by a book that I stumbled across in the library when I was in the sixth grade called, ''Up from Slavery,'' the autobiography of Booker T. Washington. I have also read the writings of DuBois and Frederick Douglass. We are now in 1995, and the question is of what significance is 1895 to us here in 1995, of what significance are the lives of these three giants in black history?

In 1895 you were past the Civil War, the end of the Civil War, a little more than 25 years. The Civil War, what I choose to call the War Against Slavery, had ended, and in 1895 we had gone through a period in history which is called the Reconstruction, an all too short period where the duly freed slaves were now allowed for a brief time to participate in civic affairs. They actually had the majority in some State legislatures, and the legislature of the State of South Carolina passed some of the most far-reaching social legislation in the history of the country until the New Deal. The legislation of South Carolina performed magnificently, and many other legislatures. There was a whole period where blacks struggle to grapple with the running of towns, counties, and there were blacks who came to Congress also during that period.

But by 1895 this had all come to a crashing halt. In 1895 of course Booker Washington was very much alive, as I said before. That was the last year Frederick Douglass was alive. Frederick Douglass died with a broken heart. He had seen all of the hope of Reconstruction come crashing down, all the hope of progress, of true freedom, of onward and upward advancement for the people of African descent, the former slaves, all that had come crashing down.

The Freed Man's Bureau, which was established shortly after the slaves were freed, had been wiped out. The

had been projected by 1895 in slaves, and slave leadership, and slave—the former slaves, their leadership in society, their institutions. All were struggling in a hostile environment.

I would like to just comment on the most recent giant who watched all of this happen. DuBois was born in 1868, so he saw the Reconstruction, the last days of the Reconstruction, the first Reconstruction period. He saw it crumble, but DuBois was an exceptionally advantaged individual. He happened to have been born in Massachusetts, an environment which encouraged him to go forward and get ahead.

So, W.E.B. DuBois became the first doctorate. He was the first person of African descent to get a PhD from Harvard, and he was a great intellectual, wrote many books and saw himself as being very important in trying to reconstruct the soul of black folks. He wrote one book called, ''The Souls of Black Folk'' because he understood that one of the objectives of slavery had been to obliterate the soul of black folk.

The whole institution of slavery was designed to destroy the humanity of the slaves. A slave was to be an efficient beast of burden, and slavery could not do that as long as you were dealing with a human being. You could not let slaves operate as if they were human. You could not allow them to have families. So it was, you know, deliberately that every effort was made to tear families apart. First officially and formally it was against the law for them to get married. They could not get married. They had to devise their own means of being married for short periods of time, but those were only short periods of time where they had their own arrangements among families because families were torn apart frequently by being sold. One, traditionally very young children were taken from their mother's arms and sold into slavery far away. There was no such thing as a mother or a husband being kept with a wife because he happened to be the father of her children. They were sold like animals.

So, you know, the need to restore the soul of the people of African descent was a major preoccupation of DuBois. You have to reconstruct institutions, construct new institutions, because in order to make the slave more effective and efficient as beasts of burden they were cut off from their past tribal customs. They were deliberately loaded on slave ships and brought over here in arrangements which placed slaves next to each other from different tribes so they

practical man. He founded Tuskegee Institute and felt that the first thing the slaves had to do, the ex-slaves, former slaves, had to do was to learn skills, occupations; you know, job training, and less emphasis should be placed on learning the classics, learning the right poetry or dealing with music. The things that DuBois was concerned with was of no concern to Booker T. Washington. Self-help and building a practical economy within the eternal communities of slaves was a preoccupation of Booker T. Washington. He was criticized for not espousing a form of education that would help blacks to become poets, and intellectuals and philosophers. I think some of the criticism is valid, but I think the combination of DuBois' approach and a Booker Washington's approach was that really would have worked best instead of fighting each other, instead of two schools of thought being developed.

It would have been great if they could have come together. Frederick Douglass, the earliest of the three, is a person I would like to focus on. He died in 1895, as I said before, and Frederick Douglass was born a slave. Frederick Douglass was born in a time when it was illegal to teach slaves to read. So the very fact that he learned to read, the very fact that he educated himself, became a great writer, became a great orator, a great thinker, a great organizer; all of that is due to an exceptional set of talents that this individual possessed.

He died in 1895, as I said before. This is 1995. Some of the things that are happening right here in the Congress right now remind me of the era of 1895 and the period leading up to 1895 when the Reconstruction benefits had all collapsed and the people of African descent experienced a great setback. We have forces at work now which are attempting to set back the progress made by the people of African descent, the descendants of slaves, the victims of one of the most heinous crimes ever committed against humanity.

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There are attempts being made to roll back the clock and take away programs that provide life and death sustenance to large numbers of people who are poor because of the fact that they are trapped in situations where they cannot go forward. A mismanaged economy has taken away the jobs, and various other problems exist, and these are people who comes from a slave background.

not have.

All that was taken away. No descendant of a slave can say they can go back in history and lean on ancestors who had this to pass down, no inheritance, no help whatsoever. That is the lot of people of African descent. They had to make it all by themselves.

I say all this because I understand that in addition to the whole series of onslaughts being waged against certain programs that benefit people of African descent, we now have a threat on affirmative action. There is a coming onslaught against affirmative action which will also finish off some of the benefits gained through what I call the second reconstruction. The period leading up to 1995 has the civil rights in it, the Voting Rights Act, a number of other progressive steps taken to compensate for all that was not done when the slaves were set free.

Now we are talking about a colorblind America. Suddenly we want nobody to be given any extra assistance. We readily understand the need to assist people who are victims of earthquakes. We readily understand the need to assist people who are the victims of floods or people who are the victims of hurricanes. We rush to give assistance to those victims, but we do not want to give assistance to victims trapped in big cities, mismanaged economies where jobs have been taken away, and they are also victims. We do not want to give the same kind of assistance. We also do not want to give assistance in recognition of the fact that there is a slave history.

I want to end on this note, because there will be a continuation of what I have started here. I want everybody to know that Frederick Douglass is most famous for a speech he made in Rochester, New York. He was invited on the 4th of July to address a great gathering there. He was a former slave, but he was invited to address a gathering there. He was known as a great abolitionist, a great orator. And during his address he asked some very blunt questions: Why do you invite me here if you are not interested in helping to end slavery and end the effects of slavery? Why do you invite me here to celebrate freedom, when at this moment dastardly deeds are being done all across the Nation to my people? Why do you invite me?

His confrontation with those who had invited him was so forthright that there was a riot in Rochester. He had to run for his life.

I am afraid that those who want to attack affirmative action and those who want to combine the onslaught

make all of those who want to see the world in very simple-minded terms only today is important. They want to erase 200 years of slavery, 200 years of crimes against humanity, unlike any that ever existed.

We do not talk much about this in the African-American community. Nobody wants to dredge up slavery. My parents did not want my teachers to teach me anything about slavery. They felt ashamed of it, the victims being ashamed. I as not ashamed. I was a victim. But for every victim or descendant of victims, there are descendants of criminals, the people who perpetrated that. We do not want to get into that if we are not forced into it. If you force us into it, we have to review what does America owe for all of those years that it officially permitted slavery to exist? In the Constitution, slavery is recognized. A slave is considered three-fifths of a man in the Constitution. So our Government and all that has come after our Government has to bear the burden of blame for letting the institution of slavery exist long after it was established.

What about the 200 million people who were lost in the Atlantic crossing? Very conservative estimates say the slave trade, just the crossing of the Atlantic, bringing the salves across, there were 200 million people who died coming across. So great was the number of people thrown overboard, that it altered the ecology of the oceans. The sharks even now follow after ships along a trail seeking the flesh that was thrown overboard in all those years, 200 years of the slave trade.

Once the slaves found themselves in this country, they were treated, of course, like beasts of burden. We have all of that that we will be forced to dredge up and forced to discuss. Repatriations. Repatriations are due, but people consider that out of the question, to talk about some kind of compensation for all those 200 years of free labor and for the 100 years after that of illegal segregation and other kinds of repression.

We do not want to deal with that, but we will be forced to deal with it if you are going to attack affirmative action, if you attack the programs that help the most needy people in our communities. We will be forced to have a review of what it is owed, what does this country owe, what do individuals owe, and how might some of these same individuals who insist on persecuting the decedents of slaves, the victims of slavery today, how might some of them fare if we had some genealogists to go back in their history and check and

decade, for 200 years. Nothing like it ever existed, and we hate to have to deal with it. But on this occasion of the observance of Black History Month, I serve warning on all of those out there who want to wage war on little meager efforts to compensate like affirmative action, a very piddling effort to compensate for that heinous crime, all of those who want to take us on, we will be forced to defend ourselves by requesting a review, a thorough review of the crime of slavery and the implications of that crime on all the descendants, the victims and the perpetrators.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EHLERS (at the request of Mr. ARMEY), on February 21 and today, on account of illness.

Mr. RUSH (at the request of Mr. GEPHARDT), for February 21 and today, on account of personal business.

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. TAYLOR of Mississippi) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. LEWIS, of Georgia, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. TORKILDSEN, for 5 minutes each day, on February 23 and 24.

Mrs. SEASTRAND, for 5 minutes, on February 24.

Mr. SMITH of Michigan, for 5 minutes each day, on February 23 and 24.

Mr. HUNTER, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. KIM, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, on February 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PICKETT.

Mr. KANJORSKI.

Mr. KILDEE.

Ms. DELAURO.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. YOUNG of Alaska.

Mr. PACKARD.

Mr. FAWELL in three instances.

Mr. COMBEST in three instances.

Mr. MANZULLO.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. UPTON.

Ms. MCCARTHY.

Mrs. COLLINS of Illinois.

Mr. LEVIN.

Mr. DIXON.

Ms. BROWN of Florida.

Mr. BONILLA.

Mr. OWENS.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 18 minutes p.m.), the House adjourned until Thursday, February 23, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

387. A communication from the President of the United States, transmitting amendments to the fiscal year 1996 appropriations requests for the Departments of Commerce, Education, Energy, and the Interior, and the U.S. Army Corps of Engineers, as well as a revision to a fiscal year 1995 supplemental proposal for the Department of Labor, pursuant to 31 U.S.C. 1106(b) (H. Doc. No. 104–39); to the Committee on Appropriations and ordered to be printed.

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. GOSS: Committee on Rules. House Resolution 93. Resolution providing for the consideration of the bill (H.R. 450) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes (Rept. 104–45). Referred to the House Calendar.

search, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Commerce.

By Mr. SAWYER:

H.R. 1011. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio; to the Committee on Commerce.

By Mr. BAKER of California (for himself, Mr. LATOURETTE, and Mr. MILLER of Florida):

H.R. 1012. A bill to require equal coverage under a health plan for all children under the age of 27 of an individual who enrolls in the plan under a family class of enrollment; to the Committee on Commerce, and in addition to the Committees on Economic and Educational Opportunities, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. COLLINS of Illinois:

H.R. 1013. A bill to amend the Social Security Act to protect consumers through the establishment of standards for long-term care insurance policies; to the Committee on Commerce.

By Mr. HASTINGS of Washington:

H.R. 1014. A bill to authorize extension of time limitation for a FERC-issued hydroelectric license; to the Committee on Commerce.

By Mr. KLECZKA (for himself, Mr. BARRETT of Wisconsin, Mr. PETRI, and Mr. SENSENBRENNER):

H.R. 1015. A bill to provide for the temporary suspension of the reformulated gasoline rules under the Clean Air Act; to the Committee on Commerce.

By Mr. OWENS (for himself, Mr. HINCHEY, Mr. MCDERMOTT, Ms. VELÁZQUEZ, and Mr. FORD);

H.R. 1016. A bill to establish a Federal housing trust fund to provide decent, safe, and affordable housing for low-income families lacking such housing; to the Committee on Ways and Means, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 1017. A bill to amend title I of the Housing and Community Development Act of 1974 to give preference in awarding economic development grants made in connection with community development loan guarantees to cities having high unemployment rates; to the Committee on Banking and Financial Service.

By Mr. PETE GEREN of Texas:

H. Con. Res. 32. Concurrent resolution expressing the sense of the Congress that the Sikh nation should be allowed to exercise the right of self-determination in their homeland, Punjab, Khalistan; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. HOUGHTON, Mr. WYNN, Ms. LOWEY, and Mr. PETRI.

H.R. 209: Mrs. CHENOWETH and Mr. BUNNING of Kentucky.

H.R. 303: Ms. PELOSI, Mr. GONZALEZ, and Mr. NEY.

H.R. 326: Mr. MCCOLLUM and Mr. FOLEY.

H.R. 328: Mr. ANDREWS.

H.R. 359: Mr. FRAZER.

H.R. 438: Mr. BUNNING of Kentucky, Mr. SAXTON, Mr. STEARNS, Mr. MCKEON, and Mr. ROHRABACHER.

H.R. 489: Mr. BARTLETT of Maryland.

H.R. 490: Mr. BURTON of Indiana.

H.R. 500: Mr. BAKER of Louisiana, Mr. BACHUS, Mr. GALLEGLY, Mr. HEINEMAN, Mrs. WALDHOLTZ, and Mr. WATTS of Oklahoma.

H.R. 525: Mr. BAKER of Louisiana and Mr. BARTLETT of Maryland.

H.R. 560: Mr. SKEEN.

H.R. 580: Mr. YOUNG of Alaska.

H.R. 585: Mr. FOLEY, Mr. LIPINSKI, Mr. JACOBS, Mr. JOHNSON of South Dakota, Mr. HUTCHINSON, Mr. COSTELLO, and Mr. OBERSTAR.

H.R. 663: Mr. BAKER of Louisiana.

H.R. 705: Mr. SAM JOHNSON, Mr. SKEEN, Mr. CUNNINGHAM, and Mr. SAXTON.

H.R. 752: Mr. METCALF, Mr. YOUNG of Alaska, Mrs. KENNELLY, Mr. COYNE, and Mr. NORWOOD.

H.R. 784: Mr. FIELDS of Texas and Mr. MCKEON.

H.R. 789: Mr. ROHRABACHER.

H.R. 791: Mr. BLILEY, Mr. TAYLOR of North Carolina, Mr. BAKER of Louisiana, Mr. BACHUS, Mr. BAKER of California, and Mr. SOLOMON.

H.R. 797: Mr. GEJDENSON, Mr. SOLOMON, Mr. SCHUMER, and Mr. MORAN.

H.R. 800: Mr. BONILLA and Mr. WELLER.

H.R. 873: Mr. HUTCHINSON, Mr. NEY, Mr. UPTON, Mr. BROWN of California, Mr. BAKER of California, Mr. SAXTON, Mr. CAMP, Mr. CONDIT, Mr. ENGLISH of Pennsylvania, Mr. FIELDS of Texas, Mr. SOUDER, Mr. TORKILDSEN, Mr. LAZIO of New York, and Ms. FURSE.

H.J. Res. 6: Mr. LIGHTFOOT and Mr. PALLONE.

H.J. Res. 64: Mr. SAM JOHNSON, Mr. SKEEN, Mr. CUNNINGHAM, and Mr. SAXTON.

H. Con. Res. 12: Mr. EWING, Mr. HASTINGS of Washington, Mr. FAWELL, Mr. WELLER, Mr. HUTCHINSON, Mr. WILSON, and Mr. ROHRABACHER.

H. Res. 20: Ms. RIVERS, Ms. SLAUGHTER, and Ms. VELAZQUEZ.

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. 867: Mrs. MALONEY.

H.J. Res. 2: Mr. KIM.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

OFFERED BY: MR. BURTON

AMENDMENT NO. 6: In Section 6(3)(B)(ii), after the comma following ''agreements'' insert the following:

''including all agency actions required by the Uruguay Round Agreements Act,''

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 7: At the end of section 5 (pages , after line), add the following new subsection:

(c) COMMON SENSE REGULATORY IMPROVEMENTS.—Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) PERSONAL USE OF CAMPAIGN FUNDS.—A regulatory rulemaking action by the Federal Election Commission governing personal use of campaign funds, taken under the Federal Election Campaign Act of 1971 and with respect to which final rules were published on February 9, 1995 (60 Fed. Reg. 7862).

(2) IMMIGRANT ASYLUM REQUESTS.—A regulatory rulemaking action to improve procedures for disposing of requests for asylum under immigration laws, taken by the Immigration and Naturalization Service and with respect to which final rules were published on December 5, 1994 (59 Fed. Reg. 62284).

(3) HUD REGULATORY IMPROVEMENTS.—A regulatory rulemaking action by the Department of Housing and Urban Development—

(A) to establish a preference for the elderly in the provision of section 8 housing assistance, taken under subtitle D of title VI of the Housing and Community Development Act of 1992 and with respect to which a final rule was published on December 21, 1994 (59 Fed. Reg. 65842);

(B) to eliminate drugs from federally assisted housing, as authorized by section 581 of the National Affordable Housing Act and section 161 of the Housing and Community Development Act of 1992 and with respect to which a final rule was published on January 26, 1995 (60 Fed. Reg. 5280); or

(C) to designate urban empowerment zones or enterprise communities, taken under subchapter C of part I of title XIII of the Omnibus Budget Reconciliation Act of 1993 and with respect to which a final rule was published on January 12, 1995 (60 Fed. Reg. 3034).

(4) COMPENSATION TO PERSIAN GULF WAR VETERANS.—A regulatory rulemaking action to provide compensation to Persian Gulf War veterans for disability from undiagnosed illnesses, taken under the Persian Gulf War Veterans' Benefits Act and with respect to which a final rule was published on February 3, 1995 (60 Fed. Reg. 6660).

(5) CHILD MOLESTER DATABASE.—A regulatory rulemaking action by the Department of Justice to require persons criminally convicted of a sexually violent offense against a minor to register with State law enforcement agencies so that such agencies can develop a database of the identities and residences of those offenders, taken under title XVII of the Violent Crime Control and Law Enforcement Act of 1994.

(6) MIGRATORY BIRD HUNTING.—A regulatory rulemaking action by the Department of the Interior that establishes the hunting season, hunting hours, hunting areas, and possession limits for migratory birds, and with respect to which final rules were published on Nolatory rulemaking actions (or any such action relating thereto):

(1) AIRCRAFT SAFETY.—Any regulatory rulemaking action to improve aircraft safety, including such an action to improve the airworthiness of aircraft engines.

(2) MINE SAFETY.—Any regulatory rulemaking action by the Mine Safety and Health Administration that relates to reducing death, injury, or illnesses in mines, including such an action—

(A) to require better ventilation to avoid buildup of explosive methane gas, taken under section 101 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811) and with respect to which notice of proposed rulemaking was published at 59 Federal Register 26356; or

(B) to restrict the use of diesel equipment to avoid coal mine fires, taken under that section and section 508 of that Act (30 U.S.C. 957) and with respect to which a notice of proposed rulemaking was published at 54 Federal Register 40950.

(3) NUCLEAR WASTE DISPOSAL.—Any regulatory rulemaking action to ensure that before beginning the disposal of radioactive waste, the Waste Isolation Pilot Plant in New Mexico complies with appropriate disposal standards, taken under the Waste Isolation Pilot Plant Land Withdrawal Act and with respect to which a proposed rule was published on January 30, 1995 (60 Fed. Reg. 5766).

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 9: At the end of section 5 (page , after line), add the following new subsection:

(c) FOOD AND WATER SAFETY REGULATIONS.—Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) MEAT AND POULTRY INSPECTION.—Any regulatory rulemaking action to reduce pathogens in meat and poultry, taken by the Food Safety and Inspection Service of the United States Department of Agriculture and with respect to which a proposed rule was published on February 3, 1995 (60 Fed. Reg. 6774).

(2) DRINKING WATER SAFETY.—Any regulatory rulemaking action begun by the Administrator of the Environmental Protection Agency before the date of the enactment of this Act that relates to control of microbial and disinfection by-product risks in drinking water supplies.

(3) IMPORTATION OF FOOD IN LEAD CANS.—Any regulatory rulemaking action by the Food and Drug Administration to require that canned food imported into the United States comply with standards applicable to domestic manufacturers that prohibit the use of lead solder in cans containing food, taken under sections 201, 402, 409, and 701 of the Federal Food, Drug, and Cosmetic Act and with respect to which a proposed rule was published at 58 Federal Register 33860.

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 10: At the end of section 5 (page , after line), add the following new subsection:

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 11: At the end of section 5 (page , after line), add the following new subsection:

(c) REGULATIONS TO AID BUSINESS COMPETITIVENESS.—Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) CONDITIONAL RELEASE OF TEXTILE IMPORTS.—A final rule published on December 2, 1994 (59 Fed. Reg. 61798), to provide for the conditional release by the Customs Service of textile imports suspected of being imported in violation of United States quotas.

(2) TEXTILE IMPORTS.—Any action which the head of the relevant agency and the Administrator of the Office of Information and Regulatory Affairs certify in writing is a substantive rule, interpretive rule, statement of agency policy, or notice of proposed rulemaking to interpret, implement, or administer laws pertaining to the import of textiles and apparel including section 334 of the Uruguay Round Agreements Act (P.L. 103–465), relating to textile rules of origin.

(3) CUSTOMS MODERNIZATION.—Any action which the head of the relevant agency and the Administrator of the Office of Information and Regulatory Affairs certify in writing is a substantive rule, interpretive rule, statement of agency policy, or notice of proposed rulemaking to interpret, implement, or administer laws pertaining to the customs modernization provisions contained in title VI of the North American Free Trade Agreement Implementation Act (P.L. 103–182).

(4) ACTIONS WITH RESPECT TO CHINA REGARDING INTELLECTUAL PROPERTY PROTECTION AND MARKET ACCESS.—A regulatory rulemaking action providing notice of a determination that the People's Republic of China's failure to enforce intellectual property rights and to provide market access is unreasonable and constitutes a burden or restriction on United States commerce, and a determination that trade action is appropriate and that sanctions are appropriate, taken under section 304(a)(1)(A)(ii), section 304(a)(1)(B), and section 301(b) of the Trade Act of 1974 and with respect to which a notice of determination was published on February 7, 1995 (60 Fed. Reg. 7230).

(5) TRANSFER OF SPECTRUM.—A regulatory rulemaking action by the Federal Communications Commission to transfer 50 megahertz of spectrum below 5 GHz from government use to private use, taken under the Omnibus Budget Reconciliation Act of 1993 and with respect to which notice of proposed rulemaking was published at 59 Federal Register 59393.

(6) PERSONAL COMMUNICATIONS SERVICES LICENSES.—A regulatory rulemaking action by the Federal Communications Commission to establish criteria and procedures for issuing licenses utilizing competitive bidding procedures to provide personal communications services—

(A) taken under section 309(j) of the Communications Act and with respect to which a final rule was published on December 7, 1994 (59 Fed. Reg. 63210); or

(B) taken under sections 3(n) and 332 of the Communications Act and with respect to which a final rule was published on December 2, 1994 (59 Fed. Reg. 61828).

making action by the Securities and Exchange Commission to provide for increased competition among the stock exchanges, taken under the Unlisted Trading Privileges Act of 1994 and with respect to which proposed rulemaking was published on February 9, 1995 (60 Fed. Reg. 7718).

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 12: At the end of section 5 (page , after line , add the following new subsection:

(c) FAMILY AND MEDICAL LEAVE REGULATIONS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action (or any such action relating thereto) to clarify requirements under the Family and Medical Leave Act of 1993 with respect to which a final rule was published on January 6, 1995 (60 Fed. Reg. 2180).

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 13: Amend section 6(3)(A) (page , beginning at line) to read as follows:

(A) IN GENERAL.—The term ''regulatory rulemaking action'' means the issuance of any substantive rule, interpretative rule, statement of agency policy, or notice of proposed rulemaking.

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 14: Amend section 6(2)(A) (page , line) to read as follows:

(A) beginning on the date of the enactment of this Act; and

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 15: Amend section 7 (page , beginning at line) to read as follows:

SEC. 7. JUDICIAL REVIEW.

This Act shall not be considered to authorize or require any action that is subject to judicial review.

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 16: At the end of section 5 (page , after line), add the following new subsection:

(c) CIVIL RIGHTS EXCEPTION.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action to establish or enforce any statutory rights against discrimination on the basis of age, race, religion, gender, national origin, or handicapped or disability status.

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 17: At the end of section 5 (page , after line), add the following new subsection:

(c) TELEMARKETING AND CONSUMER FRAUD PREVENTION.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking actions (or any such action relating thereto) to prevent telemarketing fraud or consumer fraud, taken under the Telemarketing and Consumer Fraud and Abuse Prevention Act of 1994.

H.R. 450

OFFERED BY: MR. CONDIT

AMENDMENT NO. 18. In the proposed section 6(2)(B), strike the period at the end and in-

(A) and ending on the earlier of the first date on which there has been enacted after the date of the enactment of this Act a law authorizing appropriations to carry out the Endangered Species Act of 1973, or December 31, 1996.

H.R. 450

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 19: At the end of section 5 (page , after line , add the following new subsection:

(c) REGULATIONS RELATING TO ELEMENTARY OR SECONDARY SCHOOLS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action relating to elementary or secondary schools.

H.R. 450

OFFERED BY: MR. GENE GREEN OF TEXAS

AMENDMENT NO. 20: At the end of section 5 (page 4, after line 5), add the following new subsection:

(c) FAMILY AND MEDICAL LEAVE REGULATIONS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action (or any such action relating thereto) to clarify requirements under the Family and Medical Leave Act of 1993 with respect to which a final rule was published on January 6, 1995 (60 Fed. Reg. 2180).

H.R. 450

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 21: Amend section 6(2)(A) (page , line) to read as follows:

(A) beginning on the date of the enactment of this Act; and

H.R. 450

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 22: Amend section 7 (page , beginning at line) to read as follows:

SEC. 7. JUDICIAL REVIEW.

This Act shall not be considered to authorize or require any action that is subject to judicial review.

H.R. 450

OFFERED BY: MR. MARKEY

AMENDMENT NO. 23: At the end of section 5 (page , after line), add the following new subsection:

(c) SECURITIES AND COMMODITIES REGULATIONS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action by the Securities and Exchange Commission or the Commodity Futures Trading Commission.

H.R. 450

OFFERED BY: MR. MORAN

AMENDMENT NO. 24: At the end of section 5 (page , after line), add the following new subsection:

(c) IMMIGRANT ASYLUM REQUESTS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action (or any such action relating thereto) to improve procedures for disposing of requests for asylum under immigration laws, taken by the Immigration and Naturalization Service and with respect to which final rules were published on December 5, 1994 (59 Fed. Reg. 62284).

gender, national origin, or handicapped or disability status.

H.R. 450

OFFERED BY: MS. NORTON

AMENDMENT NO. 26: At the end of the bill (page , after line), add the following new section:

SEC. . CIVIL RIGHTS EXCEPTION.

Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action to establish or enforce any statutory rights against discrimination on the basis of age, race, religion, gender, national origin, or handicapped or disability status.

H.R. 450

OFFERED BY: MR. RADANOVICH

AMENDMENT NO. 27: At the end of section 6(4) (page , after line), before the period insert the following: ''or to increase product information or choice with respect to food products''.

H.R. 450

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 28: At the end of section 5 (page , after line), add the following new subsection:

(c) FOOD AND WATER SAFETY REGULATIONS.—Section 3(a) or (4)(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) MEAT AND POULTRY INSPECTION.—Any regulatory rulemaking action to reduce pathogens in meat and poultry, taken by the Food Safety and Inspection Service of the United States Department of Agriculture and with respect to which a proposed rule was published on February 3, 1995 (60 Fed. Reg. 6774).

(2) DRINKING WATER SAFETY.—Any regulatory rulemaking action begun by the Administrator of the Environmental Protection Agency before the date of the enactment of this Act that relates to control of microbial and disinfection by-product risks in drinking water supplies.

(3) IMPORTATION OF FOOD IN LEAD CANS.—Any regulatory rulemaking action by the Food and Drug Administration to require that canned food imported into the United States comply with standards applicable to domestic manufacturers that prohibit the use of lead solder in cans containing food, taken under sections 201, 402, 409, and 701 of the Federal Food, Drug, and Cosmetic Act and with respect to which a proposed rule was published at 58 Federal Register 33860.

H.R. 450

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 29: At the end of the bill (page , after line), add the following new section:

SEC. . FOOD AND WATER SAFETY REGULATIONS.

Section 3(a) or (4)(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) MEAT AND POULTRY INSPECTION.—Any regulatory rulemaking action to reduce pathogens in meat and poultry, taken by the Food Safety and Inspection Service of the United States Department of Agriculture and with respect to which a proposed rule was published on February 3, 1995 (60 Fed. Reg. 6774).

(2) IMPORTATION OF FOOD IN LEAD CANS.—Any regulatory rulemaking action by the Food and Drug Administration to require that canned food imported into the United States comply with standards applicable to domestic manufacturers that prohibit the use of lead solder in cans containing food, taken under sections 201, 402, 409, and 701 of the Federal Food, Drug, and Cosmetic Act and with respect to which a proposed rule was published at 58 Federal Register 33860.

H.R. 450

OFFERED BY: MR. SPRATT

AMENDMENT NO. 30: At the end of the bill (page , after line), add the following new section:

SEC. . REGULATIONS TO AID BUSINESS COMPETITIVENESS.

Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) CONDITIONAL RELEASE OF TEXTILE IMPORTS.—A final rule published on December 2, 1994 (59 Fed. Reg. 61798), to provide for the conditional release by the Customs Service of textile imports suspected of being imported in violation of United States quotas.

(2) TEXTILE IMPORTS.—Any action which the head of the relevant agency and the Administrator of the Office of Information and Regulatory Affairs certify in writing is a substantive rule, interpretive rule, statement of agency policy, or notice of proposed rulemaking to interpret, implement, or administer laws pertaining to the import of textiles and apparel including section 334 of the Uruguay Round Agreements Act (P.L. 103–465), relating to textile rules of origin.

(3) CUSTOMS MODERNIZATION.—Any action which the head of the relevant agency and the Administrator or the Office of Information and Regulatory Affairs certify in writing is a substantive rule, interpretive rule, statement of agency policy, or notice of proposed rulemaking to interpret, implement, or administer laws pertaining to the customs modernization provisions contained in title VI of the North American Free Trade Agreement Implementation Act (P.L. 103–182).

(4) ACTIONS WITH RESPECT TO CHINA REGARDING INTELLECTUAL PROPERTY PROTECTION AND MARKET ACCESS.—A regulatory rulemaking action providing notice of a determination that the People's Republic of China's failure to enforce intellectual property rights and to provide market access is unreasonable and constitutes a burden or restriction on United States commerce, and a determination that trade action is appropriate and that sanctions are appropriate, taken under section 304(a)(1)(A)(ii), section 304(a)(1)(B), and section 301(b) of the Trade Act of 1974 and with respect to which a notice of determination was published on February 7, 1995 (60 Fed. Reg. 7230).

(5) TRANSFER OF SPECTRUM.—A regulatory rulemaking action by the Federal Communications Commission to transfer 50 megahertz of spectrum below 5 GHz from government use to private use, taken under the Omnibus Budget Reconciliation Act of 1993 and with respect to which notice of proposed rulemaking was published at 59 Federal Register 59393.

(6) PERSONAL COMMUNICATIONS SERVICES LICENSES.—A regulatory rulemaking action by the Federal Communications Commission to establish criteria and procedures for issuing licenses utilizing competitive bidding procedures to provide personal communications services—

provide for competitive bidding for wide-area specialized mobile radio licenses, taken under section 309(j) of the Communications Act and with respect to which a proposed rule was published on February 14, 1995 (60 Fed. Reg. 8341).

(8) IMPROVED TRADING OPPORTUNITIES FOR REGIONAL EXCHANGES.—A regulatory rulemaking action by the Securities and Exchange Commission to provide for increased competition among the stock exchanges, taken under the Unlisted Trading Privileges Act of 1994 and with respect to which proposed rulemaking was published on February 9, 1995 (60 Fed. Reg. 7718).

H.R. 450

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 31: At the end of Section 5, add the following new subsection:

''(c) SPECIFIC RULEMAKING.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action by the Secretary of Agriculture related to dairy or the marketing of dairy products.''.

H.R. 450

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 32: In subsection 5(b), designate the existing subsection as (b)(2) and insert the following:

''(1) Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action issued under the Migratory Bird Treaty Act (16 U.S.C. 703, 704) for the purpose of authorizing the hunting season of migratory birds.''.

H.R. 450

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 33: At the end of Section 5, add the following new subsection:

''(c) SPECIFIC RULEMAKING.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action by the Secretary of Agriculture related to the use of the term 'fresh' on the labeling of raw poultry products with respect to which a notice was published at 60 Fed. Reg. 3454 (January 17, 1995).''.

H.R. 450

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 34: At the end of Section 5, add the following new subsection:

''(c) SPECIFIC RULEMAKING.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action by the Secretary of Agriculture pursuant to the Sheep Promotion, Research and Information Act of 1994 (P.L. 103–407).''.

H.R. 450

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 35: Amend section 6(3)(A) (page , beginning at line) to read as follows:

(A) IN GENERAL.—The term ''regulatory rulemaking action'' means the issuance of any substantive rule, interpretative rule, statement of agency policy, or notice of proposed rulemaking.

H.R. 450

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 36: In section 5(a)(2) (page , line), strike ''imminent threat'' and insert ''substantial endangerment''.

H.R. 450

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 37: In section 6(7) (page , beginning at line)—

(1) strike ''death, serious illness, or severe injury'' and insert ''substantial endangerment'';

(2) in the heading strike ''IMMINENT THREAT'' and insert ''SUBSTANTIAL ENDANGERMENT'', and in the text strike ''imminent threat'' and insert ''substantial endangerment'';

(3) strike ''during the moratorium period''; and

(4) at the end add the following: ''In section 5, the term 'imminent threat to health or safety' shall be considered to read 'substantial endangerment to health and safety'.''.

H.R. 450

OFFERED BY: MR. WISE

AMENDMENT NO. 38: At the end of section 5 (page , after line), add the following new subsection:

(c) AIRCRAFT, MINE, AND NUCLEAR SAFETY REGULATIONS.—Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking action by the Mine Safety and Health Administration that relates to reducing death, injury, or illnesses in mines, including such an action—

(A) to require better ventilation to avoid buildup of explosive methane gas, taken under section 101 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811) and with respect to which notice of proposed rulemaking was published at 59 Federal Register 26356; or

(B) to restrict the use of diesel equipment to avoid coal mine fires, taken under that section and section 508 of that Act (30 U.S.C. 957) and with respect to which a notice of proposed rulemaking was published at 54 Federal Register 40950.

(3) NUCLEAR WASTE DISPOSAL.—Any regulatory rulemaking action to ensure that before beginning the disposal of radioactive waste, the Waste Isolation Pilot Plant in New Mexico complies with appropriate disposal standards, taken under the Waste Isolation Pilot Plant Land Withdrawal Act and with respect to which a proposed rule was published on January 30, 1995 (60 Fed. Reg. 5766).

H.R. 450

OFFERED BY: MR. WISE

AMENDMENT NO. 39: At the end of the bill (Page , after line), add the following new section:

(A) to require better ventilation to avoid buildup of explosive methane gas, taken under section 101 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811) and with respect to which notice of proposed rulemaking was published at 59 Federal Register 26356; or

(B) to restrict the use of diesel equipment to avoid coal mine fires, taken under that section and section 508 of that Act (30 U.S.C. 957) and with respect to which a notice of proposed rulemaking was published at 54 Federal Register 40950.

(3) NUCLEAR WASTE DISPOSAL.—Any regulatory rulemaking action to ensure that before beginning the disposal of radioactive waste, the Waste Isolation Pilot Plant in New Mexico complies with appropriate disposal standards, taken under the Waste Isolation Pilot Plant Land Withdrawal Act and with respect to which a proposed rule was published on January 30, 1995 (60 Fed. Reg. 5766).

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, FEBRUARY 22, 1995 No. 33

Senate

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Reverend Dr. Ernest Gibson, pastor of the First Rising Mount Zion Baptist Church, Washington, DC.

PRAYER

The guest Chaplain, the Reverend Dr. Ernest Gibson, pastor of First Rising Mount Zion Baptist Church, offered the following prayer:

Let us pray:

This is the day the Lord hath made; we will rejoice and be glad in it.—Psalm 18:24.

Heavenly Father, we thank You for this day and the opportunity for service that it offers.

We thank You, O God, for Your Senators, representatives of Your people. We thank You for their deep concern for the welfare of this country. We ask Your guidance, O God, as this body works with today's responsibilities. May their decisions reflect Your will for this Nation and its people.

We thank You, O God, for our democratic Government. May the skill, knowledge, and commitment of this elected body protect and preserve its peace, liberty, and justice.

May the joy of service always be with these, the representatives of Your people.

In the name of our Sovereign God, Ruler of Men and Nation. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the order of the Senate of January 24, 1901, as modified on February 16, 1995, the Senator from Wyoming [Mr. THOMAS] is recognized to read Washington's Farewell Address.

Mr. THOMAS, at the rostrum, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I

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

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owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical*

discriminations,—*northern* and *southern—Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enable to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it

demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time debate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, or privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it.

Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that is must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER (Mr. SANTORUM). The Senate will now resume consideration of House Joint Resolution 1, which the clerk will report.

The assistant legislative 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.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Utah [Mr. HATCH] is recognized.

Mr. HATCH. Mr. President, we are continuing the balanced budget amendment debate, and I am happy that we will have a final vote next Tuesday, the 28th—at some time probably later in the day that day, because we will be stacking votes following the 2:15 return from our weekly meeting breaks.

Mr. President, the proposed constitutional amendment will help us to end this dangerous deficit habit in a way that past efforts have not. It will do this by correcting a bias in the present political process which favors ever-increasing levels of Federal Government spending.

In seeking to reduce the spending bias in our present system—the unlimited availability of deficit spending—the major purpose of House Joint Resolution 1 is to ensure that, under normal circumstances, votes by Congress for increased spending will be accompanied either by votes to reduce other spending programs, or to increase taxes to pay for such programs. For the first time since the abandonment of our historical norm of balanced budgets, Congress will be required to cast a politically difficult vote as a precondition to a politically attractive vote to increase spending.

Section 1 of the proposed amendment would address the spending bias—unlimited access by Members of Congress to deficit spending—by requiring a three-fifths vote of each House of Congress before the Federal Government could engage in such spending.

Such a procedure would not prohibit deficit spending, but would simply reestablish, as a norm, a budget in balance rather than one in deficit. A consensus greater than a normal majority would be required to violate this norm.

Unless such a consensus exists, Congress would be bound in its spending by its available revenues and would be forced to account for new spending in one program or budget area by either reduced spending in another area or by increased taxes. The political advantages resulting from support for new spending then would be matched, at least to some degree, by countervailing political disadvantages.

Section 4 of the proposed amendment would reinforce section 1 and further link tax spending and tax raising by requiring both Houses of Congress to approve any bill to increase revenues by a constitutional majority. While section 1 would ensure, as a norm, that Federal spending is matched by Federal revenues, section 4 would ensure that such revenues are not raised without political accountability for Members of Congress. It would also make it less likely that the budget would be regularly balanced by increasingly high levels of taxation. This balanced budget amendment, then, is a spending limit/tax limit resolution.

As a result, House Joint Resolution 1 effects a subtle, but important, change in the psychology of the budget process. Under the present system, each spending interest, in effect, competes with the taxpayers to raise the total ante in the Federal treasury.

Under a system, however, in which some form of spending ceiling is in effect, these same interests suddenly will be competing with one another in order to ensure themselves a certain portion of a fixed ante in the Federal treasury. Not only will spending interests have to convince Congress that their favored programs merit funding at a certain level, but they will, in addition, have to establish the priority of their programs.

A spending ceiling comprised of something beyond mere congressional self-restraint will force Members of Congress to view spending requests in terms of relative desirability, not simply in terms of whether or not a program is desirable at all, which is currently our rule. It is safe to conclude, I believe, that every program authorized by Congress is considered important and desirable, or it would not have passed into law in the first place. Presumably, we do not pass bills that no one wants at all.

The balanced budget amendment, however, will introduce an element of competition among the spending interests into the budget process. Congress will be forced to look at the whole spending pie, not just a piece of it.

In summary, the purpose of House Joint Resolution 1 is to eliminate a political process that allows Members to avoid having to vote for higher taxes in order to pay for higher spending and to establish a more genuinely neutral environment within which the budget competition occurs. The proposed amendment does not define what constitutes or what does not constitute a responsible budget, but only defines the institutional framework within which such budgets could be put together.

It is a necessary and appropriate step toward putting our fiscal house in order.

ACCOUNTABILITY

While it is true that much of the enormous growth in Federal Government spending over the past two decades may be a response to evolving notions of the role of the public sector on the part of the American citizenry—that is, a genuine shift in the will and desire of the people—it is my contention that a substantial part of this growth stems from far less benign factors.

In short, the American political process is defective insofar as it is skewed toward artificially high levels of spending, that is, levels of spending that do not result from a genuine will and desire on the part of the people. It is skewed in part because the people often do not have complete information about the cost of programs or about the potential for cost growth of many programs. It is skewed in this direction because of the characteristics of the fiscal order that have developed in this country in recent decades. It is a fiscal order in which Members of Congress have every political incentive to spend money and almost no incentive to forego such spending. It is a fiscal order in which spending decisions have become increasingly divorced from the availability of revenues.

The balanced budget amendment seeks to restore Government accountability for spending and taxing decisions by forcing Congress to prioritize spending projects within the available resources and by requiring tax increases to be done on the record. In this way, Congress will be accountable to the people who pay for the programs and the American people—including the future generations who must pay for our debts—will be represented in a way they are not now. Congress will be forced to justify its spending and taxing decisions as the Framers intended, but as Congress no longer does. No longer can Congress just say yes to every special interest group and shove the costs onto our children or pretend that there are no costs. Every spending decision will be forced to compete with others and subjected to rigorous cost/benefit analysis.

Mr. President, this is the essence of responsible fiscal decisionmaking, and is the essence of the balanced budget amendment.

Mr. President, we have just heard the address of our first President of the United States, which we have read to us on an annual basis during the time we celebrate Washington's birthday.

I have to say, Mr. President, that that first President, as well as most all subsequent Presidents, would not believe what is going on today with regard to our taxing and spending policies. They would not believe that for 26 straight years, we have failed to balance the budget. They would not believe that we have put our country into almost $5 trillion of debt, and they would not believe that a current President would have submitted a budget that has approximately a $200 billion deficit for each of the next 12 years. They would not believe that we are spending and taxing the American people the way we are.

They expected that perhaps, during times of war or during times of severe recession or depression, that there might be some deficits run. But they never expected, at the Founding, that we would run deficits every year for 26 straight years, and for most of the last 60 years. I think some of them must be rolling over in their graves.

This is a chance for us—because the House of Representatives for the first time in history has passed a balanced budget amendment, essentially the same one that we called up in 1982 and 1986 and last year—to follow suit and for the first time in history submit a balanced budget amendment to the States for their ratification. It is worth

the effort. It is worth the pain. It is something we simply must do.

Eighty percent of the American people realize it. We just need 67 percent of the U.S. Senate to realize it and vote for it.

Mr. President, I urge my colleagues in the strongest terms to support this constitutional amendment to help us to restore sound government to the American people. I think it is the only way we are going to get there and it is the only way we can protect the future or even have a future of any great value for our children and grandchildren. We owe it to them.

This is an important vote. It is probably the single most important vote of this century. All we need are 67 of those who sit in this hallowed body to stand up and say, ''We've had it. We've had enough. We're going to do something about it.'' It is a bipartisan resolution. It is a Democrat and Republican resolution. It has been hammered out between both sides. It is the first time in history we can do it, and we are going to do something about it. So I urge my colleagues to join with us in passing this balanced budget amendment on to the people in the States to ratify it as part of the Constitution.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MOYNIHAN. Mr. President, I have some good news and good news for the Senate.

I can report—and I know that my distinguished friend, our President pro tempore in time and my very dear friend, the chairman of the Judiciary Committee, will want to know—that I have just returned from Phoenix, AZ, where I had the honor to deliver the Goldwater Lecture at Arizona State University. I can report that Senator Goldwater is in great spirits, thriving, active, and irreverent, as usual.

I do not want to get any politics into this matter, but just now it is the Republicans in Arizona who are mad at him. But, no doubt, those reversals will come and go, as they have always done in his wonderful long and still very creative life.

The other thing to say is that I gave the lecture on the subject of the matter before us, a balanced budget amendment, and trying to relate, as I have done on the floor earlier, the extraordinary achievement which we have had in this country and to a considerable degree the members of the OECD, the Western industrial nations, Japan, and others, in modulating to a degree that they have almost disappeared, those huge swings in the economy that seem to be destabilizing the industrial world.

Industrialism brought with it a business cycle which was baffling. People could not understand how one day everybody is at work and a year later everybody is out of work. And unlike the farm—where you are always working whether you are making much or you are starving or not—the unemployed were standing on street corners. The banks were closed, industries padlocked their gates, all sorts of symbolisms of trouble, disorder, instability, which indeed gave rise to hugely radical assertions about the need to change the very structure of property, of management, of the social order.

In a chart which I displayed for the Senate on Monday a week ago, I showed the real growth, the change of GDP that had taken place between 1890 and 1990. This data, Mr. President, is provided by the Department of Commerce, the Bureau of Economic Analysis, and the chart was prepared by the Joint Economic Committee.

It is striking the way in which economic growth goes up, crashes down; up, down; up, crashes down; swoops up, down.

In the period between 1890 and 1938, which we will call a half century, the real GDP dropped almost 5 percent on three occasions: in 1893, in 1914, and in 1938. The exact numbers: 1893, 4.89 percent; 1914, 4.4 percent; and 1938, 5.1 percent; the 1938 date being well remembered as the occasion in which President Roosevelt, the New Deal seeming to have revived the economy somewhat, crashed down again regardless.

Then on two occasions the GDP dropped almost 10 percent. In 1908 it dropped 8.2 percent; in 1921 it dropped 8.7 percent. Then in 1932, as we know, it crashed 14.8 percent and we went into the Great Depression, a period which put at issue the question of whether a liberal, capitalist economy could continue to exist. It was said that obviously it cannot. It cannot provide stability in the economy and cannot provide for its people.

I mention these occasions—three times we dropped 5 percent or near to, twice 10 percent, once 15 percent in a half century. We do not drop from a zero level; we go down from heights. So, for example, in 1893, we were growing at about 12 percent a year in GDP, and in an instant real growth has dropped below zero to 4.8 percent, a 15-, 16-, 17-percent plunge. It was known as the panic of 1893. People were thrown into the streets.

Then in 1908, for no reason that any person understood and nothing the Government could do—our Government was too small to make much difference in the affairs of the economy at large. We had no national banking system. The Reserve had not yet been created by Carter Glass in this Chamber. Of the great issue of the 19th century, of all the great issues we struggled with, the only one we never resolved in the 19th century was the issue of the banking system. So there was no Federal Reserve and no monetary policy. It took a long time to get monetary policy, but we could not think about it until we had an instrument to do it.

There was also a big drop in GDP in 1946, but that was merely associated with the conversion from a wartime economy. We stopped building battleships, which are part of GDP, and down went the economy, and in no time you are building Chevrolets and up went the economy.

Now, the depression of the 1930's was the great trauma of American capitalism, of free enterprise, and all over the world political movements came to power that said it could not work; fascism in Germany; Leninism, Marxism, and similar movements pervaded every country, not least our own. Their common refrain: this system—capitalism—does not work.

If we could look at these swings, we could say there is a case to be made; human beings had never experienced this. But, if we could go back to millennia, we would see a rise and fall in the economic production associated with how good the crops were, did it rain, was it a wet spring. If the Mongols invaded, there was not much in the way of economic growth in Hungary that year. If the Black Death came along, it would have some effect, but not much. There was not much growth to begin with. Only with industrialism came great ups and downs, and people started saying that this will not work.

Then in the middle of the 1930's, the work which we associate with John Maynard Keynes was done which hit upon the key explanation of what was taking place. Classical economics held that ''all markets clear.'' That, Mr. President, is a technical term. It means that whatever is offered for sale will be bought—at a price, not necessarily what the seller would wish. But, Mr. President, wages will drop, prices will drop, and markets will clear and there will be full employment and full utilization of resources.

Economists were able to show that not necessarily. We could reach an equilibrium in which a large public of men were out of work, a large number of plants closed, a large number of mines were not operating. What classical economics could not account for, suddenly, was explicable. We began, finally, to break the code of the business cycle. And it is a nice piece of information, if I may say.

The first use of this economics, which was associated with the idea of underconsumption, you had to stimulate consumption, first use was made in World War II when the problem was overconsumption. And price levels came down in World War II. In 1944, the inflation rate was 2.2 percent. Not bad. But Government controlled, to be sure. And then they broke up in 1945.

In 1946, with this information at hand beginning to be understood, beginning to be numerate, we started to be able to get numbers for these things. We did not know what the unemployment rate

was in the Great Depression. We took the unemployment rate in the census, decennial census. We took it in the spring of 1930, not much unemployment. In the spring of 1940, rearmament had begun, and in the official statistics there was no depression. But people knew otherwise.

The Employment Act of 1946 stated as the goal of the U.S. Government the full utilization of resources, fullest possible—meaning men and women entering the work force, meaning capital, meaning plant and equipment which was capital, and so forth.

The Council of Economic Advisers was established. In the early years the economic report of the President was a pretty thin volume, but they were getting the hang of it. By 1946 we had an unemployment rate which was published. We will have the economic report shortly now and we will see that the series as statistics begins in 1946.

May I interject here to offer the congratulations of the Senate, if I may so presume, to Dr. Tyson, who the President has announced will leave the position of Chairman of the Council of Economic Advisers and become head of economic policy within the White House, a position Mr. Rubin had until he became Secretary of the Treasury.

They began to work on this notion of countercyclical behavior by the Federal Government. They began to realize—as John Kenneth Galbraith has shown this in his work—when the 1929 stock market crash took place, the Federal Reserve had acted in a way to deepen the decline rather than to counter it, the idea of countercyclical spending.

I have said before on the floor, Mr. President, that in the early years, the problem that the economists faced, or thought they faced, and Presidents agreed and Congress pretty much agreed, was that the Federal revenues were too large in the early stages of the business cycle; that as the economy began growing, revenues grew. In those days, before we had indexed the Internal Revenue Code and the tax rates, why, they would grow very fast. Congress did not spend them quickly enough. And, indeed, there emerged a problem. The Kennedy administration was the first to deal directly with this question—or more correctly, problem—called fiscal drag. Because in 1958, there had been a recession which took growth just a tiny tick below, into a negative position, not 1 percent, but one-half of 1 percent. And then the recovery had begun.

But in 2 years, it stalled so that another tick—not the big crashes, smashes, panics but not quite what we wanted. President Kennedy's economic advisers said, ''What do we do?'' They concluded that we had to put in place some countercyclical spending. Then I was to be an Assistant Secretary of Labor for Policy and Planning Research. It is a moment we all remember in our lives, if it comes to us. On my first visit to the Oval Office, I accompanied Secretary Arthur Goldberg, and we had a proposal to raise the pay of Federal employees. The President said, ''Good idea, we need that.'' And he also decided everybody should get at least $100 a year. And we went on like that. It was very early on. We moved the date of the dividend of the Veterans Administration life insurance forward. Then we gave a double dividend.

Then Joseph Pechman at the Brookings Institution, in conjunction with Walter Heller, Chairman of the Council, proposed revenue sharing with the States. We proposed a tax cut and, Mr. President, it worked. We went right through. When Arthur Okun gave the last report of the Council under President Johnson, he said, ''Look, 6 years of unbroken economic growth.''

They should have tamped down the economy, given the inflationary effects of the Vietnam war spending. And, indeed, when President Nixon came into office, although I believe he had a balanced budget, he also had a recession. But that came out of that.

And George Shultz, his first Director of the Budget, in his fiscal 1973 budget said, ''I am sending a full employment budget which will have a deficit, but the deficit will be the difference between what will be revenue at full employment and less than full employment.'' We were still stimulating.

So it went. We had one more tick in the seventies. Then in 1982, we had the only real decline in economic growth in the postwar period. Economic growth, GDP, gross domestic product, dropped 2.2 percent, one time in half a century. There was another slight tick in 1991. But again, just a tick. That had never happened before in the history of industrial societies. It is an immense achievement. It is not a Democratic achievement. It is not a Republican achievement. It is an achievement of applied analysis.

That is what is threatened. That achievement is what is threatened by this amendment to the Constitution. If it were a statute, I would not be spending my days on the floor. Statutes come and statutes go. This is the Constitution; the basic law of the land.

Mr. President, when I spoke last Monday, I recounted how in 1979, when there was a movement among the States to petition Congress to call a constitutional convention for this purpose, I had asked the then Chairman of the Council of Economic Advisers, Charles Schultze, a distinguished economist from the Brookings Institution, if he would run the numbers from the 1975 recession—a fairly serious recession, which President Ford had to live with—with a balanced budget amendment. He wrote me back to say the computer blew up; we had no countercyclical forces we could use, and so the hypothetical economy spiraled down to that equilibrium when there is a high rate of unemployment and a low rate of utilization of capital.

I mentioned also that we had simulated on our own on a back-of-the-envelope sort of thing. Dr. David Podoff, sometime chief economist on the Finance Committee, more recently minority chief economist, using Arthur Okun's principles developed in the early sixties, estimated that if we had a 3-percent increase in unemployment, some exogenous event—Mexico goes to ruin, oil prices spiral, whatever—we could end up with a drop of GDP of 18 percent. That is a depression figure. That was last Monday.

I see the distinguished sometime once and future President pro tempore on the floor. I would like to report to him that in yesterday's New York Times, there is a report of a simulation made in the Treasury Department. I take the liberty of saying this on the Senate floor. I know where it was made. I know it came about in response to some of our arguments. And, Mr. President, the story, by Mr. Louis Uchitelle, an able reporter, is headed ''The Pitfalls of a Balanced Budget. ''Dismantling a Decades' Old System for Softening Recessions.''

Here is the interesting event. I just say that they have simulated the 1991 decline and say, with a balanced budget amendment, unemployment would have reached 9 percent. A laid-off worker who collected $12,000 in unemployment pay might have received only $7,000, and so forth.

Now, sir, I said earlier that the new economics, the learning we went through, was not a Democratic thing or a Republican thing. It was applied social science learning, a collective learning.

And so the fascinating thing is that Mr. William Hoagland, the Republican staff director for the Senate Budget Committee, and a very able public servant, is quoted as saying—he is in fact, the first person quoted:

> There are risks associated with a balanced budget, and I don't think anyone should deny that. Nevertheless, the debate on the floor has been dominated by what we must do to get the budget in balance, not what the risks of a balanced budget amendment might be.

Mr. Hoagland expressed surprise that the biggest risk—deeper, more painful recessions—had not figured significantly in the debate—although the Senator from New York and my distinguished colleague from Maryland have called attention to this risk in several floor speeches.

This is Mr. Hoagland making the statement.

They go on to quote a whole series of economists, a sequence of economists saying, ''Does not Congress know what it is doing?''

''Does it not realize what we have achieved?''

And now, Mr. President, as I have been talking here long enough, and I know others wish to speak, particularly the distinguished Senator from West Virginia, I said I came back from Arizona last evening with good news and good news.

First, the good news is that I gave the Barry Goldwater lecture at Arizona

State University. Senator Goldwater is in great spirits, good health, active, and being as much a torment to his fellow Republicans as to his fellow Democrats.

But the second event was on the way to deliver the lecture, the very able president of the university, Dr. Coor, picked me up at the hotel. We had about a 20-minute drive to the university, and I told him what I was going to say. He said, ''Well, now, we all know that, don't we?'' That we went through this great achievement of learning to break out; that capitalism did not disappear; it is the same; and it is not even questioned in the world by this new economics. He said, ''Everyone knows that, surely. What's the problem with the Congress?''

Now, perhaps I do not want to put those words in his mouth per se. But he said, ''What is the problem?'' I had an idea, and I put it to him at the time. And I will say again, if I get one idea a week at this point, I feel that is a pretty good week. The idea is a very simple one: There are not enough people around old enough to remember what it used to be like. Sir, if you are under 60, you do not know anything about the economic world before we understood countercyclical financing by the Federal Government, before the Federal Government got the tools: It has to have a sizable budget. You have to have unemployment insurance, Medicaid, things like that, which automatically happen, a Federal Reserve that can take action. I said it has been in place so long that we forgot the pain with which it had to be put in place, the hard intellectual work, the accusations. To be a Keynesian was to be a Red, somehow. John Maynard Keynes was a liberal, sir. He was not a member of the Tory Party, nor a member of the Labor Party; he believed completely in the free market, private enterprise. He just wanted the free market to produce lots more goods and keep doing it.

Mr. LEAHY. Will the Senator yield for a question at that point?

Mr. MOYNIHAN. I am happy to yield.

Mr. LEAHY. Would the Senator accept the fact, however, that there are some Members in this body under 60 who at least understand the concept, if they have not felt the pain directly?

Mr. MOYNIHAN. Because they are learned Senators who have read their history.

Mr. LEAHY. Will the Senator yield further? And I am delighted to hear he was with my friend, Dr. Coor——

Mr. MOYNIHAN. Oh, yes.

Mr. LEAHY. Who served previously as president of the University of Vermont, and also with our mutual friend, of course, Senator Barry Goldwater, with whom we both had the opportunity to serve here in this body.

But I tell my learned friend and neighbor from New York something I just said to my dear friend from West Virginia, the senior Senator from West Virginia. A poll was taken very recently, in the last few days, in my State of Vermont, where a majority of Vermonters said, ''Yes, pass the balanced budget amendment.'' But then a very significant proportion said, ''But we don't expect it to do anything.''

I might say to my learned friend, because I listened to his discussions and I heard him lay out very much for the President of the United States at a small gathering a week ago that we should have a sense of history, probably the biggest sense of history we ought to have is that this country has amended the Constitution only 17 times since the Bill of Rights. We have done it very carefully. Now we have 60 or 70 proposals made in the last few weeks to amend the Constitution, all of which would fit nicely on a bumper sticker, none of which, I would add, would do anything to improve the greatest democracy in the world and many of which I feel would damage greatly this wonderful country.

I thank the Senator for yielding.

Mr. MOYNIHAN. I want to say, Mr. President, that the Senator has made a very important statement. When the painful process, the creative process of the economic system was taking place in the thirties, democracy was under assault the world over, and there were more than a few who had given up on it in this United States, and capitalism was thought to have been discredited forever; free enterprise was thought to be a selfish doctrine put forward by a privileged few, and full employment a nostrum of dreamers, idealists, and probably subversives.

Oh, what a time we had, and it was a close-run thing. I joined the Navy 50 years ago last July 1. I joined in the middle of a world war in which the forces we were contending against and with were as opposed to our system as any that ever existed in the world, and it was a close thing.

We have been going on about the *Enola Gay*. May I say to the Presiding Officer that the real issue was, was Hitler going to get that bomb first, because the people working on it here knew the people working on it there. And we knew what we could think up, they could think up. And the British destroying the heavy water plant in Norway may have made the real difference.

It was that close. Do you want to go back to that world? We could do it on this floor next Tuesday.

I see the distinguished Senator from West Virginia has risen.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. MOYNIHAN. I am happy to yield, Mr. President. I yield, whatever.

Mr. BYRD. The distinguished Senator from New York is making a very important statement. He discusses the countercyclical forces that come into play automatically in a time of recession. The distinguished Senator from Vermont has stated that there are many people who say that we ought to vote for this amendment, but who privately tell him that it will not work.

It is a sad commentary—and there are those of our colleagues who say that we need this in the Constitution in order to give us discipline, in order to enforce discipline upon us—that statement is a sad commentary on the character of the elected officials of our country——

Mr. MOYNIHAN. Yes, sir.

Mr. BYRD. To say that we need a new constitutional amendment to enforce discipline upon us, so we will balance the budget.

This constitutional amendment will have been before the Senate 30 days come next Tuesday. That is the final day of decision. The amendment was passed in the House, I think, in 2 days.

Mr. LEAHY. I believe so.

Mr. MOYNIHAN. Two days.

Mr. BYRD. Two days! And there have been some complaints about the time that we have taken in the Senate to debate it.

My good friend from Utah, the other day—if the Senator may yield, Mr. President, without losing his right to the floor, to me?

Mr. MOYNIHAN. I am happy to yield.

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

Mr. BYRD. Our good friend, the Senator from Utah, stated that, essentially, there appeared to be some indications that there was a deliberate attempt to delay the vote. Well, there has been a deliberate attempt to delay the vote, in order that we can take time to explore this amendment and dissect it, probe into it carefully. But then there was some expression that it was obvious that this was now becoming a filibuster. Of course, anybody who knows anything about filibusters knows that this is not a filibuster. There are people in this town who would not know what a filibuster is if they met it on the street. But there is kind of a mental—there is a mindset here in this town, that if you discuss a bill 4 or 5 days, or a week or 2 weeks, then there is a filibuster. I thank God for the United States Senate! I thank God for the United States Senate!

If the Senator will be patient—because I do not want him to discontinue his statement in this very important subject area, which will be vitally affected if we were, God avert, to lose our senses to the point that we would adopt this constitutional amendment. When Rome, the western seat of the Roman Empire, fell in 476 A.D. and the German, Odoacer, deposed the impotent, unfortunate, diminutive emperor, whose name was Romulus Augustus, the center of authority moved to the eastern seat of empire, namely, Constantinople. In Constantinople, there was no independent Senate. There was no independent Senate to challenge the emperor's claim of authority over even the church and theology. When Justinian, in 532 A.D., ordered his top general, Belisarius, to massacre citizens of Constantinople during the Nika rebellion, Justinian——

Mr. MOYNIHAN. In the stadium, I believe.

Mr. BYRD. Yes, Justinian had 30,000 of the citizens of Constantinople murdered. There was no independent Senate to challenge his authority to do so. With an autocrat like Justinian ruling in the Golden Horn, one need not wonder that the people of Russia, when they formed the Russian state some centuries later, had no Senate to teach them the lessons regarding checks and balances and separation of powers, and human rights, and limited monarchy.

When Ivan the Terrible, Ivan IV, in the year 1570 A.D. massacred hundreds—hundreds of citizens in the city of Novgorod, there was no independent Senate to challenge his right to exact such a revenge on those people. Muscovy had no Senate.

When Peter the Great built the city of St. Petersburg on the marshes and swamps near the Neva River, he brought in tens of thousands of slave laborers who met their deaths in the building of that city. Each worker was paid 1 ruble per month. But there was no independent Senate with control over the purse and with the power to challenge Peter the Great; no independent Senate to debate at length and to challenge the authority of Peter the Great.

When Stalin, in our own time—you do not have to go very far back in history to remember Stalin and Lenin—when they created the monstrous tyranny that spread its tentacles into Poland, Hungary, Czechoslovakia, East Germany, and the Baltic States, there was no independent Senate with power over the purse and the right of unlimited debate to challenge Lenin and Stalin. How many millions of people died under Stalin? More than 20 million—more than 20 million.

So here in America we have a Senate that takes all of 30 days, all of 30 days, mind you, in discussing an amendment which will forever—forever destroy the constitutional system of separation of powers and checks and balances, and the power over the purse, lodged in the legislative branch, as we know that system.

Mr. MOYNIHAN. Yes.

Mr. BYRD. I thank the distinguished Senator for taking the floor today. I wish I could have had the privilege of sitting in his classes. Perhaps I would know a little something about economics. But I am very thankful that I have the opportunity here to listen to him. And I listened carefully.

I thank the Senator for yielding.

Mr. LEAHY. I wonder if the distinguished Senator will yield to me for just a moment on this point?

Mr. MOYNIHAN. I will be happy to do so.

Mr. LEAHY. Mr. President, I associate myself, first with the remarks just made by the distinguished senior Senator from West Virginia, but also with the remarks made earlier by the distinguished senior Senator from New York.

At the risk of dealing with two of the foremost historians of the Senate, I would make a slight addition to what was said by the distinguished Senator from West Virginia and what was concurred in by the distinguished Senator from New York. The distinguished Senator from West Virginia said, ''Thank God for the U.S. Senate.'' I would add to that: Thank God for some individuals in the U.S. Senate.

The Senate gives us the right, under our rules and according to our history, to speak on these matters. But only if individual Senators do it. I applaud the distinguished Senator from West Virginia and the distinguished Senator from New York, for they, as Senators, utilized the opportunity. The Senate, while a great institution, is still made up of 100 individuals.

I have said, as my friends know, time and time again on this floor that the U.S. Senate should be, and can be, the conscience of the Nation, but only if individual Members exercise that conscience. I have said many times on this floor—and I will speak many more times on this constitutional amendment, as I will on some others coming up—let us look back on our 200 years of history. We are the greatest, most powerful democracy history has ever known. But we have become so because we followed our Constitution. We have amended it only 17 times since the Bill of Rights.

Frankly, Mr. President, I have not seen anything that has occurred in the 54 years of my lifetime that is so important and in such a need of change in our country that we must have this pell-mell rush to amend the Constitution—in just 2 days in the other body. Mr. President, that is a shame; that is a disgrace; that is not something to be proud of—to say to the American people that in 2 days we took this precious Constitution, this great cornerstone foundation of our democracy and we amended it.

Are we not doing a wonderful thing? No. To that I say, for shame. I have no idea how the vote will come out on this. But at least let us as Senators stand up and say to the American people that you heard a full discussion of it, not that it was rushed through because somebody wants to make a check mark.

I applaud my good friend from West Virginia with whom I have had the pleasure of serving my 20 years and my friend from New York with whom I have served 18 years, for standing up and reminding people of history. The history lesson does not fit on a bumper sticker or in a 12-second spot on the evening news or in a headline. And, unfortunately, I must say it does not fit often enough in the classrooms of the schools of this country. It should, and maybe the U.S. Senate will help bring it back.

Mr. MOYNIHAN. Mr. President, I want to express my great appreciation to the Senator from Vermont and my revered colleague, the Senator from West Virginia. If he was not in my classrooms, I have been in his classroom for 18 years. I hope it shows, at least to some extent.

I mean to propose to act in the manner that the Senator from West Virginia spoke of earlier Senate's having done because the emperor. We have a Chief Executive and we owe him our counsel, whether he welcomes it or not.

Sir, I have to tell you that the Treasury Department analysis of the calamitous potential of this measure, in terms of deepening recessions and leaving us with prolonged periods of unemployment, under utilization, bringing on crises between groups, between regions—the Treasury Department has prepared an analysis of this and that analysis is now in the White House waiting to be cleared or released. I say again, that analysis is now in the White House waiting to be cleared.

There is a simple fact hereabouts in this city—it is almost a secret but everybody knows it—which is that there are those who would like to see this issue go away. Pass the amendment, see what happens in 5 year's time or 3 year's time, not in 2 year's time. That would be the most profoundly irresponsible act I can imagine. I say, sir, that we are not asking for anything. Whether it is associated with executive privilege, this is simply the economic analysis that the profession will produce at this time. But we have not heard from the White House. There was one op ed article by Dr. Tyson that was not bad. But we have not heard from the White House what every President since John F. Kennedy has known and understood, that this would strip the Federal Government and particularly the executive branch of those automatic stabilizers which have kept us from plunging and trashing and dropping into ruin in the century that preceded the Employment Act of 1946.

Mr. President, I hope I am heard. I will know better by the end of the day. If I have not been heard, I will be on the floor first thing in the morning. I will stay here until it is clear that our request has been refused or what I hope is that it be granted so that we can help the President and avoid a calamity, which may be decided by one or two votes.

Finally, Mr. President, I ask unanimous consent that the text of the New York Times article, ''The Pitfalls of a Balanced Budget, Dismantling a Decades-Old System for Softening Recessions,'' be printed in the RECORD at this point.

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

[From the New York Times, Feb. 21, 1995]

THE PITFALLS OF A BALANCED BUDGET—DISMANTLING A DECADES-OLD SYSTEM FOR SOFTENING RECESSIONS

(By Louis Uchitelle)

The unemployment rate, which peaked at 7.7 percent after the last recession, could have reached 9 percent if a balanced budget had been required, Government and private

economists estimate. And a laid-off worker who collected $12,000 in unemployment pay might have received only $7,000 or so.

Such estimates of the potential economic impact are not emphasized very much, however, in the debate over the balanced budget amendment. So far, the battle has focused on its value as a tool to shrink government or to discipline spending. But if the amendment is enacted, the side effect would be huge: a system that has softened recessions since the 1930's would be dismantled.

''There are risks associated with a balanced budget, and I don't think anyone should deny them,'' said William Hoagland, the Republican staff director for the Senate Budget Committee. ''Nevertheless, the debate on the floor has been dominated by what we must do to get the budget in balance, not what the risks of a balanced budget amendment might be.''

Mr. Hoagland expressed surprise that the biggest risk—deeper, more painful recessions—had not figured significantly in the debate, although Senator Daniel P. Moynihan, Democrat of New York, and Senator Paul S. Sarbanes, Democrat of Maryland, had called attention to this risk in several floor speeches. ''The reason must be that the advocates of a balanced budget see the benefits to the economy as far outweighing the negatives associated with cyclical downturns,'' Mr. Hoagland said.

''That must be what is going on.''

No benefit seems to hold more sway than the view that the amendment would shrink the Federal Government by restricting its power to tax and to spend. A dollar not collected and spent by the Government is a dollar left in the hands of the private sector. And the private sector invariably invests money more efficiently than the Government, this view holds.

''The people have spoken clearly that government is too big and we need to do something about it,'' said Robert Hall, a Stanford University economist who favors smaller government. ''The problem is that the balanced budget amendment is a heavy-handed solution and risky.''

The biggest risk is to the nation's ''automatic stabilizers,'' which have made recessions less severe than they were in the century before World War II. The stabilizers, an outgrowth of Keynesian economics, work this way: When the economy weakens, outlays automatically rise for unemployment pay, food stamps, welfare and Medicaid. Simultaneously, as incomes fall, so do corporate and individual income tax payments. Both elements make more money available for spending, thus helping to pull the economy out of its slump.

The problem, of course, is that the stabilizers make the deficit shoot up—by roughly $65 billion as a result of the 1990–1991 recession, according to the Treasury Department. Under the balanced budget amendment, Congress and the Administration would be required to get the budget quickly back into balance, through spending cuts, higher tax rates, or a combination of the two—perhaps even in the midst of a recession.

''The Government would become, almost inevitably, a destabilizer of the economy rather than a stabilizer,'' said Joseph Stiglitz, a member of the President's Council of Economic Advisers. Many economists share that view.

Absent the stabilizers, every 73-cent drop in national income in the last recession would have become a $1 drop, said Bradford DeLong, deputy assistant Secretary of the Treasury, who as a Harvard economist studied this dynamic and recently updated his research. Of the 27 cents in cushioning, 20 cents came from falling tax revenue and 7 cents from the higher spending.

Economists outside the Government offer similar estimates. Ray Fair of Yale University, for example, said for every $10 billion decline in national income during a recession, the deficit rises by $2 billion, as the stabilizers kick in with their higher spending and lower tax revenue.

''We ought not to give up the stabilizers,'' Professor Fair said. ''That would be very Draconian.''

Nearly every economist agrees that the American economy requires, if not stabilizers, some substitute method for offsetting recessions in an era of balanced budgets. And those who favor the amendment are no exception.

''It would be a disaster to lose the stabilizers,'' said C. Fred Bergsten, director of the Institute for International Economics, who endorses the amendment as a necessary step if the nation is to afford the high cost of Social Security and Medicare for the baby boom generation, which reaches retirement age early in the next century.

Mr. Bergsten notes that the amendment, as now worded, would permit Congress to bring back the stabilizers by a three-fifths vote in both houses. The vote would permit the necessary deficit spending to finance the stabilizers.

While a three-fifths vote is a big hurdle, Mr. Bergsten and others argue that Congress would get used to authorizing the necessary deficits during recessions. Nevertheless, he would prefer a different solution. Once through the painful process of balancing the budget by 2002, as required by the amendment, then the Government should run budget surpluses in years of strong economic growth and full employment, Mr. Bergsten said.

The surpluses would cover the rising costs of the stabilizers during recessions. ''You could go down to a balanced budget in the hard years, and still give the economy a little stimulus,'' he said.

The Congressional Budget Office has estimated that the surplus needed to pay for the stabilizers during a recession as severe as that of 1981–1982, the worst since World War II, would be 1 percent of the national income during robust periods of full employment, and perhaps as much as 1.5 percent.

That would mean an annual surplus in today's dollars of $70 billion to $100 billion, rather than the nearly $200 billion or so in annual deficits expected under current policy. Most of the $200 billion is to help pay for programs like highway construction and new weaponry that have fixed costs and do not fluctuate with the ups and downs of the economy, as unemployment pay, food stamps, tax revenues and the other stabilizers do.

Some economists—including Milton Friedman, a Nobel laureate in economics who is with the Hoover Institute—hold that the stabilizers, despite the ballyhoo, are no longer so important. The Federal Reserve, through monetary policy, can more than offset their disappearance by lowering interest rates an extra notch or two to give the economy an additional stimulus in hard times.

''I have looked at many episodes in the world in which monetary policy went one way and fiscal policy the other, and I have never found a case in which monetary policy did not dominate,'' Mr. Friedman said. He favors a balanced budget amendment that would shrink the Federal Government by putting a ceiling on the tax increases that could be enacted to balance the budget.

But the Clinton Administration and even Federal Reserve officials question whether monetary policy could alone handle the task of reviving an economy in recession. The stabilizers, they note, kick in automatically—before the Federal Reserve and most economists often realize that the economy is falling toward recession.

A recession might be well along and getting deeper before the Fed recognized the problem and began to drop rates. The lower rates, in turn, would not be felt in the economy for a year to 18 months, the traditional lag. And even if the Fed acted quickly enough, the economy would behave in new and different ways without the stabilizers.

''My guess is that we would get it wrong the first time we went into recession, making that recession much deeper than it should be,'' said a Federal Reserve official, who spoke on condition that he not be identified. ''But we would learn from that experience and do a better job thereafter.''

Mr. MOYNIHAN. Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am, as I have said, going to speak again on the question of the balanced budget. I think that the speeches made by the distinguished senior Senator from West Virginia and the distinguished senior Senator from New York are such that I hope a lot of people will listen to them.

Obviously, I myself am in great agreement. As I have stated, the Senate owes a thanks to both of them. But more than that, the United States owes thanks. This is a matter that should be debated.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Vermont and the distinguished Senator from New York for their comments.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business on another subject.

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

A CHANCE FOR PEACE IN NORTHERN IRELAND

Mr. LEAHY. Mr. President, this is an historic day in the Republic of Ireland and Northern Ireland. I want Senators and the American people to be aware of the significance of what the people of that island have done today.

For the past quarter of a century, Unionists who favor continued British control over Northern Ireland, and Catholics who favor unification of Northern Ireland with the Irish Republic, have been locked in a cruel war over the status of the North. Over 3,200 people have died, many of them innocent civilians caught in the crossfire between the IRA and Protestant paramilitary groups.

Mr. President, as an American of Irish descent, the violence in Northern Ireland has had a profound affect on me. I have always unequivocally opposed the use of violence by both sides in Northern Ireland. Irish-Americans who care about the land of our ancestors condemn violence without reservation and support a peaceful settlement.

My father felt he would never live to see real peace in Northern Ireland, and

he did not. But I believe that my father's son will see it, both as an American and as a U.S. Senator.

In December 1993, our hopes were raised for an end to the bloodshed, when former Irish Prime Minister Reynolds, and British Prime Minister Major, declared that the future status of Northern Ireland should be decided by agreement of the people there. That declaration began a peace process that led to the IRA cease-fire last August. Two months later Protestant paramilitary groups stopped shooting, and the cease-fire has held.

Since then, the British Government has taken several steps to reduce tensions in the North, including ending daytime military patrols in Belfast. In the Irish Republic, a Peace and Reconciliation Forum has brought Sinn Fein, the political wing of the IRA, into informal talks with representatives of the Government and other parties.

Today in Belfast, in what I believe offers the best hope for peace in the 25-year history of the conflict, Irish Prime Minister Bruton and Prime Minister Major announced the publication of a long-awaited Framework Document which provides a basic for future negotiations on a peace settlement.

Mr. President, late yesterday afternoon, I returned from Dublin, Belfast, and London, where I met with leaders and individuals representing all points of view on the future of Northern Ireland. I went there over the weekend because I knew the peace process was at a decisive point.

I wanted to give encouragement. I also wanted to pay tribute to the people of both Northern Ireland and the Republic, Catholic and Protestant, who are courageously trying to find a way to a better future.

The Framework Document, which sets out a joint vision for the future of both Irish and British Governments, is a tremendous step forward. It reaffirms the principles of self-determination, of the consent of the governed, of democratic and peaceful means, and of full respect and protection for the rights and identities of both traditions.

From the conversations I had, both in the Republic of Ireland and Northern Ireland, with people of all political and religious traditions, I realized the importance of the document and of bringing people together who so fervently want to be brought together. Members of my staff, Tim Rieser and Kevin McDonald, who accompanied me, heard the same thing.

Since the framework's aim is to encourage all parties to come to the negotiating table, nobody is going to be content with all of it. If it were written in such a way that any one group found it totally acceptable, it would guarantee that the rest would find it totally unacceptable. The Unionists with whom I met condemned the Framework Document long before its release. I suggested they recognize it for what it is—a basis for discussion, not a final blueprint. I urged them to come to the negotiating table with their own ideas, not to condemn the process before even giving it a chance.

Mr. President, in Belfast I got a sense of the fear Unionists feel. For centuries they have thought of themselves as British, and today they fear that the British Government is abandoning them. Some longed for a past that never was, dreamed of a future that never would be, and they fear a present they do not understand.

It made a profound impression on me. Change in Northern Ireland is inevitable, but the Framework Document should threaten no one. It would give a majority of the people of Northern Ireland the right to decide their future. It is equally important to recognize that any lasting piece, any healthy society, muse be rooted in equal justice. The fundamental civil rights of both Catholics and Protestants must be protected in Northern Ireland.

Everywhere I went, I heard praise for the role President Clinton has played in supporting the peace process in Northern Ireland. I was told that not since the days of President John F. Kennedy has an American President been so interested in what is happening. It is clear that without his personal involvement we would not have seen this day.

I want to praise our Ambassador, Jean Kennedy Smith, who has taken up the cause for peace and encouraged the parties to move forward. And I want to praise especially those parties, many of whom have been enemies for decades, perhaps for centuries, who are willing to come together.

In Dublin and Belfast I told Unionists and Nationalists the same thing, that the U.S. Government will support this effort fully, and with even-handedness.

But the real work of peace will be done by them. Both have legitimate aspirations, and both traditions must find a way to accommodate one another. We cannot, nor can any other country dictate what that outcome will be. The parties must find it for themselves.

Mr. President, I am under no illusion that a peaceful future in Northern Ireland is assured. Immense difficulties lie ahead. To put the past behind, to build peace out of bloodshed, to find common ground where there has been so much hatred and distrust. But from all that I heard during my brief visit there, there is a new spirit emerging; a wide recognition that violence has failed; a new determination to find another way.

When mothers in Belfast sat with me and told me they did not want their children to face the kind of horror and violence that they have, it is not a feeling of Protestants or Catholics, it is a feeling of mothers throughout Northern Ireland. It is a feeling that should be listened to by the leaders, because the people do not want to go back to the violent days of the past.

Those mothers spoke of their children, who are going to live most of their lives in the next century. The leaders must decide what kind of a life they will have. The children cannot, but it is they who will be most affected. And if you have hatred and violence, prejudice and bias directed toward a child, does it make any difference whether that child is Protestant or Catholic? Those children have a right to expect their leaders to show courage and a sense of responsibility for the future and to give them a chance to live in peace.

Lasting peace means urgently dealing with the terrible problem of unemployment in the north. People need to have confidence in their government, but they also need jobs; they need economic security as well as physical security.

In Belfast, I saw some of the accomplishments of the International Fund for Ireland which the United States and European countries have supported since 1983. I can attest to the important work the Fund is doing to provide jobs in areas where unemployment among Catholics runs as high as 60 percent. The Fund's efforts have also brought together Catholics and Protestants in common endeavors where in the past there was virtually no contact between them.

And in speaking to members of the Orange Order in Comber near Belfast, I encouraged Unionists there to apply to the Fund and work together to bring jobs and a sense of security and a sense of hope in the future for their people.

President Clinton, in recognition of the Fund's accomplishments and the critical stage the peace process has reached, has proposed increases in our contributions in 1996 and 1997.

The Fund is a transitional program until real investment can take root in the north. A trade and investment conference is planned for May in Washington, and it is eagerly awaited by people in both Northern Ireland and the Republic. President Clinton's selection of Senator George Mitchell as his Special Adviser on Economic Initiatives in Ireland is not only indicative of the President's commitment to support peace there, it also ensures the success of the conference.

Again, in the Republic of Ireland, in Northern Ireland, and in the United Kingdom, I heard person after person praise the choice of George Mitchell, knowing the respect that is felt for him by both Republicans and Democrats in our country and by the President of the United States.

I am reminded of what Senator Mitchell, quoting Franklin Roosevelt, said to an audience in Dublin: In the dark days of our Great Depression, President Roosevelt said ''the only thing we have to fear is fear itself.'' He also said, ''the best social program is a job.'' That will be Senator Mitchell's work as the Presidents Special Adviser, and the work of all the people there.

Mr. President, the island of my ancestors is at an historic turning point. Today's publication of the Framework Document offers a real chance for an end to a conflict that has horrified so many for decades.

I want to commend the Irish and British Governments and all the parties who are seeking a better future for the people of Northern Ireland.

Mr. President, for the first time I have a sense of hope that peace is at hand in Northern Ireland, which my late father so desperately wanted. I have a belief that his son and his grandchildren will see it.

Mr. President, I ask unanimous consent that statements of Prime Ministers Bruton and Major and a summary of the Framework Document be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

SUMMARY—A NEW FRAMEWORK FOR AGREEMENT

These proposals:

Reaffirm the guiding principles of self-determination, the consent of the governed, exclusively democratic and peaceful means, and full respect and protection for the rights and identities of both traditions;

Provide for an agreed new approach to traditional consitutional doctrines on both sides:

The British Government will propose changes to its constitutional legislation, so as to incorporate a commitment to continuing willingness to accept the will of a majority of the people living in Northern Ireland, and a commitment to exercise their jurisdiction with rigorous impartiality on behalf of all the people of Northern Ireland, in a way which does not prejudice their freedom to determine Northern Ireland's constitutional status, whether in remaining a part of the United Kingdom or in forming part of a united Ireland;

The Irish Government will introduce and support proposals for changes in the Irish Constitution, so that no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted, and so that the Irish Government recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status;

Commend direct dialogue with the relevant political parties in Northern Ireland in developing new internal structures;

Propose a North/South body, comprising elected representatives from, and accountable to, a Northern Ireland Assembly and the Irish Parliament, to deal with matters designated by the two Governments in the first instance in agreement with the parties;

Describe ways in which such a body could work with executive harmonising or consultative functions, by way of authority delegated to its members by the Assembly;

Envisage that all decisions within the North/South body would be by agreement between the two sides;

Set out criteria for the designation of functions, and suggest a range of functions that might be designated from the outset, for agreement with the parties;

Envisage the Northern Ireland Assembly and the Irish Parliament being able, by agreement, to designate further functions or to move functions already designated between the three categories;

Envisage that the body will have an important role in consultation with the two Governments in developing an agreed approach for the whole island in respect of the challenges and opportunities of the European Union;

Envisage a Parliamentary forum, with representatives from new Northern Ireland institutions and the Irish Parliament to consider matters of mutual interest;

Envisage a new and more broadly based Agreement between the British and Irish Governments to develop and extend co-operation;

Envisage a standing Intergovernmental Conference which would consider matters of mutual interest, but not those transferred to new political institutions in Northern Ireland;

Envisage that representatives of agreed political institutions in Northern Ireland may be formally associated with the work of the Conference;

Provide for a complementary undertaking by both Governments to ensure protection for specified civil, political, social and cultural rights.

These proposals do not provide for joint authority by the British and Irish Governments over Northern Ireland. They do not predetermine any outcome to the Talks process. Agreement by the parties, and then by the people, is the key.

INTRODUCTORY REMARKS BY THE TAOISEACH (IRISH PRIME MINISTER), MR. JOHN BRUTON, TD, AT BELFAST LAUNCHING OF JOINT FRAMEWORK DOCUMENT, FEBRUARY 22, 1995

Today's new framework for agreement is a landmark event in the affairs on this island.

The two Governments are presenting to the political parties in Northern Ireland, and to the Irish and British peoples, a document which is the most detailed expression to date of our views on the subject of Northern Ireland.

The Prime Minister and I hope that the Framework Document will receive calm and measured consideration over the days and weeks ahead.

It is an important and serious text, offered as an aid to discussion and negotiation. It presents our best judgment of what might be an agreed outcome future talks involving the two Governments and the political parties.

We commend it to the parties for their careful consideration and we look forward to discussing it in detail with them at the earliest opportunity.

May I at this point pay a special tribute to my colleague the Tánaiste and his officials and to the Northern Ireland Secretary of State Patrick Mayhew and his team. Their determined efforts over many months have brought us to today's new framework for agreement.

The proposals which it contains are, we believe, balanced and fair and threaten nobody. No party need fear this document.

To the nationalist and republican people, the document:

Reaffirms that the British Government have no selfish, strategic or economic interest in Northern Ireland and that they will uphold the democratic with of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland;

Says that the British Government will enshrine in its constitutional legislation the principles embodied in this new framework for agreement by the amendment of the Government of Ireland Act 1920 or by its replacement by appropriate new legislation;

It will also be important to nationalists that both Governments consider that new institutions should be created to cater for present and future political, social and economic inter-connections within the island of Ireland. These institutions will enable representatives of the main traditions, North and South, to enter agreed relationships. This is the purpose of the North/South body proposed in this document.

To the unionist and loyalist people, I would point out that the document commits the Irish Government to ask the electorate to change the Irish Constitution. The change proposed will address Articles 2 and 3 in the following ways:

It would remove any jurisdictional or territorial claim of legal right over the territory of Northern Ireland contrary to the will of its people;

It would provide that the creation of a sovereign united Ireland could therefore only occur in circumstances where a majority of the people of Northern Ireland formally chose to be part of a united Ireland.

It is also important to unionists that the document also contains a recognition by both Governments of the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status, whether they prefer to continue to support the Union or a sovereign united Ireland.

The proposals will challenge the two traditions on this island but it will do so in an even-handed way. Neither tradition need fear its contents. As I have emphasized at every appropriate opportunity, it is a framework for discussion and not a blueprint to be imposed over the heads of anyone. Its purpose is to facilitate, not pre-empt, dialogue. At the end of the day, the people of both North and South respectively will have the final say.

The document is our carefully considered response to many suggestions, from the parties and others, that it would be helpful to have the view of the two Governments as to what might be an agreed outcome from future talks.

We are asking the parties to come and talk to us, openly and candidly, about these proposals. We believe that, taken in the round, they offer a basis for structured discussions leading to a new agreement.

We believe that they do. It is our hope that the political parties, having given them the attention they deserve, will take a similar view.

There can be no doubt about the enormous desire on the part of the ordinary public—here, in the rest of Ireland and in Britian—for the earliest possible resumption of political dialogue.

The ending of all campaigns of paramilitary violence last autumn has created an unrivalled opportunity for such dialogue to take place with a reasonable prospect of a successful conclusion.

I join the Prime Minister in appealing to all the parties concerned to grasp this opportunity.

The Framework Document is our judgement of how things can best be taken forward. We have, in our view, the best opportunity in a generation for a lasting political settlement. We owe it to the peoples of both of these islands to put that opportunity to the test.

OPENING STATEMENT BY THE PRIME MINISTER, THE RT. HON. JOHN MAJOR, MP, AT A JOINT PRESS CONFERENCE WITH THE TAOISEACH, JOHN BRUTON, TD, TO LAUNCH THE JOINT FRAMEWORK DOCUMENT, BELFAST, WEDNESDAY 22 FEBRUARY 1995

There is one reason, above all, why the Taoiseach and I have come to Belfast today.

We wish to offer our proposals here in Northern Ireland—to Northern Ireland's people and their representatives.

We seek to help peace, but only the people of Northern Ireland can deliver it.

So let me say to them:

These are our ideas, but the future is up to you;

You have an opportunity now which has not been there for many years;

An opportunity to work together to build a better future and a lasting peace.

Our proposals stem from the talks process launched four years ago, in March 1991.

It was agreed then by the two Governments and the four participating parties that the process would have three strands. It would seek a new beginning for:

Relationships within Northern Ireland;

Relations between the North and South of the island of Ireland;

And relations between the United Kingdom and the Republic.

We agreed that it was only by addressing all these relationships together than agreement would be found across the community in Northern Ireland.

At this press conference, the Taoiseach and I are publishing the document ''A New Framework for Agreement'' which deals with the second and third of these strands. A little later this morning I shall put forward a separate document proposing new arrangements within Northern Ireland—which is of course a matter for the British Government and the Northern Ireland parties alone.

Our proposals are based on several principles: self-determination, consent, democratic and peaceful methods, and respect for the identities of both traditions.

Consent is and will remain paramount in our policy.

It is the democratic right and the safeguard of the people of Northern Ireland.

No proposals for the future would be workable, let alone successful, without the consent and active support of all Northern Ireland's people. For they are the people who would carry them out and whose lives would be affected.

That is why any eventual settlement must be agreed by the parties; supported by the people of Northern Ireland in a referendum; and approved by Parliament—a triple consent procedure.

Our constitutional matters, each Government has offered crucial new commitments in this Framework Document:

As part of a balanced agreement the British Government would enshrine its willingness to accept the will of a majority of the people of Northern Ireland in British Constitutional legislation. We shall embody the commitments we made in the Downing Street Declaration;

The Irish Government would introduce and support proposals to change its Constitution, so that ''no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted''. This is a very important proposal that I welcome unreservedly;

These changes would offer Northern Ireland a constitutional stability which it has not hitherto enjoyed. Its future status, by agreement between the two Governments, would be irrevocably vested in the wishes of a majority of its people

In line with the three-stranded approach, we propose new institutions for North/South cooperation.

The North/South body which we outline would comprise elected representatives chosen from a new Northern Ireland Assembly and from the Irish Parliament. It would draw its authority from these two bodies. It would operate by agreement, and only by agreement.

On the UK side, the North/South body would initially be set up by legislation at Westminster, as part of a balanced agreement. It would come into operation following the establishment of the new Assembly. Thereafter, it would be for the Assembly and the Irish Parliament both to operate the body and to decide whether its functions should be extended.

Like all of our proposals, the new North/South institutions will be a matter for negotiation. But the way should now be open for beneficial cooperation between North and South without the constitutional tensions which have been such impediments in the past. We have made suggestions about areas which might be covered in this cooperation, to the advantage of both sides. Like all aspects of the document, they will be for discussion and agreement between all concerned.

The European Union already operates cross-border programmes between Northern Ireland and the Republic, as it does elsewhere. We propose that North and South could usefully work together in specific areas, to take advantage of what the EU has to offer. But the making of United Kingdom policy and the responsibility for representing Northern Ireland in the European Union will remain solely in the hands of the UK Government.

In the third of our Strands, we outline a new broader-based agreement to take the place of the 1985 Anglo-Irish Agreement.

The 1985 Agreement was criticised because the Northern Ireland parties had not contributed to it. Our new proposals are offered for discussion in the talks process. We want to hear the views of the parties; and we envisage that their representatives would be formally associated with the future work of the Intergovernmental Conference.

The Intergovernmental Conference would allow concerns to be expressed about any problems or breaches of the Agreement. But there would be no mechanism for the two Governments jointly to supervise or override either the Northern Ireland Assembly or the North/South body. It would be for each Government to deal on its own with any problems within its own jurisdiction. This would not be a question for joint decision, still less joint action. It is important to be clear about this, as there have been concerns on this score.

Our two Governments have worked with patient determination to agree on this Framework, and I am grateful to the Taoiseach, his predecessor, and the Tanaiste for their efforts and their spirit of accommodation.

Our proposals seek to stimulate constructive and open discussion and give a fresh impetus to the political negotiations. The outcome of those negotiations will depend, not on us, but on the consent of the parties, people, and Parliament.

It is not for us to impose. But what we propose is an end to the uncertainty, instability and internal divisions which have bedeviled Northern Ireland.

For over four years as Prime Minister, I have listened intently to the people of Northern Ireland. I have visited them, consulted them, travelled more widely than any predecessor throughout the Province, and held meetings with political leaders, church leaders, council leaders, community leaders, and people from all walks of life.

It is my duty as Prime Minister of the United Kingdom to maintain the Union for as long as that is the will of the people. It is a duty in which I strongly believe, and one which these proposals protect. Just as people cannot be held within the Union against their will, so equally they will never be asked to leave it in defiance of the will of the majority.

Consent and free negotiation are fundamental to me, and they are the foundation stones of this Joint Document.

In the four years of the Talks process, we have travelled a long way, but not yet far enough.

I know that many people will be worried, perhaps even pessimistic, about the future.

But, as we look at the hurdles ahead, let us also consider where we have come from.

The dialogue of the deaf has ended.

For four years, we have been engaged in talks.

The three-stranded approach is becoming a reality.

The Joint Declaration has been accepted.

The British Government is engaged in talks with paramilitaries on both sides.

We have had nearly six months of peace.

Prosperity and a normal life are returning to Northern Ireland.

The principle of consent, once accepted only by Unionists and the British Government, is today accepted almost everywhere.

These are some of the gains for everyone in Northern Ireland.

More gains can lie ahead if we have the courage to conduct ourselves with patience, with foresight and with consideration.

Mr. WELLSTONE. Mr. President, I wonder whether I could ask unanimous consent to speak for 7 minutes as if in morning business.

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

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

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 458 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WELLSTONE. Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:39 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ABRAHAM).

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I yield to the distinguished Senator without losing my right to the floor.

Mr. HATCH. Mr. President, I appreciate my colleague from West Virginia, and I appreciate his courtesy at all times.

This has been a very interesting and energetic debate. We used up almost all the time. There have been very few

quorum calls. I want to compliment people on both sides of the aisle and both sides of the issue. It has been a hard-fought debate. But it has been fought fairly. I believe that those on the other side of this issue feel very deeply just like those of us who want this balanced budget amendment feel very deeply ourselves. So I appreciate it.

We have had an extensive debate. I think it has been fair. It has been many, many days. We are now in our 15th day of actual debating, 3 solid weeks of time on the floor, and actually more if you talk about the normal running of the Senate. We have debated a whole raft of issues. In the next few days, the final days of this debate leading up to next Tuesday when we finally vote on this matter, we will have a number of amendments and give every Senator an opportunity to speak again or to bring up his or her amendments.

There has not been—I just want to remind everybody in this country today—that there has not been one balanced budget since 1969; not one in 26 years. There have been only seven balanced budgets in the last 60 years. Only seven. The national debt is now over $4.8 trillion. That is more than $18,500 for each man, woman, and child in America. Every one of us is in debt better than $18,500 and going up every day.

The national debt has increased $3.6 trillion since the Senate last passed this balanced budget amendment back in 1982 when I, as chairman of the Constitution Subcommittee, along with Senator THURMOND and others, brought it to the floor for the first time in history. We passed it through the Senate by the requisite two-thirds vote plus two. But the House killed the amendment, and since that date in 1982, the national debt has gone up $3.6 trillion.

In 1994, last year, gross interest against the national debt exceeded $296 billion. Just to put that in perspective, that interest that we paid last year was more than the total Federal budget or total Federal outlays in 1974. Just think about it. We spent more just paying interest against the national debt—that is money down the drain—than all of the outlays of the Federal budget, all of the spending of the Federal budget, in 1974. And that $296 billion interest payment last year is more than the total revenues of our Government were in 1975.

In 1994, gross interest consumed about one-half of all personal income taxes. One-half of all personal income taxes paid just went to pay interest against the national debt in fiscal year 1994. We spent an average of $811.7 million each day just on gross interest. That is $33.8 million each hour and $564,000 each minute that we were spending on gross interest alone.

Net interest payments in 1994 were 5½ times as much as outlays for all education, job training, and employment programs combined. Just think about that. Net interest payments—that is net interest payments—in 1994 were 5½ times as much as all we spent for education, job training, and employment programs in this country in the Federal Government.

In the 24 days since we first began this debate on the balanced budget amendment, the amendment that we have debated for years, the national debt has increased—I guess I better put that up here—has increased $19,906,560,000.

I have to put these indicators up because we have not done so. This is the 19th day. Here is the 20th day since we started the debate. That is $16.5 billion. Here is the 21st day since we started the debate. That is $17.5 billion, almost. The next one is the 22d day since we started this debate. That is $18,247,680,000, and last but not least is the—excuse me, this is the 23d day, $19 billion—$19,077,000,000—and finally, on the 24th day, just since we started the debate on this matter, we are now up to $19,906,560,000 in national debt that increased over those 24 days. Now, that is about $75 for every man, woman, and child in the United States of America.

I hope they have enjoyed this debate. It is not as good as ''Les Miserables,'' but it is about as expensive. Now, can you imagine what we are doing on an annual basis? We are going up by leaps and bounds—almost $1 billion a day in national debt. So this is really important. This is important stuff.

I do not find any fault with those who feel otherwise except that I think they are wrong. Something has to be done. We can no longer fiddle while Washington burns. We have to change the old way of doing things around here. We have to start doing things in a better way.

This amendment, as imperfect as it may be, is still the most perfect we have ever brought to either House of Congress, and it is a bipartisan consensus amendment. This amendment is something that would get us to make priority choices among competing programs and force us toward trying to live within our means. And it does it in a reasonable and worthwhile way.

So I hope our colleagues will realize this because we have 52 of 53 Republicans who are going to vote for this. All we need are 15 Democrats out of the 47. We are hopeful we will find 15 of them, and if we do, we will be on our way to solving some of these terrible problems that are besetting our country, and we will be on our way to helping the future of all of our children and grandchildren.

I thank my dear friend from West Virginia. I look forward to his amendment, and I thank him for allowing me this time just to set the tone for the debate beginning this afternoon.

(Mr. COATS assumed the Chair.)

Mr. BYRD. Mr. President, I thank the distinguished Senator from Utah for his many courtesies and also for the work that he has done on this amendment.

I do not expect everybody to agree with me by any means on this or anything else, but I sometimes find it hard to understand why others disagree with me especially on this subject. But every person has a mind of his own, and I do not set myself up as a paradigm of thought or action. I do think, however, that when the distinguished Senator from Utah makes reference to the need for a constitutional amendment in order to force us to exercise the discipline to balance the budget, it seems to me that that is a very sad commentary on the character of elected public officials; to say that we have to have a constitutional amendment to give us the discipline. I remember the words of H.L. Mencken, who was a great American writer and author and editor, who said that ''There is always an easy solution to every human problem—neat, plausible, and wrong.''

This constitutional amendment, in my estimation, falls into that category of being an easy solution to a very serious problem; it is neat, sounds plausible, but it is wrong.

> The devil knew not what he did when he made man politic; he crossed himself by 't: and I cannot think but in the end the villanies of man will set him clear.

Mr. President, this constitutional amendment unequivocally states that:

> Total outlays for any fiscal year shall not exceed total receipts for that fiscal year—

That means every year.

> unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

The two must balance, ''unless three-fifths of the whole number of each House of Congress shall provide by law,'' meaning passed by both Houses and signed by the President, ''for a specific excess of outlays over receipts by a rollcall vote.''

It cannot even be done by unanimous consent.

Of course, there is nothing in the present Constitution which says that we have to have a rollcall vote on everything that passes either body. The Constitution does require a rollcall vote if one-fifth of those present in either House request a rollcall vote. I have no problem with requiring a rollcall vote. I do not mind that. And I do not think other Senators mind it. I have not missed a rollcall vote now in over 10 years. I have cast around 13,500 rollcall votes since I have been in the Senate, not counting the rollcall votes that I answered when I was in the House of Representatives. The waiver has to be by a rollcall vote.

And what of the economic effects of this mandate for yearly budget balance? In fact, larger spending cuts or tax increases would be required in slow growth periods than in periods of robust growth, exactly the opposite of what is needed to stabilize a weak economy and prevent recessions—exactly the opposite.

The amendment, therefore, not only risks making recessions of greater frequency, depth, and duration, but mandating a balanced budget by fiscal year

2002—a year for which a deficit of $322 billion is projected by CBO—or within 2 years following ratification, whichever is later—would also impose constraints on the economy far in excess of those entailed in the 1993 budget law—a double whammy—a double whammy—that can stifle economic growth and cause unemployment to soar. The three-fifths waiver provision would prove ineffective as most recessions are already underway before they are recognized as such.

So, any recession may already be upon us. It may have been several months in duration already before it is recognized as such. Recessions often are not recognized as recessions until a month, 2 months, several subsequent months are passed. How are we, then, going to waive, by a three-fifths vote, this requirement, so as to pass a resolution for a specific excess of outlays over receipts? How are we going to do it?

Suppose we have already passed the close of the fiscal year before we realize that we are in a recession? The end of the fiscal year, September 30, has gone. How are we, then, going to waive by a three-fifths vote this requirement so as to provide a law for a specific excess of outlays over receipts for that fiscal year which has just passed. How are we going to do that?

We hear it said that the American people have to balance their personal budgets. That is one of the shibboleths that we have heard so often: The American people balance their budgets. Every family has to balance its budget, we hear. States have to balance their budgets—that is another shibboleth. States have to balance their budgets, why can the Federal Government not balance its budget? Let us take a closer look at these popular notions. First, I do not think anyone would argue that businesses should not be able to borrow. We all know that businesses borrow to finance the purchase of high technology and equipment. Businesses borrow to modernize plants and equipment.

They would go under if they could not borrow. They have to keep their equipment modernized in order to compete with the other businesses in the community or nearby. They have to borrow in order to finance the purchase of high technology and other equipment. Businesses borrow to modernize plants and equipment. States borrow. My State of West Virginia borrows. Other States borrow to pay for roads and schools and other capital projects.

The chart to my left sets forth the total State government debt, fiscal years 1960 through 1992. And the source of the data on which the chart is based is the Bureau of The Census. Viewing the chart to my left, the viewers will note that in 1960, the total of State government debt for 1960 is $18.5 billion, of which the amount shown in the red coloring, $9.2 billion, was nonguaranteed debt. The portion that is shown in the yellow color is that portion of the debt which is backed up by the full faith and credit of the State.

Now, notice how the State debt has grown, both the nonguaranteed debt and the full faith and credit portion of the debt. In 1992, the total State government debt was $371.9 billion, of which $272.3 billion was not backed up by the full faith and credit of the State but was nonguaranteed debt. That nonguaranteed debt costs the State taxpayers more than the guaranteed debt, in terms of interest. That portion that is colored yellow on the chart, that portion of the total State debt was backed up by the full faith and credit of the State.

Therefore, one will see that in the course of 32 years, 1960 to 1992, State debt in this country increased from $18.5 billion to $371.9 billion. In other words, roughly, as I calculate in my cranium, the total State debt had increased about 20 times—20 times. State debt in 1992 was 20 times greater than it was in 1960.

Who says that States balance their budgets? The States do not balance their budgets. They are in debt. They are heavily in debt. They borrow to invest, in most cases; but they borrow to pay for roads and schools and other capital projects. Many of the Governors will say, ''My State balances its budget, why can the Federal Government not balance its budget?'' Those Governors know better than that. They know that the States operate on two budgets, a capital budget and an operating budget. So why attempt to mislead the people into thinking that oranges are apples or that apples are oranges or that black is white or that white is black, when the case is plainly not such?

The Federal Government operates on a unified budget. It does not have two budgets, a capital budget and a operating budget. So the States are different. But do not let anybody ever tell you that the States are not in debt. They are heavily in debt and they are going more into debt all the time, as we can see from this chart to my left.

Then there are those who say that the American families balance their budgets—a lot of people believe that. But when they stop to think seriously about the matter, they will come to the conclusion that most American families really do not balance their budgets. They borrow. They borrow to buy what? To buy an automobile. What else? To buy a home. I know, because I have had to borrow in my lifetime to buy a home. My wife and I have worked hard to pay off the mortgage on the home. We were in debt. We did not balance our budget.

We balanced our operating budget, but we did not balance our total budget. We had to borrow. We borrowed the money. We did not balance our budget, did we, in the sense that we are talking about here when we say that the Federal Government ought to balance its budget? No. We borrowed the money, and we paid back, over a period of years, the principal and the interest on that borrowed money.

We hear much these days about a so-called Contract With America. The so-called Contract With America. That is a big joke. In pursuance of that so-called Contract With America, the other body adopted this constitutional amendment to balance the budget in 2 days—2 days! There is not a town council in this country anywhere that would not spend 2 days—at least 2 days—in determining whether or not to issue a permit to build a golf course. Two days! Our Founding Fathers spent 116 days, from May 25, 1787, to September 17, both inclusive—116 days, behind closed doors. They stationed sentries at the door, and the windows were kept shut to prevent eavesdropping on what was being said on the inside. George Washington instructed the delegates to not leave any papers lying on the desks and to not discuss the proceedings with anyone on the outside. We cannot even have a caucus without someone having to come out of the caucus and spill his guts to the press.

At that Constitutional Convention, on one occasion, someone carelessly left his convention notes on the desk overnight. George Washington, the next day, called attention to the fact that someone had left his notes, and Washington was upset. He threw the notes onto a table and said: ''Let him who owns it take it.'' Nobody claimed the notes. Washington walked out of the room. It was serious. The Framers met for 116 days; yet here, in 2 days time—2 days—the other body adopts this constitutional amendment.

Thank God for the U.S. Senate! The Founding Fathers certainly knew what they were doing when they created the Senate, a place where we can have unlimited debate. It can only be limited by a cloture motion or by the willful entering into a unanimous-consent agreement on the part of all of the Members.

This constitutional amendment is part of the so-called Contract With America. I read about it every day. The newspapers keep a running marker on the so-called contract—how many days have gone by, and what has passed the House, and all that.

Well, I once signed a contract myself. But not the so-called Contract With America. I signed a contract once upon a time and I have a replica of it here on this chart. This was entered into on May 25, 1937, almost 58 years ago. Let us see what this contract says. Mind you, now, one of the shibboleths in this debate is that the American families balance their budgets. I consider myself as being an average American. I once had to work in a gas station, which was my first job after graduating from high school in 1934. Then I became a produce salesman. I sold cabbage, turnips, rutabagas, watermelons, peaches, pears, apples, radishes—all those nice things. I used to spread them on my produce counter. Then I

became a meat cutter. I worked as a meat cutter for a number of years.

While I was working in this meat shop for Koppers Stores, I entered into this contract. It is not the so-called Contract With America, you understand. This contract cost me $189.50. What did I get out of this contract? No Contract With America is as bona fide as this contract was. If I had broken this contract, I would never have come to the U.S. Senate. Here is what it said:

''Store number 30.'' You see, Koppers Stores was an organization that had a number of stores in Pennsylvania, West Virginia, and some other States. The customer, who was he? ROBERT BYRD. Date, May 25, 1937. That was 4 days before I got married. I am still married to my first wife. On May 25, 1937, I entered into that contract. What does it say?

This conditional sales agreement between Koppers Stores, Division of Koppers Coal Company, a Delaware Corporation, hereinafter called Vendor—

I probably did not know what ''vendor'' meant at that time. I had just graduated from high school three years before. I was out of high school 16 years before I started to college.

and Robert Byrd, residing at Stotesbury, House No. 207 . . . in the County of Raleigh, State of West Virginia . . .—

Here is what was in the contract: A five-piece bedroom suite consisting of one vanity, one bed, one chest, one night table, and one bench, valued at $189.50. Here is what the contract said.

. . . which articles Purchaser agrees to use and keep in like good order and for which Purchaser agrees to pay in cash or scrip of the above-named company as follows: $5 on delivery of this agreement, the receipt of which is hereby acknowledged, and the sum of $7.50, twice each month, payable on the two Saturdays which are nearest to the tenth and twenty-fifth days of each month at the offices of the above named company, for 13 months . . .

. . . or until the total amount of $189.50 shall have been paid, and Purchaser hereby assigns to Vendor out of any wages due to Purchaser from Purchaser's employer, semimonthly, the said sums so payable semimonthly to Vendor under the terms hereof until said total amount shall have been paid, and hereby authorizes and directs his employer to deduct said sums on the days aforementioned from wages due him on such days, and to pay the same to Vendor, after which total payment the title to the above listed property shall pass to Purchaser without encumbrance.

See, not until I have paid that $189.50 did the title pass to this poor old butcher boy.

It is understood, however, that pending such total payment, title to said property is reserved and remains in Vendor. And it is agreed that Purchaser shall not, without the consent of Vendor, remove said articles from Raleigh County, nor sell, mortgage, or otherwise dispose of Purchaser's interest in them.

And it is agreed that if Purchaser should be in default—

Get this.

in the payment of any of the installments of purchase money due hereunder, without the written consent of Vendor, or if Purchaser should sell, mortgage, or otherwise dispose of purchaser's interest in any of the above listed property, or remove any of said property from Raleigh County, then the Vendor, its successors and assigns, shall have the right to retake possession of said articles and deal with them in accordance with the statutes for such cases made and provided and in so doing, enter and, if necessary, break into any house, place or premises where said articles may be, provided the same may be done without breach of the peace; or the said company may, at its option, rescind this sale.

Witness the following signatures and the seal of Purchaser this 25th day of May, 1937.

And here is yours truly, ''sign here,'' it says, ''ROBERT BYRD.'' This is it! That was my contract—$189.50.

Now, that is about what every family in America has to experience from time to time in buying a house, buying a car, buying a bedroom suite, buying a refrigerator, buying a farm.

My foster father bought a farm in the mid-1920's. Did he pay for it in cash? No. He had to go in debt for it. I remember that we lived in Mercer County at that time. He had a gentleman sign his note. The man's name was Eads—a Mr. Eads. I forget the first name, but he lived at Camp Creek in Mercer County, West Virginia. He signed the note for $1,800. It was a 26-acre farm. It was not a great farm; just two hillsides that came together down in the hollow where a creek meandered its way down the valley. Sometimes it became a swirling treacherous stream when the rains came.

But he went into debt for that farm, $1,800, along about 1925–1926. I was in about the fifth grade. My dad had to go in debt.

So that is the story as to how American families ''balance'' their budgets.

So don't let it be said that the Federal Government should balance its budget like ''every family in America balances its budget.'' Only a few fortunate families, relatively speaking, are able to balance their budgets. Families borrow to buy a farm, or farm equipment, or to finance a college education. Many parents borrow money to finance the college education of their sons and daughters. In fact, the American people have borrowed billions of dollars, as shown on the chart to my left, for myriad reasons.

This chart to my left indicates the consumer debt from installment loans in billions of dollars. This excludes real estate, which amounts to over $3.5 trillion.

In 1980, the consumer debt in this country was $292 billion. It has gone up every year, has increased, with the exception of 2 years. In 1991 and 1992 there was a slight drop. In 1992, it dropped to $731 billion. But in 1994, September, the consumer debt in this country from installment loans was $880 billion. That does not count real estate debt. Real estate debt that the American people owe is over $3.5 trillion—over $3.5 trillion—for their homes and farms. But other than real estate, consumer debt itself from installment loans went from $292 billion in 1980 to $880 billion in 1994. In other words, in 14 or 15 years, it increased from close to $300 billion to almost $900 billion, almost three times as much.

Those peoples are borrowing to make an investment, for the most part. They are investing in a roof over their heads when they borrow money for their homes. They are investing in a brighter future for their children when they borrow money for college loans. These are investments that families make in the future. Surely no one would advocate passing a law that would prohibit that type of borrowing. Surely no Senator would stand on this floor and offer a bill that mandated that a family or a business or a State of this Union would be denied all loans unless those loans could be paid in full within 12 months.

Yet, under this amendment, unless three-fifths of the whole number of both Houses vote to allow Federal borrowing on an annual basis, the Federal government will be denied the methods that most businesses, State and local governments, and families use to finance investments critical to their proper functioning, economic prosperity, stability, and well-being. We would be making it nearly impossible for the Federal government to ever again make a substantial investment in its people, and in their future unless it could be totally paid for each and every year. Never mind the merit of the investment. Never mind the wisdom or the need of the investment. There is only one standard which must be met and that is the standard of ability to completely offset any costs yearly.

I know there is the out, there is the escape hatch, of three-fifths of the Members may vote to waive this mandate.

What about the argument that 49 States have some type of statutory or constitutional balanced budget requirement, so why should we not have a balanced budget amendment to the Federal Constitution? This argument is simplistic, perhaps interesting, but really not relevant. The States, unlike the Federal government, are not required to raise and support armies, not required to provide and maintain a navy, not required to provide for the common defense and general welfare of the United States. Nor do they carry the responsibility for the conduct of international relations or for the fiscal and economic policy of the Nation. Moreover, there are fundamental differences in Federal and State fiscal and budgeting structures. Balanced budget requirements for States generally affect operating budgets but not capital budgets, whereas the Federal government operates on a unified budget. Operating and capital budgets are not separate and distinct in the Federal budget as they are in State budgets. This proposed balanced budget amendment to the U.S. Constitution would require the total Federal budget to be balanced, including capital investment,

pension funds, and operating expenditures, and it would require such a budget each and every year.

Furthermore, balanced budget requirements and practices at the State levels leave much room for evasion, so that not everything meets the naked eye. Revenues and expenditures are often shifted from one fiscal year to the next, off-budget agencies are often used, program and funding responsibilities are shifted to county and local governments, short-term borrowing and borrowing from pension funds are common at the State level.

Much State borrowing is made through off-budget, non-guaranteed debt instruments which require higher interest payments. The States are in debt. We better believe it. The Governors say, ''We balance our budgets.'' Mr. Reagan used to say, ''Well, we balanced our budget in California, the States have to balance their budgets.'' ''The States have it, why not let me have it?'' Mr. Bush would say the same thing. ''They balance their budgets, why not the Federal Government?'' But in fact, they do not. The States are in debt, but they hide it.

On another front, Mr. President, the three-fifths requirement to waive the requirements of section 1 would have the real effect of diluting the power of the small States of this country. I hope that the rural States and smaller States will take a long, hard look at this provision. If this amendment is ratified, we are going to have to balance this budget, come—I will not say the word ''hell,'' I will use the word Abaddon or Sheol, but as some would say—hell or high water, in any and every fiscal year—recession, depression or not, unless ''three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.'' Now, that dilutes the voting strength of the small- and medium-sized States in this country. It puts into the hands of the large States vast bargaining power.

Let me illustrate my point. I will take only six States. How many votes would be required to defeat any waiver? It only takes two-fifths plus one vote of either House. The Senate might unanimously support a waiver of section 1 in a given year. In the Senate, all the States are equal. This is the only forum in this Government in which all the States—large States, small States, middle-sized States—are equal. Little West Virginia is equal to the mighty State of California. West Virginia has three votes in the other body. Three votes. California has 52. Two-fifths plus one of the other body, can thwart the waiver. That is where the voting strength of the small States would be diluted. There are 435 Members of the other body. One-fifth is 87. Two-fifths is 174. All that is needed in the House to block the waiver of section 1 would be 175 votes. Now, on the chart to my left. Viewers will recognize six States that have a total of 177 votes; California, with 52; New York, with 31; Texas, with 30; Florida, with 23; Pennsylvania, with 21; and Illinois, with 20. That adds up to 177 votes. Two votes to spare. It only takes 175 votes in the other House to thwart a waiver of this requirement in this new constitutional amendment. We could substitute Ohio for Illinois, substitute 19 for 20, and if we do that we have 176 votes. So we still have one vote to spare.

Remember that 175 votes will block the waiver of section 1, or the waiver of section 2. If we substitute Ohio for Pennsylvania, Ohio with 19, Pennsylvania with 21, and put Ohio in with 19 votes, we hit it right on the nose—right on the nose, 175 votes.

Therefore, under this scenario, 6 States have by virtue of the provision in the proposed constitutional amendment outvoted the other 44 States.

How do small States feel about that? The big States can have the ability to band together and bargain. If those six States stood solidly in the House, they could say to the whole Senate, they could say to the rest of the Members of the House ''We will not budge unless you give to us this or that.'' The voting power of the other 44 States will be rendered nugatory. Small States had better take a good, hard look at the fine print with this constitutional amendment. And Senators who represent small States had better take a hard look because in the other body, small States will not wield nearly the power as would the large States. The people of the small States and the newspapers in the small States had better take notice. Small States are going to be left out in the cold. It will be a perpetual winter of discontent. Perhaps it would only be in an extreme situation, and it would be, that six States would line up as they are lined up on the charts, but it is possible. Small States would be penalized under this amendment.

It might not be 6 States, it might be 8, might be 10, it might be 15. Make no bones about it, small States will be penalized under the amendment. Make no bones about it.

Now let us take a look at the sections of the amendment involving limit on the debt. Under House Joint Resolution 1, the debt limit cannot be increased unless three-fifths of the whole number of each House votes to do so by rollcall.

I will read it:

> Section 2, the limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

Increases in the debt limit often muster only a bare majority, and then, with some difficulty. In fact, the debt limit has been raised 29 times over the period February 1981 through August of 1993 and in only two of those instances did three-fifths of the whole number of both Houses vote to increase the debt limit. But, on only two of those occasions did three-fifths of the whole number of both Houses vote to increase the debt limit over the period of February 1981 through August of 1993. This means that on only two occasions did the Congress meet the supermajority requirements of this balanced budget amendment. To further illustrate the difficulties of requiring a supermajority vote to raise the debt limit I quote from a letter which I received from the Director of the Office of Management and Budget, Dr. Alice Rivlin. She writes in part ''* * * the amendment's debt limit provisions would lead to financial brinkmanship. It would permit a minority, in the House or the Senate, to hold the Federal Treasury hostage whenever the nation's finances require the issuance of additional debt.'' This is an exceedingly irresponsible requirement. It is a ''doomsday'' device. Using the debt ceiling to force Congress and the President to come together on spending cuts or revenue increases in order to avoid a presumed deficit, while holding the American people hostage is fraught with problems. So what happens if Congress fails to extend the debt limit? The Treasury would cease to issue new debt. Writing checks for any purpose would be severely curtailed. There could be no assurance that social security checks could be issued. There could be no assurance that payments could be made to our military men and women, or our judges, the President, Congress, or anyone else. Even interest payments on our current debt obligations could not be assured. Payments for unemployment benefits, farm price supports, Medicare bills, and child nutrition programs would be, at best, intermittent, if made at all—if made at all. Even basic government services could not be assured. The Federal government would be in chaos.

A vote for this constitutional amendment is a vote for delay, at least until the year 2002. It is as phony as a $3 bill. I have never seen a $3 bill, just as I will never see a balanced budget through this amendment. It is a cop out. It will straitjacket the Government in recession, and it will force us to overload services and programs on the States, and, in the end, it will open the way to litigation, and the invitation to the courts of this country to become the super-Offices of Management and Budget and involve themselves in the legislative control over the purse.

This could be rightly named the ''lawyer's amendment'' or the constitutional amendment for the benefit of lawyers. ''The first thing we do, let's kill all the lawyers,'' Shakespeare said in the second part of Henry VI. ''The first thing we do, let's kill all the lawyers.'' The lawyers are going to have a field day on this amendment, because it is going to open up the way to litigation, and it will be an open invitation to the courts of this country to become the super-Offices of Management and Budget and involve themselves in the legislative control over the purse. It

would enthrone the judges of this country with the power to tell the people where the money will be spent and how revenues will be raised. These judges will become unelected representatives of the people appointed for life. The end result would be taxation without representation, and we fought one war over that principle a little over 200 years ago.

The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. This is section 5.

I am going to read section 5 of the constitutional amendment to balance the budget:

The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

Mr. President, if the Nation found itself in a situation so serious that the Congress passed a declaration of war, then certainly the Congress would exercise this waiver, I should think. No doubt about it.

Declarations of war have been known to be in effect for many years following the termination of the actual fighting war—which might create a problem here.

However, as a practical matter, the United States has been involved in three wars and numerous other military engagements over the past 50 years and none of them has been conducted under a declaration of war.

The Korean war under the auspices of the United Nations; the war in Vietnam; the Persian Gulf war, and numerous other military engagements in the past 50 years were conducted without a declaration of war.

Section 5 goes on to provide for a waiver of the balanced budget requirement if the Congress passes a joint resolution, by a majority of the whole number of each House, declaring that the United States is engaged in a conflict that poses imminent and serious military threat to the national security. This would appear to provide the flexibility required, but it is easy to envision scenarios where this scheme would break down.

If a military emergency develops late in a fiscal year and the President, as Commander in Chief, takes immediate steps to address the crisis, such as happened in Operation Desert Shield, then how would the funding be affected? Even if the Congress passed a resolution supporting the President's initial action, the situation might not clearly meet the test of ''imminent and serious military threat to national security.'' The Congress might be deeply divided on the policy, with no majority of the whole number of either House supporting the President's action. Let us remember that the resolution authorizing the use of force in the Persian Gulf passed the Senate by a vote of 52 to 47. If such a situation did not meet the test of section 5 and three-fifths of the Congress would not vote to waive this amendment as provided in section 1, then the Nation could find itself with a Commander in Chief forced to operate in violation of this constitutional requirement. Unfortunately it is a very possible outcome. Moreover, America's ability to respond to national emergencies even if a waiver were granted could be seriously impaired because, for the first time in the history of our nation, we will be shackling our defense preparedness to other unrelated factors.

America's defense preparedness could, if this amendment becomes law, be determined by shifts in the overall economy or cost growth in entitlement programs. This would inject great uncertainty and very likely chaos into our defense planning when what is needed, especially in the area of defense, is long-term dependability, predictability, and stability. Budgeting for defense under the balanced budget amendment is especially unwieldy because of the long-lead time needed for our important weapons systems. Many years of research and development are needed to ensure that our forces can respond to emergencies and are never outgunned. Programs cannot be started and stopped at the whim of an out-of-balance budget, caused by a rise in interest rates or unforeseen growth in entitlement programs. We cannot recruit and train military professionals adequately in a climate of constant budget uncertainty. Defense preparedness and effectiveness cannot result when the funds for a strong defense are uncertain or in peril from year to year.

Mr. President, this balanced budget amendment is plagued with problems. They are problems which cannot be rectified because they impose fiscal rigidity upon the nation's economic and fiscal policies. The amendment promotes a paralysis of the nation's ability to act to protect itself in a crisis. It amounts to a lockjaw, a tetanus economic policy both now and forevermore. It is a bad idea whose time never was, and it deserves to be soundly defeated.

It seems to me that some of the most disturbing flaws in this most disturbing Constitutional amendment are to be found in section 5 because section 5 sets up an obstacle course—deliberately constructs hurdles and traps—which must be conquered before we can deal with a threat to our national security. Additionally, when section 5 is coupled with section 1 and section 3, the President and the Congress can both be put in a perfectly ludicrous situation with regard to the protection of our fighting men and women and the national security interest.

Section 1 states that three-fifths, ''* * * of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.'' Suppose we are involved in a military conflict which crosses from one fiscal year to another. But, then let us also suppose that the conflict appears to be winding down, and for a time it appears that there is not ''an imminent and serious military threat to national security,'' and so the Congress does not waive the provisions of the article.

Then let us further suppose that the conflict flares up toward the end of the fiscal year and our fighting men and women are at risk and the battle is raging. The President of the United States is forced under this amendment and under section 3 to submit a balanced budget every year. He is forced to try to guess at what the costs of the conflict might be and, if they are going to be large, to savage some other part of the budget in order to try to pay for the conflict. Or he can just ignore the situation and trust that the Congress will bail him out and either muster the three-fifths vote to pay for the costs of the conflict at the end of the fiscal year or pass a joint resolution waiving the appropriate provisions of the amendment.

I would not want to be a President charged with protecting American lives under those circumstances. I would not want to be a President charged with protecting the national security under those circumstances. I would not want to be a general in the field under those circumstances. I would not want to be the father of a son or a daughter or grandfather of a grandson or granddaughter fighting in that conflict. I would not want to be an ally of a nation with that kind of convoluted uncertainty lurking behind its ability to make good on its commitments.

I think we have a right to believe that other nations likewise would have some qualms about being our ally under those conditions. Nations that are our allies would certainly not feel that they could count on this Nation in a moment of criticality.

A dedicated minority could so hamstring a President that he is unable to continue his commitment to our fighting men and women and to our allies in a conflict. A devious enemy could use the hurdles and traps which we are constructing with this ill-conceived proposal to affect this Nation's ability to wage a war.

Why in the world would any nation want to set up such a vicious snare for its own national security interests?

Why would any other nation want to line up with us, knowing that it, the other nation, could not depend upon us to deliver the three-fifths requirement or to deliver the majority of the total membership of both Houses in a critical situation?

I wonder if the authors of this amendment really sat down and thought about the impact of this ill-

conceived idea upon our nations security interests? We have heard all of this talk about protecting the defense budget from cuts under the amendment, but have the proponents really played out the consequences of sections 1, 3, and 5 in the event that we are engaged in lengthy military operations?

I believe that the proponents have become so obsessed with the idea of ramming through a constitutional amendment to balance the budget that they have put all other concerns on the back burner. They are wearing huge and heavy blinders. While blinders may be useful to help a nervous horse run a race, they serve human beings, who must keep their eyes on many priorities, very poorly indeed.

This amendment so rewrites the constitution, so shifts the balance of power among the three branches, and so thoroughly rearranges the checks and balances that it is in effect anticonstitutional.

Now, obviously, it will not be unconstitutional if the Congress adopts it and it is ratified by three-fourths of the States. It will not be unconstitutional because it will then be part of the Constitution. But it will be anticonstitutional in the sense that our framers had in mind when they created a system of mixed powers, checks and balances, with the power of the purse, power to tax, power to appropriate funds lodged in the legislative branch.

I believe that the adoption of this amendment will have the impact of shredding the constitution as we have traditionally known it. Such confusion will abound, such litigation will occur, such unintended snares and bottlenecks will arise that we will most assuredly suffer a constitutional crisis of large proportions if it is adopted.

Now, those are the nightmares if this constitutional amendment is enforced. Of course, if it is not enforced, then it creates a different nightmare, that being the nightmare of the amendment's being nothing more than an empty promise written into the Constitution of the United States, an empty promise, in which event the confidence of the American people in the Constitution will be shattered and their confidence in their Government will suffer further.

To mandate such an unrealistic criterion for a great nation is in effect to chain its most vital function—its ability to protect its citizens and its national interests—to the fluctuations of a giant economy, to the unpredictability of the whims of public opinion and to a green eyeshade view of national priorities.

Balancing the budget is a laudable goal. I share that goal. We all share that goal. But absolute budget balance, each and every year, is neither laudable nor, in every case, wise.

Surely, we do not want to go down this dark and murky road. It is more than apparent that the wisdom of the Framers is not manifest in this latest proposed addition to the Constitution.

If we have not the ''wisdom'' in the crafting of the proposal, let us at least have the wisdom to reject it.

AMENDMENT NO. 256

(Purpose: To permit waiver of the article when the United States is engaged in military conflict by majority vote)

Mr. BYRD. Mr. President, I believe I have an amendment at the desk, No. 256. I call up that amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 256,

On page 2, lines 24 and 25, strike '', adopted by a majority of the whole number of each House''.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the effect of this amendment is as follows. It would strike from section 5 the words, ''adopted by a majority of the whole number of each House.''

It would leave standing all of the foregoing words, namely:

Section 5, the Congress may waive the provision of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, which becomes law.

So it eliminates the requirement that such a joint resolution be adopted by a majority of the whole number of each House, which becomes law.

I call attention to the fact that to require a majority of the whole number of each House would preclude the Vice President of the United States from casting a deciding vote on a given motion to waive this section. If the votes were tied—tied at 40–40, he might as well not vote because his vote would not count. If they were tied at 50–50, as we have seen occur in the case of the 1993 reconciliation bill—the 1993 reconciliation bill, that was to reduce the budget deficits over the period of the following 5 years by something like $482 billion—the votes were tied: 50 votes for and 50 votes against. Not a single Republican Senator voted for that package. They all voted against it because they said taxes were increased in it. But they all voted against it. The vote was 50–50. The Vice President cast the deciding vote in that instance.

In this situation, if we find that our country is faced with an imminent and serious military threat to its security, Congress can waive the requirements of the amendment, namely that the outlays in a given year not exceed the receipts. But Congress can waive that requirement only if a joint resolution is passed, which is adopted by a majority of the whole number of each House. There is no such requirement now in the law or in the Constitution. But, with past experience vividly in view, it is not untoward to conceive that there could be a future time when the vote in the Senate is a tie—when there are 50 for and 50 against a joint resolution to lift the waiver imposed by this constitutional amendment at a time when our country's very security is in serious jeopardy, and the lives of our fighting men and women are on the line. The vote is tied, 50–50.

Normally, under the Constitution as it now exists, the Vice President could cast a vote to break that tie. What about this situation? He may still cast a vote, but the resolution on that occasion has to be adopted by a majority of the whole number of each body. The ''whole number'' in the Senate is presently 100 Senators. A majority of the whole number is 51. Consequently, if this amendment is riveted into the Constitution, a resolution waiving the strictures of this constitutional amendment in a time of serious peril to our Nation cannot pass on a tie vote. It cannot be adopted by this Senate by a majority of 50 to 49 or 50 to 40 or 50 to 30 or 50 to 20 or 50 to 10 or 50 to 1. There must be 51 votes cast to adopt the resolution waiving the requirements that are imposed by this constitutional amendment. There must be 51, no less. And the 51 votes have to be cast by Members of the body.

The Vice President is not a Member of this body. If the vote is 50–50, as it was in the case of the deficit reduction package, the reconciliation bill in 1993, the Vice President cast the deciding vote there, but in this situation his vote would not count because he is not a ''Member'' of the Senate. There must be 51 Senators, and in the House there must be a majority of the whole number of the House. The whole number there being presently 435, there would have to be 218 votes in the House by a rollcall vote. If that is not straitjacketing the Nation when the Nation's security is at stake, I do not know what a straitjacket is.

It seems to me what would happen in an event like that—aside from what may happen to our national security and what may happen to the men and women whose lives are at stake out there—what would happen would be a constitutional crisis. Do not think that the court would not enter into that political thicket. If the Constitution is amended by this monstrosity—the original portion of the Constitution says that the Vice President may cast the deciding vote. The courts are going to intervene, because you have the original Constitution saying on the one hand, that the Vice President, in the case of a tie, may cast the deciding vote. On the other hand we have this balanced budget amendment which says that a joint resolution, to be adopted, must be adopted by a majority of the ''whole number'' of each House before that resolution can become law. The Vice President is not a Member of either House.

So the Vice President's vote cannot count in the Senate in that situation. Hence, if you have a 50–50 vote, the Vice President's vote cannot count, because the joint resolution must be supported by 51 Members of the Senate in any occasion involving the language of this amendment, section 5 thereof—it has to have the support of at least 51 Senators; 49 votes are not good enough; 50 votes are not good enough. It must be 51. All Senators opposed to the joint resolution can just stay home. Their votes do not count anyhow in a sense, because it takes at least 51 votes of Senators. What is the court going to say? What is the court going to say? The court will not say that that is a political question. The courts are going to say, ''That is a constitutional question, and we are going to decide it.'' The court will go into that thicket, because two provisions of the Constitution will now be in direct conflict.

The same thing would be true in the case of raising revenues. Section 4 says, ''No bill to increase revenues shall become law unless approved by a majority of the whole number of each House by rollcall vote.'' Again, the Vice President is not a Member of the Senate and, if the vote results in a tie, the Vice President may cast a vote if he wishes to do so, but his vote will not count. He is not a Member of the Senate, and the supporting votes of at least 51 Senators will be required. A vote of a simple majority of the Senators present and voting—as is now the case under the Constitution and the rules—will no longer prevail.

Section 4 of the balanced budget amendment reads:

> No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

I would like for somebody to come and explain this. Where is that ''Republican response team,'' that noble, noble response team? Come over and explain to this Senator from the hill country how we shall interpret that section. The Vice President—the Vice President's vote again will not count. He is not a Member of this body.

I believe I am limited to 1 hour under my control on this amendment?

The PRESIDING OFFICER (Mr. BURNS). The Senator is correct.

Mr. BYRD. I do not want to utilize my time further in, waiting on the valiant and noble members of the ''response team'' of nine Senators to respond to this poor little old Senator from West Virginia. I suppose it is legal for them—and constitutional—for them to gang up on me like that, but I am not going to use up my hour waiting on them.

So, Mr. President, I reserve the remainder of my time. I have called up the amendment. It has been read.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I suggest the absence of a quorum and I ask the time not be charged against either side.

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

The clerk will call the roll.

The assistant legislative 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.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, on behalf of the majority leader, I ask unanimous consent that following the disposition of the pending Byrd amendment, Senator ROCKEFELLER be recognized to call up his amendment No. 306, and that time prior to a motion to table be divided as follows: 60 minutes under the control of Senator ROCKEFELLER; 30 minutes under the control of Senator HATCH or his designee; and that following the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table amendment No. 306.

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

AMENDMENT NO. 256

Mr. HATCH. Mr. President, I am always interested in the arguments of our distinguished colleague from West Virginia who has raised issues concerning section 5 that he feels are prominent and important. But section 5 of this amendment, which in part provides for a waiver of the amendment's requirements for any fiscal year in which the United States is involved in a military conflict that presents a serious threat to national security by a constitutional majority of both Houses of Congress, does not in any way, shape or form hinder the ability of this Nation to protect itself, as Senator BYRD, the distinguished Senator from West Virginia, and certain opponents of the balanced budget amendment contend.

Does anyone really suggest that Members of Congress would vote against a waiver for an ongoing military engagement which presented a threat to national security? I really do not think that argument can be made with a straight face.

This is not a situation analogous to the situation before the Haiti invasion, where there was no imminent threat to the United States and where congressional and public opinion was in fact split. This is more like the situation in the Persian Gulf and in Kuwait back in 1991.

Thus, after the gulf war began, H.R. 1282, the Operation Desert Shield/Desert Storm Supplemental Act passed the House by a vote of 380 to 19, on March 7, 1991. It passed the Senate 98 to 1, on March 19, 1991, and was signed into law by President Bush on April 10 of the same year. This amply demonstrates that Congress will overwhelmingly take measures to protect our troops and to protect our country, where national security interests really are involved.

Moreover, even before hostilities are commenced and where our Nation faces a real and imminent military or national security threat, I am confident that the U.S. Congress would raise revenue by the requisite constitutional majority of section 4, or find the three-fifths majority needed to waive the debt ceiling under section 2 of the amendment, or a combination of both, to provide the needed funding for our young men and women in the military. I have no doubt about that and I do not think anybody else does either.

We are not going to allow our young people to be placed in harm's way without the backing of the Constitution of the United States. So this is kind of a red herring.

The constitutional majority requirement of section 5, on the other hand, is necessary for two reasons. It retards Congress from labeling mere spending programs as national security or emergency measures. Witness President Clinton's so-called 1993 stimulus program, most of which was defeated and which contained things like $1 billion for summer youth employment—nothing to do with the national security, just another spending program—$1.3 billion for infrastructure improvements, which again has nothing to do with national security; $735 billion for compensatory education.

The Clinton package was labeled the Emergency Supplemental Appropriations Act of 1993. No matter what one's view as to the importance of these programs, they cannot be considered emergencies that needed immediate funding. In fact, if you take the summer youth program, we would have all kinds of summer youth programs and have them then. We have over 150 job training programs, a number of which are used for unemployed youth, including Job Corps, which I have helped to save, an expensive but working program that really does save us millions of dollars over the long run with regard to each person that they place in work life positions. As far as compensatory education programs, we have all kinds of those as well. They were clearly not emergency programs.

So, No. 1, Congress has to be retarded from labeling regular spending programs as emergency programs, or Congress will call everything an emergency measure, just as this administration tried to do so in its emergency stimulus program.

The second reason is, the constitutional majority requirement does force a rollcall vote. That is something we do not always do around here. We have what is known as a voice vote situation that saves Members of Congress, and especially Members of the Senate, from making the tough economic votes around here. This provision requires a rollcall vote.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. I will be pleased to yield.

Mr. BYRD. I do not want to interrupt him in the middle of a sentence. But why do we have to write in the Constitution a provision to require a rollcall vote? The Constitution that we now have says that on the request of one-fifth of the Members present, we will have a rollcall vote. Why do we have to write a new constitutional amendment to get a rollcall vote?

Mr. HATCH. Well, in this particular case, to answer my distinguished colleague from West Virginia, we have had countless illustrations of voice votes on matters as important as real emergency matters. And what this does, it just says, ''Look, you are going to have to have a rollcall vote if you want to call something an emergency, and you are going to have to have a constitutional majority in order to succeed on that rollcall vote.''

If it is an emergency, I do not see any problem getting a constitutional majority which, after all, just means one thing, and that is that before this measure can pass, Congress is going to have to stand up and vote, at least 51 Senators in the Senate, 218 Members of the House, in order to do so.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. BYRD. Mr. President, that would not be any blue ribbon accomplishment that is worth going through the throes of getting a new constitutional amendment written into the present Constitution, to say that Members will have to stand up and vote.

Who minds that? I have not missed a vote in over 10 years. I am sure other Senators have not missed many votes. I daresay, may I say to the distinguished Senator from Utah, that practically every Senator in this body, I would say, without having looked at the record recently, has better than a 90 percent voting record.

Mr. HATCH. I think that is right. When they are called upon to vote, Senators generally vote. And in these instances, they will have to vote. Where, as the distinguished Senator knows, we have many very tough votes that are cast by a voice vote where the rollcall is not recorded, because there is no rollcall.

Mr. BYRD. Why? Because no Senator requests the yeas and nays in those cases.

Mr. HATCH. And there is reason for that.

Mr. BYRD. If a Senator requests the yeas and nays, he is going to get a sufficient show of seconds, or he will put in a quorum call until he does get a sufficient number to require a rollcall vote.

Mr. HATCH. That is true. The Senator makes a good point. I think the Senator from West Virginia has been one of those who is willing to vote on everything. He has always had the courage to stand up and vote.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. Yes, I am delighted to yield.

Mr. BYRD. Mr. President, the Senator has not answered the main point of my reasoning; that being, that the requirement that a joint resolution, in section 5, be adopted by a majority of the whole number of each House. That provision calls into serious question the vote of the Vice President in the case of a tie vote. How do we get around that?

Mr. HATCH. Well, I think I have answered the distinguished Senator from West Virginia. The reason we are putting that in there is because we want to make it difficult for the Congress to hide any spending program under the ''emergency'' designation.

Mr. BYRD. That is not an answer to my question.

Mr. HATCH. Well, it is an answer to your question.

Mr. BYRD. No, it is not. What does the Senator have to say to my question, which goes right to the point of allowing the Vice President of the United States to cast a deciding vote?

Mr. HATCH. Let me get to that.

Mr. BYRD. Very well.

Mr. HATCH. First of all, what we are trying to do is to make it difficult to hide behind the word ''emergency'' in passing whatever they want to by a simple rollcall vote.

Second, there are other supermajority votes already in the Constitution where the Vice President's vote is not essential in the Senate. Veto overrides are certainly illustrations where the Vice President's vote is not going to count for anything.

What we are doing here is providing a means whereby you have to have a constitutional majority of the whole number of each House in order to pass legislation pursuant to section 5, among others. The purpose of the constitutional majority, or 51 within the Senate, makes it clear that there is not going to be any tie. If you are going to have an emergency, you want to vote on it, you are going to have to have 51 Senators vote for it at least, and at least 218 Members of the House.

In other words, it has been contemplated by the Founding Fathers, who put in majorities in some instances into the constitution, the veto override being just one illustration of something in the Constitution that says you do not have simple democratic majoritarian rule in all matters in the Constitution. In this particular case, so that we do not have a continuous hiding behind the word ''emergency,'' we are saying that you must have a constitutional majority of the whole number of each House in order to waive the provisions of article V.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. BYRD. Mr. President, there are supermajorities in the Constitution. We have discussed those on previous occasions.

Mr. HATCH. That is right.

Mr. BYRD. But nowhere, nowhere, do we find a supermajority required in connection with the great substantive powers granted to the Congress in article I, section 9, or article I, section 8. None of those great substantive powers turns on a supermajority vote. We have gone over those—I see the ''response team'' gathering.

But the question is, where we have a 50–50 vote, you cannot squeeze another drop of blood out of that turnip, because there are only 100 Senators. You have a 50–50 tie. If the Vice President casts a vote, you do not have the 51 Members, you do not have a majority of the whole number of the Senate. Now, I am still waiting for the Senator's answer on that.

Let me read from Federalist No. 68, by Hamilton, in reference to the Vice President.

Mr. HATCH. May I ask my colleague from West Virginia if he will do so on his own time.

Mr. BYRD. Yes, I will read this on my time.

Mr. HATCH. Not that I mind yielding my time, because I am happy to do it. This is a good debate. This is a good interchange. But it would allow me to save some time.

Mr. BYRD. This, it seems to me, is one of the critical points that is raised by section 5 of this amendment. I hope to have more than an hour, and that we could take a little more time if needed.

Hamilton said in Federalist No. 68, with reference to the Vice President:

> The appointment of an extraordinary person, as Vice-President, has been objected to as superfluous, if not mischievous * * *. But two considerations seem to justify the ideas of the convention in this respect. One is that to secure at all times the possibility of a definitive resolution of the body, it is necessary that the President should have only a casting vote.

Meaning the President of the Senate.

Now, how can the requirements of the original Constitution be lived up to? How can the principles as expressed by Hamilton in the Federalist No. 68 be obeyed if we deprive the President of this body, the Vice President of the United States, the opportunity of casting a deciding vote?

I will read that again: One consideration ''is that to secure at all times''—all times, not just part of the times, not just on certain occasions—''secure at all times the possibility of a definitive resolution of the body, it is necessary that the President should have only a casting vote.'' He can only cast that vote to break a tie so as to bring about a definitive resolution of a given matter.

Now, otherwise in this amendment here, if we have a tie vote, may I say, it seems to me that we are not going to have a ''definitive resolution'' by this body.

Mr. HATCH. Mr. President, if I may answer, the Founding Fathers not only provided for the Vice President to break a tie vote when we have a simple majority vote—which would continue to be the law, it would continue to be constitutional law—but they provided means in article V where we could

amend the Constitution of the United States. They expected there would be amendments, and they made it very difficult for Members to amend. That is why we have only had 27 amendments to the Constitution of the United States of America.

This amendment, if it passes by the requisite two-thirds majority, if we are able to keep other amendments off and pass it by the requisite two-thirds majority and it is ratified by three quarters of the States, would become the 28th amendment to the Constitution, assuming there are no other intervening amendments that go through the same process.

That means that what we are doing here is saying that we are amending the Constitution because of the extraordinary danger of the continually rising national debt and deficits.

To be honest, they contemplated that we might want to do that from time to time.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. Mr. President, I yield.

Mr. BYRD. The Senator still has not answered my question.

Of course, the framers provided for the amending of the organic law. They did that in article V. But that is no answer to my question.

Say we adopt this amendment, the States ratify it by the necessary three-fourths, it becomes a part of the Constitution. We will then have two different provisions of the Constitution in direct conflict with each other.

One says that the Vice President shall cast a deciding vote, and the reason for that is ''to secure at all times the possibility of a definitive resolution of the body;'' but on the other hand, we have an amendment now that is about to go into the Constitution which says, in the case of section 5, when the Nation's security is in danger, we have to have 51 votes of Senators. In essence, that is what it says. We have to have 51 votes in the Senate to adopt that joint resolution, and they have to be cast by Senators. We cannot count the Vice President's vote, cast to break a tie.

So what do we do in that situation?

Mr. HATCH. I yield.

Mr. SIMON. Mr. President, if I may suggest to my friend from West Virginia, and he is my friend for whom I have a very high regard, this is no more in conflict with the other provision in the Constitution than the requirement that we have a two-thirds vote for a treaty.

That does not permit the Vice President to cast that deciding vote. Or a two-thirds vote for impeachment. So we put the entire Constitution together. This particular provision was added by our colleague, Senator HEFLIN, for a national emergency.

Mr. BYRD. Mr. President, I do not know what Constitution the Senator from Alabama was reading. Or what Constitution the Senator from Illinois is reading.

Mr. HATCH. Mr. President, he is clearly amending this Constitution.

Let me just say that the idea of a supermajority vote—in this case, I would not call it supermajority, just a constitutional majority vote—is not new in the Constitution.

Let me mention a few. Article I, section 3, says that the Senate may convict on an impeachment with a two-thirds vote. The Vice President has no role in that.

Article I, section 5, says that each House may expel a Member with a two-thirds vote, a supermajority vote. The Vice President has no say in that matter.

Mr. BYRD. Will the Senator yield?

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Utah.

Mr. HATCH. If I may just finish this line of statement, I will be happy to yield.

Article I, section 7, involves the Presidential veto. It can only be overridden by a two-thirds vote of each House. The Vice President has no say in the Senate.

Article 2, section 2, the Senate advises and consents to treaties with a two-thirds vote. Article V, the constitutional amendment requirement requires two-thirds of each House or a constitutional convention can be called by two-thirds of the State legislatures, and if three-quarters ratify, then it becomes an amendment to the Constitution.

In other words, article V itself acknowledges that we have to have a two-thirds vote to amend.

So we are amending the Constitution. And, yes, I personally believe that the Vice President's vote will not count in this situation because we will have to have 51 Senators of the whole number of 100 actually vote.

Mr. BYRD. So then what happens? The joint resolution falls.

Mr. HATCH. It falls unless we have——

Mr. BYRD. And we have men in peril. We have the Nation's security in peril.

Mr. HATCH. I do not think so. I pointed out in that resolution last year, there were a number of features that were certainly not emergency features. They might have had to have been taken out.

Also, I might mention that I think under those circumstances, that highlights and augments and I think makes even more important the consideration by Members of the Senate.

Let me just finish this. Article VII of the Constitution, required ratification by 9 of the 13 States. This is not a new concept. The 12th amendment requires a quorum, two-thirds of the States in the House, to choose a President. And a majority of States is required to elect a President.

The same requirement exists for the Senate choosing the Vice President. The 25th amendment dealing with the President's competency and removal requires that if Congress is not in session, within 21 days after Congress is required to assemble, it must determine by a two-thirds vote of both Houses that the President is unable to discharge the duties of his office.

Now, there is an excellent letter which was printed from one of our colleagues, the distinguished Senator from Michigan, Senator SPENCER ABRAHAM, which was written in Washington, February 15, 1995, but published in the New York Times under the editorial letter section on Monday, February 20, 1995, which I think directly addresses what the distinguished Senator from West Virginia is saying.

So I ask unanimous consent that that letter be printed in the RECORD at this particular point, because I think it would be very enlightening.

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

FOUNDERS PROVIDED FOR BUDGET AMENDMENT

(Spence Abraham)

To the Editor: In ''Would Federalists Like Their Fans?'' (Week in Review, Feb 12), David Lawsky maintains that James Madison and Alexander Hamilton would not be amused by the proposed balanced-budget amendment Well and good. As a founder of The Federalist Society, I am well aware that amending the Constitution is serious business. But Madison and Hamilton would be amused by Mr. Lawsky's use of their words.

To claim that ''The Federalist'' and the Constitution rest on the conviction that all Congressional actions should be approved by a simple majority of members present is ridiculous. Amending the Constitution requires approval of the two-thirds of both houses of Congress, then of three-fourths of the states.

Federalist 41 makes clear that amendments will at times be necessary. The Founders' genius was to find an amending process that ''guards equally against that extreme facility, which would render the Constitution too malleable; and that extreme difficulty, which might perpetuate its discovered faults.''

The Founders felt that acts that should be taken only with great deliberation and after establishing broad consensus should require more than a simple majority for approval. Thus the Constitution requires a two-thirds vote to expel a member of the legislature, a two-thirds vote of senators present to convict a President of wrongdoing after impeachment by the House and a two-thirds vote of both houses to override a Presidential veto.

The Founders certainly feared, as Mr. Lawsky suggests, an ''anarchy'' from the rule of minority factions. But this is what we have today. Special interest groups get government money because there is no longer any spending discipline in Congress. The result is an anarchic growth of Federal government and spending.

The balanced-budget amendment will go a long way toward restoring order. It will require that three-fifths of all members of Congress approve deficit spending and that a majority of members voting approve new taxes. We in Congress would have to exercise self-discipline in budgeting because we could run deficits or raise taxes only if a substantial majority thinks them necessary.

As to Mr. Lawsky's claim that the balanced-budget amendment ''offers no course of action'' if Congress disobeys it and racks up more deficits, November's election results show how false the view is.

As stated in Federalist 51, ''A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.''

Auxiliary precautions like the balanced-budget amendment and term limits will make Congress more responsive to the people's will. Term limits will insure that Senators and Representatives do not serve so long that they lose touch with the people and begin treating their offices like private fiefdoms. The balanced-budget amendment will teach Congress that it must be honest with the American people, making clear not only what programs it likes but also the cost and whether and how we can pay for them.

Mr. BYRD. How does that letter address the point?

Mr. HATCH. Mr. President, it does not address the point directly of the Vice President, but it does address that the founders did expect Members to audibly come up with additional amendments.

Mr. BYRD. Of course, I have voted for five constitutional amendments during my time in the Senate.

Mr. HATCH. What we are doing here is we are doing a new amendment that does change the regular parliamentary majority vote with regard to section 5 and requires a vote of the whole number of both Houses, which is different from—as all of these provisions—from the one provision that would still exist with regard to other votes, that if a Senate is equally divided, the Vice President can break the tie.

I yield to the distinguished Senator from Illinois, who I think on this point had a statement.

Mr. SIMON. Mr. President, I thank my colleague for yielding.

Let me just go back to 1787 again for a moment. They spent a great deal of time on the fact that Congress had to declare war because they did not want Members to get arbitrarily, at the whim of a President, into a war.

We are living in a very different world today. We have not formally declared war since World War II. We did not declare war in the Korean war; we did not declare war in the Vietnamese war. In Desert Storm, we had a resolution. We had, in Vietnam, the Gulf of Tonkin resolution.

To say that a simple majority of those in the House and the Senate would have to approve our getting involved in some conflict is certainly in line with what they talked about in 1787 when they drafted the Constitution.

Mr. BYRD. Mr. President, they did not say this.

Mr. SIMON. They did not say that.

Mr. BYRD. The Framers did not say ''has to be adopted by a majority of the whole number of each House.''

Mr. SIMON. But they contemplated a world in which we can sit around and debate for 2 or 3 weeks whether or not to declare war. The President is going to have to make some fast decisions. And I think ordinarily we could get 60 votes for any kind of an emergency. But this contemplates doing less than that or the President living within the budget constraints.

I think the amendment Senator HEFLIN drafted is sound, and I am going to support the amendment rather than the motion to defeat.

Mr. HATCH. I yield to my colleague.

Mr. BYRD. Mr. President, why would the proponents of the amendment want to make it difficult for this Nation to respond to a national security threat? Why set up this additional hurdle? There has to be a majority of the whole number. Why do they not just say a simple majority? But they are saying it has to be 51; in essence that is what they are saying. The Senator can talk all he wishes about the framers of 1787 and how we are living in a different world, but John Marshall said, this ''Constitution was intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs.'' Here we are treating that Constitution almost like a scrap of paper. That is a marvelous document. It is a document to be revered, and we talk as though Marshall's words mean nothing.

Mr. HATCH. If I could take back my time, nobody reveres it more than I. As you know, we provide Congress can simply waive the provisions if there is a declaration of war. Number one, declared wars are going to require just a simple majority. But the reason we have done this is the distinguished Senator from Alabama wanted to take care of any ''emergencies,'' but he recognized that we should not just do a simple majority because that word ''emergency'' would be used for everything. So that is why we went to a constitutional majority which requires the whole number of each House.

I yield to the Senator from Illinois.

Mr. BYRD. But what do we do with the Vice President's vote?

Mr. HATCH. The Vice President would not vote in that instance. It is my opinion that the Vice President is not a Member of the Senate.

Mr. BYRD. We agree on that, he is not a Member of the Senate.

Mr. HATCH. If he is not a Member of the Senate, it is going to take 51 Members of the Senate.

Mr. BYRD. You cannot get it.

Mr. HATCH. I think we will on a real emergency.

Mr. BYRD. You think we will.

Mr. HATCH. I have no doubt we will. If not, it will not be a real emergency.

Mr. SIMON. If the Senator will yield, with all due respect to my friend from West Virginia, I think his argument is with the framers of the Constitution rather than with Senator HATCH and myself, because they spent a great deal of time to see that we would avoid using this matter of the military and national security as an excuse to get into wars excessively.

Washington's Farewell Address is on our desk. This was not put out here by those of us who happen to favor this constitutional amendment. Washington warned about that, just as Washington in this farewell address warned about acquiring debts.

I think this particular amendment is completely consistent with the discussions of 1787.

Mr. HATCH. I agree with the Senator. Let me just say this. It will not be an emergency unless you get a majority of the whole number of each House. But if you look at the other side of the coin, the distinguished Senator from West Virginia, if you want to stretch the philosophy here, is really arguing that emergencies can be solved by as few as 25 Members of the Senate.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. Plus the Vice President.

Mr. BYRD. Will the Senator yield? The Senator says, I understood him to say, there would not be an emergency unless it was decided by a majority of the whole number of each House. Is this how we are going to determine what an emergency is? An emergency is an emergency only when it is decided by a majority of the whole number of each House? That is what my friend seems to be saying?

Mr. HATCH. Under this provision, that is true, and we are talking about an imminent and serious military threat to national security, not just any emergency.

Mr. BYRD. That is right.

Mr. HATCH. Any emergency is going to have to meet either the three-fifths vote to increase the deficit or a constitutional majority to increase taxes. There are lots of ways of meeting emergencies, but what we are saying here is, we are going to have people vote and they are going to have to. If they want to call something an imminent and serious military threat, they are going to have to have a majority of the whole number of each House, and we think that is right.

Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Utah has 31 minutes 36 seconds. The Senator from West Virginia has 43 minutes 54 seconds.

Mr. HATCH. I will be happy to yield the floor at this point to my colleague or answer more questions.

Let me yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. HATCH. I reserve the remainder of my time.

Mr. BYRD. Mr. President, the distinguished Senator from Utah has referred to the six instances in the original Constitution in which a supermajority is required, and he has referred to the three instances in the amendments thereto—amendment XII, amendment XIV, and amendment XXV, in all of which supermajorities are required, either supermajorities that constitute a quorum, or a supermajority required on a vote.

Mr. President, those supermajorities go either to the structure of our form of government or to the protection of individual rights. It is a quite different supermajority. There is not one, as I

said a while ago, there is not a single supermajority involved in any of the great substantive powers enumerated in section 8 of article I or in section 9 of article I of the Constitution.

Now we are talking about including a supermajority requirement in a matter involving fiscal policy, and we are talking about including that in the Constitution. And besides, may I say to my friend from the great State of Utah, there can be no tie vote anticipated in the supermajority that is required in the Senate for the approval of the ratification of a treaty. Two-thirds of the Senators present and voting are required to approve the ratification of a treaty. There can be no tie therein in which the Vice President would cast a vote.

The same thing is true with regard to the expulsion of a Member of the Senate. Two-thirds of the Senators are required to expel a Member of the Senate. There can be no tie vote for a Vice President to break.

I had reference a moment ago to the two-thirds vote for approval of the ratification of a treaty. That is a check and balance situation. The framers spoke of it in the Federalist Papers. They spoke of the necessity of having the Senate involved in treaties as a way of checking against a President who is only elected for a 4-year term, or perhaps for a second term, where the possibility of corruption being involved. So, the protection against corruption and intrigue came in the form of including the Senate in matters involving treaties and requiring a two-thirds vote.

With respect to the expulsion of a Senator or a Member of the other body, that involves the individual right of a Member who is about to be expelled. That is for the protection of all Members and also to protect against a majority eliminating the minority. If a bare majority can expel the senior Senator from West Virginia, then the next thing that that majority could do would be to expel a Senator from Virginia or some other State. They would not expel the second Senator from West Virginia, because that would deprive a State of an equal vote in the Senate, and nobody can change that guarantee in the Constitution. Gradually, a majority could eliminate a minority. But a two-thirds vote is required for protection against such an event.

Now, the proponents continue to say, well, there are other supermajority situations; the framers required two-thirds for this; they required two-thirds for that; they required two-thirds for something else. But, Mr. President, there cannot be a tie in a two-thirds vote. In a two-thirds requirement, there cannot be a tie for a Vice President to break.

Here we are talking about the possibility of such a tie.

May I say to the Senator from Utah, as I understand it, in last Thursday's RECORD, a statement by Mr. SCHAEFER was included by Mr. LEVIN. Mr. SCHAEFER, the prime sponsor of this joint resolution in the other body, this constitutional amendment, stated on page H 758 of the CONGRESSIONAL RECORD of January 26—now I shall read it:

> This language is not intended to preclude the Vice President—

This is what Mr. SCHAEFER said. It does not square with what the distinguished Senator from Utah has said.

> This language is not intended—

Says Mr. SCHAEFER—

> This language is not intended to preclude the Vice President, in his or her constitutional capacity as President of the Senate, from casting a tie-breaking vote that would produce a 51–50 result. This is consistent with article I, section 3, clause 4, which states: ''The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.'' Nothing in section 4 of the substitute takes away the Vice President's right to vote under such circumstances.

Thus, you have the House sponsor differing with Senators who have spoken on this matter. Even if the Vice President casts a vote, he is not a Member of the Senate. Consequently, the requirement under section 5 of this balanced budget amendment would not have been met.

I am still waiting for someone to tell me how this section 5 can be made to work. How does this language square with the provision in the original Constitution that gives the Vice President the power, the authority and the right to cast the deciding vote, the deciding vote, so as to secure ''a definitive resolution'' in this body. He may cast a vote, but it is not going to be the deciding vote. It is not going to secure ''a definitive resolution'' of this body.

Well, I do not suppose I will get a clear answer to my question, but I hope Members will carefully study this question when they vote on this amendment. This section creates a very serious question, a very serious question.

Let me read what Hamilton says in the Federalist 22 with regard to minority rule. All of these supermajorities in the balanced budget amendment create a minority veto. They set up the possibility of a minority veto in this body and in the other body. In other words, we are getting away from the democratic majoritarian concept of our governmental system as laid down by the framers of the Constitution. Here is what Hamilton said in Federalist 22 with respect to minority rule.

> In those emergencies of a nation, in which the goodness or badness, the weakness or strength of its government, is of the greatest importance, there is commonly a necessity for action. The public business must in some way or other go forward. If a pertinacious minority can control the opinion of a majority respecting the best mode of conducting it; the majority in order that something may be done, must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater, and give a tone to the national proceedings. Hence tedious delays—continual negotiation and intrigue—contemptible compromises of the public good * * *. For upon such occasions, things will not admit of accommodation; and then the measures of government must be injuriously suspended or fatally defeated. It is often, by the impracticability of obtaining the concurrence of the necessary number of votes, kept in a state of inaction. Its situation must always savor of weakness—sometimes border upon anarchy.

Hamilton goes on to say in the Federalist 22:

> Suppose for instance we were engaged in a war, in conjunction with one foreign nation against another. Suppose the necessity of our situation demanded peace, and the interest or ambition of our ally led him to seek the prosecution of the war, with views that might justify us in making separate terms. In such a state of things, this ally of ours would evidently find it much easier by his bribes and intrigues to tie up the hands of government from making peace, where two thirds of all the votes were requisite to that object than where a simple majority would suffice.

This does not require two-thirds in the case of the second sentence in section 5, but it does require more than an ordinary simple majority.

> In the first case he would have to corrupt a smaller number; in the last a greater number. Upon the same principle it would be much easier for a foreign power with which we were at war, to perplex our councils and embarrass our exertions. And in a commercial view we may be subjected to similar inconveniences.

What Hamilton is saying there, Mr. President, goes to the point that I have raised. Mr. President, I have raised a question here which has not been answered. This section 5 requires more than a simple majority. And when the vote comes out as a tie, it precludes the Vice President of the United States from casting a deciding vote, because under this amendment his vote would not count, if it were cast to break a tie. The requisite number of 51 votes would not have been produced.

> O, that my tongue were in the thunder's mouth!
> Then with a passion would I shake the world:

I have not gotten an answer to my question.

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

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. BYRD. I wonder where the other noble members of the response team are? Somebody, please come to the floor and answer this question for me. If not, the court will answer it at some day and time.

This is a serious constitutional question. We may find ourselves in a situation in which the country's security is in jeopardy and, in order to waive the strictures of this balanced budget amendment, which says that outlays and receipts have to balance every year, a joint resolution can be introduced to lift these strictures, in other words, to waive the requirements of this balanced budget amendment, in each fiscal year. But that resolution must be ''adopted by a majority of the whole number of each House, which becomes law.''

I ask the Senator from Utah again, how is he going to respond to the necessity of that moment when 50 Senators vote for that resolution and 50 against? We are in danger. Our country's security is involved. Planes are flying in distant countries. Ships are plying the several seas. Mothers and fathers are wondering about their sons and daughters. And here we have a Senate with a vote of 50–50 on that resolution to waive the amendment.

So, what is going to happen? We do not have time. We do not have time to wait, in a situation like that. We do not have time. We need to act quickly.

Mr. HATCH. Mr. President, to answer the distinguished Senator from West Virginia, if we do not get 51 Members of the Senate, in my opinion we will not have had an imminent and serious military threat. I cannot imagine—I do not really believe the distinguished Senator from West Virginia can imagine—

Mr. BYRD. Oh, yes, I can.

Mr. HATCH. The serious, imminent and serious military threat to our national security that would go unaddressed by either or both Houses of Congress. But more important, if that very unlikely situation occurred, then what I would do is look for contingent moneys. I would try to cut spending—which is what the purpose of this amendment is—or I would go and try to increase taxes or I would try to get a three-fifths vote to increase spending. But I would try to cut spending before I would say that the country cannot survive.

Mr. BYRD. Senator, we do not have time to cut spending.

Mr. HATCH. If we do not have time and it is that imminent and serious a military threat, then we will vote to sustain it.

Mr. BYRD. This is an emergency.

Mr. HATCH. We will vote for a tax increase to take care of it if we do not have the money.

Mr. BYRD. How much of a majority does the constitutional amendment require for a tax increase?

Mr. HATCH. Well, now, let me just propose back to the distinguished Senator. If we have an imminent and serious military threat, we do have a military budget of almost $275 billion. If it is a large, imminent and serious military threat that would require all of our military, I just cannot conceive of one instance in the history of the country where we could not get 51 Senators to stand up and do something about it.

But if it is a small one, and something that involves one theater or involves, say, Cuba, or some small imminent and serious military threat, we have enough money in our military to take care of that problem.

We have enough money in our military to take care of that problem.

Mr. BYRD. Mr. President, the Senator is really on the ropes.

Mr. HATCH. No, I am not.

Mr. BYRD. He is really on the ropes. He is trying to use the old rope-a-dope on me here. But he is not Mohammad Ali.

Mr. HATCH. I learned it from him.

Mr. BYRD. This section does not say anything about the military threats being large, small, middle-size, or whatever. I will read the language of the section——

Mr. HATCH. Will the Senator yield?

Mr. BYRD. Let me read this. ''For any year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security''—there is the threat. Somebody determines that it is serious. Perhaps it is the President.

But the point is, in order to lift the strictures of this amendment, there must be a majority of the whole number of each House that casts such a vote. In other words, there must be at least 218 in the House and there must be at least 51 in the Senate. The Senator said he could not imagine such a situation. If Senator SARBANES were here, he would tell you. He read this into the RECORD the other day. Let me pick up on what he said. He said:

> Let me bring the Senator back to the very real-life problem—

He is talking with reference to the Senator from New Hampshire [Mr. SMITH], at that time.

> that I wish to discuss with him.

Senator SARBANES was reading from an article that appeared in the New York Times, I believe, in the summer of 1991. Senator SARBANES read this article:

> Fifty years ago last Monday, on August 12, 1941, House Speaker Sam Rayburn saved the draft from legislative defeat and kept the U.S. Army intact to fight a war that was only 4 months away. The margin of victory was a single vote.

Now, this is a real-life situation, Senator.

Mr. HATCH. I am aware of that.

Mr. BYRD. This is not a hypothetical situation.

> And the battle could have been lost as easily as won except for Rayburn's personality and leadership and mastery of parliamentary procedure. If Rayburn had failed, the Army stood to lose about two-thirds of its strength and three-fourths of the officer corps. At issue was whether to extend the 12-month service obligation of more than 600,000 draftees already in the army, thousands of others being inducted every day, and the active duty term of several thousand National Guardsmen and Reservists who had been called up for 1 year. Without an extension, the obligations of both the draftees, Guardsmen and Reservists would begin expiring in the fall. The United States had adopted its first peacetime draft during the previous summer after weeks of heated and acrimonious debate in both congressional Chambers.

The article went on to point out:

> Although the legislation limited the draftees' terms of service to 12 months, it provided that the President could extend the period indefinitely if Congress declared that the national interest is imperiled.
>
> On July 21, 1941, with the prospect of war increasing, Roosevelt acted. In a Special Message to Capitol Hill, he asked Congress to declare a national emergency that would allow the Army to extend the service of draftees, guardsmen and reservists for whatever period the legislators deemed appropriate.
>
> Despite the measure's unpopularity and strong lobbying by isolationist forces, the Senate approved a joint resolution on August 7 declaring the existence of a national emergency and authorizing the President to extend the service of most Army personnel by 18 months.

So there was a real-life situation, a real-life situation. And we can very well face that kind of situation again. Mr. SARBANES pointed out that the vote on that occasion was 45–30 in the Senate. So it fell short of the required 51 votes that would be necessary under this section 5; 45–30. This shows you are going to need 51 here. And in the House the final vote was 203–202. It passed by one vote. One vote. It passed by a vote of 203–202, only after Rayburn walked the Halls and went door to door over there, talking with Members of the House individually. That was not a hypothetical situation. That can happen again.

So what did the proponents have in mind? Did they think of this possible problem? What did they have in mind when writing that language that requires a majority of the whole number of each House, which means that the Vice President could not cast a tie-breaking vote?

Mr. HATCH. Under this amendment, a majority vote would win today in both of those cases—a simple majority vote.

Mr. BYRD. No, no, no. It says a majority of the whole number.

Mr. HATCH. No, no. We are talking about either increasing spending or increasing taxes. In that situation, they increased the number of months, extending the Selective Service Act. So it would still—today, if you had the same vote, it would still be a simple majority vote. The difference is this——

Mr. BYRD. I am saying in that situation—forgetting about the draft, setting up this situation in which there is a serious military threat.

Mr. HATCH. My point is that the Senator is using a poor illustration because it does not apply in this situation.

Mr. BYRD. It applies in that it indicates that a situation can come down to a vote with only a one-vote difference.

Mr. HATCH. Not really.

Mr. BYRD. You could not get the three-fifths in the House.

Mr. HATCH. It did not involve an increase in spending or taxes, which is what is involved here.

Mr. BYRD. When you talk about increasing revenues, you are going to run into the same problem.

Mr. HATCH. Let me just say this.

Mr. BYRD. No bill to increase revenues shall become law unless approved by a majority of the whole number of each House.

Mr. HATCH. What do those have to do with increasing taxes or spending? Those——

Mr. BYRD. The Senator is the one who brought up raising revenues. He raised that subject.

Mr. HATCH. The point is, if that came up today and we wanted to institute the draft and extend it for another 12 months, we can do that by a simple majority vote. You do not have to have a constitutional majority on every vote here—only on those that either increase taxes or increase spending.

Mr. BYRD. But under this section, if our country is confronted by a serious military threat to national security, the Senator says you can raise taxes. It runs under the same probability.

Mr. HATCH. You either have to cut spending or increase spending or increase taxes. If you want to increase spending under the balanced budget amendment, or increase taxes, then you have to stand up and vote to do so. And in the case of increasing spending, you have to have a three-fifths vote. In the case of increasing taxes, you have to have a constitutional majority. But we could have a majority of each House vote today on extending for 12 months the selective service.

What is important here, as I see it, is that if the balanced budget amendment is in place, then the political posturing is going to be lessened by a great deal. You will find people—if we are really confronted with an imminent, serious military threat under section 5, I do not think there is going to be any difficulty getting that vote. Anybody who puts the country at jeopardy at a time like that is not going to be sitting here the next time his or her election comes around. People know that.

Mr. BYRD. Senator, that is not the answer to the question. I am sure the Senator would not be hesitant to cast the vote.

Mr. HATCH. I would increase spending or taxes if I had to.

Mr. BYRD. But the Senator controls only one vote, as I do. When this happens, neither the Senator nor I may be in this Chamber. We do not know what the intent of Senators will be 5, 10, or 20 years from now. This is a very difficult obstacle—in the event of a serious situation arising that involves a military threat.

Nobody—not one Senator—has been able to explain why the proponents have written into section 5 a provision that virtually deprives the Vice President of the United States from casting a deciding vote in a certain given situation.

Mr. HATCH. If the Senator will yield on that, many of us did not want this provision in the balanced budget amendment. We wanted only a three-fifths vote to increase spending or a constitutional majority to increase taxes, and we only wanted the above part of that that said Congress may waive the provision of this article for any fiscal year for which a declaration of war is in effect.

Mr. BYRD. I am going to offer an amendment that will strike that out. I hope the Senator will vote for that amendment.

Mr. HATCH. No, not at this point. One of the reasons this amendment is important—and this is the only time in history we can pass it—is because it is a consensus, a bipartisan amendment. One of the things we did was take Senator HEFLIN's provision. He was very concerned about any imminent and serious military threat that fell short of a declaration of war and, I think, rightly so. Personally, I have grown to prefer the language that he has put in here. But in order to prohibit the Congress from just using that loophole by calling everything an imminent and serious military threat to national security, we provided for a constitutional majority which does alleviate the necessity of having the Vice President vote to break a tie. Now, this being a new constitutional amendment, this being in addition to the Constitution, fits the same mold as the supermajority required that I read off before and read into the RECORD.

Mr. BYRD. Except, as I have said, those supermajorities the Senator read off before, and which I read off some days ago in this Chamber, have absolutely nothing to do with the substantive powers that are granted in article I, sections 8 and 9 of the Constitution. And those instances go to the structural parts of the Constitution and to the protection of individual rights. This balanced budget amendment has nothing to do with such. We are talking about fiscal policy here, and that has never been written into the Constitution. The Senator tries to explain this dilemma by saying, well, it requires a constitutional majority.

Mr. President, my problem goes not only to the fact that it requires three-fifths in two instances, and a constitutional majority in two other instances—section 4 and section 5—but it also deprives the Vice President of the United States from casting his deciding vote. Nobody has explained why the proponents would do that.

Mr. President, if any Senator wishes me to yield, I would be happy to.

Mr. SARBANES. Will the Senator yield for a question without losing his right to the floor?

Mr. BYRD. Yes. How much time would the Senator need? Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 12 minutes 40 seconds.

Mr. SARBANES. I will need just 3 minutes.

Mr. BYRD. I yield 3 minutes to the Senator.

Mr. SARBANES. Mr. President, I underscore what the very distinguished Senator from West Virginia has been saying here on the floor. Section 5 of this article is fraught with danger, and I hope Members will consider it very, very carefully.

It says:

The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security.

The first thing I want Members to think of in their own minds is this: If we could face an imminent and serious military threat to our national security at a time when we were not yet engaged in military conflict. We may recognize that we are going to become engaged in military conflict and we need to take measures to address that situation.

Under this provision, no waiver is available in that circumstance because this provision requires that you be engaged in military conflict. I listened to the distinguished chairman of the committee, who made reference to the imminent and serious military threat to national security, as though that was what you needed to show in order to get the waiver. That is not the case.

The way this sentence is structured, you have to be engaged in conflict, already engaged in conflict which causes an imminent and serious threat to national security. So you would not be able to react to what I regard as a very pressing situation.

Second, even in those situations in which you are able to act according to a waiver, in order to invoke the waiver you have to have the whole number of each House. Now what that means, simply put, in the House of Representatives with 435 Members, you have to have 218 votes to invoke the waiver.

Everyone says, ''Surely the Members of the Congress will invoke the waiver in a dire situation of this sort and there will not be any problem with it. Of course, you will get the waiver.'' And my response to that is, ''Don't be so sure.'' And then I say, ''If you go back through our history, there are numerous instances in which very critical votes were carried by bare majorities not meeting the requirement of a majority of the whole number.''

The example I used the other day in the course of the debate was the extension of the draft before World War II. In that instance, the extension in the summer of 1941 came on a vote of 203 to 202. Now, that is a majority of those present and voting and it is clearly a quorum, but it was not adequate to meet the standard that is contained in this amendment. That waiver, therefore, would not have taken place. You would not have been able to make the expenditures necessary in order to carry through this provision.

What was at stake then is our national security. As you will recall, in the summer of 1940 we put in place a draft, but the term of service of those who had been drafted was a year and it was due to expire. President Roosevelt sent a message to the Congress to extend the time of the draftees and the guardsmen and the reservists and that had to be enacted in a joint resolution. The joint resolution barely carried on a

vote of 203 to 202. It was not a majority of the whole number of each House.

Mr. BYRD. Which would have been 218 votes.

Mr. SARBANES. It would have been 218 votes. The 203 votes fell well short of the 218 votes which this amendment would require in order to invoke the waiver.

Now I submit to you, it seems to me that is a clear example where the national security interests of the United States were at stake. Literally 4 months later, we were in World War II. Had that extension not carried, more than 600,000 draftees already in the Army, their obligation would have begun to expire that fall and they would have been departing from the service. Four months later, Pearl Harbor occurred.

So I do not see how people can be so almost glib in the sense of asserting that surely this waiver will be invoked in a time of crisis. Clearly then, had the standard applied, we would not have met it and I think we would have been in dire circumstances. Therefore, I very strongly support the amendment which the able Senator from West Virginia has offered.

Mr. President, I ask unanimous consent that the article ''How Mr. Sam Saved the Draft; One Vote and a Quick Gavel Rescued the Army on the Eve of War,'' be printed in the RECORD.

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

[From the Washington Post, Aug. 18, 1991]

HOW MR. SAM SAVED THE DRAFT; ONE VOTE AND A QUICK GAVEL RESCUED THE ARMY ON THE EVE OF WAR

(By John G. Leyden)

Fifty years ago last Monday—on Aug. 12, 1941—House Speaker Sam Rayburn saved the ''draft'' from legislative defeat and kept the U.S. Army intact to fight a war that was only four months away.

The margin of victory was a single vote, and the battle could have been lost as easily as won except for Rayburn's personality, leadership, mastery of parliamentary procedure and—when push came to shove—lightning-fast gavel.

If Rayburn had failed, the Army stood to lose about two-thirds of its strength and three fourths of the officer corps. At issue was whether to extend the 12-month service obligation of more than 600,000 draftees already in the Army and thousands of others being inducted every day, and the active-duty term of several hundred thousand National Guardsmen and reservists who had been called up for one year. Without an extension, the obligations of both the draftees and the Guardsmen and reservists would begin expiring in the fall.

The United States had adopted its first peace time draft during the previous summer after weeks of heated and acrimonious debates in both congressional chambers. In the House, tempers became so frayed that two Democratic members got into a fist fight on the floor until both were ejected with bloody noses and bruised egos.

Congress finally passed the Selective Training and Service Act, authorizing the Army to induct up to 900,000 draftees annually. President Roosevelt signed it into law on Sept. 16, 1940. One month later—on ''R'' Day—some 16½ million men between the ages of 21 and 36 registered for the draft. The first lottery drawing was held Oct. 29, and the dreaded ''Greeting'' from local draft boards was in the mail shortly thereafter.

Although the legislation limited the draftees' terms of service to 12 months, it provided that the president could extend the period indefinitely if Congress ''declared that the national interest is imperiled.'' On July 21, 1941, with the prospect of war increasing, Roosevelt acted. In a special message to Capitol Hill, he asked Congress to declare a ''national emergency'' that would allow the Army to extend the service of draftees, guardsmen and reservists for whatever period the legislators deemed appropriate.

Despite the measure's unpopularity and strong lobbying by isolationist forces, the Senate approved a joint resolution on Aug. 7 ''declaring the existence of a national emergency'' and authorizing the president to extend the service of most Army personnel by 18 months. The vote was 45–30.

In the House, it was a different story. The Republican leadership viewed opposition to draft extension as a political opportunity just too good to ignore. Others had their own reasons for opposing the measure.

As summarized by Time magazine, they included 17 Irish congressmen whose votes were based on anti-British sentiments; Tammany Hall Democrats upset that the administration was supporting nonpartisan New York Mayor Fiorello LaGuardia for re-election; a large group of Democrats who believed draft extension violated the commitment given to those already in service; straight-out pacifists who opposed all defense bills; and a ''big group in both parties who vote blindly against anything Franklin Roosevelt is for.''

In an effort to ''depoliticize'' the issue as much as possible, Roosevelt and Secretary of War Henry L. Stimson designated Army Chief of Staff George C. Marshall as the administration's point man on the bill. Marshall worked tirelessly but found converts difficult to come by despite his tremendous prestige on Capitol Hill.

''You put the case very well,'' one Republican congressman told him, ''but I will be damned if I am going along with Mr. Roosevelt.''

The vote was set for Monday, Aug. 11 but Rayburn put it off for one day out of respect for a Republican member who had died over the weekend. With the president out of town—meeting secretly in Newfoundland with British Prime Minister Winston Churchill to frame the ''Atlantic Charter''—Rayburn spent the additional day roaming the corridors of Capitol Hill, trying to win over recalcitrant Democrats and wavering Republicans. His lobbying style was like the man himself—honest, direct and intensely personal without a hint of intimidation.

''I wish you would stand by me because it means a lot to me,'' he would say. Mr. Sam, up close and personal, was a hard man to refuse.

Shortly after 10 a.m. on Aug. 12, the House began debating the joint resolution already passed by the Senate. A largely anti-draft crowd looked on sullenly from the packed visitor gallery. Included among the spectators were many servicemen in uniform and ''delegations of mothers clutching little American flags.''

The debate dragged on for 10 hours, through lunch and dinner. Amendments designed to weaken the bill were defeated with the help, ironically, of isolationists who wanted an ''all or nothing'' vote on the joint resolution. Finally, at 8:05 p.m., the reading clerk began calling the roll. Then, as required, the clerk went back through the list, repeating the names of members who had not answered the first roll call.

After 45 minutes of ''grinding suspense,'' the vote was completed—204 to 201 in favor of the draft extension. But before it could be announced, New York Democrat Andrew Sommers was on his feet demanding recognition. Rayburn obliged and quickly regretted the move: Sommers changed his vote from aye to nay, opening the door for further defections.

To forestall this, Rayburn turned from other Democrats who were calling for the floor and recognized Missouri Republican Dewey Short, a leader of the anti-draft forces and thus a known quantity. Short requested a recapitulation but committed a fatal error—by not insisting that the recount precede announcement of the original vote.

Sensing his opportunity, Rayburn quickly read the results: ''On this roll call, 203 members have voted aye, 202 members nay, and the bill is passed.''

In so doing, Rayburn had frozen the vote. Under House rules, the recapitulation would be limited to those who already had responded, and they were proscribed from changing their vote. When the recount was completed, validating the original results, Rayburn announced (some say ''mumbled''):

''No correction to the vote. The vote stands, and the bill is passed. Without objections, a motion to reconsider is laid on the table.''

It was all over but the shouting, because the words ''laid on the table'' meant the subject of reconsideration had been decided adversely and could not be revived except by unanimous consent. Still, there was plenty of shouting from both the floor and the galleries.

The outvoted and outflanked Republican leaders denounced the speaker's tactics and accused him of short-circuiting the reconsideration process. Rayburn kept his composure. He was patient with members who seemed not to understand that only those who voted with the winning side could move for reconsideration—and stern with those who challenged his integrity. ''The Chair does not intend to have his word questioned by the gentleman from Minnesota or anyone else,'' he told one member icily. Opponents got the message, and the debate fizzled out.

Three days later, after the Senate had approved the slightly different House bill and thus prevented another confrontation in the lower chamber, Rayburn decided he and his colleagues deserved a rest.

''I want to go home [to Bonhom, Tex.],'' he said in calling for adjournment. ''I live on a broad highway, in a white house where everyone can find me; but I have another little place. * * * When I start toward that place—and it is about 13 miles from my home farm—the road gets narrower and narrower every mile I go; and when I get to the end of the narrowest part of the road, there is a gate and there is no telephone out there.''

Another gavel stroke emptied the chamber and brought an end to Rayburn's first year as speaker. The battle over draft extension was one of his finest hours in a long and distinguished congressional career. Any reservations or ill feelings about the outcome would disappear on Dec. 7, 1941.

Mr. BYRD. I thank the distinguished Senator from Maryland, Mr. SARBANES, for his resourcefulness and his diligence in going back, searching for, and finding this real-life record of what actually happened; not something that may have happened, not something that someone said would happen, but a real-life emergency occurred.

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

The PRESIDING OFFICER. The Senator has 6 minutes and 30 seconds.

Mr. BYRD. How much time does the Senator from Utah have remaining?

The PRESIDING OFFICER. The Senator from Utah has 31 minutes.

Mr. BYRD. I yield the floor.

Mr. KYL. Mr. President, I would like to respond to a couple of comments that have been made and respond to the Senator from West Virginia, who I know makes this suggestion with the integrity of the Constitution and the institution and the defense of the United States very much in mind, and we all do.

I served in the House of Representatives for 8 years on the Armed Services Committee and have been criticized for being a hawk, so I appreciate arguments that could negatively impact our ability to carry out our defense functions as much as anyone.

But with all due respect to the distinguished Senator from West Virginia, I think this argument overstates a potential problem. In fact, I think there is no potential problem.

Essentially, what we are arguing about here in the U.S. Senate is the difference between 51 votes and 50 votes. And in the U.S. House of Representatives, it is the same 218 votes as would be required in any case to carry a majority issue if all of the Members are present and voting. So the only question is whether some Members may be absent or not voting and therefore you still have to have the constitutional majority of 218.

In my experience, in very few instances did you not have, on the major, important votes, almost all of the Members present and voting.

Mr. SARBANES. Will the Senator yield on that point?

Mr. KYL. Of course, I am happy to yield.

Mr. SARBANES. I think it is instructive that there are many, many close votes in the House of Representatives in which the prevailing side did not obtain 218 votes. The fact of the matter is that, on most votes in the House of Representatives, rarely are all the Members present. After all, there are 435 of them. On many votes, 5, 10, 15, perhaps even 20 Members are absent. And there are a lot of votes in the House that are decided by very close margins—208 to 204, 211 to 205, et cetera, et cetera. Close votes, but they do not reach this level of the 218 votes.

I sought to cite what I thought was a really on-point example in terms of the national security being at stake, a 203 to 202 vote with respect to extending the obligation under the draft before World War II.

Mr. KYL. I appreciate the example that the Senator has cited.

In recent years, on important votes, most Members of the House of Representatives are present. It is only in situations of illness or in situations where there has been a family emergency or something of that kind that Senators and Representatives do not care enough to be in the Chamber voting on very important national security matters.

If it is the argument of the Senator from Maryland that this is such an important point that the national security of the United States of America is jeopardized but he suggests, on the other hand, that a lot of Members will not bother to be present to vote, I suggest the argument fails. On important votes, Representatives and Senators do their duty.

Mr. SARBANES. Will the Senator yield?

Mr. KYL. If I may just finish this thought.

By definition, if it is an important vote, they are there doing their duty.

It does not seem to me to be an unreasonable requirement that, for a matter of this magnitude, one would require a majority of both the House and the Senate to approve exceeding the requirement for a balanced budget. And especially on matters as important as those suggested by the Senator from Maryland and the Senator from West Virginia, Members will be present, will reflect on the matter seriously, and therefore will vote.

I am happy to yield further to the Senator.

Mr. SARBANES. I only point out to my colleague that you could have virtually all the Members of the House there. Let us say you could have 98 percent of the Members there, which would mean nine Members are missing. You could have a very close vote, since the issue may well be very controversial and divisive, and you would not reach the 218 benchmark.

So the way this possibility is simply being brushed aside concerns me greatly. The situation I am outlining could easily happen. It has happened in the past.

By allowing it at that level, suppose we have ten Members absent?

Mr. KYL. Mr. President, if I may interrupt, the Senator from Maryland said this has happened in the past. I am not aware of a situation where the Congress has refused to fund an ongoing military operation of the United States of America.

Mr. SARBANES. Because Congress was never required to produce a majority of the whole number. All we had to produce in order to do that was a majority of those present and voting.

Mr. KYL. Mr. President, has the Congress ever refused to fund an ongoing military operation of the United States? Not to my knowledge.

Mr. SARBANES. But it has funded such operations on occasions when it carried the vote without having a majority of the whole number.

Mr. KYL. Of course.

Mr. SARBANES. Mr. President, if we go back through the Vietnam experience, there were instances in which the funding was carried through, but the vote by which it was done represented a majority of those present and voting, but that number did not represent a majority of the whole number of the House.

Mr. KYL. Mr. President, if I could reclaim my time. I am not aware of a situation. There may very well be one. I have not heard of any one situation in which fewer than a constitutional majority but a majority, a simple majority, voted to fund an important military operation of the United States, ongoing military operation.

I think it is important to put this in context. Throughout the entire year the Congress can fund operations of the Government, including the Defense Department or the State Department, where we are involved in military conflict. We are involved in military situations around the globe today, some of which can involve conflict.

As a matter of fact, if something occurs in Haiti or one of the other countries in which we have troops today, that is a military conflict. We are funding those operations. We are not voting on that. We do not take a vote every time we send another ship or more jeeps or tanks to one of these places of military conflict.

This question of funding only arises in a few situations. It may arise with regard to a supplemental appropriation where we will, in effect, refund the money to the Defense Department, or it may arise in connection with a defense authorization bill, which we do once a year, or a defense appropriation bill.

So we can deal with these issues throughout the year. The only thing we are talking about in the constitutional amendment is the question at the end of the year when we have to either be in balance or vote to exceed that balanced budget requirement. At that one critical moment in the year when we decide to let an ongoing military operation continue with the funding it has rather than to override or to exceed the balanced budget requirement, in that case we have to have a constitutional majority rather than a simple majority, meaning 51 Senators out of 100, 218 Representatives out of 435.

Mr. President, I just suggest in closing the debate on this amendment from our side that while the seriousness of the Senator from West Virginia is always apparent and issues of national security are known to all Members to be of utmost importance, I suggest that this is much ado about nothing. A constitutional amendment that says we should have 51 Senators out of 100 or 218 Representatives out of 435, a mere majority, is not too high a requirement. It is not too much to ask. If we are going to be putting our young men and women in harm's way we better have the support of half of the Senate and half of the House of Representatives. That is all that the balanced budget amendment requires with respect to the requirements for funding.

I really do not think this is a significant matter. It certainly is not something that would suggest the appropriateness of an amendment to our proposed constitutional amendment here.

Mr. SARBANES. Would the Senator yield for a question, Mr. President?

Mr. KYL. Mr. President, I yield.

Mr. SARBANES. I am looking at the report for votes dealing with the SDI. This was a motion to table an amendment which would have cut the amount of money for SDI, so the tabling motion in effect would have kept the higher figure for the SDI Program.

I do not want to argue the substance of the SDI Program. As I recall, the Senator was in favor of it when he was in the House. I want to get at the point of the close votes and the assumption that there is no problem. That vote was 50–50. The Vice President voted ''yea'' to break the tie. In other words, he voted to table this amendment which would have cut the SDI. He wanted the higher SDI figure. This was Vice President Bush at the time.

Now, I take it, under your provision, that would not work. We would have had a different outcome, correct, under this amendment?

Mr. KYL. It all depends on whether or not the expenditure—first, whether this was an expenditure of funds, whether it would put Members over the balanced-budget-limit requirement, and whether it was done in furtherance of support for our activities in an ongoing military conflict.

Mr. SARBANES. Assuming none of those factors were met, I take it that this vote, then, under this amendment we would have a different outcome than we had at the time?

Mr. KYL. Mr. President, no, no.

Mr. SARBANES. Mr. President, I thought the Vice President's vote would no longer count.

Mr. KYL. The vote the Senator is talking about is to fund the strategic defense initiative, not a vote to support an ongoing military conflict or ongoing military operation. It simply has no relevance to the amendment that the Senator from Maryland is espousing.

Mr. SARBANES. If it is related to addressing an imminent and serious military threat, it would be relevant.

Mr. KYL. Mr. President, if it were.

Mr. SARBANES. Mr. President, just on the factual situation, that is a very close vote.

I take it under this amendment, assuming all the other factors were met, we would have a different outcome. Is it your view we have to produce 51 Senators? Or can the Vice President cast the deciding vote in cases of a tie under this amendment?

Mr. KYL. In the amendment, we have to have 51 Senators to exceed the balanced budget requirement in situations in support of an ongoing military conflict.

Mr. SARBANES. So the Vice President's casting a vote is nullified.

Mr. KYL. In this situation, the Vice President—just as in any other situation where we do not have a tie—the Vice President is not casting a tie vote.

It is very rare that the Vice President has to cast a tie vote, but we are aware of the fact he has on occasion. No one will suggest that there are not occasions where we have a tie vote. What we are saying is, if we are talking about supporting an ongoing military conflict involving a U.S. interest, we have American men and women sacrificing or at least risk their lives in support of this operation, if we cannot muster 51 votes in support of those young men and women, then presumably the Senate has said we do not want them over there taking whatever risks they are taking. If we cannot trust the U.S. Senate, 51 Senators, to make that kind of decision, it seems to me there are not very many other judgments we could make.

Mr. SARBANES. Could the Nation go to war with a declaration of war on the basis of a tie-breaking vote by the Vice President?

Mr. KYL. Mr. President, yes, the Nation could.

Mr. SARBANES. The Nation could do that. But the Nation could not then fund the war which it has declared on the basis of a tie-breaking vote by the Vice President?

Mr. KYL. It most certainly could. If I could finish.

Only in the event that we did not find the money to fund the war effort and all of the other obligations of Government, would we have to exceed this balanced-budget-requirement limitation.

Obviously, in a case of a World War II we would be spending a lot more money. We probably would go into deficit. One would assume the votes would be there. But, for example, the conflict of Haiti, which is not a declared war and obviously would not necessarily require that we break the bank in order to support the operation in Haiti, it does not seem to me to be an unreasonable requirement to require 51 Senators.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Maryland.

Mr. SARBANES. Mr. President, the crux of the problem was the Senator's comments that we just assume that we would fund these items. I do not know how we can make that assumption when one can show that there had been close votes in the past which would not meet the requirement of the amendment and, in fact, would give the opposite result from what occurred in situations in which I think it can be argued very reasonably there were important national security interests at stake.

Mr. KYL. I want to yield to the Senator from Idaho, but I will make a point first. The Senator is correct, I am assuming that in important matters where funding was necessary, 51 Senators would be willing to do that.

But the Senator from Maryland is assuming that that is the right thing to do, as am I in this situation. If 51 Senators said, ''No, we're not going to break the budget; we're not going to unbalance the budget to fund your operation in Haiti,'' or wherever it might be, I cannot assume that that is a wrong decision, if 51 Senators have made that decision.

I yield to the Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague for yielding. This most certainly is a serious discussion about the amendment of the Senator from West Virginia. Every time in our Constitution we have established a vote, in this case a constitutional majority, and in other cases a supermajority, we know that is the standard. That is the level we have to reach to perform in certain ways, to respond in certain ways, as so prescribed by the Constitution.

The validity of analyzing prospectively a situation by the comparative of other situations done in an entirely different environment really has no context in this debate. This debate is about an amendment that sets new standards, constitutional requirements that we will meet. Certainly, the Senator from Maryland and I know that on certain votes on this floor, we have watched our leadership orchestrate votes. Some votes are very tough and some Members really do not care to vote. I have been on the floor on occasion when it was well known in advance that the vote more than likely would occur in which the Vice President would have to break the tie, simply because it was a tough vote. But we do know that in instances where, if that did not occur, there is a strong likelihood that if it was the position of the majority party or the majority of those here that this was the kind of vote required, and it was by Constitution the vote necessary, that it could be gained if it was of that importance.

But as the Senator from Arizona has so clearly stated, if the priorities rested that we would not break the budget to fund an ongoing military operation that was outside the declaration of war, my guess is the Senator from Maryland and the Senator from Idaho, if we agreed that it was important to fund that, and certainly the Senator from West Virginia, if he were in his past role as chairman of the Appropriations Committee, would change or shift the priorities necessary and move money from other programs of less importance to the program of high importance, in this instance military funding, for the purposes of doing those kinds of ongoing funding.

That is the real role of this Congress and the most important role under a balanced budget amendment. That is, to establish priorities, not just to get enough votes to bust the budget or to go beyond balance, but in the environment of a declared war, which is distinctively different and we all know that because it is then the decision of this country to put its men and women at risk because our very freedom is at

risk, that we go back to the majority necessary to do so under that context, the simple majority.

That is why those who have spent their time crafting this amendment have argued so and, therefore, established section 5 of this article to make sure that we force the priorities of spending the way they have never been forced before in the Congress of the United States.

If we had had that kind of prioritizing before, most certainly we would not have the $4.8 trillion debt, the $18,000-plus debt per citizen, the $300 billion interest charge—it simply would not be here, because the Senator from Maryland and the Senator from Idaho would have been operating during their presence here under a different mindset. We know our standards and levels of performance, and we may have argued very loudly over what the priorities of spending ought to be, but in the end, we know that those priorities would have to have been established under a balanced budget.

So I am suggesting that the Senator from Arizona is absolutely right. To pull a vote from 1941 and argue that that is the context in which article V fits is to argue that every circumstance, every emotion, every understanding of the time and the situation would be identical and we, of course, know that is not the case.

How do you justify that 21 Senators did not vote on that critical day? Well, probably because there may have been a few pacifists, there may have been a few who could not vote either way because they simply could not make such a critical decision as to send this Nation to war or, in this case, the draft. Those are the realities of the moment and time and the emotion and the politics of that vote, and certainly the Senator from West Virginia, who is senior to all of us with his experience on the floor, knows that every vote has its own chemistry, its own politics, and its own emotion.

What we are saying here is this is a minimal standard to force the Senate to prioritize under fiscal matters which we think are terribly and critically important to maintaining the stability of the economy of this country and the fiscal responsibility of this Senate and our Government.

I thank the Senator from Arizona.

Mr. SARBANES. Will the Senator yield for one further question?

Mr. KYL. Mr. President, I know that we have some additional time. I would be happy to have the colloquy continue on our time, if that is the preference.

Mr. SARBANES. Let us assume that two Members of the Senate are in the hospital. We take a vote on this waiver and the vote is 50 to 48 in favor of making an expenditure to address a national security threat. So a clear majority of those present and voting have voted to do it. That does not meet the standard in this article; is that correct?

Mr. KYL. The Senator is correct.

Mr. SARBANES. And, therefore, that effort would fall, even though a majority were in favor of it.

I have difficulty with understanding how one can be so quick to dismiss that possibility. I have seen many close votes on the floor of the Senate. I have seen instances in which Members have been absent because they are in the hospital, or for other good reasons, in which the sentiment is very closely divided and you get a majority in favor of a position but it does not rise to the level of a majority of the whole number of a House.

I think the problem is even more pressing in the House of Representatives where you often have votes when all Members are not present. In fact, if a seat is empty that, in effect, is a vote against. Let me ask the Senator this question: Is the majority of the whole number reduced if there are absent seats? There are occasions in the House of Representatives where you may have three, four, five seats that are not filled at one time. That happens on occasion. Is the majority to get reduced from the 218, or does the number stay at 218 even though there may be 4 or 5 empty seats in the House?

Mr. KYL. The answer, as I understand it, is the requirement would be 218 irrespective, but I do think it is a mischaracterization to say not infrequently there are 3, 4, or 5 vacant seats in the House. In my 8 years there, the most ever at one time was three, and very rarely were there any.

I think if I could get back and conclude my part of the debate on my time, then I will be happy to hear from the Senators from West Virginia and Maryland.

I think we have to put this back in context. We have a very important issue before our country right now. It is the runaway Federal budget deficit and the accumulating debt that we are consigning to our children and our grandchildren. All of us understand the importance of dealing with that. We have some disagreement about precisely how to deal with it.

But those of us who support the balanced budget amendment believe that one thing we should do is to say that if we are going to exceed that balanced budget limit, even in a time of military conflict, it should require a constitutional majority, meaning 51 Senators, 218 Representatives. That is hardly too much of a burden in that situation. Why? Because in that situation, we have already put young American men and women in harm's way by definition. Therefore, the seriousness of that commitment should require an equally serious commitment on the part of the House and Senate in providing for the funding for those operations.

We provided, in a case of declaration of war, of course, which, as the Senator from Maryland correctly pointed out, only requires a majority vote, you should only require a majority vote to fund that operation beyond the requirement of the balanced budget amendment.

But in those cases where you have not made a declaration of war, such as the situation in Haiti, just to cite one example, if the funding cannot occur any other way than by breaking the budget, then we suggest that a mere 51 votes in the Senate and 218 in the House is not too much to ask for.

The amendment of the Senator from West Virginia would change that to a simple majority of those here and voting, however many decide to vote. We think that that is not a substantial enough requirement to break the balance of the budget that we are trying to achieve by the passage of the balanced budget amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May I say to the Senators, we get the same kind of answers to every question. They say, well, we will readjust priorities. We will transfer funds from some other program in order to fund the military needs during an emergency.

I have been chairman of the Senate Appropriations Committee, and may I say to my friends, I am now in my 37th year on the Appropriations Committee. We do not have time to adjust priorities in emergency situations.

Suppose you are near the close of the fiscal year when a threat to our military security occurs. The funding that has been provided for various and sundry agencies is almost spent for that fiscal year. How are you going to dip around and readjust priorities and pay for the military emergency that is confronting you at the end of that fiscal year, as envisioned by this language? You do not have time. We are going soon to be into a new fiscal year.

There are those here who cannot conceptualize of our being in a situation in which we will have a tie vote here in this Senate, 49 to 49, 48 to 48, or 50 to 50. If the President of the Senate—the Vice President—casts a vote, it will not count, because only the votes of Senators will count.

We get the same old answers from the proponents all the time: Oh, I cannot conceive of this event; I cannot believe that this will happen; or the intent is not thus and so.

Mr. President, that's a bountiful answer that fits all questions.

> It is like a barber's chair, that fits all buttocks—the pin-buttock, the quatch-buttock, the brawn-buttock, or any buttock.

That is not original with me. That was Shakespeare, but it makes my point. The proponents have an answer that fits all questions. It is just that easy. They just brush aside these real-life questions, and I think that this afternoon proves our point. This is a constitutional amendment which is not well thought out, and I say that with the utmost respect for those who were engaged in the writing of it. It was not well thought out.

I believe that if it is welded into this Constitution, those who have supported it in ''reaching to take of the fruit'' will ''chew dust and bitter ashes.''

I regret that questions I have raised, and those that have been raised by the distinguished senior Senator from Maryland, have been, not necessarily treated with a cavalier attitude, but those who responded to the questions cannot seem to conceive that real-life situations can occur such as we have tried to present here. And if those situations do occur—and there is no question but that they will in the long years ahead—the country is going to be faced with a dilemma. We seem to be observing a very, very lax attitude here by the proponents of the amendment.

Why would they want to make it difficult for the Nation to respond to our Nation's security? Why set up a hurdle like that in section 5?

The point here, again, is that we will be hamstringing the ability of the Chief Executive, the Commander in Chief, to deal with a national security emergency, a real-life national security emergency, by insisting on 51 votes of Senators and by disallowing the Vice President to vote to break a tie. That is reckless—reckless. I am sure it is not intentionally reckless, but it is thoughtlessly reckless. It defies logic. It counters simple common sense. If we ever reach a real-life situation that confronts us and this language is nailed into the Constitution, then we will have found that a great disservice has been the result—disservice to our fighting men and women—and it ought to be changed. Why not strike out this sentence? Why not change it to say adopted by a majority?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I thank the Chair and I thank all Senators.

Mr. KYL. Mr. President, we are prepared to yield the remainder of time on this side.

Mr. President, at this time, I move to table the amendment of the Senator from West Virginia and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table the amendment of the Senator from West Virginia. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Oklahoma [Mr. INHOFE], and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

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

The result was announced—yeas 55, nays 41, as follows:

{Rollcall Vote No. 75 Leg.}

YEAS—55

Abraham	Frist	Nickles
Ashcroft	Gorton	Packwood
Bennett	Gramm	Pressler
Bond	Grams	Reid
Brown	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hatch	Shelby
Chafee	Helms	Simon
Coats	Hollings	Simpson
Cochran	Hutchison	Smith
Cohen	Jeffords	Snowe
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lott	Thompson
Dole	Lugar	Thurmond
Domenici	Mack	Warner
Faircloth	McConnell	
Feinstein	Murkowski	

NAYS—41

Akaka	Exon	Levin
Baucus	Feingold	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Inouye	Nunn
Bryan	Johnston	Pell
Bumpers	Kennedy	Pryor
Byrd	Kerrey	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	

NOT VOTING—4

Hatfield	Inhofe
Heflin	McCain

So the motion to table the amendment (No. 256) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia [Mr. ROCKEFELLER] is recognized to propose an amendment.

AMENDMENT NO. 306

(Purpose: To protect the disability and death benefits of veterans)

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

The PRESIDING OFFICER (Mr. BENNETT). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] for himself, Mr. DASCHLE, Mr. AKAKA and Mr. WELLSTONE, proposes an amendment numbered 306.

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

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

The amendment is as follows:

At the end of section 6, add the following: ''However, no legislation to enforce or implement this Article may impair any payment or other benefit based upon a death or disability incurred in, or aggravated by, service in the Armed Forces if such payment or other benefit was earned under a program established before the ratification of this Article.''

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia controls 60 minutes. The Senator from Utah controls 30 minutes.

Mr. ROCKEFELLER. I thank the Chair.

Mr. President, the amendment I am proposing is extremely simple and very straightforward. Should the balanced budget amendment go forward—and it is very close—and actually become part of the Constitution, which is a result that I continue to strongly oppose, the benefits furnished by the Federal Government to those particular veterans suffering from service-connected disabilities, and to their survivors, will be protected by my amendment.

Specifically, my amendment provides that the balanced budget amendment may not be implemented by impairing any benefit based upon a death or disability incurred in, or aggravated by, service in the Armed Forces—service connected.

Mr. President, at the outset, I want to be clear that while my amendment is targeted on benefits and services directed to service-disabled veterans, I in fact wanted very much to be able to protect all veterans and all benefits from the kind of meat-ax cutting that I think will take place if the balanced budget amendment becomes part of our Constitution. However, I have to be realistic and I have to target—and I am forced to do that by the circumstances—in an effort to focus most directly on the most critical parts of our commitment to veterans. I have settled on those with service-connected disabilities, those with the greatest call for our protection.

All who serve in the military deserve our thanks and our support. If I had my way, I repeat, they would also continue to benefit from the full range of programs that have been developed over the years. Unfortunately, those who favor deficit reduction over all else have significant support today, and no Federal expenditure is secure. Therefore, while I intend to continue my strong support for all veterans programs as long as I am in a position to do so, my amendment is crafted narrowly. Specifically, the benefits that would be protected by my amendment are the most vital benefits administered by the VA: compensation paid to service-connected veterans; dependency and indemnity compensation paid to the survivors of those who die in service or from service-connected disabilities; vocational rehabilitation provided to disabled veterans, who are disabled because of their service; health care furnished by the treatment of service-related disabilities; burial allowances paid when the veteran dies in service or from service-related causes; and certain other ancillary benefits

provided to service-connected disabilities.

Mr. President, these benefits are at the core of the mission of the VA. Stated simply, the principal mission of the Department of Veterans Affairs is to ensure that we, as a Nation, honor the commitments to those who have served us and protected us, often in times of need and often at enormous sacrifice to themselves, and most especially those who were injured or disabled during that service.

Too often, this commitment and this obligation to those who have answered the Nation's call and suffered as a consequence, frankly, sort of gets lost, glossed over, forgotten. Sometimes issues relating to the appropriate benefits and services for these brave men and women who have served, who defended us and are now disabled by virtue of having done so, get lumped with other obligations of Government, as though all of the things the Federal Government does are kind of on an equal basis, that everything is equal. Plainly, this is not so.

We must never diminish the obligation that is owed to those who have served in the armed forces, and especially to those who have suffered disability or death from that service. Taking care of those who join the military, so as to defend the general population, is a tradition that goes way, way back in our Nation's history. In the history of America, this imperative can be seen from our earliest days. One of the first American veterans benefits laws on record was enacted in 1636 by the members of the Plymouth Colony.

That law provided that, in the event one who served in defense of the Colony returned ''maimed and hurt,'' the Colony would maintain the soldier ''competently'' during the soldier's life.

This commitment to care for the veteran who returned disabled from service has remained strong, remained vital down through our time, and it must continue to be honored.

Mr. President, if we are to amend the Constitution in the name of fiscal policy in the mindless way that is proposed in the underlying resolution, then at a minimum we must ensure that disabled veterans and their survivors are protected in that same action in the Constitution.

President Lincoln would be, I suppose, the President with the greatest sense of depth and immediacy of the obligation of those who served. He spoke of this in 1864. He said:

> All that a man hath, will he give for his life. While all contribute of their substance, the soldier, the soldier, puts his life at stake and often yields up in his country's cause. The highest honor then is due the soldier.

That was Lincoln.

The terms of this obligation, which is the guiding principle of the VA, was characterized no better than when, again, President Lincoln spoke of the obligation to ''care for him who shall have borne the battle and for his widow and orphan.'' That is what is written beside the front door of the VA. That was a long time ago that he said that, but these words ring no less true today.

Indeed, as we enter into this new era with the cold war behind us, we should pause and recall how, in fact, we came to be where we are. We should pause and remember those who served from the world wars through Korea, Vietnam, to the Nation's most recent conflict in the Persian Gulf and reflect on what their service has gained for all of us and what they are owed by a grateful nation for that service, most especially those disabled by that service and the survivors of those who gave the last full measure.

We must keep faith with those who served. It is a simple sentence, but it is a strong one. We must keep faith with those who served for that is the sort of people that we are.

And on a far more pragmatic level, we must honor the commitments to those who served in the past so that those who are considering entering the service today know that the promises made to them today will be kept when their service ends. To fulfill our fundamental obligation, we as a nation have established a wide range of veterans benefits that are provided to those with service-connected disabilities, and we must remain true to those commitments.

Mr. President, the Senate recently engaged in an extended debate on the relationship between Social Security and the balanced budget amendment. I agreed fully that Social Security deserves to be protected from the vagaries of the sort of mindless budget-cutting exercise that will have to take place if the Constitution is amended to require a balanced budget. I think the benefits of service-disabled veterans deserve protection just as well.

There is no question that the Social Security benefits are in the nature of a contract. And it is equally appropriate to identify some Government benefits, you know, these days as mere gifts or giveaways, so as to contrast those benefits with Social Security.

But that is not the nature of benefits for service-disabled veterans. The contract that relates to these benefits was one signed in blood and many, many times over. Veterans paid for these benefits with their limbs, their sight, their mobility, their mental and physical health, indeed, with their very lives.

Benefits paid to veterans who are injured while in service to their country are valued perhaps more than any other in the VA. And veterans in general would agree with that. Why? Because our Nation recognizes and respects, as we should, the commitment we made to those who gave up their livelihood, left their homes, agreed to risk their lives for their country, asked no questions and suffered an injury while in the course of their service. Many never came home.

Who here intends to break our contract with the disabled men and women who have served their country and risked so much? Who would do that?

Cutting benefits to those who served us all and who became disabled during that service is simply not the sort of thing we should allow to happen in a country called America. I can think of no population with a greater claim on our concern and our love and our protection than those who sacrificed their well-being in our common defense.

Mr. President, I will not repeat the legal analysis that was presented during the debate on Senator REID's amendment on Social Security as to why this provision needs to be a part of the amendment itself and not a mere afterthought in other and separate legislation. It is enough to note the obvious. Since some of our colleagues believe that it is necessary to amend the Constitution in the name of fiscal policy, then surely in the same amendment they can be clear that they do not intend, for whatever mischief is to follow in the name of fiscal policy, to have an adverse impact on disabled veterans and the survivors of those veterans who gave, as I say, their all.

Mr. President, I want to believe that this is the point of view of those who support the balanced budget amendment, but I must confess to having some serious worries. Being able to see the words that would provide the protection included in the amendment itself would remove any lingering doubt on my part and on the part of America's veterans.

Mr. President, I have more to say about my amendment and in its defense, but at this point I notice the Senator from Maryland is on the floor.

The PRESIDING OFFICER. Does the Senator from West Virginia yield time to the Senator from Maryland?

Mr. ROCKEFELLER. I do.

The PRESIDING OFFICER. Would the Senator indicate how much time?

Mr. ROCKEFELLER. How much time would the Senator require?

Ms. MIKULSKI. Five minutes.

Mr. ROCKEFELLER. I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Ms. MIKULSKI. Thank you very much, Mr. President.

I rise with great enthusiasm to support the Rockefeller amendment. I believe that we should under no circumstances balance the red ink of the Federal budget by using the red blood of America's veterans.

Americans have served the United States of America proudly with honor, with dignity and enormous self-sacrifices.

We are at the 50th anniversary of the commemoration of World War II—World War II in which ordinary people were called to do extraordinary things, and they did them. They did it at Normandy, they did it at Okinawa, they did it at the Battle of the Bulge.

And when, at the Battle of the Bulge, a message was sent to our troops to

surrender, our military sent back a message and said, ''Nuts.''

Well, that is exactly what we are saying on the floor today for those who would not be willing to exempt veterans with service-connected disabilities from the balanced budget amendment. We say, ''Nuts'' to those who wish to use veterans funding and make them vulnerable to these swashbuckling kinds of issues that we are discussing here.

We know that the veterans appropriation for medical care alone numbers about $15 billion to $16 billion. I know that, Mr. Chairman, because I once was the Chair of the subcommittee that appropriates those. Though I am now in a sabbatical from the chairmanship, I am not in a sabbatical from fighting for American veterans.

That $15 billion is designed to meet the needs of America's veterans in order to be able to meet their acute care, provide primary care connected to service-connected disabilities, and long-term care for those who bear the permanent wounds of war.

Do we really want to make that vulnerable to budget cuts, mandatory budget cuts that will obviously come through a balanced budget amendment?

The other part that the VA funds is disability pensions for those, again, who were wounded in the war and for those who are also now applying for those, who served in Desert Storm and other recent conflicts. Because of inadequate funding, we have a backlog that needs to be addressed, because our veterans now have to wait several months in order for that backlog to be able to be processed.

Mr. President, I believe that the veterans who have already served the United States of America should not be called to do double duty by placing those programs related to the deficit—those veterans with service-connected disabilities being exempted from that.

When we think of those veterans, they are the men and women of the Armed Forces who fought over there so we could be safe there. People like my Uncle Pete, my Uncle Fred, my Uncle Richie, who left banks, shops, and grocery stores to fight the Nazis and the war in the Pacific. They were the brave men who fought in Korea in an undeclared war, and in Vietnam in an unpopular war, and in Desert Storm in a high-technology war, and countless other contingencies, so when a President dials 911 they are there to answer, ready and fit for duty.

Then what do we say? Thank you. We always say a grateful Nation will never forget. Well, I am absolutely concerned that we will forget and those who we will forget the most are those who wear the green eyeshades rather than military epaulets, as they look down at the Federal budget.

That is why I support the Rockefeller amendment. Each and every one of those men and women in the military is a symbol and living testament to the principles that have kept this country strong and free: loyalty, self-sacrifice, and patriotism. When we think of our enlisted people, we think of everything that is good about this country—courage, loyalty.

Our responsibility now is to live up to the kinds of promises we made to them when they were called to duty.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Ms. MIKULSKI. Mr. President, I support the Rockefeller amendment.

Mr. President, I ask unanimous consent for 1 additional minute to conclude.

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

Ms. MIKULSKI. Mr. President, I hope that my colleagues will think long and hard, that when they go to Veterans Day observances, when they go to Memorial Day, when they rise at Fourth of July parades and give the V sign or the thumbs up, and when we vote we should never, ever balance the red ink of the Federal budget on the backs of American veterans who have served so well.

I yield the floor.

Mr. HATCH. Mr. President, veterans' benefits and veterans' programs will continue to compete very well under a balanced budget amendment.

But this constitutional amendment is not the place to set budget priorities. We cannot put statutory programs into the Constitution. Constitutional and statutory confusion will result if we include references to statutory programs in the text of the Constitution. It would create a new type of law somewhere between constitutional law and statutory law. Would we need to amend the Constitution to increase veterans' benefits? Would we really want to give quai-constitutional status to the technical language of the veterans' benefits statutes? Would we want to allow those statutes to be a loophole to let off the pressure of balancing the budget? This could pose a risk to veterans' programs as Members of Congress would have an incentive to redefine spending programs as veterans' programs.

Mr. President, this amendment is yet another attempt by opponents of the balanced budget amendment to use a worthy group of beneficiaries—in this case our Nation's veterans—to start putting loopholes in the balanced budget amendment. This poses risks to the balanced budget amendment, could engender constitutional confusion, and might hurt veterans' programs.

Let me repeat that veterans' benefits hold a priority place and will be well protected. But we should not start exempting statutory programs from the broad universal mandate of the balanced budget amendment.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I rise in opposition to the amendment of the Senator from West Virginia, and I resist in saying the words ''Here we go again,'' for the simple reason that I now have the privilege of serving on the Veterans' Affairs Committee of this Senate and, by the outcome of the last election, missed the opportunity to serve under the chairmanship of the Senator from West Virginia of this critical and important committee.

So when the Senator from West Virginia stands up to speak about veterans and veterans issues, I know he speaks with the utmost sincerity as to his concerns, as does the Senator from Maryland.

Because of that sincerity, because of the commitment that this Senator has, we will prioritize at the top of nearly every budget the responsibility we have to honor the commitment that this Government made to the men and women who put their lives in harm's way to provide for our safety and security as a nation.

But there is no question that as we debated the Social Security issue and as we now debate veterans issues, that we find our services falling into the GRAMM–Rudman trap of taking away or exempting from any budget consideration, under a controlled scenario and under this instance of a balanced budget, these programs.

What does that say? I guess it could say they are at the top of our priority list, but it says we can also spend in a lot of other areas that have less priority, and we exempt these programs from any budgetary consideration that is fair and responsible.

Two weekends ago, Mr. President, I visited a new veterans home in Idaho that I am very proud of. I helped gain the money for that home and the State of Idaho moved that money. It now is the residence for 70 veterans who served their country well but find the need to have shelter provided by this unique and beautiful home. I visited with most of them, spoke to them. We were talking about the very issue that we are debating on the floor tonight, the balanced budget amendment.

All of them said, ''Senator, get the budget under control. I am really worried about the future of this country and I am worried about my grandchildren. So I hope you win. I hope you balance the Federal budget,'' because what those members of that Idaho veterans home knew was that the commitment their Senator had was to always put their issues at the front, to prioritize, as the history of this Congress has always demonstrated that we will treat fairly and responsibly those who served our country, because of the commitment we made when they took the oath. That does not mean we move them outside of the arena of budgetary considerations or the intent to be fiscally responsible.

If we allow but one exemption, then there are a lot of other priority areas that many other Senators would find necessary. I would have to say to the Senator from West Virginia, what about his coal miners? What about our

rail workers? What about my farmers and ranchers? No, they did not put their lives in harm's way to ensure the safety and security and freedom of this country. But we have said for a long, long time we have an obligation to them for a variety of reasons.

Yet, we have not chosen to exempt them, nor should we choose to exempt anyone, but to force this Congress to maintain the priorities we think are critically necessary. We believe that that has to be done under the context of a balanced budget. As I said when we debated the Social Security amendments, the threats to veterans benefits is not this amendment, the threat to veterans benefits is the debt and the deficit. The deficit itself is crowding out the benefits, because we have to pay interest on that debt.

I say now if we did not have the $300 billion deficit payment, interest on debt payment on an annualized basis, the Senator from West Virginia and I would not have to make the critical decisions we are going to be making in this budgetary cycle, with or without a balanced budget requirement, which will entail reductions in growth rates of certain veterans benefits, not because of a balanced budget amendment, but because for too long this Senate has not been fiscally responsible, and we are now crowding out the very real programs that are extremely valuable.

Mr. President, at this time, I yield to the Senator from Wyoming and the chairman of the Veterans' Affairs Committee here in the Senate, such time as he might require.

Mr. SIMPSON. Mr. President, this is one of the periodic missions assigned to those who chair the Veterans' Affairs Committee or who serve as ranking member during the debate on any issue that has anything to do with veterans.

I am a veteran. There are 27 million veterans. I know some get tired of me quoting the statistics. But I do not get tired of it, because the American people have been forced, in this debate on the balanced budget, to wake up and figure what is going to happen to them.

My wake-up call came during service on the Entitlements Commission, the bipartisan Entitlements Commission, chaired so ably by Senator BOB KERREY and Senator Jack Danforth. And 30 of the 32 of us—a very diverse group ranging from Rich Trumka, Malcolm Wallop, my fine senior colleague in those days, JOHN DINGELL, Tom Downey, Senator CAROL MOSELEY-BRAUN, Senator GREGG—a wonderful group of people—and 30 of the 32 of us have agreed and presented to the President the fact that in the year 2012, with no increase in taxes, that there would be only sufficient revenue to fund Social Security, Medicare, Medicaid, and Federal retirement and interest on the national debt and that there will be nothing—absolutely nothing—to be used to fund transportation, education, defense, Head Start or NEA or any other discretionary program of the Federal Government, and everybody knows it.

I would think the veterans would have picked up on it. Veterans are a bright group. They have powerful organizations in this community. But I must say, in my 16 years here, and having served as ranking member under a fine able chairman, Senator Al Cranston—people often confuse us and say, ''You're Al Cranston.'' ''No, I'm AL SIMPSON.'' I have to clear that up daily. Nobody ever calls him AL SIMPSON but many call me Al Cranston. But it was difficult. That was the only thing difficult in that relationship because I enjoyed him thoroughly.

There is nobody I enjoy more than JAY ROCKEFELLER. He is a splendid friend. I watched the chairman through the years, Senator FRANK MURKOWSKI, and the wonderful work that he has done, and on it goes.

Always we get into this wretched excess about veterans: ''What are we doing for the veterans of our country?'' And the answer is everything. I am telling you, when I came to this body, the veterans budget was $20 billion in 1978, and today it is double—double, $39.5 billion proposed for 1996. And in 1978 it was $20 billion. It has doubled. And every year I have to come here and listen to what we are doing to the veterans of America. It is a tedious exercise, a truly tedious exercise.

It comes from the veterans' groups. The organizations gin the rhetoric up all day long. The average increase for veterans is over $1 billion a year. When every other program in America is taking a hit, the veterans do not take a hit. They have not taken a hit in any way. We keep adding things.

What we really tragically do is add new things in the Veterans' Affairs Committee and on the floor, because you do not dare vote against any kind of bill that has the word ''veteran'' in it. So we come here and we have voted for entitlement programs that we cannot fund, and then the veterans groups come back in and say, or the veterans themselves come back in and say, ''How come I couldn't get into the VA Hospital in Cheyenne or Miles City?'' Or ''Why couldn't I do this'' or ''Why couldn't I do that''?

The answer is, ''Well, we didn't fund that.''

''Well,'' they said, ''you should have funded it.''

So all I can tell you is that if anyone can tell me that the people of the United States, through their elected representatives, have not supported the veterans of America, that is plain erroneous information.

I suppose we are going to have some charts about GDP and increases in this and or the increases in that. It is like dealing with Medicare. If you want to deal with another power group, other than the veterans organizations, deal with the AARP, who have managed to tell the American public that we have cut Medicare $200 billion in the last 10 years. Well, I would like to see that one on paper because Medicare was $37 billion 10 years ago, and it is now $157 billion. So if somebody can tell me where the $200 billion dropped off the table, just drop a fax or something or slip it under the door and I will be glad to read it if I can to see how $200 billion simply disappeared. It is absurd to say that the veterans have not been taken care of in some way.

There is a terrible confusion here, a very unfortunate confusion, a fuzzing—unintentional, I am sure—about the difference between a combat disabled veteran and a service-connected disabled veteran. I know this may be inside baseball to some, but it is critical, very critical, because this well-intentioned amendment will do some serious things.

You have to remember, as Senator ROCKEFELLER says, those who enter service must know that their commitments will be met. Each Congress we have added to the benefits available to veterans—each year.

Not a year has gone by in my presence as chairman or ranking member that additional presumptive diseases have not been added. I know that is inside baseball, too. People say, ''What is a presumptive disease?'' Well, there are now 86, I believe, presumptive diseases. Some of them obviously are connected with service in the U.S. military and the majority of them are simply connected with being alive: Ulcers, hypertension, stress, high blood pressure, the things that happen to every other person in society. If you have been in the military, they are presumed to have happened to you because of your service in the military. For example, the list includes lupus. I can get the list. It is an extraordinary list.

Ninety-three presumptive diseases are called to my attention—93. If you saw the list you would see that it includes every malady—and some are serious and some are not as serious. But every malady on that list affects every other person in society.

We do that every year. We have made additions to the cost-of-living allowance. We have every year increased accessibility for services and benefits, and benefits have been expanded in each and every year of my being here.

Hear this: The argument is that we need to care for those injured as a result of their service. The amendment of my friend from West Virginia, by freezing benefits for many who are being paid for injuries or illness unrelated to their service, would impair the ability of a future Congress to respond to the needs of those actually harmed as a result of their service. This is, I am sure, a highly unintended consequence.

Furthermore, Senator MIKULSKI—and she did a yeoman job as chairman of the HUD and VA subcommittee. She and Senator Jake Garn worked so well on that. She is a spirited advocate of the amendment. She cites many combat veterans. No one—please—no one, not a soul in the land questions our obligation to those injured in the performance of their duty. But this amendment goes far beyond that. This

amendment would include—hear this—it would include the 19 percent of service-connected veterans with ordinary diseases unrelated to duty.

There is a 19 percent cadre of people who I do not think were ever intended to be included here. It would include the 6 percent of service-connected vets who are injured off base in accidents unrelated to duty. I do not think that was ever intended.

It is a remarkable, periodic thing that we go through here, and some of it is, believe it or not, politically motivated. I know that is a shocking statement. I am not attributing that here, but over the years I have attributed it because I can remember very well one time when I came to the floor of the U.S. Senate many years ago and there was a Senator—he is not in our midst, he is no longer in the Senate—who was railing about the veterans of America and how they have been cheated, short sheeted, ripped off, treated like bums. I have never heard a speech quite like it. It was a ringing thing. In fact, it is still ringing.

Afterwards, we were riding the subway back and I said, ''I have a question to ask: Have you ever been in the service?''

And our colleague, now not with us, said, ''No.''

I said, ''How come it is that a person like you who has never been in the U.S. military will give a speech like that when you haven't even been in the Civil Air Patrol?'' I said, ''I get tired of that. And the next time you do it, I'm going to get out there and rip one, and we're not going to listen to that kind of stuff again.''

He said, ''You wouldn't do that. It would ruin the comity of the Senate.'' I said, ''Well, you are already ruining it by getting out and pretending we don't do anything for the veterans in the United States.''

That was 1979. That gentleman never spoke again on the issue of veterans because I just kept a big drawer full of the statistics about what we do for veterans in this country.

People cannot understand that there are 27 million veterans, and only 3 million of us have ever had a live shell go past our head in combat. Now, they will say, ''Oh, we can't tell how many saw combat.'' Well, I say you could get pretty close. We have a form, a DD–214, that tells where you were, where you served. It is a great ploy to assert that you cannot tell where someone served or what they did. I do not believe that one anymore either.

The VA does not want to provide that information because you can use the word ''veteran'' to cover, literally cover, people who served 6 months—6 months. There were thousands of veterans, when I came to the committee, who had served 6 months, never left the United States, and did not know a mortar tube from either end. They received every benefit this country had, and I said, ''This is absurd.'' And Al Cranston helped me change that. We at least put in a requirement for 2 years service, and I believe that is where we are now.

So you can serve 2 years, never leave the United States, and not know a mortar tube from either end and still draw every single benefit that a disabled veteran or a veteran of combat receives.

Now, people do not like to hear that, and they say, ''SIMPSON, you are not doing that again.'' I almost can feel my staff pulling on my clothing as I bring it up again. But it is true.

And then I ask you to remember another one. This will get me in deep trouble. You can be a service-connected disabled veteran by busting up your knee playing special services basketball at Heidelberg, ladies and gentlemen. Hear that. Hear it. Because if I get to have horror stories used on me, then I get to throw the horror stories going the other way back into the box.

You can really be a service-connected disabled veteran for hooking your knee over a bayonet stuck in a tree, saying, ''I want to draw a green check for the rest of my life.'' I saw a guy do that in the woods of Germany, and he said, ''I'm out of here, see you.'' I said, ''Boy, this is great. That's not what I had in mind when I put in my 2 years.'' He said, ''Well, that's what I have in mind.''

I do not know where that man is now. But just to believe that every single veteran is ''deserving of everything out of the Federal Treasury'' is to believe that every lawyer is deserving—I am one of those in life—or that every politician is wholly deserving, or that every person deserves a Federal check. That is not so.

Veterans served, you bet they did, and with honor and distinction, and they sometimes fought, and, tragically, some were maimed and many died. Does anyone believe that we do not all know that, and have tremendous passion and compassion for what they did. How absurd to have to come and get into a debate and hear that some of us do not care about those veterans or for those who bore the battle and for their widows and orphans. Their service and sacrifice gave their children and their grandchildren a chance to live in freedom.

But today, our country's future, and the freedom of our descendants, face threats that are every bit as dangerous as the foreign enemies that America's 27 million veterans defeated. The victories won by America's veterans in war will be lost in peace if our Nation is brought to her knees by the burden of our national debt.

All of us know what we are doing. We will all vote on April 1, or thereabouts, to raise the debt limit to $5 trillion. Now, when we get the debt limit to $5 trillion and the interest on the national debt to $300-plus billion, you could do a lot of things for veterans with the $300-plus billion interest payment that will instead have to be sent down the rathole. You could do a lot of things for veterans with a $300 billion payment down the rathole as interest on the national debt.

The budget this year is $1.6 trillion, and $40 billion of it is going to go to the veterans of America. And I have not the slightest qualm about that. I am ready to vote that. And the veterans will get to watch along with the rest of our American citizens as the deficit goes $200 billion a year out into eternity, but that is nothing, because in 1997 it will begin to go to $250 billion, and then it will go to $300 billion per year.

I think the veterans' organizations would want to pay attention to that. And then the debt in the year 2003 will be $6.3 trillion. I think the veterans' organizations would really want to pay attention to that because, if our country goes belly up and we monetize the debt, veterans are going to get stuck along with everybody else, along with everybody on Social Security, along with the seniors and Head Start and everybody else. That is the way that works.

If that happens, the sacrifice of service members who died or were wounded protecting the future of our country will have been in vain. Their service will have been absolutely in vain if the future of our country is dictated by the demands of an ever-increasing debt and deficit. And the commitment of the Congress and this country to care for those who bore the battle, their widows and orphans will count for nothing if the economy that supports all of the veterans' benefits collapses under the weight of the deficits we incur today.

Does anyone believe that will not occur? If we continue business as usual, we continue to spend based on desires and pressure from the interest groups; rather than budget based upon our resources, the future is very clear and the outcome is inevitable. And I have described to you what will occur in the year 2012. And, of course, there is another fact to throw in the pot. The Social Security system will be broke in the year 2029. That nightmare is not just a vision of some mad Reagan supporter somewhere or Jimmy Carter or George Bush or anyone you wish to name who served our country with distinction as President.

No. We are told that the system will go broke by the trustees of the Social Security system, who are not exactly off the wall. They are people like Lloyd Bentsen, Robert Reich, Donna Shalala, and two members of the general public. And they are saying that in the year 2029 the system will be broke. And they moved the doomsday up from 2036 to 2029 just last year. Next year, when they meet again, will they move the doomsday from 2029 down to 2025? I do not know. But those of us on the Finance Committee are asking those questions. People like Senator MOYNIHAN are asking those questions. Senator PACKWOOD, the chairman, is asking those questions. These are real issues, absolutely, totally real concerns.

So when we come to the point of monetizing the debt, or whatever you have to do when you have a debt of $6 trillion, and you put Federal borrowing in short-term securities because the interest rate is less. When we have to roll over that short term debt, as the occupant of the chair knows so well, a one-point increase in the interest rate translates to, I think, $48 billion to 48—$48 billion; 1 point in the interest paid by the Government costs that much.

So, when that happens we do not need to worry about little things like this amendment. When that happens, there will be no money to pay the salaries of VA employees who would process the benefits this amendment proposes to protect. There will be no money to pay the salaries of VA doctors or nurses to care for any nonservice-connected illness—any nonservice-connected illness. This is an important distinction.

If any Senator offered any proposal to limit VA health care only to service-connected disabilities he would face the ultimate, immediate and undisguised wrath of the veterans organizations. But that would be the full effect of allowing the continued growth of the deficit.

A Federal budget with no room for discretionary spending, I can assure you, will have no room for nonservice-connected health care—believe me. It will not. Because, if you want to get into a description of nonservice-connected health care, there are some things in there that you really don't want to see.

I thought the most interesting part of the debate, at least as some of the material has come out, is that I had a very pleasing letter from the Paralyzed Veterans of America. If we want to continue to talk about people who gave their all and do their all, then I think we would want to listen to the Paralyzed Veterans of America. Let me read this letter dated February 14, saying:

> On behalf of the Members of the Paralyzed Veterans of America I urge you to oppose an amendment, which we understand will be offered today by Senator JAY ROCKEFELLER.

Then they go on to describe, and I would certainly subscribe to the description also—they describe the amendment, as being ''motivated by a heartfelt desire to attempt to safeguard benefits and services.''

Boy, I believe that about my friend from West Virginia, that this is heartfelt. I subscribe to that and I believe that. But this attempt to do this—and again I am reading from the Paralyzed Veterans Association letter

> . . . will fragment veterans' programs and seriously weaken the veterans' health care system. By protecting only a portion of the funding needed to maintain the VA health care system, the future of the entire system could well be jeopardized.

I believe that. The VA health care system, and particularly its specialized services such as spinal cord injury medicine, upon which the PVA members rely, will be faced with a drastically eroded patient base and diminished resources necessary for its continued existence.

I ask unanimous consent that letter be printed in the RECORD.

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

PARALYZED VETERANS OF AMERICA,
Washington, DC, February 14, 1995.

Hon. ALAN K. SIMPSON,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR SIMPSON: On behalf of the members of the Paralyzed Veterans of America (PVA), I urge you to oppose an amendment, which we understand will be offered today by Senator John D. ''Jay'' Rockefeller, IV, to H.J. Res. 1, the Balanced Budget Amendment. PVA also requests your opposition to H.J. Res. 1 itself. Neither of these initiatives is in the best interests of the veterans of this Nation.

Senator Rockefeller's amendment, while motivated by a heartfelt desire to attempt to safeguard benefits and services for veterans disabled in military service, will fragment veterans' programs and seriously weaken the veterans' health care system. By protecting only a portion of the funding needed to maintain the VA health care system, the future of the entire system could well be jeopardized. The VA health care system, and particularly its specialized services such as spinal cord injury medicine, upon which PVA's members rely, will be faced with a drastically eroded patient base and diminished resources necessary for its continued existence.

If this Nation is to maintain its commitment to the men and women who have served in the defense of freedom, then the merits of veterans' benefits and programs should be judged on their merits in an open, ongoing Congressional process. Senator Rockefeller's amendment recognizes the service and needs of some veterans, while leaving the benefits of millions of other subject to the arbitrary cost-cutting mechanism which a balanced budget amendment will no doubt entail.

The Balanced Budget Amendment, H.J. Res. 1, is itself a fiscal artifice which in the name of expediency is touted as a promise to cut federal spending with no regard for the purposes, merits or rationales of the programs and benefits which will be reduced. It is our strong belief that fiscal constraint and balancing federal spending must be achieved in open Congressional action, with the value and purpose of each benefit of service independently judged. Not all federal programs are of equal value, nor are they an equal reflection of our national commitments.

Again, on behalf of the members of Paralyzed Veterans of America, I request your strong opposition to both Senator Rockefeller's amendment, and to the Balanced Budget Amendment which motivated it. Thank you.

Sincerely,

RICHARD GRANT,
National President.

Mr. SIMPSON. Mr. President, a balanced budget does not require a reduction in any benefit or program. It would require only a reduction in the rate of increase of entitlement spending.

I commend those who desire to ensure that our Nation remembers her obligation to those who are injured as a result of their military service.

But I urge them to remember that the best way to protect the future of veterans' benefits—is to protect the future of the Nation that provides those benefits.

If we are serious about our obligation to veterans—we have to be serious about protecting economy that supports the benefits veterans receive.

I have no fear for the strength and persistence of our Nation's commitment to veterans. I do fear for the ability of our Nation to convert that commitment into the reality of effective and enduring programs—unless we make a commitment to protect the future of our Nation, and the future of our economy, by bringing our appetite for debt under control.

It is by happy coincidence that the Washington Post published on Tuesday, February 15, contains two columns illustrating my point.

The first piece, by Robert J. Samuelson, provides one blueprint for balancing the budget. Samuelson's plan does not reduce veterans' benefits. I am sure there are many others. Thus, we can lay to rest the notion that balancing the budget must reduce veterans' benefits by 30 percent, or—for that matter—by any other percentage.

The second piece, by James K. Glassman, reminds us that, if the Congress makes no change in spending and entitlement policy, future generations will face ''net lifetime tax rates'' that average 84 percent.

Think about that.

If we continue with business as usual, future generations will have to pay 84 percent of their net lifetime income—that's what's left after allowing for Government payments back to the taxpayers, to pay for this generation's spending. The source of Mr. Glassman's calculations? The President's budget for 1995.

Does anyone doubt that such a taxation rate would bring down the economy, and the veterans' benefits that depend upon it? These articles are so illustrative of the point I am trying to make that I ask unanimous consent that they be printed in the RECORD of this debate.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE BUDGET WITH THE HIDDEN GENERATION GAP

(By James K. Glassman)

For the past three years, the most frightening part of the president's budget has been a section discussing something called ''generational accounting.''

The economists who wrote last year's section calculated that if the government didn't change its policies on spending and entitlements, future generations would face a net tax rate of 94 percent!

That figure was buried deep inside last year's 2,000-page budget, and it caused a small sensation when it surfaced in the press. It reminded Americans that, while President Clinton was indeed cutting the deficit, government spending—especially on Social Security and Medicare—would still overwhelm the young and children yet unborn.

So when the president's new budget came out last week, I naturally searched the four volumes for this year's section on generational accounting.

It wasn't there.

I phoned Laurence Kotlikoff, the Boston University economist who developed the idea of looking at the federal budget from the point of view of the age groups that pay the bills.

A mild-mannered fellow who voted for Bill Clinton in 1992, Kotlikoff was distraught. ''I think it's a big scandal,'' he said. ''We'd assisted OMB [the Office of Management and Budget] on this through the fall. Then, at the last minute, some of the political types in the White House threw it out.''

Kotlikoff sent me the new analysis that he and Alan Auerbach of the University of California at Berkeley and Jagadeesh Gokhale of the Federal Reserve Bank of Cleveland had worked out for OMB.

They calculated that, if current policies continue, future generations will face ''net lifetime tax rates'' that average 84 percent.

Gross tax rates—the percentage of their pay that members of these generations send the government—will be even higher. The ''net'' figures represent the difference between their taxes and what they'll receive in transfer payments like Social Security.

Using more optimistic assumptions about health care spending, the net rate could be 59 percent to 74 percent. But that's little comfort.

''Levying such high net tax rates on future Americans is not only unconscionable, it's also economically unfeasible,'' wrote Kotlikoff and Auerbach.

But what to do? There are, as the Congressional Budget Office has noted, infinite paths to a balanced budget—cutting Medicare, freezing spending, raising taxes. ''The real question,'' write Kotlikoff and Auerbach, ''is not whether, but when.'' Yet, in this dire emergency, Clinton has proposed a budget that projects deficits of $1 trillion over the next five years. And Republicans, so far, have been practically silent.

Which brings us back to the omission of the generational accounting section from this year's budget. Was it cut because of fears it would prove embarrassing? That it would turn the spotlight on the deficit-cutting left undone?

OMB spokesman Lawrence J. Haas insists the section wasn't suppressed. He says it wasn't included in the budget simply because it wasn't ''in the kind of shape it needed to be in to be printed.'' He added: ''We have committed to publishing a paper of some sort down the road on long-term issues facing the nation, of which generational accounting will be one issue addressed.''

When that paper is finally presented, I hope it shows that the 84 percent tax rate for future generations is only a symptom of the real disease—which is the spectacular, but largely unnoticed, disparity of wealth that's developed between the young and the old in America.

Consider, for example, what Capital Research Associates recently discovered about households with incomes of $30,000 or more: Families headed by a person aged 35 to 44 had an average net worth of $66,000 while those headed by a person 65 to 74 had $222,000.

Eliminate real estate and the disparities are even greater. The net financial assets of a family headed by someone under age 45 averaged less than $8,000 while those of a family headed by someone over 65 averaged more than $77,000.

But, even though the old are richer than the young, it's the old who receive the government benefits. ''There has been a huge redistribution'' over the past 30 years, says Kotlikoff. And that shift in wealth helps explain why the U.S. personal savings rate has fallen from 6.1 percent in the 1970s to a dangerously low 3.9 percent in the 1990s.

As Nobel prize-winning economist Franco Modigliani demonstrated with his life-cycle model, young people save and old people consume. So, if the government takes 15 percent out of the paycheck of a saver and sticks it in the bank account of a consumer, the nation as a whole will get less saving and more consumption.

But if old people are getting more of the wealth, aren't they giving some of it back to their kids? Alas, says Kotlikoff, research shows that altruism doesn't operate much in economic life, even within extended families. Old people spend what they have—on travel, shelter, medical care.

Last week, Sen. Bob Packwood (R-Ore.), the Finance Committee chairman, warned that, if Congress did not pass a balanced-budget amendment, the nation would face ''a cataclysmic clash between the generations when Social Security begins running out in the next century.'' Yes, just imagine the nightmare when we self-centered Baby Boomers reach retirement age.

HERE'S HOW TO BALANCE THE BUDGET

(By Robert J. Samuelson)

In 1,000 words, I am going to balance the budget. I am going to do it without sweeping reductions in basic services, crippling tax increases or major cuts in Social Security. The point of the exercise is to puncture the bipartisan myth—the whining by both parties—that balancing the budget involves staggering sacrifices that would somehow change the face of America. It doesn't.

I don't mean this would be fun. Balancing the budget does require a ruthless elimination of marginal or ineffective programs, such as farm subsidies. My plan also involves abolishing some grants to states and localities for local services (schools, police, mass transit); for example, it is not the federal government's job ''to put 100,000 cops on the street.'' Finally, a sensible budget-balancing plan cannot afford new middle-class handouts (a k a, ''tax cuts'') and would impose modest tax increases.

Still, most Americans would hardly notice the needed changes. Our budget deficits now equal 2 to 3 percent of gross domestic product (GDP), our economy's output. Almost any mix of spending cuts or tax increases would leave the government doing just about what it does now: taxing and spending about 20 percent of GDP. Spreading changes over five years—to allow people to adjust—would make them even less jarring.

I start with Clinton's deficit projection for the year 2000; nearly $195 billion. This includes $20 billion for middle-class tax cuts; I disregard this and use the $20 billion as a cushion against optimistic estimates. To balance the budget, I would do the following. (All deficit savings are annual and are culled from documents of the Office of Management and Budget and the Congressional Budget Office.)

End outdated or marginal programs: Get rid of farm subsidies (including the Farmers Home Administration), culture subsidies (public broadcasting, the arts and humanities endowments), Amtrak, the Small Business Administration and Cold War propaganda agencies. Deficit savings: $16 billion.

End some subsidies for local governments: Community Development Block Grants should be axed; so should subsidies for mass transit, ''special education'' and ''local impact'' school aid. Ditto for law enforcement grants. Deficit savings: $15 billion.

End inept programs: Federal job training programs don't do much good; the Clinton administration admits as much by proposing to end most existing programs and use the savings for training ''vouchers.'' Just end the programs. Deficit savings: $12 billion.

Trim Medicare and Medicaid: Reimbursement rates for doctors, hospitals and laboratories can be cut. Clinton made similar proposals to finance his health care plan but now has dropped them. Deficit savings: $40 billion (by the year 2000).

Raise taxes: A 12-cent a gallon oil tax (introduced over three years, or 4 cents a year) would raise $23 billion by the year 2000. Taxing capital gains (profits on stocks, bonds) when people die would raise $10 billion. Eliminating tax-exempt bonds for some private investment (some housing, for instance) would raise $2 billion. Cigarette taxes could be raised modestly; other tax preferences could be ended. Deficit savings: $50 billion.

Cost-of-living adjustment (COLA): Cut 0.5 points annually from the COLA; a 3 percent change would become 2.5 percent. Most economists think the consumer price index—used to adjust tax brackets and spending for Social Security and other programs—overstates inflation, though there's disagreement on how much. Deficit savings (by the year 2000); $22 billion ($13 billion in lower spending, $9 billion in higher taxes).

All these spending cuts ($96 billion) and tax increases ($59 billion) total $155 billion. But lower deficits mean that government would borrow less and pay less interest. By the year 2000, the annual interest savings would reach about $40 billion. Total savings: $195 billion. If Clinton's estimates are accurate, there would be a small surplus and, if not, a small deficit.

You will notice the absence of defense cuts. This is not because the Pentagon has no waste. But defense has already been sharply cut and is still declining; as a share of GDP, it will soon be lower than any time since 1940. I doubt whether further cuts are wise, though we could improve how well we spend. Nor have I included sweeping cuts in programs for the poor. Before savaging the safety net, I would want a major debate. But we do not need to wait for that to balance the budget.

Although I don't say other cuts couldn't be made, I do say that this plan involves no genuine national hardship. Food would be grown without farm subsidies. Public broadcasting would survive without federal aid. Older Americans would not starve if their benefits rose 2.5 percent instead of 3 percent. States and localities would howl about lost grants; but these equal only one percent to 2 percent of their revenues. And federal taxes? Well, the tax burden in 2000 would be only slightly higher (19.5 percent of GDP) than now (19.3 percent of GDP in 1995). Most tax ''increases'' offset a slow erosion of taxes under present law.

Harder choices do loom for the future. The retirement of the baby boom, beginning about 2010, will require either steep tax increases or benefit cuts. In my view, retirement ages need to be raised over the next 20 years; benefits for affluent elderly need to be trimmed. Somehow, Medicare will have to be reformed; doctor and hospital fees cannot be cut forever. But these steps require ample advance warning and do not involve today's budget deficits.

On these, Republicans and Democrats talk differently but behave similarly; both act as if the process would involve gut-wrenching changes. Democrats (led by Clinton) won't say how they'd balance the budget—now or ever. Mostly, they peddle false rhetoric about the harsh cuts in Social Security or Medicare that would be needed for balance. Meanwhile, most Republicans hide behind the constitutional balanced budget amendment.

The press has adopted the same attitude, treating a balanced budget as a feat beyond mortals. All programs are considered permanent. Any spending cut or tax increase is

seen as political suicide. Genuine debate about government's role or competence is thought naive. The supposed horror of deficit reduction rationalizes inaction and creates a self-fulfilling prophecy.

Mr. SIMPSON. Mr. President, the balanced budget amendment is not a threat to veterans and their benefits. In fact, the balanced budget amendment may be the last and best opportunity we will have to protect the future economy upon which those benefits will depend.

For that reason, for veterans, and for veterans' children, and for the grandchildren of veterans, I urge my colleagues to join me in protecting the integrity of the balanced budget amendment by opposing the well intentioned, but counterproductive, amendment of my friend from West Virginia

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SIMPSON. What is the situation with regard to time?

The PRESIDING OFFICER. The Senator from West Virginia controls 14 minutes and 42 seconds. The time controlled by the Senator from Utah has expired.

Mr. SIMPSON. All time has expired?

The PRESIDING OFFICER. There was originally 30 minutes; and 1 hour.

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I will yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I rise to support this amendment proposed by Senator ROCKEFELLER from West Virginia, which would protect the service-connected benefits received by our Nation's 2.2 million veterans from cuts that might be required—or may be required in the balanced budget amendment. We have been hearing a lot about contracts, contracts with America, but we have not heard that much about what is, I think, an irrevocable contract with America's veterans who have often, all too often, risked their lives for our country.

Abraham Lincoln, with his characteristic eloquence, laid out the term of this contract with America. It was 130 years ago when he spoke of our obligation: ''to care for him who shall have borne the battle and for his widow and for his orphan.''

I might add that President Lincoln did not say that this was an obligation that would or could be subordinated to our need to balance the budget. When Americans from all walks of life have periodically volunteered to serve our Nation, no one ever told them that if they were injured or disabled or they died that their survivors could count on Government assistance only if that funding was not needed to balance the budget. That is what is so important about this amendment proposed by the Senator from West Virginia.

Let there be no mistake about it. What this amendment addresses is earned entitlements. Let me repeat that—earned entitlements. These are not mere gifts to be given or withdrawn or curtailed at the whim of the Congress, but entitlements earned with the blood and the sweat and the tears of American service men and women, as well as with the anguish and the pain and the tears of their loved ones.

These service-connected programs for veterans and their survivors run the gamut from compensation to injured veterans to health care for service-connected injuries to vocational rehabilitation to burial allowances for those who die from service-connected conditions.

I want to speak to one particular group of veterans I feel very close to. By the way, when I hear the Senator from Wyoming—and I have no doubts about his commitment to the veterans in this country, no doubt whatsoever. This is one of those debates where people honorably just have a different perspective.

Mr. President, I received a poem that I would like to read from a 13-year-old daughter of a Vietnam veteran suffering from PTSD, Post Traumatic Stress Disorder. I wish every citizen in the country knew what it was:

For someone to share
Is only to care.
He was in the war
And never opens his door.
He lives in a shell
And that must be like hell.
He used to be my dad
But now he looks so sad.
If only he knew
It makes me feel blue.
I know he loves me
Why won't he hug me.
My mom says ''he's numb.''
What will I become
Without my father to guide me.

I say to my colleague from Wyoming, this was not a poem written in opposition to the balanced budget amendment. This was not a poem written in behalf of the amendment proposed by the Senator from West Virginia. I do not want to decontextualize this poem, but it was one of those moments we have as Senators that we just do not forget.

We have veterans calling in all the time—this is not an exaggeration—especially veterans who are suffering from PTSD. All the time we get calls from veterans saying ''I do not have a place to stay. I am living in the streets.'' They suffer from PTSD and they are not receiving the support, they are not receiving the help. Veterans who call, ''I am going to blow my head off. I am going to take my life.'' They are not receiving the support, the assistance they need. Veterans who call suffering from PTSD who say, ''I have these flashbacks and violent thoughts and I feel like I am going to kill someone.'' They are not receiving the support that they need.

I was at the VA medical center in Minneapolis on Sunday. We were able to obtain several hundred thousand dollars more for some additional treatment programs for vets that are suffering from posttraumatic stress syndrome.

I have to say, I read the poem from this 13-year-old girl about her dad. She lives in Glenwood, MN. There are some veterans out there who served this Nation who, as a matter of fact, right now are not receiving the kind of support they really need. These are just unmet human needs that cry out, I think, for assistance. These are men and women who served the country, and they deserve the support.

So when Senator ROCKEFELLER proposes this amendment that there should not be cuts in needed service-connected programs, I am thinking that the existing programs right now do not meet the need. This is, if you will, a very personal issue for me. It is to obtain more assistance for these veterans that are dealing with PTSS.

Yet, we are talking about the potential of all sorts of deep cuts. We know that. One more time. Let me give context. We are talking about $1.3 trillion worth of cuts. We are going to increase the Pentagon budget. We have not talked about decreasing it. We have not talked about decreasing military contractors. In addition, we are going to pay the interest on the debt. We have this bidding war to cut taxes when we say we are for more deficit reduction.

Senator FEINGOLD and I had an amendment last week on the floor that said at least consider $425 billion of tax expenditures. These loopholes and deductions quite often are dodges when it gets down to the question of how we are going to balance the budget. That was voted down. We do not lay out where we are going to make the cuts. So once you see what is off the table and then you see what is left, we know there are going to be some deep cuts in veterans programs.

That, I believe, is the importance of this amendment of the Senator from West Virginia. That is why I rise to the floor to support this amendment.

I really believe that we would be making a terrible mistake if we made cuts in these service-connected programs, especially when we can make a lot of cuts and balance the budget in a whole lot of other ways. In the sense of holding us accountable with an amendment like this, I believe we are going to go back on a very sacred promise that was made to veterans in this country and veterans in the State of Minnesota.

I thank the Senator for his amendment. I am very pleased to be an original cosponsor. I certainly hope the U.S. Senate will vote for it.

Mr. ROCKEFELLER. I thank the Senator from Minnesota for coming to the floor and speaking the truth.

Mr. WELLSTONE. Might I ask my colleague for a moment? I ask unanimous consent that the poem from the 13-year-old daughter of a Vietnam vet suffering from posttraumatic stress syndrome be printed in the RECORD.

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

For someone to share
Is only to care.
He was in the war
And never opens his door.
He lives in a shell
And that must be like hell.
He used to be my dad
But now he looks so sad.
If only he knew
It makes me feel blue.
I know he loves me
Why won't he hug me.
My mom says "he's numb."
What will I become
Without my father to guide me.

Mr. WELLSTONE. I thank my colleague.

Mr. ROCKEFELLER. Mr. President, the Democratic leader is about to come onto the floor. So I will not get started on a number of things that I have to talk about. But I note that the Senator from Wyoming, my good friend, Senator SIMPSON, mentioned that the Paralyzed Veterans spoke out against this amendment, which is something that saddened me very much. They wanted all veterans included. So did I. They want all their members included. They have 16,000 members of Paralyzed Veterans nationwide. Their chapter in West Virginia actually does not agree with them. The head of the West Virginia chapter is non service disabled, in a wheelchair. He said that he did not agree with his national organization's position, that he wanted me to do whatever I could to preserve veterans benefits.

On the other hand, let's turn to the Disabled American Veterans (DAV). They represent 1.4 million veterans, and DAV very much supports the amendment.

Mr. President, last week was Valentine's Day. That is a day, of course, we remember to set aside for those we love. Valentine's Day has another meaning altogether for a certain West Virginia veteran who served in World War II through the Korean war. He is a friend of mine, Ezra Miller. I want to talk about him.

It was on Valentine's Day, in fact, in 1943 that Ezra Miller was captured by the Germans and began his own private war, which was a private war to survive. Ezra grew up on a farm in Lincoln County, WV. That is a rural county. Like so many of our mountaineers, he never hesitated when he thought that his country needed him.

Before the bombing of Pearl Harbor, Ezra had enlisted in the Army. In early 1943, Ezra found himself close to the front lines in North Africa. His unit's mission was to go ahead as foot soldiers, and blow up a pass that would prevent the Germans from entering into North Africa. He got this assignment on the 2d day in combat. His description of the event goes like this. This is one of the men that we will be protecting.

He said:

On that day, a small American observation plane flew over our gun emplacements and dropped a message from headquarters that said, "Destroy everything and get out on foot, if you can. The Germans have you surrounded." After taking the message to the outpost, I tried to get out of the area on foot but I never made it because I got pinned down by dive bombers. I laid down in a slit trench and a 500-pound bomb exploded very close to me and pushed an enormous amount of dirt all over me.

Ezra goes on to say that a German tank rolled right over that slit trench now filled by dirt and by Ezra, and after it passed, he got up and found himself looking into the barrel of a German rifle. Ezra spent the next 2 years, 3 months, and 27 days as a prisoner of war. During that time he lived in five different prison camps, one of which was called Dachau. At one point, he and his fellow prisoners traveled in boxcars. We have heard about those things, have we not? The boxcars, Mr. President, should have held only 40 men. The Germans crammed 84 POW's and Ezra into a boxcar, and they rode like that for 4 days and 3 nights. They had to remain standing because they were packed in there so tightly that they were unable to move. Ezra called it "pitiful." He said they could hear the planes passing overhead, but had no idea whose they were or what was happening.

When Ezra enlisted in the Army, he was in his early twenties. He stood 5 feet 11 inches tall and he weighed 174 pounds. When he was freed, he weighed less than 90 pounds. Yet, he remained in the military, and he went on to fight in Korea.

For the last 2 years, Ezra has made his home at the West Virginia Veterans Home in Barboursville, something I started when I was Governor. He tells me that he loves living there, and I as a Senator and as his friend am delighted that Barboursville is there for Ezra and the many deserving veterans like him.

But I want to make a very important point that I think cannot be overlooked. One would expect that our Government is paying a sizable benefit to Ezra, I would think a large one, and the others like him who were prisoners of war. No, not so. Ezra Miller is only 10 percent "service-connected." That is the terminology for it. That means his monthly check to compensate him for injuries he received during his military service—do you know how much per month? Eighty-seven bucks.

If we pass this balanced budget amendment and we do not pass this amendment to it, and we take 30 percent of that, Ezra will receive 61 bucks per month. Are we going to tell Ezra that it is his time to sacrifice again, for him to pull in his belt? He is back up to over 90 pounds again. Not this Senator from West Virginia, not me.

Our country had almost 150,000 Americans who were captured and interned from World War I through the Persian Gulf war. Can we ask our POW's to take a cut in benefits, our prisoners of war?

Mr. President, I notice the presence of the Democratic leader on the floor. I will address a question to the Democratic leader. Would he care to proceed? I know he wanted to say something on this amendment.

Mr. DASCHLE. Yes.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, let me commend the distinguished Senator from West Virginia and thank him for the leadership he has exhibited on this issue. I rise in support of his amendment and urge my colleagues to support it when it comes up for a vote later this evening.

Mr. President, earlier in this debate on the balanced budget amendment, I offered a proposal called the right-to-know amendment. That measure would have required Congress to spell out how it would get to a balanced budget before sending the amendment to the States for ratification.

I offered my proposal so that the American people would understand the kinds of cuts in Federal spending that will be needed to zero out the deficit.

But the Republican majority rejected my proposal. In doing so, they indicated that everything except Social Security would be on the table.

Let us be clear: Everything except Social Security includes the benefits that are paid to veterans who were disabled as a result of their military service.

There are currently 2.2 million American veterans with service-connected disabilities. They are men and women from all walks of life with all kinds of injuries. But they all have one thing in common—they were injured while serving our Nation in the Armed Forces.

When they joined the service, they made a simple pact with the Federal Government. Their part of the bargain was to defend this Nation and protect its national interests. In return, the Government promised to care for them should they be injured during their military service—or for their survivors should they be killed.

This commitment to our veterans is one which our Nation must uphold.

It is a commitment that we have upheld for decades. It is a commitment that goes back virtually to the very foundation of this country. And we have renewed this commitment after each conflict, to each new group of veterans. This commitment has withstood the test of time, and it has withstood the many forces that have sought to erode our firm promise to those who have defended this Nation so gallantly on so many occasions throughout our history.

The amendment offered by my friend Senator ROCKEFELLER, the ranking member of the Veterans' Affairs Committee, is simple and straightforward. It says that Congress cannot cut the

benefits that were promised to our disabled veterans in order to balance the budget.

I know my colleagues on the other side of the aisle will argue that this amendment is not necessary. They will say that Congress would never cut these benefits, and indeed I hope that is true.

But I say to the American people—and to our veterans—how can we be so sure?

How can we be sure that these benefits will be protected if we do not spell it out in the amendment itself? How can we be sure if we are not willing to put our intentions in writing? The only way we can be sure is if we are willing to put in writing, in the amendment itself, our determination to protect service-connected veterans from the budget axe. We must spell out that we will honor the commitment we made to the men and women who risked and gave their lives for this Nation.

The disability compensation payments and the health care we provide to these veterans can never make them whole again. But it can help take care of them in their time of need, just as they answered the call when this Nation needed them.

Veterans should not be asked to give up the benefits they so rightly deserve in the name of deficit reduction.

They have sacrificed enough for this Nation already.

I certainly hope that my colleagues will appreciate this commitment to our veterans and will agree to put into writing what we all say we want: protection for disabled veterans at a time when they need it the most. We need to support the Rockfeller amendment.

I yield the floor.

Mr. KOHL. Mr. President, I greatly appreciate the comments made on this amendment by my friend, the Senator from West Virginia, regarding the extreme importance of benefits for veterans with service-connected disabilities. I could not agree more.

I have heard the compelling arguments that veterans with service-connected disabilities are the most deserving and most honorable population in our society. Again, I could not agree more. These citizens have served their Nation, and have served well.

However, I must respectfully disagree with the notion that we should exclude these benefits from the strictures of the balanced budget amendment.

Mr. President, I am committed to the concept of the balanced budget amendment. I am committed to the idea that the financial security of this Nation rests on the ability of the Federal Government to curb the practice of spending beyond its means. In reviewing the fiscal history of this Nation over the past 25 years, it has become clear to me that the will to exercise the necessary spending restraint does not exist within this body without a strict requirement that we do so. I believe that the balanced budget amendment provides such a framework, and that is why I support it.

Clearly the Rockefeller amendment is difficult to vote against. But in listening to the debate, I believe strongly that the very arguments made by the proponents of this amendment are exactly those that will insulate veterans disability benefits from future budget cuts.

I am certain that every Senator in this body would put veterans' disability benefits high on the list of expenditures to be protected. But if we are serious about passing a meaningful balanced budget amendment, then we must reject efforts to dismantle that effort through piecemeal exclusions of programs, however worthy they may be.

When it comes to the annual appropriations process, of which I am an active participant as a member of the Senate Appropriations Committee, I will be at the front of the line to protect veterans' disability benefits. But as a supporter of the balanced budget amendment, I must object to this exclusion.

Mr. AKAKA. Mr. President, I rise in support of the amendment offered by the Senator from West Virginia which seeks to protect our Nation's veterans from the cataclysmic impact of the balanced budget amendment.

The bill currently under consideration requires the Federal budget to be balanced each year, beginning in the year 2002. If Congress is unable to balance the budget each year, across-the-board cuts would probably be implemented to meet this balanced budget mandate. If this occurs, veterans programs, especially the Veterans Administration [VA] health care programs, would be decimated.

On October 6, 1994, Secretary of Veterans Affairs Jesse Brown testified that an across-the-board cut in veterans programs would result in a decrease of 44,000 VA medical personnel. In addition, 250,000 veterans could no longer be treated at VA hospitals, 5.4 million outpatient visits could not be provided, and many of the VA medical facilities would have to be shut down.

Other programs, including treatment of Persian Gulf veterans and veterans with PTSD, would not be receiving the level of quality care they currently receive. Thousands of veterans who are leaving the services due to the reductions and budgetary cut-backs would not be able to receive transitional services, which have been successful in integrating our Nation's veterans back into the civilian work force.

More importantly, however, is the devastating impact the effects of the balanced budget amendment would have on our Nation's service-connected disabled veterans. Over 2,000 VA personnel, who counsel veterans and process claims, including service-connected disabilities and pensions, would have to be terminated. The current claims backlog will only escalate without resources, which will directly impact the service-connected benefits entitled to our disabled veterans.

Disabled veterans, often times, our most vulnerable citizens who barely live above the poverty level would experience the greatest impact. The balanced budget amendment would result in dramatic decreases in health care service and financial assistance to our service-connected disabled veterans. This would result in many disabled veterans and their survivors to live below the poverty level. Those who were wounded defending our Nation deserve better treatment—they deserve our appreciation and support. We should not be taking away their service-connected benefits in their time of need.

We need to balance our budget, however, I do not believe we need a balanced budget amendment to do so. We must make difficult policy decisions to reduce our spending and eliminate our deficit. We should not do so on the backs of our Nation's service-connected veterans.

As a cosponsor, I urge my colleagues to support the Rockefeller amendment.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I ask unanimous consent to have printed a letter I referred to from the Disabled American Veterans.

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

DISABLED AMERICAN VETERANS,
NATIONAL SERVICE AND LEGISLATIVE HEADQUARTERS
Washington, DC, February 16, 1995.

Hon. JOHN D. (JAY) ROCKEFELLER IV,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR ROCKEFELLER: On behalf of the more than 1.4 million members of the Disabled American Veteran (DAV) and its Women's Auxiliary, I take this opportunity to thank you for your efforts to protect the VA benefits and services provided to our nation's 2.5 million service-connected disabled veterans, their dependents and survivors from additional cuts.

While we in the DAV certainly understand the need to balance our nation's budget, we do not support doing so on the backs of America's service-connected disabled veterans and their families. As you know, the Omnibus Budget Reconciliation Acts of 1990 and 1993 alone cut VA benefits and services by nearly $7 billion. In addition, the budget recently sent to Congress by President Clinton proposes to cut veterans' benefits by an additional $3 billion to the year 2000.

Senator Rockefeller, we believe all veterans benefits and services deserve the highest priority in this country and should be protected from further cuts. Inasmuch as your amendment to H.J. Res. 1 protects the benefits of those veterans who became disabled during service in this nation's military, we fully support it.

Again, thank you for your continued efforts to protect the benefits earned by our nation's service-connected disabled veterans.

Sincerely,

DONALD A. SIOSS,
National Commander.

Mr. ROCKEFELLER. Mr. President, am I going to have to tell approximately 21,000 service-connected veterans and their dependents who receive benefits in my State of West Virginia that the promises made to them will no longer be kept, that the amount of money they are receiving for their injuries received while dutifully serving their country, or the survivors' benefits they are receiving, because they lost their husband or their father, will be cut by 30 percent?

Zeke Trupo, in my home State of West Virginia, would be a good reference for us today and I advise my colleagues on the floor, particularly as we celebrate the 50th anniversary of Iwo Jima.

Zeke, a Marine, had been wounded once, treated and returned to his battalion just in time to make the Iwo Jima landing. And engaged in one of the best known battles of World War II. Zeke describes the battle much like this: It was around the clock combat with flamethrowers, K-bar knives and trenching tools when the ever-present sand jammed the rifles. It was pitching grenades and point-blank artillery fire and sometimes even using the dead for cover. That is what he said.

He was wounded in the face, in the hands, arms and legs. He said he was scared to death. He thinks about his buddies who did not make it. This World War II U.S. Marine veteran from West Virginia, who earned two purple hearts, Zeke Trupo, as a service-connected veteran, is receiving compensation for his injuries. He injured four parts of his body, but he is rated 10-percent service-connected. He is a good example of one of those service-connected veterans whose compensation some think we should stop.

Raymond LaPointe lives in Mannington, West Virginia. He is a 70 percent service-connected veteran. Raymond served in the army, entered the service in the late 1940's, was sent to the Pacific to help with cleanup after the war. He recalls searching caves for Japanese, who as you may remember, many of them did not know that the war was over.

So it may have been after the war but was it? He then went on to Korea, where he was a combat veteran, earning a Purple Heart, two Bronze Stars for valor and the Distinguished Service Cross.

Today, Raymond is not living out a happy-go-lucky life in Mannington, West Virginia. He has PTSD, post traumatic stress disorder, one of the worse things that can happen to any human being, and he has it. He just recently returned home from the hospital where he had been for 63 days for the treatment of PTSD.

He is unable to work. He cannot be left alone for any extended period of time. He has intrusive recollections, he has nightmares, and he is considerably angry and focuses his anger on the war. His wife and grown children can readily explain how turbulent and sad the past years have been because of what Raymond has gone through.

Now, as a 70-percent service-connected veteran, this man, who has virtually had no life of his own for so many years, receives $915 a month from what we are talking about here, service-connected disability—$915 a month.

Without my amendment being adopted, Raymond and his wife, June, will see their check drop from $915 a month to $614 a month. That is called below poverty.

George Zutaut is a 100-percent service-connected veteran—100 percent—who lives in Beckley, West Virginia. George is an Air Force veteran who served in Vietnam. His company would fly in and out of Viet Nam repairing our C–130's, which were our cargo planes.

George has multiple sclerosis. He has been in a wheelchair now for almost 20 years. He tells me he does not know how he would have made it without the services he received from VA.

George receives a service-connected compensation check that allowed him to raise his family—it is one way you pay back a debt—and he got help under the adaptive housing benefit in the VA that enabled him to adapt his home—he has to have adaptive housing help—so he could continue to live there, because of his wheelchair, and continue his life in spite of his disability.

What are we going to do about those benefits, Mr. President? Going to cut them, too.

Mr. President I must remind everybody that the benefits a service-connected veteran is receiving is something that he or she is receiving to compensate—that is the key word—compensate—for an injury received. It is payback, as promised.

I yield the floor and yield the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I move to table the Senator's amendment.

Mr. SIMPSON. Mr. President, may I ask a question, please?

Mr. HATCH. I withdraw my motion.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for an inquiry.

Mr. SIMPSON. Mr. President, I wonder if I might direct it to the Senator from West Virginia, through the Chair.

If this amendment should be adopted, will my friend, the Senator from West Virginia, vote for the balanced budget amendment?

Mr. ROCKEFELLER. My record has been very clear from the very beginning that I oppose the balanced budget amendment for a lot of reasons, of which my concern for veterans is a main one.

I have no illusions as to what is going to happen to this amendment and neither does the chairman of my committee, on which I am the Ranking Member. My good friend ALAN SIMPSON knows what is going to happen to this.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah [Mr. HATCH], to table the amendment of the Senator from West Virginia [Mr. ROCKEFELLER]. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND], the Senator from Oregon [Mr. HATFIELD], and the Senator from Oklahoma [Mr. INHOFE] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] and the Senator from Louisiana [Mr. JOHNSTON] are necessarily absent.

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

The result was announced—yeas 62, nays 33, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—62

Abraham	Graham	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Brown	Grassley	Nunn
Burns	Gregg	Packwood
Campbell	Harkin	Pressler
Chafee	Hatch	Robb
Coats	Helms	Roth
Cochran	Hollings	Santorum
Cohen	Hutchison	Shelby
Coverdell	Jeffords	Simon
Craig	Kassebaum	Simpson
D'Amato	Kempthorne	Smith
DeWine	Kerrey	Snowe
Dole	Kohl	Specter
Domenici	Kyl	Stevens
Exon	Lieberman	Thomas
Faircloth	Lott	Thompson
Feingold	Lugar	Thurmond
Frist	Mack	Warner
Gorton	McCain	

NAYS—33

Akaka	Daschle	Levin
Baucus	Dodd	Mikulski
Biden	Dorgan	Moseley-Braun
Bingaman	Feinstein	Moynihan
Boxer	Ford	Murray
Bradley	Glenn	Pell
Breaux	Inouye	Pryor
Bryan	Kennedy	Reid
Bumpers	Kerry	Rockefeller
Byrd	Lautenberg	Sarbanes
Conrad	Leahy	Wellstone

NOT VOTING—5

Bond	Heflin	Johnston
Hatfield	Inhofe	

So the motion to table the amendment (No. 306) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

MOTION TO REFER

Mr. DORGAN. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] moves to refer H. J. Res. 1 to the Budget Committee with instructions to report back forthwith H. J. Res. 1 in status quo, and at the earliest date possible report to the Senate a report containing the following text:

Pursuant to section 201(a)(2) of the Congressional Budget Act, the Committee on the Budget recommends that the President pro tempore of the Senate and the Speaker of the House of Representatives do not appoint a Director of the Congressional Budget Office for the term expiring January 3, 1999, until the Senate and House have had an opportunity to consider legislation amending section 201 of the Congressional Budget Act to require that the Director be appointed by concurrent resolution of the Senate and House.

Mr. DORGAN. Mr. President, for my colleagues' information, I shall discuss this motion and then withdraw the motion. I intend to offer this as an amendment on the next piece of legislation that comes to the floor of the Senate following the disposition of the constitutional amendment to balance the budget. But I do wish to speak about it for a few moments, and I am pleased to see the chairman of the Budget Committee is on the floor.

I want to make a couple of comments about the appointment of a Director for the Congressional Budget Office. Let me state again, as I have stated several times, my comments are not comments that are directed to the capabilities of Prof. June O'Neill, who has been announced by the chairmen of the two Budget Committees as their recommendation for the post of Director of the Congressional Budget Office.

My concern is about the process. I do not know much about Professor O'Neill, but at least from what I understand about this process, it is not in keeping with the process that has been used in the past.

Frankly, this is an extraordinarily important appointment. The person selected to head the Congressional Budget Office, in effect, becomes a referee on a whole range of important economic and budget issues that are presented to the floor of the Senate and the House. We know from having seen many statements and heard a lot of discussion, some of it political, some of it policy, that there are people who are enormously frustrated with the way things are scored by the Congressional Budget Office.

Some say if we could just get a Congressional Budget Office that uses dynamic scoring rather than static scoring, well, then we would have a much different set of numbers to work with. I understand why people feel that they would like numbers that are more satisfactory to them, that better reflect their own views. Some people strongly believe in dynamic scoring and want to see it used.

I recall the discussion back in the early 1980's about dynamic scoring. They say if we do the following several things, it will produce various kinds of incentives that will lead to other results. For example, if you cut the tax rates, you will, in fact, increase the tax yield.

That is dynamic scoring. They produced the Laffer curve and a whole series of things to describe what the dynamic scoring meant.

Well, Prof. June O'Neill is someone who has been designated now as the person they want to head the Congressional Budget Office. My ears perked up when I heard the discussion about the appointment. The discussion in news reports indicated that Prof. O'Neill tried to be diplomatic on the question of dynamic scorekeeping. She said, ''I expect I will be dynamic when that's called for and static when that's called for.'' And then the chairman of the House Budget Committee jumped in and said, ''I think it's fair to say we would not have selected somebody who is in concurrence with everything that's been done up until now. I'm personally comfortable,'' the chairman of the House Budget Committee said, ''with the fact that June O'Neill will begin to upgrade the models within CBO.''

The point is, he said, ''I wouldn't have selected somebody who is in concurrence with everything that's been done up until now.''

I happen to know that on the House side at least the ranking minority member of the Budget Committee had a chance to visit with Professor O'Neill the afternoon following the morning that her selection was announced by the chairman of that Budget Committee.

Well, we have in the past selected Alice Rivlin. We have selected Rudy Penner. We have selected Bob Reischauer. Generally speaking, the appointment process has been a consultative process; it has been a bipartisan selection process in which each side respects the other's judgment about these things.

I have seen the letter in which the minority members on the Senate side indicated they felt that the Budget Committee should seek additional applicants before reaching a decision.

So my point is not that this person is necessarily the wrong person. My point is this person was selected without wide consultation. I do not know about the Senate as much as I do about the House on the minority side, but I do know that the minority side in the other body, the lead minority Member, did not get a chance to talk to Professor O'Neill until after the announcement was made that she was going to be selected.

Well, that is not, in my judgment, the process that we would like. I personally think that the CBO Director should be subject to the approval of the full House and Senate. Let us go ahead and have a vote on it. I am going to offer an amendment that will provide for that kind of process. I intend to offer that amendment to the very next legislative bill that comes to the floor of the Senate.

I hope very much that the majority will withhold the appointment of Professor O'Neill and let the House and the Senate express their will on this appointment.

Now, I understand that many people have very strong feelings about this. Some people think Professor O'Neill is exactly the right person for this job. That may be the case. I do not know. I do know this, that we have had plenty of debate around here by people who say we are going to change things down at CBO. ''No more of this static scoring nonsense,'' people have said. ''We are going to get somebody in there who sees this the way we see it. We want somebody who scores it our way.''

Well, I do not know whether this is a candidate who would do that. If she is, I would be greatly concerned. If she is not a dynamic scorer, maybe we have more discussion about it and maybe everybody is comfortable, and that is just fine. But my point is that it is not just fine the way it rests now because I do not think this process has produced a consensus among people who should develop a consensus on this on both sides of the political aisle.

So that is why I raise this issue today. This is not just some other old, ordinary appointment. This is the selection of a referee. I want that referee to have the respect of everyone in the House and the Senate. I want that referee to be someone in whose judgments the full Senate can have confidence. We need to know that a CBO Director's judgment will be impartial, and that the judgment is not biased due to some notion about how one side or the other in this Congress will be affected by the decision coming from CBO.

I think most of us believe that has been the case with the past several Directors of the Congressional Budget Office. I hope it will be the case with the next several Budget Directors. But I do not have confidence that is the case now, given the lack of consultation during this appointment process. Again, my hope is that we will not proceed with this appointment until I have an opportunity on the next piece of legislation to make a change in the process by which the appointment is made.

I know my colleague from North Dakota, Senator CONRAD, wishes to speak. Let me indicate again I intend to withdraw this on this particular measure because this is not the place to do this, and I will offer it on the next legislative measure before this body.

Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to join Senator DORGAN, my colleague from North Dakota, in raising this issue. I do so because I genuinely believe that the appointment of the Director of the Congressional Budget Office ought to be a bipartisan undertaking. Both sides need to have confidence in the fairness and objectivity of whoever is the Director of the Congressional Budget Office. And it seems to me the appropriate way to reach a decision is for both sides to have input and both sides to participate in the conclusion as to who should hold that office.

I serve on the Budget Committee. I serve on the Finance Committee. I think all of us recognize the critical importance the Director of CBO plays. We saw last year that Director Reischauer, who was put in place when the Democrats controlled the House and the Senate, disagreed with a central part of the President's presentation on health care. The President believed that should be treated as an off-budget matter, and the Director of CBO felt differently and ruled differently. It had a significant impact on that debate. I personally think Dr. Reischauer was correct. I told him at the time I thought he had done the right thing by ruling as he did, even though it was adverse to the interests of a President of my own party.

And yet I think that is what distinguishes the Congressional Budget Office for all of us, that we have an ability to have confidence in the decisions of that person, and that person is above partisanship; that person is above weighting the evidence; that person is above changing projections for political purposes.

Mr. President, when I was in my previous life before I came to the Senate, I was the tax commissioner of the State of North Dakota. In that position, I had a responsibility for estimating the revenues that were under my administrative direction for the State of North Dakota. We had one requirement in my office, and that was we were going to do our level best to make an objective determination as to projections for the fiscal types that were under our control and authority.

I am very concerned that Dr. O'Neill, Professor O'Neill, may be willing to shade her opinion. And I say that because of the press reports of what Chairman KASICH indicated he believed were commitments that he had from Professor O'Neill.

I am also deeply concerned about the process we have gone through here, because I do not think we have a circumstance in which there is a meeting of minds between the two sides. I do not for one moment take away from the majority that they have the lead in this matter. I think they have that obligation and that responsibility. But I think there ought to be at least a concurrence on the other side, and I believe that ought to be the case if my party were in control, because ultimately both sides must have confidence in the judgments made by the Director of the Congressional Budget Office. That is absolutely critical to the success of the work that we do here.

I have great regard for the chairman of the Budget Committee. There are very few people who do their homework around here as seriously as the chairman of the Senate Budget Committee. We sometimes disagree on policy, but I have never questioned his commitment to fairness. I have never questioned his commitment to making certain that both sides are dealt with in an equal and even-handed way.

Mr. President, I must say, I rise on this matter to say I do have sincere reservations about the way this has been handled. I do not think it is something that should be repeated, and I say that whether it is the Democrats who are in control or the Republicans in control. With respect to this position I believe both parties ought to have an ability to contribute to the selection of the person named.

We have had people of, really, I think, broad reputation, people who were held in high regard by both parties in that position since I have been here. Dr. Reischauer, Rudy Penner, Alice Rivlin—all of them came to that position held in high regard, were taken seriously and I think respected on both sides of the aisle.

Mr. DORGAN. Will the Senator yield for a moment?

Mr. CONRAD. I will be happy to yield.

Mr. DORGAN. Mr. President, if the Senator will yield to me, my understanding was when you take a look at this process you see how unusual it was. On the House side in the Budget Committee when they began to have a short discussion on this potential appointment, and apparently not too far into the discussion, a Member of the majority party moved the previous question—which is almost unprecedented in the Budget Committee, to move the previous question to cut off discussion.

So there are a whole series of things that are unusual here. I wonder why, especially the statement when the chairman of the House Budget Committee jumps in and says, ''Well, I think it would be fair to say that we would not have selected somebody who is in concurrence with everything that has been done up until now.'' This coming from the person who has led the way here in the last few months talking about the need to change the way we score. We need to have dynamic scoring, we are told. I do not understand what he understands about this nominee because I am not on the Budget Committee. But this at least says something to me that is of interest. I just wonder why. Why move the previous question when they began a short discussion about the subject in the House Budget Committee?

All I am saying is this process somehow has broken down, if it is supposed to be a process, as the law says, that results in ''the appointment of a director without regard to political affiliation'' et cetera. The process has broken down. It needs to be a process that engenders trust on both sides that this person is a fair person. Maybe this person is but I am just saying the process does not lead us to achieve that result at this point.

I appreciate the Senator yielding.

Mr. CONRAD. I just say in conclusion, perhaps this person is fair. I do not know that. But I do know the process we have gone through is not an appropriate process, certainly not in the eyes of this Senator. I hope very much that we revisit this issue before it is concluded and have a chance to do it in a way that will engender respect and support on both sides of the aisle.

I thank the President and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will not take a lot of time. It is late. I say to my good friends, both of the Senators who have spoken with reference to the selection of Dr. June O'Neill for CBO Director, I greatly respect their opinions. I just happen not to agree with them tonight.

I would like to share with the Senate what this is really all about. First, the biggest issues with reference to dynamic versus static scoring have come with reference to taxes, for some contend that the Republicans intend to pass a capital gains tax and to use some kind of miraculous scoring to make it easier to pass it than it would otherwise be from the standpoint of budgets and fiscal policy. Everybody should understand that the Congressional Budget Office director, whether it be Rudy Penner, who was a Republican when the Republicans controlled, or whether it be Dr. Alice Rivlin, when the Democrats controlled, or Dr. Reischauer, when the Democrats controlled both Houses—in none of those events, as will be the case for this new director, do they have anything to say about dynamic scoring of taxes.

There was a formal decision made by the Senate and the House of Representatives that the estimation of taxes, both the loss of revenue and the increases in revenue, the extent to which they are dynamic versus static, is totally within the judgment call of the Joint Tax Committee. So, No. 1, whatever our friends on the House side say—either for real or in exuberant state—that they expect the new budget director to change the way they have done business, of course I do not have anything to say about what they say. I cannot control that. But the truth of the matter is this new director will have nothing to say about dynamic or static, with reference to tax changes by the U.S. Congress in the tax codes of this country. So I think one must understand that.

That is just the first few remarks. Let me make sure the Senate understands, and I greatly appreciate that we are not going to vote on this issue, that Rudy Penner, once this decision was made, said: She will be a good director. I recommend her. The Senate should know that.

Bob Reischauer, one of the esteemed current operatives within public service in Washington, DC, when some on the other side started the flap over Dr. June O'Neill, got ahold of one of the Senators on that side—I think it is common knowledge now, and has since gotten ahold of a number of them—and said: Nothing is wrong with Dr. June O'Neill. If she is the one being recommended she is a competent economist and deserves an opportunity to serve.

Dr. Alice Rivlin contacted the candidate, the nominee, and said: I congratulate you. I think you will do a good job.

Just tonight I went to a reception for the esteemed Dr. O'Neill, who will be the budget director of the United States—and the Senate can count on that. That will happen. She will be. At the reception were two of the liberal-to-moderate economists, renowned in this city for their positions opposite to many currently serving in the majority in the U.S. Congress. And they were there as members of the community of economists to wish her well.

How does this process go? Frankly, I have been part of the process for each of the budget directors that have been chosen previously, and intimately involved in two out of the previous three. I know on the Senate side there is consultation between Democrat and Republican, majority and minority—whichever the case may be. In the House they do things differently and I do not stand before the Senate and account for that process. They vote and in that committee they voted after JOHN KASICH, chairman, did some interviewing and concurred with Senator DOMENICI on this side, the chairman, that we ought to recommend Dr. June O'Neill.

I understand some Democrats on that committee voted for Dr. O'Neill. I do not know that, but if a vote occurred I think some Democrats did. If I am mistaken please correct me right now.

Mr. DORGAN. Mr. President, I might say the majority of the Democrats either abstained or voted against her. I believe 4 voted for her, 4 against her, and most abstained, and they did that because of the process.

Mr. DOMENICI. I thank the Senator very much for the clarification. But I think my statement was right. It was not a purely Republican vote, even though the consultative process is much narrower in the House than it is here. Knowing of the need for consultation and input, let me put in the RECORD a letter dated November 21, 1994. This was written by myself to every Senator. This is a copy of the one I sent to the leader. Every Senator can go look in his or her files. Perhaps they did not check, perhaps they do not know. I asked them to please submit suggestions, ideas, concerns they might have as to who might be budget director for the United States.

I might state not a single one recommended a single person nor had a single comment to submit to the chairman of the committee which I am privileged to be at this point.

I ask unanimous consent it be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE BUDGET
Washington, DC, November 21, 1994.

Hon. ROBERT DOLE,
Republican Leader's Office,
Washington, DC.

DEAR LEADER: CBO Director Bob Reischauer's term of office expires on January 3, 1995. Dr. Reischauer has served Congress in a highly professional and nonpartisan manner these last six years. Because of his leadership, CBO has maintained its high degree of professionalism and integrity. I believe we in the Congress, and the country as a whole, owe Dr. Reischauer our sincere thanks for his years of dedication to public service.

By statue the Director is appointed by the Speaker of the House and the President pro tempore of the Senate after considering recommendations from the Committees on the Budget of both the House and Senate. According to the law, political affiliation is not to be considered in the appointment, but by precedent the next Director will be Republican.

It is my hope that the Senate Budget Committee can act quickly to make its recommendation. Dr. Reischauer may continue to serve until his successor is appointed.

This letter is to invite your recommendations for this important position. The Budget Committee will establish a Search Committee to review all recommendations, conduct appropriate interviews, and come to one recommendation for the President pro tempore. This entire procedure is being coordinated with the incoming House Budget Committee Chairman John Kasich.

Please forward any recommendations or resumes no later than December 9th. Thank you for your cooperation in this important matter.

Sincerely,

PETE V. DOMENICI

Mr. DOMENICI. Second, I suggest the Washington Post, on Friday last, had it right. Anybody you select for budget director, they decide they are going to call them all skunks, because they are skunks at the lawn party, so as to speak. They indicated in their editorial that we once again succeeded for we have selected another skunk who is not going to be beholden to anyone and will most positively, as they view it—because of her excellence in economics, her being part of that community and her reputation therein—that she will be an excellent overseer to this very important body.

I ask unanimous consent that editorial be printed in the RECORD at this point.

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

[From the Washington Post, Feb. 17, 1995]

AN EXCELLENT SKUNK

In the 21 years since it was founded to help Congress take back the power of the purse from the executive branch, the Congressional Budget Office has become among the most valuable and widely trusted agencies in the government. The trust reflects not just the consistently high quality of its work but also its carefully guarded reputation for independence. The symbols of that independence have been the agency's gifted directors, Alice Rivlin, Rudy Penner and Robert Reischauer.

Now Mr. Reischauer is to be succeeded by June O'Neill, an economics professor at Bernard Baruch College in New York who herself once served on the CBO staff under Ms. Rivlin as well as on the staff of the Council of Economic Advisers in the Nixon-Ford administrations. She has also over the years been a research associate at both the Brookings Institution and Urban Institute. It's a reassuring appointment. Mrs. O'Neill appears to be well within the tradition that it will be her responsibility to carry on. The Democrats complaining without any basis that she will toe a Republican line and the Republicans muttering likewise that she won't toe it enough should both back off.

Some leading House Republicans had threatened just after the election to politicize the agency. They wanted to use their new majority status to appoint not just a new director—Mr. Reischauer's term was expiring—but one who could be counted upon to switch to a ''dynamic'' method of scoring or estimating the cost of tax cuts. The charge was that CBO had over the years exaggerated such costs—and thereby made tax cuts harder to pass—by failing to allow for the revenue the cuts would generate by stimulating the economy.

In fact, it's a false issue. CBO has traditionally allowed for all the stimulative effects that mainstream economic theory would permit; it just hasn't been willing to go beyond, and rightly so. The threat to turn the agency into a rubber stamp for policy that sound analysis might thwart set off alarms among other Republicans, particularly in the Senate. The O'Neill appointment indicates that they prevailed.

We once wrote about a particular piece of testimony by Mr. Reischauer that CBO's job, and his, was to be the skunk at the congressional picnic. Someone has to be willing when it is required to spoil the party—to say that no, these things aren't free, that they can't be done at no cost or, when the occasion arises, that the numbers being put forward are really suspect. Mr. Reischauer was an excellent skunk, as were his Democratic- and Republican-appointed predecessors and as his successor will likely be too. Congress itself has been the principal beneficiary of their disciplined analysis. The good news is that the discipline and benefits both seem likely to continue.

Mr. DOMENICI. I greatly respect the proposal that the U.S. House and the U.S. Senate vote in confirmation of the Congressional Budget Office in the future.

But I must say, when it is offered, if it is offered, I will resist it. It is not because I will be part of choosing very many more CBO directors; maybe one more; maybe no more. Who knows? I frankly do not think an open vote in the U.S. House and the U.S. Senate is the inviolate way to protect and assure

impartiality and to assure that there is a neutrality of the type sought by my colleagues on the other side. In fact, it is one of a number of ways.

I might submit, while it is part of our Constitution for many appointments and nominees, I am not at all sure that it is even the best way. It is also riddled with opportunities for candidates to lose who should win and nominees who should lose to win. Frankly, I think a smaller circle representing the entire group might just as well work their will and do better for the people of this country.

So I do not think that I want to change because we have had excellent budget directors, and we have not had the entire Senate vote on them ever before. Who would deny that they have been good, that they have been impartial, and that they are professional? Not a single one came before the U.S. Senate for a confirmation vote to make sure that they were good, that they were neutral, and that they would do a good job.

Lastly, nobody is truly challenging my reputation here. I thank both Senators for their kind remarks with reference to this Senator. But in a sense, they have said in this case you did not do it very well. I think we did it under the circumstances very well. Things are very different. Things are very different than they were 6, 8 or 10 years ago. Clearly, everybody knows that. I mean when the chairman of the House Budget Committee says at a press conference, at which I am with the nominee we have both chosen—he chooses to say what he expects, and I choose to say what I expect. And we are very different in what we expect. But it surely does not mean that what either of us expect is what a well-reputed economist is going to do taking on the mantle of the predecessors, which is excellence personified.

So JOHN KASICH, chairman of the House committee, says that he expects something different out of the budget director than past directors, I said I do not come here to this meeting with the press expecting anything other than a good job and integrity, honesty and a full-faith implementation of your responsibility.

So in a sense, if you add to that the fact that we interviewed a number of candidates, that I did not shut out Democrats from the interviewing process—in the House they do not let them interview. Here we did. I regret in this instance that I did not get the full concurrence of Senator EXON of Nebraska, the ranking member, but actually the letter that he sent, right at the end in one sentence at least, acknowledges that perhaps she is a competent economist, and then suggests we should look at some more. I made a decision that looking for some more was not worthwhile. I will not divulge all the details. But I will tell you it is not very easy anymore to get people to want to come to be interviewed for jobs like this. And I think we ended up with a splendid candidate. I am proud of her.

I respect my fellow Senators on the other side for their feelings. But she is going to be the CBO director, and she is going to do a good job. That is all I can tell the Senate in the same kind of sensitive approach that I have taken in the past, whether I was leader of the crew, or whether I was in the minority helping the process along. She will be a good one.

For those who do not like some of her writings, let me remind the U.S. Senate that every CBO director that we appointed had some writings that some Senators did not like. Some were too liberal in their writings. Some were too conservative in their writings. Some were too supply oriented. But if we are going to judge them as competent economists schooled in American economics from the best of our schools managing different jobs—in this case having worked 4 years for the CBO—and then to second guess with reference to whether they are going to be fair or right or prejudiced, I just do not think we can work all of that out.

So I regret that I cannot agree with those who seek to delay this. It will not be delayed. It should not be delayed. She will be the CBO director. If she is not already, she will be very, very soon.

I yield the floor.

Mr. DORGAN. Mr. President, I intend to withdraw this. Let me make a couple of observations quickly.

The Senator from New Mexico is very able and makes his case aggressively. I must say that I smiled a bit when he reached for the Washington Post for a measure of support for his position. It is not usual to see that coming from that side of the aisle. But, nonetheless, I understood his citation of that editorial.

This is different. The Senator from New Mexico will understand and know when I say that we have not chosen a CBO director in these circumstances where you have people calling for a vote on the previous question in the Budget Committee, not having the ranking minority member on the Budget Committee even having the opportunity to interview the appointee before the decision is made. I think anybody would agree that this process is different.

Again, I would have said to the Senator from New Mexico that I am not making a judgment about Professor O'Neill. I do not know Professor O'Neill. I know economists get in the room, and they like each other and speak well of each other. I am not surprised. I used to teach a little economics. So the fact that the Senator argues that some other economists think well of this economist, that probably is not surprising.

But I must say that I also spoke with Dr. Reischauer, and he told me the same thing the Senator from New Mexico suggested; that his view is that this is a good candidate. I said, ''What do you think of this process?'' He said he did not think much of the process. The other side of it, at least in my discussions with Dr. Reischauer—and I hope he will not mind my disclosing that—was as to process.

We are going to vote on this. We will not vote on it this evening. But I intend to offer this amendment to the next bill, and then I intend to ask for a vote because I think in the future, if we have people who on the one side or other decide they are going to call the previous questions and do these kinds of things, then I think those of us who believe that we ought to have somebody who ought not have questions about them raised after the fact, we ought to have someone who is subject to a vote of approval by the House and the Senate.

So that would be my intention on the next legislation that comes before the Senate. I appreciate the indulgence of the Senator from Utah.

I ask unanimous consent to withdraw the motion that I have previously offered.

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

So the motion was withdrawn.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

FRED STROBLE: EXCELLENCE IN PUBLIC SERVICE

Mr. HOLLINGS. Mr. President, I rise today to salute Fred Stroble for his 33 years of truly exceptional public service as a law enforcement officer in South Carolina—including more than 23 years as a deputy marshal with the U.S. Marshals Service in Charleston.

As the deputy marshal with the longest continuous service in South Carolina, Fred has been a superb marshal, a public servant whose career epitomizes dedication and loyalty. In all the years that I've known Fred, he has been kind and helpful to everyone, from hard-working citizens to the prominent people he has protected, such as the Reverend Martin Luther King, the Reverend Jesse Jackson, former U.N. Ambassador Andrew Young, U.S. Supreme Court Chief Justice William F. Reinquist, and Associate Justice Thurgood Marshall.

Mr. President, Fred Stroble started his law enforcement career in January 1962 in Charleston as a walking patrolman with the city police department. He came to be known as the nice cop because of his compassion for people

who didn't understand the law or hold it in particularly high esteem. After walking a beat for a year, he was assigned to the vice squad. In January 1964, Fred became the city of Charleston's and South Carolina's first African-American motorcycle patrolman. A year later, he was promoted to detective. In October 1969, he became the first African-American deputy sheriff for Charleston County.

Fred left the sheriff's department for the Marshalls Service in January 1972. Since then, he has served with great distinction and honor. Anybody at the Federal courthouse in Charleston will tell you that no matter what has happened, Fred has been there to help. I, like many other leaders and judges across South Carolina, am grateful for his dedication over the years. If it were not for a requirement that made his retirement mandatory, I'm sure Fred would provide many more years of outstanding and professional service.

Mr. President, Fred Stroble is held in such high esteem today because of the more than 30 years that he has helped people across South Carolina. I appreciate this opportunity to express my respect and gratitude, and to wish Fred many happy years of retirement, new challenges, and exciting opportunities.

MEXICAN ECONOMIC AGREEMENT

Mr. PELL. Mr. President, after weeks of intense negotiation, the United States and Mexico yesterday agreed on a package of guarantees and swap transactions to help restore investor confidence in the Mexican economy while addressing United States concerns about the fundamental soundness of the Mexican economy and the level of risk to American taxpayers. I commend the President for his efforts to respond to this crisis while ensuring that adequate safeguards and conditions are in place to protect U.S. national interests.

I must say that, when the administration first proposed, in the immediate aftermath of the peso devaluation, a major U.S. response, I was quite skeptical. In many discussions with the administration I raised my concerns and urged that tough questions be asked about the wisdom of United States involvement and tough conditions be applied on Mexico as a precondition to any aid package.

Mr. President, I believe the administration has negotiated tough-minded terms for the package. I commend them for this and now believe it is both appropriate and in our national interest for this program to be put into operation.

In all candor, I continue to have some concerns about the possible long-term negative consequences of this whole crisis to our national economy and national economic interest. But I do believe as a nation we had to act and that the administration has acted skillfully. And if we did not act, real economic disaster could result.

The economic stabilization package signed Tuesday by Treasury Secretary Robert Rubin and Mexican Finance Minister Guillermo Ortiz actually consists of four separate agreements. The framework agreement sets the overall terms and conditions for U.S. support. These include commitments on the part of Mexico to reduce inflation, strengthen the peso, and encourage new investment by cutting Government spending, pursuing tight monetary policy, and raising short-term interest rates. Mexico is also committed to accelerate structural reforms in the transportation, telecommunications, and banking sectors, speed privatization, and improve financial transparency.

The Medium-Term Exchange Stabilization Agreement provides the basis for currency swap transactions, under which Mexico can exchange pesos for dollars for a period of up to 5 years. The interest rate charged for these swaps is to cover the U.S. risk for such transactions.

Under the guarantee agreement, the United States will provide guarantees for the issuance of Mexican debt securities with maturities of up to 10 years. This portion of the package is intended to convince investors to lend money to Mexico for longer terms at lower interest rates, thus alleviating the short-term debt burden that precipitated this crisis.

Finally, the oil proceeds facility agreement establishes the mechanism by which the United States is assured substantial repayment should Mexico default on its obligations. The agreement would set up a bank account in the United States into which foreign purchasers of Mexican oil would be required to make their payments. If Mexico fails to repay the United States under any of the financing agreements, the Treasury Department would be able, in effect, to take over that bank account.

All told, these agreements total $20 billion in United States support for Mexico—a bold and comprehensive package designed to prevent an immediate shortfall from leading to long-term economic and political instability. This support is designed to entail no direct costs to our taxpayers. Mexico will be charged fees for the guarantees and interest for the medium-term swaps, and all of Mexico's obligations to the United States will be backed by proceeds from the export of Mexican crude oil and oil products.

Moreover, the U.S. action is more than matched by the international response. The IMF has offered an unprecedented $17.8 billion in medium-term assistance, while the other G–10 countries plan to provide another $10 billion in short-term credit through the Bank of International Settlements.

Mr. President, I believe it is essential that we continue to monitor this situation closely, and the agreements that were signed yesterday provide the means and expand our ability to do just that. Even with this assistance, Mexico will face difficult economic choices, many of which could have an impact upon us.

I look forward to working with my colleagues and with the administration to ensure that Mexico lives up to its commitments under this package and that broad United States interests continue to be served through its implementation.

THE QUALIFICATIONS OF PETER EDELMAN TO BE A FEDERAL JUDGE

Mr. KENNEDY. Mr. President, an unfair, unfortunate, and negative campaign of distortions and preposterous character attacks has been under way for some time by partisans on the extreme right to prevent the nomination of an excellent lawyer, Peter Edelman, to the U.S. Court of Appeals for the District of Columbia Circuit.

I have known Peter Edelman well for more than three decades, ever since his years as an outstanding Senate staff member for my brother, Senator Robert Kennedy. A magna cum laude graduate of Harvard Law School, Peter served as a law clerk for Judge Henry Friendly on the Second Circuit Court of Appeals and Justice Arthur Goldberg on the Supreme Court.

In his subsequent career, he has consistently earned great distinction and respect for his service—in the Civil Division at the Department of Justice, as a vice president of the University of Massachusetts, as director of the New York State Division for Youth under Gov. Hugh Carey, as a partner in the Washington, DC, law firm of Foley & Lardner, as professor and associate dean at Georgetown University Law Center, and currently as counselor in the U.S. Department of Health and Human Services.

By virtue of his outstanding ability, background, experience, judgment, and temperament, Peter Edelman is clearly and well-qualified to serve on the U.S. Court of Appeals. As much as anyone I know, Peter Edelman understands that our laws are the wise restraints that make us free. He also very clearly understands the proper constitutional role of Federal judges in our Federal system.

I am confident that he would be an excellent Federal judge. I hope that President Clinton nominates him, and I believe he will be confirmed by the Senate. I urge my colleagues in the Senate to keep an open mind about this distinguished lawyer.

Last week, many of us received a letter in strong support of Peter Edelman, signed by 71 distinguished law professors, including 19 law school deans and 8 former law school deans. Because an editorial in the Washington Times earlier last week grossly distorted the letter, I ask unanimous consent that the letter may be printed in the RECORD.

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

GEORGETOWN UNIVERSITY LAW CENTER,
February 9, 1995.

Senator EDWARD KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: Enclosed please find a letter that we have sent to Senator Hatch. As you will see, it is a letter from more than seventy law professors and deans who are upset about the tactics being used by some who are attempting to stop the nomination of Peter Edelman to the United States Court of Appeals for the District of Columbia Circuit. We are concerned that the current specter of distorted prenomination sniping is undermining the integrity of the constitutionally prescribed appointment process and we cannot stand by silently while this is occurring.

We appreciate your consideration.

Sincerely yours,

SUSAN BLOCH,
Georgetown University Law Center.
BARBARA BABCOCK,
Stanford Law School.

GEORGETOWN UNIVERSITY LAW CENTER,
February 9, 1995.

Senator ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: As law professors concerned with protecting the Constitution and the judiciary, we are troubled to see orchestrated attempts to distort the record of potential nominees even before they have been nominated. In particular, we are very troubled by the attacks on Peter Edelman, a respected scholar with an extensive record of public service who has exactly the kind of qualifications the nation should look for in nominees for the Courts of Appeals. We urge you to remain open-minded so as not to encourage those seeking to derail the appointment process.

As you know, before joining the Administration, Peter Edelman was Associate Dean at the Georgetown University Law Center. In his outstanding career, Professor Edelman has been a clerk to Supreme Court Justice Arthur Goldberg, a key aide to Senator Robert F. Kennedy, and Director of the New York State Division for Youth. As respected within academia as in public service, Professor Edelman has shown himself to be a sensitive, thoughtful, and responsible counselor, policymaker, and scholar. The judiciary and the nation would be well served by his presence on the Court of Appeals for the District of Columbia Circuit.

To single out for attack, as his critics have, one article that Professor Edelman wrote in 1987 in an effort to provoke thought about the growing inequities in income distribution in this country is grossly distorting in at least two ways. First, it overlooks the fact that Professor Edelman has produced a body of work on poverty issues that sets out his framework for understanding the 1987 article. Second, the attack ignores the rest of his record of excellent service in all three branches of government.

Our constitutional system will be severely damaged if an organized campaign of misrepresentation can block the nomination of someone so clearly qualified. The President should nominate Professor Edelman and let the Senators decide whether or not to confirm. Peter Edelman should have the chance to explain his views and set forth his entire record in the framework of a confirmation hearing. We are confident that if you will receive his nomination with an open mind, you will find that he is one of the most well qualified nominees you have seen in your tenure on the Judiciary Committee.

Professor Lee Albert, State University of New York at Buffalo, School of Law; Dean Barbara Bader Aldave, St. Mary's University of San Antonio, School of Law; Professor Ellen P. Aprill, Loyola Law School; Dean Judith C. Areen, Georgetown University Law Center; Professor Charles E. Ares, University of Arizona, College of Law; Professor Barbara Allen Babcock, The Ernest W. McFarland Professor of Law; Sanford Law School.

Professor Steven R. Barnett, University of California at Berkley; Dean Daniel O. Bernstine, University of Wisconsin Law School; Professor Vincent A. Blasi, Columbia University School of Law; Professor Susan Low Bloch, Georgetown University Law Center; Provost Lee Bollinger, Dartmouth College; Dean Barry B. Boyer, State University of New York at Buffalo, School of Law.

Dean Paul Brest, Stanford Law School; Professor Robert A. Burt, Alexander M. Bickel Professor of Public Law, Yale Law School; Professor Alexander Morgan Capron, University Professor of Law and Medicine, University of Southern California; Associate Dean Catherine L. Carpenter, Southwestern University School of Law; Professor Stephen Lisle Carter, William Nelson Cromwell Professor of Law, Yale Law School; Professor David P. Currie, University of Chicago Law School.

Dean Colin S. Diver, University of Pennsylvania Law School; Professor David Feller, University of California at Berkeley; Professor Mary Louise fellows, University of Minnesota Law School; Professor David B. Filvaroff, State University of New York at Buffalo, School of Law; Professor Leslie Pickering Francis, University of Utah College of Law; Associate Dean George E. Garvey, The Catholic University of America.

Professor Carole E. Goldberg-Ambrose, University of California at Los Angeles, School of Law; Professor Jesse A. Goldner, Saint Louis University School of Law; Associate Dean Robert A. Gorman, University of Pennsylvania Law School; Dean David Hall, Northeastern University School of Law; Dean Joseph D. Harbaugh, University of Richmond, The T.C. Williams School of Law; Professor Phillip B. Heymann, Harvard University Law School; Professor Robert E. Hudec, University of Minnesota Law School.

Professor Stanley Ingber, Drake University Law School; Professor John H. Jackson, University of Michigan Law School; Professor Yale Kamisar, University of Michigan Law School; Dean John Robert Kramer, Tulane University School of Law; Dean Thomas G. Krattenmaker, College of William and Mary, Marshall-Wythe School of Law; Dean Jeffrey S. Lehman, University of Michigan Law School; Professor Howard Lesnick, University of Pennsylvania Law School.

Dean Lance M. Liebman, Columbia University School of Law; Professor Michael Melsner, Northeastern University School of Law; Dean Elliott S. Milstein, American University; Dean Gene R. Nichol, Jr., University of Colorado School of Law; Professor Robert O'Neil, University of Virginia School of Law; Professor Daniel H. Pollitt, University of North Carolina School of Law; Professor Burnele Venable Powell, University of North Carolina School of Law.

Dean Henry Ramsey, Jr., Howard University School of Law; Professor Deborah L. Rhode, Stanford Law School; Dean John C. Roberts, De Paul University College of Law; Professor Jonathan Rose, Arizona State University; Professor Laura F. Rothstein, University of Houston Law Center; Professor Mark A. Rothstein, University of Houston Law Center; Associate Dean David Rudenstine, Yeshiva University, Benjamin N. Cardozo School of Law.

Associate Dean Frank E.A. Sander, Bussey Professor of Law, Harvard University Law School; Professor George Schatzki, University of Connecticut; Professor Philip G. Schrag, Georgetown University Law Center; Professor Peter H. Schuck, Yale Law School; Professor Teresa Moran Schwartz, George Washington University, National Law Center; Dean John A. Sebert, Jr., University of Baltimore; Professor Steven H. Shiffrin, Cornell Law School; President Emeritus Michael I. Sovern, Columbia University School of Law; Associate Dean Steven H. Steinglass, Cleveland State University, Cleveland Marshall College of Law; Professor Richard B. Stewart, New York University School of Law.

Professor Theodore J. St. Antoine, University of Michigan Law School; Professor David A. Strauss, University of Chicago Law School; Professor Peter L. Strauss, Columbia University School of Law; Professor Gerald F. Uelmen, Santa Clara University School of Law; Professor James Vorenberg, Harvard University Law School; Dean Harry H. Wellington, New York Law School; Professor Patricia White, University of Utah, College of Law; Dean Richard S. Wirtz, University of Tennessee College of Law; Associate Dean Leah Wortham, The Catholic University of America School of Law.

Professors signing this letter, including the Deans, are signing as individuals and not as representatives of their schools.

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is a lot like television's well-known energizer bunny—it keeps going and going—at the expense, of course, of the American taxpayers.

A lot of politicians talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted in support of bloated spending bills during the 103d Congress—which perhaps is a primary factor in the new configuration of U.S. Senators.

This is a rather distressing fact as the 104th Congress gets down to business. As of Tuesday, February 21, 1995, the Federal debt stood—down to the penny—at exactly $4,834,640,034,065.84 or $18,352.38 per person.

Mr. President, it is important that all of us monitor, closely and constantly the incredible cost we incur each week due to this debt. As a matter of fact, in the past week the debt has increased over $25 billion.

Mr. President, my hope is that the 104th Congress can bring under control the outrageous spending that created this outrageous debt. If the party now controlling both Houses of Congress, as a result of the November elections last year, does not do a better job of getting a handle on this enormous debt, the American people are not likely to overlook it in 1996.

THE EXTRAORDINARY LIFE OF WALTER SHERIDAN

Mr. KENNEDY. Mr. President, all of us who knew him, respected him, and loved him were saddened by the death last month of Walter Sheridan. Walter was the outstanding investigator on the staff of the Senate Labor and Human Resources Committee for nearly two decades, and before that, he had been one of Attorney General Robert Kennedy's most trusted and effective aides in the Department of Justice.

Walter Sheridan lived an extraordinary life, and all of us who worked with him have many warm memories of his achievements and his friendship.

I ask unanimous consent that my tribute to Walter last month at Holy Trinity Church in Georgetown, an earlier tribute I made to Walter on the occasion of his final hearing at the Labor Committee in 1990, and other materials may be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

TRIBUTE TO WALTER SHERIDAN, BY SENATOR EDWARD M. KENNEDY, HOLY TRINITY CHURCH, WASHINGTON, DC, JANUARY 17, 1995

''Some men see things as they are and say, 'Why?' I dream things that never were and say 'Why not?' ''

These words that Robert Kennedy loved were words that Walter Sheridan lived by. And what a magnificent life he lived.

Walter and my brother were exact contemporaries, born on the same day, November 20th, 1925. It took them a little over thirty years to find each other. But it was inevitable that they would, and now they have found each other again.

I suspect some grand investigation is under way in heaven, and that Bobby and Carmine Bellino finally decided last week, ''We need Walter up here on this one.''

My brother loved to tease Walter about his mild demeanor and quiet manner. But as Bobby wrote in ''The Enemy Within,'' Walter's angelic appearance hid a core of toughness. As any wrongdoer well knew, the angelic quality also represented the avenging angel.

All the Kennedys have lost one of the finest friends we ever knew. Walter Sheridan was an extraordinary investigator and an extraordinary human being. He had a heart as large as his ability, and his courage and dedication to justice and the public interest were unmatched by anyone. Everything he touched he left better than he found it.

Walter was also family, far and wide. His wife, Nancy, his daughter Hannah, his sons Walter, John, Joseph, and Donald, and all their families and all his fourteen grandchildren know how much Walter loved them and how deeply he cared for them. The Sheridan home was always warm and welcoming, a continuously open house and gathering place for the legions of friends he made across the years.

Everyone Walter worked with loved him too. He lit up every room he entered, and there was an obvious mutual affection that made people not only want to work with him, but work harder because of him. He had a famous and well-deserved reputation from the Hoffa years for ability, integrity and loyalty—and he was a legend for his modesty about it.

He lived up to the Sheridan mystique all his life and in everything he later did. You could sense the power of his commitment to justice and honesty in public and private life. You knew he would go to the end of the earth to sustain those standards against any who tried to undermine them. The cynical view that everyone has his price met its match and its defeat in Walter Sheridan.

As Bobby knew, and as those on the other side learned to their dismay, when the going got tough, Walter Sheridan got going. His highly principled convictions about the public trust ensured the criminal convictions of those who violated that trust. His book about those years is among his lasting legacies—a call for constant vigilance to protect the public interest against corruption.

In any fight, my brother said, he would always want Walter on his side. You wanted Walter with you in any foxhole, and that is why he always seemed to get the most difficult assignments. He had been in the service in World War II, and his exploits reminded me of a famous slogan of those years—the difficult we do immediately; the impossible takes a little longer.

In the Senate years, each time we settled on the subject of a new investigation, Walter would do his famous disappearing act. He'd be away for three or four weeks. ''Walter's gone fishing,'' we would wink and say, and everyone knew what that meant. When Walter surfaced with his catch, all the networks and reporters were there, ready to record it at our hearings.

Walter knew how to follow a paper trail, find the unfindable document, and make it speak truth to power. Once, when the mine owners persuaded the federal agency to drastically weaken protections for health and safety, it was Walter who uncovered the irrefutable document. The agency had simply tried to write the mine owners' wish list into law—complete with the same spelling and grammatical mistakes.

Walter was also a hero to workers in the many industries he investigated. I especially think of his coal mine safety investigations. Miners and mine safety officials who testified in our Labor Committee hearings would continue to call up Walter for many years, eager to tell him about the new births and marriages and grandchildren in their lives. They knew Walter never stopped caring about them, and they loved him for it and made him part of their family too.

For all his warmth and wit, Walter was rightly feared by certain kinds of industry leaders and government officials—by anyone misusing their position or abusing their high office. His mission in many of his Senate investigations was to see that federal regulators did not become captives of the industry they regulated.

Once, a mine worker who worshipped Walter told us that an official of the Mine Safety and Health Administration had walked into his agency office one day and resigned immediately—when he saw the pink message slip with the notation that ''a Mr. Walter Sheridan'' had called.

His unique combination of high intelligence, low-key manner, and warm personality was an irresistible asset in all his work, and he loved to tell his war stories. During his investigation of the pharmaceutical industry, two drug company executives told him extensive details they never intended to disclose about their company's operations. They said Walter just kept asking simple, understated questions and nodded politely at their responses. As one of the officials later said, ''It took us about ten minutes after we walked out of the room to realize that Walter Sheridan had just picked both our pockets clean.''

He had a flair for the dramatic too. For several years, he served as a Special Correspondent for NBC and made documentaries on many issues, including crime and gun control. He liked to tell of the time he went into a gun shop, plunked down a couple hundred dollars, and walked out with an anti-tank weapon. He later loaded and fired it on camera to demonstrate the shocking laxity of our gun control laws. He said he couldn't remember what finally happened to the weapon, but he kept it stored somewhere around the house for a while and thought Nancy finally threw it out.

Another of his documentaries dealt with organized crime. Walter persuaded a key informant to speak on camera for the first time about the activities of one of the crime families. Later, a few of Walter's friends who had gathered to watch the broadcast at the Sheridans' home thought the informant on the screen looked familiar, and he was. He was sitting on the couch in Walter's living room, watching the program too. He told Walter it was the first time he felt truly safe, because no one would dare try to harm him while Walter was on the case.

Of course, all of us who knew Walter understood something else as well—that we would never know everything he knew. Business or pleasure, secrets were safe with Walter. Whether working on an investigation or planning a surprise party, nothing ever leaked. On that point we all agreed—Walter Sheridan kept his mouth shut.

Genius, it is said, is the capacity for taking infinite pains, and Walter passed that test with flying colors. No one worked harder or longer or more effectively. But sometimes even that wasn't enough. One of my brother's and Walter's favorite stories from the McClellan Committee days was about the time they were driving home together after working very late one evening. As they drove past the Teamsters Building, they saw the light still on in Hoffa's office. So they turned the car around and went back to work themselves.

It has been said that all men are dust, but some are gold dust. And that was true of Walter. In those great years with my brother on the McClellan Committee and in the Justice Department, he was a regular for touch football at Hickory Hill. Everyone wanted to be on Walter's team, including Bobby. To new friends there, he was always ''Walter,'' never ''Mr. Sheridan,'' even though they felt the first name was somehow disrespectful after reading about Mr. Sheridan in ''The Enemy Within.'' Walter made sure that everyone got to play, no matter how young or unathletic. He also mastered the most important rule for those games, which was that there were no rules.

And in the sad months and years after June of 1968, Walter continued to be a fixture at Hickory Hill, helping Ethel, helping all of us, to carry on. We loved you, Walter, as a brother and as a member of our family.

In a sense, Bobby lived on through Walter. In the nearly 20 years that he worked with me in the Senate, I never met with Walter or talked with Walter or laughed with Walter that I didn't think of Bobby. As the poet wrote: ''Think where man's glory most begins and ends, and say my glory was I had such friends.'' Our glory is that we had Walter as a friend.

In so many ways, he lived up to the ideals of dedication to family, country, and service to others. His contributions to integrity in government and the private sector are immense. His achievements are proof that each of us can make a difference—and what a difference Walter Sheridan made.

His life is symbolized in the inspiring words my brother used: ''Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different

centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.''

You left us too suddenly and too soon, Walter, and we miss you all the more.

CLOSING STATEMENT OF SENATOR EDWARD M. KENNEDY, HEARING ON ADVERTISING, MARKETING AND PROMOTIONAL PRACTICES OF THE PHARMACEUTICAL INDUSTRY, SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES, WASHINGTON, DC, DECEMBER 12, 1990

The testimony in these hearings raised troubling questions about the marketing practices of the pharmaceutical industry and their corrupt relationship with physicians.

Commendably, as the committee investigation began to uncover these abusive relationships, both the AMA and the PMA endorsed new guidelines on the eve of the hearings, in order to correct these problems and ensure the confidence of patients and the public.

The committee intends to monitor these reforms closely, in order to determine whether the abuses covered by the guidelines are truly corrected.

Finally, I want to pay tribute to the person who deserves the real credit not only for these hearings—but a thousand other contributions to the Senate, the country, and the public interest.

In a sense, these hearings are his swan song. But he'll never really retire. He was also our chief investigator in the initial committee hearings on this issue in the 1970's. And I have no doubt he'll come out of retirement in the year 2000, or whenever the industry steps out of line again.

There's a famous saying that there's no limit to what you can accomplish in this town if you're willing to give someone else the credit. That may be the secret of how he's been able to accomplish so much.

We've known each other for over 30 years, and worked together for nearly 20. Robert Kennedy discovered him in the 1950's in the McClellan Committee investigations. It turned out they were both born on the same day in the same year.

My brother took him with him to the Justice Department in the 1960's. He may well have been the best and most tenacious investigator the Senate or the Department ever had. I inherited him from my brother, and he's been the same way ever since.

As Robert Kennedy once said in the 1950 investigations, ''Investigators are the backbone of the hearings. Without their work, we'd have nothing.'' Those words are still true, and all these years he has continued to make them true.

We'll have a chance to pay a proper tribute to him at another time. But I wanted to make at least these few remarks now.

He's also a beautiful human being. His family and some of his children and grandchildren are here today, and I think they know how much we admire him and love him—Walter Sheridan. We'll miss him.

[From the Washington Post, Jan. 14, 1995]

WALTER SHERIDAN DIES; HELPED TO INVESTIGATE HOFFA

(By Martin Weil)

Walter Sheridan, 69, a prominent federal investigator for many years who played a key role in the epic struggle between the government and Teamsters union leader Jimmy Hoffa, died of lung cancer Jan. 13 at his home in Derwood.

He was a staff member of the Senate rackets subcommittee of which Robert F. Kennedy was chief counsel and on which John F. Kennedy served as a senator. He was also an associate of Sen. Edward M. Kennedy (D-Mass.), who lauded him yesterday as ''an extraordinary investigator and an extraordinary human being.''

By 1960, years of contentious investigation and dramatic, nationally televised hearings had made celebrities of the Senate subcommittee's lawyer, Robert kennedy, and Hoffa. Hoffa had become one of the best-known labor leaders of the postwar era.

After John Kennedy became president in 1961 and his brother became attorney general, Robert Kennedy asked Mr. Sheridan to become his special assistant. In that job, he and a small group of lawyers were made responsible for prosecuting federal crimes associated with the Teamsters.

The lawyers in the unit described themselves as the ''Get Hoffa Squad,'' and Mr. Sheridan, though himself not a lawyer, was their chief, Arthur A. Sloane wrote in ''Hoffa,'' his 1991 biography of the labor leader. In his 1971 book ''Kennedy Justice,'' Victor Navasky also described Mr. Sheridan as the unit's chief.

In 1962, Hoffa was brought to trial in Nashville. The chief prosecutor and his assistants, accoring to Sloane's book, operated ''under the overall direction of . . . Walter Sheridan . . . who himself was in daily telephone contact with Attorney General Kennedy.''

In a brief interview last night, Navasky said Mr. Sheridan ''knew the worst things there were'' about Hoffa and ''devoted those years to doing something about that.''

The trial, on a misdemeanor charge, ended in a hung jury.

But that trial led to a second trial on a charge of jury tampering, based at least in part on evidence gathered and investigated by Mr. Sheridan, according to Sloane's book. In 1964, Hoffa was convicted of jury tampering and began serving a prison term three years later.

In 1960, Robert Kennedy published a book called ''The Enemy Within,'' based on his Senate committee investigations into labor matters. In it, he described Mr. Sheridan this way: ''A slight, quiet friendly-faced man'' who ''was one of our best and most relentless investigators.''

''His almost angelic appearance hides a core of toughness and he takes great pride in his work,'' Kennedy said.

''In any kind of fight, I would always want him on my side.''

Mr. Sheridan was born in Utica, N.Y., served in the Submarine Service during World War II and later graduated from Fordham University. He was an FBI agent for four years and spent three years with the National Security Agency.

He was a regional coordinator for John Kennedy in the 1960 presidential campaign and had key roles in the political campaigns of Robert and Edward Kennedy.

As a Senate investigator in the 1980s, he helped show that clinical data submitted to the Food and Drug Administration had been tampered with, which led to new safeguards. He also led investigations into improper payments to physicians to influence how they prescribed medicines. His investigations into mine and on-the-job safety and health and into exploitation of farm workers also were credited with leading to new federal protections.

From 1965 to 1970, he was a special correspondent for NBC and his unit received a Peabody Award for a documentary on the 1967 Detroit riots.

He was the author of ''The Fall and Rise of Jimmy Hoffa.''

In his statement yesterday, Edward Kennedy said Mr. Sheridan ''had a heart as large as his ability, and his courage and dedication to justice and the public interest were unmatched by anyone.''

Survivors include his wife, Nancy; five children, Walter Sheridan of Gaithersburg, Hannah Shorey of Dallas, John Sheridan of Germantown, Joseph Sheridan of Lansdale, Pa., and Donald Sheridan of Harrisburg, Pa.; and 14 grandchildren.

[From the New York Times, Jan. 15, 1995]

WALTER J. SHERIDAN IS DEAD AT 69; HELPED BUILD CASE AGAINST HOFFA

(By David Stout)

Walter J. Sheridan, a Federal investigator who was an associate of the Kennedy family and pursued the teamsters' union leader James R. Hoffa, died on Friday at his home in Derwood, Md. He was 69.

The cause was lung cancer, friends said.

Mr. Sheridan worked closely with Robert F. Kennedy in the 1950's when Mr. Kennedy was chief counsel to the Senate rackets committee and John F. Kennedy was a committee member. Mr. Sheridan and Robert Kennedy spent much time investigating labor corruption, especially in the International Brotherhood of Teamsters.

When Robert Kennedy became Attorney General, he recruited Mr. Sheridan as a special assistant to investigate Federal crimes, particularly involving the teamsters.

In March 1964, a Federal Court jury in Chattanooga, Tenn., convicted Mr. Hoffa of tampering with a Federal jury two years earlier, and he went to prison. He was released in 1971 when his sentence was commuted by President Richard M. Nixon.

Mr. Sheridan was the author of a 1972 book, ''The Fall and Rise of Jimmy Hoffa.'' Mr. Hoffa disappeared in 1975.

Mr. Sheridan was an agent for the Federal Bureau of Investigation for four years but resigned, he said later, because J. Edgar Hoover's fierce brand of anti-Communism made him uneasy. He was also an investigator for the National Security Agency for three years.

As a principal aide for the Senate Judiciary and Labor and Human Resources Committees in the 1970's and 80's, Mr. Sheridan led investigations into drug companies that tampered with data submitted to the Food and Drug Administration, working conditions in mines and exploitation of farm workers.

Mr. Sheridan was a regional coordinator for John F. Kennedy's 1960 Presidential campaign. He also worked in the senatorial and Presidential campaigns of Robert and Edward M. Kennedy.

From 1965 to 1970, he was a special correspondent for NBC, producing documentaries on crime, gun control and other issues.

He is survived by his wife, Nancy; four sons, Walter, of Gaithersburg, Md., John, of Germantown, Md., Joseph, of Lansdale, Pa., and Donald, of Harrisburg, Pa.; a daughter, Hannah Shorey of Dallas, and 14 grandchildren.

[From the Utica Observer-Dispatch, Jan. 14, 1995]

SHERIDAN, FORMER FBI AGENT DIES AT 69

Utica native Walter Sheridan—once listed among possible successors to J. Edgar Hoover to head the FBI and a close friend of the Kennedy family—died yesterday. He was 69.

Sheridan worked side by side with the late Sen. Robert Kennedy to fight racketeering, particularly to bring James R. Hoffa to justice. His career as an investigator included four years as a special agent with the FBI, three years each with the National Security Agency and the Senate Rackets Committee.

Sheridan died at his home in Derwood, Md., of lung cancer. He was born in Utica, Nov. 20, 1925.

''He was one of the finest men I ever met in my life. He was sincere, honest, upright,''

said Michael McGuirl of Ballantyne Brae, Utica.

''I can't tell you the grief I feel'' over his death, said McGuirl, who has maintained a friendship with Sheridan's family.

Through his career—which included working five years as a special correspondent for NBC and publishing a book on Hoffa—Sheridan kept his links to Utica.

McGuirl, who worked 14 years as commissioner for Oneida County Social Services, said Sheridan helped the county receive the country's first Work Experience Program, which helped put people in jobs.

Sheridan returned to Utica to speak at his class reunion in 1973 and the the Knights of Columbus in 1977.

''He was a fine assistant to Robert Kennedy and a very intelligent and capable individual,'' said Vincent J. Rossi, Sr., a Utica lawyer who worked with Sheridan on Democratic politics in Utica.

In response to his death, Sen. Edward Kennedy said yesterday ''all the Kennedys have lost one of the finest friends we ever had. Walter Sheridan was an extraordinary investigator and an extra-ordinary human being. He had a heart as large as his ability and his courage and dedication to justice and to the public interest were unmatched by anyone.''

Sheridan graduated from Utica Free Academy in 1943, was president of the senior class and a quarterback on the football team.

Sheridan is survived by his wife, Nancy, and five children, Walter, of Gaithersburg, Md., Hannah Shorey of Dallas, Texas, John, of Germantown, Md., Joseph of Lansdale, Pa., and Donald, of Harrisburg, Pa. and 14 grandchildren.

FROM ''THE FALL AND RISE OF JIMMY HOFFA'' (1972)

(By Walter Sheridan and Introduction by Budd Schulberg)

A specter is haunting America. No, it is not communism. Despite Wallace, Goldwater and the right-wing doomsday criers, it is not even creeping socialism. It is, as readers of this book will find alarmingly documented, an altogether different sort of creeping disease. Creeping, hell, it's now boldly up on two feet and running. Toward what goal? More. More houses? More schools? More daycare centers? Forget it. More money. More power. Power to do what? Enjoy life, liberty and the pursuit of happiness? Not as Jefferson and our eighteenth-century idealists imagined it in those simpler times. today it is the high life, the deal that brings liberty in the form of ''commutation'' from the federal pen and the pursuit of the easy buck—be it at the gangster Xanadus of Las Vegas, or at millionaire retreats built with Teamster money like Moe Dalitz's La Costa Country Club, or at the various White Houses, Dicknixon style. There the Big Money, that unholy alliance of over-and-under-the-table, has enjoyed the friendship of the man who grasped early in his checkered career the sharp-edged triangle of money, power and politics.

Throughout our history Big Money has been decried, by Andrew Jackson, William Jennings Bryan, both the Roosevelts. . . . There are periodic appeals to our idealism, compassion and sense of community. Reform movements rise and fall like the tides. Today our children's crusade turns its back on the sources of wealth and power and wanders into the desert to smoke its pot and live the good life to the music of Led Zeppelin, James Taylor and Joe Cocker. They have chosen to abandon the system rather than reshape it. The old system, their gypsy lifestyle is telling us, is a rat-race is a money-game is a war-machine conceived in materialism and dedicated to the proposition that the race is to the swift and the poker pot to the swift at hand.

Left behind to fight the network of graft-organized greed that has infected our profit system are the Walter Sheridans of this land, unlikely Don Quixotes who tilt not at windmills but at syndicates and are willing to take on single-handed an army of hoodlums, fixers, purchasable politicos and business opportunists, to go it alone if their leaders are shot down and a Mitchellized Justice Department moves to deliver them and their witnesses to the enemy.

I first came to know Walter Sheridan in the early sixties when I went to Washington to discuss with the then Attorney General, Robert Kennedy, the possibility of adapting his book, The Enemy Within, as a motion picture. Our irrepressible producer, the late Jerry Wald, had called me in Mexico to say that Kennedy had chosen me from a list of film writers Wald had submitted. Kennedy had been impressed with On the Waterfront and The Harder They Fall and felt that I would be particularly responsive to the job of dramatizing corruptive power in America.

It is true that the subject had fascinated me from my high school days. And The Enemy Within, a hard-hitting account of Kennedy's experiences as chief counsel for the Senate Rackets Committee, would give me the chance to write not merely a sequel to Waterfront but a significant extension of that film on a national scale. Kennedy's book presented startling evidence of the collusion between Jimmy Hoffa (plus other crooked union leaders), Mafia racketeers and their ''respectable'' allies in the world of business.

At Kennedy's home in McLean, Virginia, it took time to break the ice, but gradually we established good rapport. Then, characteristically, young Kennedy asked me when I could begin and how soon my screenplay would be ready. I told him that I had researched the New York waterfront for more than a year before I had begun that script; I would not feel ready to plunge into the writing of Enemy until I had fully absorbed this even more complicated material. ''But it's all in the book,'' Kennedy said with an author's pride. I told him I would like to read the entire hearings of the Senate Committee. ''That's fifty-nine volumes,'' Kennedy warned. ''Millions of words.'' When I held out, he passed me on to his lieutenant in charge of the Hoffa investigation, Walter Sheridan.

Sheridan turned out to be the most unlikely of G-men. Television and movie fans accustomed to Lee Marvin or Rod Steiger and Efrem Zimbalist as their gangbuster heroes would be badly let down by Mr. Sheridan. So quiet-spoken you literally have to lean forward to hear him, on the surface a diffident, even shy and eminently gentle man.

But Kennedy's book had indicated the tiger that lurked within the deceptively bland exterior, praising Walter as tireless and unbendable, committed to the principle of integrity in government and labor-management. Outraged by the labor racketeering encouraged by political and business connivance, he would work around the clock day after day to stitch together a collar of evidence to fit even the thick, tough necks of the Jimmy Hoffas.

Until the Kennedy investigations, the robber barons of the labor movement had carved up their million dollar pies with impunity. It is one thing merely to dream the impossible dream, quite another to gather together for a convincing indictment all the little jigsaw facts buried by professional deceivers. How Walter Sheridan persevered in this quest, despite bribes, threats and government roadblocks, provides an encouraging lining for an essentially discouraging story.

For months, after Walter sent me the Rackets Committee material, I immersed myself in the testimony of thousands of witnesses who talked (or balked) about pension funds looted of millions of dollars, with a majority of those six- and seven-figure loans going to notorious Mafiosi, of ''sweetheart'' contracts arranged between greedy company executives and union officials on the take (including, as this book makes clear, President Hoffa himself), of once respectable industries and unions infiltrated by a blatant army of extortionists and enforcers, terrorizing the would-be honest into silence or connivance. It was material, I realized, that made waterfront crime-evil as that was—seem like very small potatoes.

Now I understood more clearly the conclusion Bob Kennedy had reached in his book—that the real enemy within was the increasingly effective alliance of big money, labor racketeers, the mob, and dishonest prosecutors, judges and government officials, without whom billions could not be stolen from our economy—and that this nationwide conspiracy was poisoning the wellspring of the nation. From my talks with Bob Kennedy, Walter Sheridan and their colleagues in the Justice Department, I was convinced of their passionate devotion to this theme—and to the conviction that we could never defeat an external enemy unless we first cut from our body politic the growing cancer of corruption that would finally destroy our society as Rome was eaten away from within two thousand years ago.

When I returned to Washington with all fifty-nine volumes of testimony buzzing in my head, I outlined a possible story line to Bob Kennedy and his staff. But now I felt a further step in research was necessary: to move on from the transcripts to the people behind the transcripts, those who had endured the pressure of belonging to a union whose dictatorship they despised and whose goon-squad violence they feared.

When I discussed this request with Kennedy he again passed me on to Walter, who, in his calm, cautious way, put me in touch with a fascinating union leader, a highly placed officer who had been secretly cooperating with the Kennedy investigation because he had lived his life as an honest trade unionist and had become disgusted with the wholesale looting of union funds, the terrorizing of union members who protested, the Mafia leaders allowed to pass themselves off as union leaders. The roster of Teamster vice presidents read like a Who's Who in American Crime, and ''Max,'' as we shall call our inside contact, had had a bellyfull.

Here, through Walter's sensitive liaison, I was to get a one-on-one insight into the ongoing drama—the tension that runs through so much of Walter's book—a man's conscience struggling to keep afloat in a sea of fear. For the next few months I was to meet Max under conditions that reminded me of my World War II days in the O.S.S. We met in Los Angeles, in a small town in Florida, and in Mexico—using pseudonyms and even taking the precaution of meeting in a third, neutral room in case we were being followed or bugged. His nerves were shot and he was drinking himself through the day, terrified of Hoffa and his henchmen, yet driven by the gut-conviction that mobsters like Johnny Dio and Red Dorfman and Joey Glimco and Tony Provenzano and all the rest of the tribe were poison to the labor movement to which he had dedicated his life. Through Max, I met other Teamster dissidents, all hating Hoffa's guts and all afraid to face his wrath.

Thanks to Max, I was able to personify in my script a reluctant, tormented thorn in the tough hide of the composite labor boss I

call Pete Bonner. Alas, the film for reasons that bring me very close to the spirit of this uncompromising book, has never reached the screen. Jerry Wald, who alone had had the courage to produce it, died suddenly, at a time when 20th Century-Fox was fighting for survival after its spendthrift *Cleopatra*. A labor tough walked right into the office of the new head of the studio to warn him that if the picture was ever made drivers would refuse to deliver the prints to the theaters. And, if they got there by any other means, stink bombs would drive out the audiences.

With Bob Kennedy's encouragement, I tried to produce the film myself. One film star phoned to say he loved the script, then came to my house drunk to tell me he was afraid he might be killed if he did it. There have been ever-increasing ties between the mob and some of the film studios and, of course, those studios rejected it out of hand. Finally, I had firm interest from Columbia, the company that had released *On the Waterfront*. On the eve of the meeting with Columbia executives to which I had been invited, every one of the people who was to attend that conference received a letter from William Bufalino, whose activities on behalf of Hoffa are a matter of record (as Sheridan's book confirms). Bufalino is, among other things, a lawyer, but this letter was disturbingly extra-legal. It stated flatly that 20th Century-Fox had wisely abandoned the project as soon as all the possible eventualities had been pointed out to them, and he felt confident that Columbia would be smart enough to do likewise. On the morning of the meeting, a studio secretary called to tell me that it had been canceled, indefinitely. Apparently Hoffa and Bufalino had decided what the American people could and could not see. And the Hollywood ''front office''—notorious for its vincibility—had meekly complied.

But that was only a taste of the frustration that Walter Sheridan had suffered over the years as he battled against the invisible empire. The jury tampering in Nashville reads like *Police Gazette* fiction, but it's all too true. The Chicago trial, in which Jimmy Hoffa was finally convicted of stealing more than a million dollars from his Teamsters Pension Fund, is the stuff of high social drama. And the trials and tribulations of Ed Partin, the big and tough Teamster from Baton Rouge who turned on Hoffa, helped to convict him, and then was offered a million dollars if he would perjure himself and retract his testimony—or be destroyed if he refused; all of this must be read, and then reread and digested, to be believed. And remembered. The incredible cast of those working to gain a pardon for Hoffa, and a buy-off or conviction of Partin, includes governors, federal judges, Louisiana Mafiosi, Chicago gangsters, Pension Fund lawyer-grafters, senators, congressmen, administration officials, con-men, sleazy go-betweens. Even Audie Murphy and George Murphy get into the act, not to mention gun-totin' William Loeb and his infamous Teamsters-financed Manchester Union Leader.

Here is the enemy within, in all its star-spangled unglory.

The enemy walks among us, not as an underworld fugitive but as an adornment of cafe society, enjoying the best tables in New York and Miami, Las Vegas, Hollywood and Acapulco. You'll find him chumming with the celebrities at Le Club or ''21'' or the Sands, or in the Polo Lounge at the Beverly Hills Hotel. Instead of fearing government pressure, he'll boast of his in with the White House. And the ''cream'' of our society don't shun him, they invite him to their parties. And they hope he will return the favor.

In this painstaking book, Sheridan faces up to the reality that, after all the convictions and sensational disclosures, corruption flows on. George Jackson rotted in jail for nearly a decade for heisting $70. Jimmy Hoffa cops a million, bribes juries, runs with the most dangerous gangsters in America and, thanks to the intervention of his good friend Dick Nixon, does an easy five. This, after the parole board had rejected Hoffa's appeal three times in a row. This, in an election year when Nixon has become anathema to the legitimate labor movement and the Teamsters wind up as his only big-labor support.

The Nixon-Hoffa friendship, beginning when Nixon was Vice President, was emphasized again by his recent attendance at the executive board meeting of the Teamsters. And his Secretary of Labor gave fulsome praise to that gang-ridden union at its most recent convention. ''A strange love affair,'' The New York Times has described it. One might call it something even stranger. Sheridan doesn't go in much for adjectives. He's fact man and his step-by-step account of the Hoffa-Nixon romance will make you want to weep for an America that is now challenged—as Bob Kennedy had begun to challenge her—to reach deep down and rediscover her soul.

Will the dry rot of moral decay leave the field to the Hoffas, the J.T.T. and the Syndicate? The enemy within seems to grow stronger every day. Whether or not a Jack Anderson, a Ralph Nader, a Walter Sheridan can arouse our people from their complacency is the question on which the future course of America may depend.

TRIBUTE TO MR. ELLAND ARCHER

Mrs. HUTCHISON. Mr. President, I am pleased to pay tribute to the exemplary life of Mr. Elland Archer of Mesquite, TX. Mr. Archer was born on December 17, 1932 to Frank and Jimmie Archer of Van Zandt County. His early years were spent in Terell and Van Zandt Counties during the Depression. In order to assist his family, he quit school in the eighth grade and later received his GED in the U.S. Army.

He served our Nation honorably in the U.S. Army from 1953 until 1955 and completed his Army Reserve obligation in 1961 in the rank of private first class. He graduated from Baylor University Law School in 1963.

Following his work for the Dallas County attorney and district attorney, he served as city attorney for the city of Mesquite from 1970–87. From 1989–93, he was the city manager and attorney for the city of Balch Springs. He was married for 35 years to the late Virginia Lois Archer.

Elland Archer passed away on September 1, 1994 and is survived by five children and two grandchildren in addition to his mother and six brothers and sisters.

Mr. Archer will be remembered by his family and friends for his dedication to our Nation, our State, and to the many citizens he served during his career. In setting high standards during his public service, his life was a model for others to follow.

HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Mr. President, I rise today, as I have done each week of the 104th Congress, to announce to the Senate that 14 people were killed by gunshot in New York City this past week, bringing the total for 1995 to 89.

Mr. President, in an introduction to a published series of editorials on America's gun epidemic, Los Angeles Times editorial writer and research director Molly Selvin, writes:

> People do kill people—but they can do it more efficiently, more potently and more massively with guns. And guns, these days, are killing more people on the streets and in the homes, schools and workplaces of America than ever before * * * We can let the gun violence continue unabated, or we can do something and do something dramatic, effective, historic.

Ms. Selvin is quite correct. It will take dramatic measures to bring an end to the plague of gun violence. But the Senator from New York is compelled to point out that the solution proposed by the editorial series—a near-total ban on ownership and possession of guns—is simply not plausible. We have a two-century supply of guns. Unless abused, guns last almost indefinitely. Even if we could succeed in banning further production and sale of guns, it is unrealistic to think that we could reclaim the 200 million guns already in circulation today.

On the other hand, we have a very limited supply of bullets—perhaps only a four-year supply. I have repeatedly attempted to make the case that it is here we should focus our attention. By banning or taxing out of existence those calibers of bullets used most often in crime, the millions of guns already in the hands of criminals would soon be rendered useless.

To date, I have had difficulty convincing the Congress and past and present administrations of the merits of ammunition control. But as we sit idly by and watch bullets take the lives of nearly 40,000 Americans each year, I urge my colleagues to consider this sensible approach.

U.S. ARMY 2D LT. CURT SANSOUCIE—A NEW HAMPSHIRE HERO

Mr. SMITH. Mr. President, I rise today to salute U.S. Army Second Lieutenant Curt Sansoucie, from Rochester, NH, who died February 15, 1995, during a training exercise at Eglin Air Force Base Ranger School in Florida.

The accident that took the life of this fine young man was a terrible tragedy for his family and for the State of New Hampshire. Curt is the son of Gary and Theresa Sansoucie. He graduated from Somersworth High School where he was a member of the National Honor Society and a varsity football player.

I had the privilege of nominating Curt to West Point in December 1989.

After graduating in June 1994, he attended Infantry Officer Basic School in Fort Benning, GA, where he completed a Master of Trainer's Fitness School. Curt then began Ranger School, where soldiers undergo the toughest training in the forest, mountains, desert, and swamps to prepare them for extreme war conditions.

Curt died doing exactly what he wanted to do; serving his country in the U.S. Army. I extend my deepest sympathies to Curt's family and friends. As a member of the Senate Armed Services Committee, I am honored to have represented Second Lt. Sansoucie and his family in the U.S. Senate. Second Lt. Curt Sansoucie joins a distinguished list of New Hampshire patriots who have given their lives in service of their country.

HONORING SENATOR PAUL SIMON'S WORK ON IMMIGRANTS AND REFUGEES

Mr. KENNEDY. Mr. President, tomorrow evening our friend and colleague, Senator PAUL SIMON, will be honored by the Lutheran Immigration and Refugee Service for his many distinguished years of commitment and achievement on behalf of immigrants and refugees.

This honor is eminently deserved. Senator SIMON has served with great distinction on the Immigration Subcommittee of the Senate Judiciary Committee since he first came to the Senate in 1985. Throughout his service, he has been an outstanding leader and defender of our Nation's long and proud history as a nation of immigrants and a haven for refugees. He has challenged all of us to honor this heritage, and to do all we can to alleviate the plight of victims of oppression throughout the world. PAUL has pursued this vision with integrity, dignity, fairness, and great intelligence and common sense.

In many respects, he has been the conscience of the Senate on immigration and refugee issues. The 10 yeas in which he has so ably served on the subcommittee have been years of major reform. His steady hand and deep moral conviction have been felt throughout this process of change.

In his book, ''The Glass House,'' Senator SIMON observed: ''There are morally preferred options, and . . . it is the responsibility of humanity and of government to strive toward the good, no matter how erratic and tortuous that path might be''. PAUL SIMON exemplifies that good, and all of us who have worked with him are proud of his leadership.

His presence in the Senate will be deeply missed when he retires at the end of next year. In all his achievements, he has reminded us that America is at its best when it upholds the traditions of fairness, opportunity, and compassion which made our country great.

I commend the Lutheran Immigration and Refugee Service for this tribute to our friend and colleague, and join with my colleague Senator SIMPSON, the chairman of our Immigration Subcommittee, in congratulating Senator SIMON on this well-deserved honor.

Mr. SIMPSON. Mr. President, our colleague, Senator PAUL SIMON, will be honored tomorrow evening by the Lutheran Immigration and Refugee Service for his tireless devotion to the plight of refugees throughout the world. I want everyone to know how special this award is and how special PAUL SIMON is.

PAUL and I have worked together on the Immigration Subcommittee since he came to the Senate in 1985. He has become a dear friend. But PAUL SIMON is also a friend to the millions who suffer the devastation of tyranny and war. He is the unknown benefactor of the refugees who have found a safe haven on our shores. And he has been a benefactor of our Nation, for these refugees are a revitalizing force among us.

We enjoy the warm glow of bipartisanship on our subcommittee, and we need it. The issue of immigration is political dynamite and must be dealt with fairly. PAUL SIMON has been a persistent voice of justice and compassion on the subcommittee.

The Lutheran Immigration and Refugee Service has served thousands of those new to our shores, and their award is an honor and a trust. PAUL SIMON has lived up to that trust.

The Statue of Liberty enlightens the world, but her torch does not burn untended. PAUL SIMON has helped keep her lamp fueled and lit for America's newest immigrants.

I am so pleased that PAUL'S hard work has been recognized with such an honor, and I know our colleagues share that pleasure.

PEACE IN NORTHERN IRELAND—THE FRAMEWORK DOCUMENT

Mr. KENNEDY. Mr. President, today the Irish and British Governments released their much-anticipated Framework Document, which offers a fair and balanced approach to moving the Northern Ireland peace process forward.

The document imposes nothing on anyone. It reaffirms the solemn guarantee that the consent of the people of Northern Ireland is the indispensable condition for any future settlement.

The great virtue of the document is that it provides exactly what was promised—a thoughtful and comprehensive analysis of the fundamental issues. Above all, it offers a solid basis for moving to the next step—which is talks among all the parties, and which I hope will begin soon.

Mr. President, I ask unanimous consent that today's statements by Irish Prime Minister John Bruton and British Prime Minister John Major and the text of the framework document may be printed in the RECORD.

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

INTRODUCTORY REMARKS BY THE TAOISEACH (IRISH PRIME MINISTER) MR. JOHN BRUTON, TD, AT BELFAST LAUNCHING OF JOINT FRAMEWORK DOCUMENT, FEBRUARY 22, 1995

Today's new framework for agreement is a landmark event in the affairs of this island.

The two Governments are presenting to the political parties in Northern Ireland, and to the Irish and British people, a document which is the most detailed expression to date of our views on the subject of Northern Ireland.

The Prime Minister and I hope that the Framework Document will receive calm and measured consideration over the days and weeks ahead.

It is an important and serious text, offered as an aid to discussion and negotiation. It presents our best judgement of what might be an agreed outcome from future talks involving the two Governments and the political parties.

We commend it to the parties for their careful consideration and we look forward to discussing it in detail with them at the earliest opportunity.

May at this point pay a special tribute to my colleague the Tánaiste and his officials and to the Northern Ireland Secretary of State Patrick Mayhew and his team. Their determined efforts over many months have brought us to today's new framework for agreement.

The proposals which it contains are, we believe, balanced and fair and threaten nobody. No party need fear this document.

To the nationalist and republican people, the document:

Reaffirms that the British Government have no selfish, strategic or economic interest in Northern Ireland and that they will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland.

Says that the British Government will enshrine in its constitutional legislation the principles embodied in this new framework for agreement by the amendment of the Government of Ireland Act of 1920 or by its replacement by appropriate new legislation.

It will also be important to nationalists that both Governments consider that new institutions should be created to cater for present and future political, social and economic inter-connections within the island of Ireland. These institutions will enable representatives of the main traditions, North and South, to enter agreed relationships. This is the purpose of the North/South body proposed in this document.

To the unionist and loyalist people, I would point out that the document commits the Irish Government to ask the electorate to change the Irish Constitution. The change proposed will address Articles 2 and 3 in the following ways:

It would remove any jurisdictional or territorial claim of legal right over the territory of Northern Ireland contrary to the will of its people.

It would provide that the creation of a sovereign united Ireland could therefore only occur in circumstances where a majority of the people of Northern Ireland formally chose to be part of a united Ireland.

It is also important to unionists that the document also contains a recognition by both Governments of the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status, whether they prefer to continue to support the Union or a sovereign united Ireland.

The proposals will challenge the two traditions on this island but it will do so in an even-handed way. Neither tradition need fear its contents. As I have emphasized at every appropriate opportunity, it is a framework for discussion and not a blueprint to be imposed over the heads of anyone. Its purpose is to facilitate, not pre-empt, dialogue. At the end of the day, the people of both North and South respectively will have the final say.

The document is our carefully considered response to many suggestions, from the parties and others, that it would be helpful to have the view of the two Governments as to what might be an agreed outcome from future talks.

We are asking the parties to come and talk to us, openly and candidly, about these proposals. We believe that, taken in the round, they offer a basis for structured discussions leading to a new agreement.

We believe that they do. It is our hope that the political parties, having given them the attention they deserve, will take a similar view.

There can be no doubt about the enormous desire on the part of the ordinary pubilc—here, in the rest of Ireland and in Britain—for the earliest possible resumption of political dialogue.

The ending of all campaigns of paramilitary violence last autumn has created an unrivalled opportunity for such dialogue to take place with a reasonable prospect of a successful conclusion.

I join the Prime Minister in appealing to all the parties concerned to grasp this opportunity.

The Framework Document is our judgment of how things can best be taken forward. We have, in our view, the best opportunity in a generation for a lasting political settlement. We owe it to the peoples of both of these islands to put that opportunity to the test.

OPENING STATEMENT BY THE PRIME MINISTER, MR. JOHN MAJOR, AT A JOINT PRESS CONFERENCE WITH THE TAOISEACH, MR. JOHN BRUTON, TO LAUNCH THE JOINT FRAMEWORK DOCUMENT, BELFAST, WEDNESDAY, FEBRUARY 22, 1995

JOINT FRAMEWORK DOCUMENT

There is one reason, above all, why the Taoiseach and I have come to Belfast today.

We wish to offer our proposals here in Northern Ireland—to Northern Ireland's people and their representatives.

We seek to help peace, but only the people of Northern Ireland can deliver it.

So let me say to them:

These are our ideas, but the future is up to you;

You have an opportunity now which has not been there for many years;

An opportunity to work together to build a better future and a lasting peace.

Our proposals stem from the talks process launched four years ago, in March 1991.

It was agreed then by the two governments and the four participating parties that the process would have three strands. It would seek a new beginning for:

Relationships within Northern Ireland;

Relationships between the North and South of the island of Ireland;

And relations between the United Kingdom and the Republic.

We agreed that it was only by addressing all these relationships together that agreement would be found across the community in Northern Ireland.

At this press conference, the Taoiseach and I are publishing the document 'A New Framework for Agreement' which deals with the second and third of these strands. A little later this morning I shall put forward a separate document proposing new arrangements within Northern Ireland—which is of course a matter for the British Government and the Northern Ireland parties alone.

Our proposals are based on several principles: self-determination, consent, democratic and peaceful methods, and respect for the identities of both traditions.

Consent is and will remain paramount in our policy.

It is the democratic right and the safeguard of the people of Northern Ireland.

No proposals for the future would be workable, let alone successful, without the consent and active support of all Northern Ireland's people. For they are the people who would carry them out and whose lives would be affected.

That is why any eventual settlement must be agreed by the parties; supported by the people of Northern Ireland in a referendum; and approved by Parliament—a triple consent procedure.

Our constitutional matters, each Government has offered crucial new commitments in this Framework Document:

As part of a balanced agreement the British Government would enshrine its willingness to accept the will of a majority of the people of Northern Ireland in British Constitutional legislation. We shall embody the commitments we made in the Downing Street Declaration.

The Irish government would introduce and support proposals to change its Constitution, so that ''no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted''. This is a very important proposal that I welcome unreservedly.

These changes would offer Northern Ireland a constitutional stability which it has not hitherto enjoyed. Its future status, by agreement between the two governments, would be irrevocably vested in the wishes of a majority of its people.

In line with the three-stranded approach, we propose new institutions for North/South cooperation.

The North/South body which we outline would comprise elected representatives chosen from a new Northern Ireland Assembly and from the Irish Parliament. It would draw its authority from these two bodies. It would operate by agreement, and only by agreement.

On the UK side, the North/South body would initially be set up by legislation at Westminster, as part of a balanced agreement. It would come into operation following the establishment of the new Assembly. Thereafter, it would be for the Assembly and the Irish Parliament both to operate the body and to decide whether its functions should be extended.

Like all of our proposals, the new North/South institutions will be a matter for negotiation. But the way should now be open for beneficial co-operation between North and South without the constitutional tensions which have been such impediments in the past. We have made suggestions about areas which might be covered in this co-operation, to the advantage of both sides. Like all aspects of the document, they will be for discussion and agreement between all concerned.

The European Union, already operates cross-border programmes between Northern Ireland the Republic, as it does elsewhere. We propose that North and South could usefully work together in specific areas, to take advantage of what the EU has to offer. But the making of United Kingdom policy and the responsibility for representing Northern Ireland in the European Union will remain solely in the hands of the UK Government.

In the third of our Strands, we outline a new broader-based agreement to take the place of the 1985 Anglo-Irish Agreement.

The 1985 Agreement was criticised because the Northern Ireland parties has not contributed to it. Our new proposals are offered for discussion in the Talks process. We want to hear the views of the parties; and we envisage that their representatives would be formally associated with the future work of the Intergovernmental Conference.

The Intergovernmental Conference would allow concerns to be expressed about any problems or breaches of the Agreement. But there would be no mechanism for the two Governments jointly to supervise or override either the Northern Ireland Assembly or the North/South body. It would be for each Government to deal on its own with any problems within its own jurisdiction. This would not be a question for joint decision, still less joint action. It is important to be clear about this, as there have been concerns on this score.

Our two Governments have worked with patient determination to agree on this Framework, and I am grateful to the Taoiseach, his predecessor, and the Tanaiste for their efforts and their spirit of accommodation.

Our proposals seek to stimulate constructive and open discussion and give a fresh impetus to the political negotiations. The outcome of these negotiations will depend, not on us, but on the consent of the parties, people, and Parliament.

It is not for us to impose. But what we propose is an end to the uncertainty, instability and internal divisions which have bedevilled Northern Ireland.

For over four years as Prime Minister, I have listened intently to the people of Northern Ireland. I have visited them, consulted them, travelled more widely than any predecessor throughout the Province, and held meetings with political leaders, church leaders, council leaders, community leaders, and people from all walks of life.

It is my duty as Prime Minister of the UK to maintain the Union for as long as that is the will of the people. It is a duty in which I strongly believe, and one which these proposals protect. Just as people cannot be held within the Union against their will, so equally they will never be asked to leave it in defiance of the will of the majority.

Consent and free negotiation are fundamental to me, and they are the foundation stones of this Joint Document.

In the four years of the Talks process, we have travelled a long way, but not yet far enough.

I know that many people will be worried, perhaps even pessimistic, about the future.

But as we look at the hurdles ahead, let us consider where we have come from.

The dialogue of the deaf has ended.

For four years, we have been engaged in talks.

The three-stranded approach is becoming a reality.

The Joint Declaration has been accepted.

The British Government is engaged in talks with paramilitaries on both sides.

We have had nearly six months of peace.

Prosperity and a normal life are returning to Northern Ireland.

The principle of consent, once accepted only by Unionists and the British Government, is today accepted almost everywhere.

These are some of the gains for everyone in Northern Ireland.

More gains can lie ahead if we have the courage to conduct ourselves with patience, with foresight and with consideration.

To reach our destination, all concerned must be ready to look to the future rather

than to the past. We must put aside old shibboleths. We must show fairmindedness and imagination.

The destination I seek is a lasting and peaceful settlement. It is attainable, and I believe we have taken a very important step towards it today.

A NEW FRAMEWORK FOR AGREEMENT

(A shared understanding between the British and Irish Governments to assist discussion and negotiation involving the Northern Ireland parties)

1. The Joint Declaration acknowledges that the most urgent and important issue facing the people of Ireland, North and South, and the British and Irish Governments together, is to remove the causes of conflict, to overcome the legacy of history and to heal the divisions which have resulted.

2. Both Governments recognize that there is much for deep regret on all sides in the long and often tragic history of Anglo-Irish relations, and of relations in Ireland. They believe it is now time to lay aside, with dignity and forbearance, the mistakes of the past. A collective effort is needed to create, through agreement and reconciliation, a new beginning founded on consent, for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands. The Joint Declaration itself represents an important step towards this goal, offering the people of Ireland, North and South, whatever their tradition, the basis to agree that from now on their differences can be negotiated and resolved exclusively by peaceful political means.

3. The announcements made by the Irish Republican Army on 31 August 1994 and the Combined Loyalist Military Command on 13 October 1994 are a welcome response to the profound desire of people throughout these islands for a permanent end to the violence which caused such immense suffering and waste and served only to reinforce the barriers of fear and hatred, impeding the search for agreement.

4. A climate of peace enables the process of healing to begin. It transforms the prospects for political progress, building on that already made in the Talks process. Everyone now has a role to play in moving irreversibly beyond the failures of the past and creating new relationships capable of perpetuating peace with freedom and justice.

5. In the Joint Declaration both Governments set themselves the aid of fostering agreement and reconciliation, leading to a new political framework founded on consent. A vital dimension of this three-stranded process is the search, through dialogue with the relevant Northern Ireland parties, for new institutions and structures to take account of the totality of relationships and to enable the people of Ireland to work together in all areas of common interest while fully respecting their diversity.

6. Both Governments are conscious of the widespread desire, throughout both islands and more widely, to see negotiations underway as soon as possible. They also acknowledge the many requests, from parties in Northern Ireland and elsewhere, for both Governments to set out their views on how agreement might be reached on relationships within the island of Ireland and between the peoples of these islands.

7. In this Framework Document both Governments therefore describe a shared understanding reached between them on the parameters of a possible outcome to the Talks process, consistent with the Joint Declaration and the statement of 26 March 1991. Through this they hope to give impetus and direction to the process and to show that a fair and honourable accommodation can be envisaged across all the relationships, which would enable people to work constructively for their mutual benefit, without compromising the essential principles or the long-term aspirations or interests of either tradition or of either community.

8. Both Governments are aware that the approach in this document presents challenges to strongly-held positions on all sides. However, a new beginning in relationships means addressing fundamental issues in a new way and inevitably requires significant movement from all sides. This document is not a rigid blueprint to be imposed but both Governments believe it sets out a realistic and balanced framework for agreement which could be achieved, with flexibility and goodwill on all sides, in comprehensive negotiations with the relevant political parties in Northern Ireland. In this spirit, both Governments offer this document for consideration and accordingly strongly commend it to the parties, the people in the island of Ireland and more widely.

9. The primary objective of both Governments in their approach to Northern Ireland is to promote and establish agreement among the people of the island of Ireland, building on the Joint Declaration. To this end they will both deploy their political resources with the aim of securing a new and comprehensive agreement involving the relevant political parties in Northern Ireland and commanding the widest possible support.

10. They take as guiding principles for their co-operation in search of this agreement:

(i) the principle of self-determination, as set out in the Joint Declaration;

(ii) that the consent of the governed is an essential ingredient for stability in any political arrangement;

(iii) that agreement must be pursued and established by exclusively democratic, peaceful means, without resort to violence or coercion;

(iv) that any new political arrangements must be based on full respect for, and protection and expression of, the rights and identities of both traditions in Ireland and evenhandedly afford both communities in Northern Ireland party of esteem and treatment including equality of opportunity and advantage.

11. They acknowledge that in Northern Ireland, unlike the situation which prevails elsewhere throughout both islands, there is a fundamental absence of consensus about constitutional issues. There are deep divisions between the members of the two main traditions living there over their respective sense of identity and allegiance, their views on the present status of Northern Ireland and their vision of future relationships in Ireland and between the two islands. However, the two Governments also recognize that the large majority of people, in both parts of Ireland, are at one in their commitment to the democratic process and in their desire to resolve political differences by peaceful means.

12. In their search for political agreement, based on consent, the two Governments are determined to address in a fresh way all of the relationships involved. Their aim is to overcome the legacy of division by reconciling the rights of both traditions in the fullest and most equitable manner. They will continue to work towards and encourage the achievement of agreement, so as to realise the goal set out in the statement of 26 March 1991 of ''a new beginning for relationships within Northern Ireland, with the island of Ireland and between the peoples of these islands''.

13. The two Governments will work together with the parties to achieve a comprehensive accommodation, the implementation of which would include interlocking and mutually supportive institutions across the three strands, including:

(a) *Structures within Northern Ireland (paragraphs 22 and 23)*—to enable elected representatives in Northern Ireland to exercise shared administrative and legislative control over all those matters that can be agreed across both communities and which can most effectively and appropriately be dealt with at that level;

(b) *North/South institutions (paragraphs 24-38)*—with clear identity and purpose, to enable representatives of democratic institutions, North and South, to enter into new, co-operative and constructive relationships; to promote agreement among the people of the island of Ireland; to carry out on a democratically accountable basis delegated executive, harmonising and consultative functions over a range of designated matters to be agreed; and to serve to acknowledge and reconcile the rights, identities and aspirations of the two major traditions;

(c) *East-West structures (paragraphs 39–49)*—to enhance the existing basis for co-operation between the two Governments, and to promote, support and underwrite the fair and effective operation of the new arrangements.

CONSTITUTIONAL ISSUES

14. Both Governments accept that agreement on an overall settlement requires, inter alia, a balanced accommodation of the differing views of the two main traditions on the constitutional issues in relation to the special position of Northern Ireland.

15. Given the absence of consensus and depth of divisions between the two main traditions in Northern Ireland, the two Governments agree that such an accommodation will involve an agreed new approach to the traditional constitutional doctrines on both sides. This would be aimed at enhancing and codifying the fullest attainable measure of consent across both traditions in Ireland and fostering the growth of consensus between them.

16. In their approach to Northern Ireland they will apply the principle of self-determination by the people of Ireland on the basis set out in the Joint Declaration: the British Government recognise that it is for the people of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given. North and South, to bring about a united Ireland, if that is their wish; the Irish Government accept that the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland.

17. New arrangements should be in accordance with the commitments in the Anglo-Irish Agreement and in the Joint Declaration. They should acknowledge that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of the people of Northern Ireland. If in future a majority of the people there wish for and formally consent to the establishment of a united Ireland, the two Governments will introduce and support legislation to give effect to that wish.

18. Both Governments recognize that Northern Ireland's current constitutional status reflects and relies upon the present wish of a majority of its people. They also acknowledge that at present a substantial minority of its people wish for a united Ireland. Reaffirming the commitment to encourage, facilitate and enable the achievement of agreement over a period among all

the people who inhabit the island, they acknowledge that the option of a sovereign united Ireland does not command the consent of the unionist tradition, nor does the existing status of Northern Ireland command the consent of the nationalist tradition. Against this background, they acknowledge the need for new arrangements and structures—to reflect the reality of diverse aspirations, to reconcile as fully as possible the rights of both traditions, and to promote co-operation between them, so as to foster the process of developing agreement and consensus between all the people of Ireland.

19. They agree that future arrangements relating to Northern Ireland, and Northern Ireland's wider relationships, should respect the full and equal legitimacy and worth of one identity, sense of allegiance, aspiration and ethos of both the unionist and nationalist communities there. Consequently, both Governments commit themselves to the principle that institutions and arrangements in Northern Ireland and North/South institutions should afford both communities secure and satisfactory political, administrative and symbolic expression and protection. In particular, they commit themselves to entrenched provisions guaranteeing equitable and effective political participation for whichever community finds itself in a minority position by reference to the Northern Ireland framework, or the wider Irish framework, as the case may be, consequent upon the operation of the principle of consent.

20. The British Government reaffirm that they will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland. On this basis, they reiterate that they have no selfish strategic or economic interest in Northern Ireland. For as long as the democratic wish of the people of Northern Ireland is for no change in its present status, the British Government pledge that their jurisdiction there will be exercised with rigorous impartiality on behalf of all the people of Northern Ireland in their diversity. It will be founded on the principles outlined in the previous paragraph with emphasis on full respect for, and equality of, civil, political, social and cultural rights and freedom from discrimination for all citizens, on parity of esteem, and on just and equal treatment for the identity, ethos and aspirations of both communities. The British Government will discharge their responsibilities in a way which does not prejudice the freedom of the people of Northern Ireland to determine, by peaceful and democratic means, its future constitutional status, whether in remaining a part of the United Kingdom or in forming part of a united Ireland. They will be equally cognizant of either option and open to its democratic realization, and will not impede the latter option, their primary interest being to see peace, stability and reconciliation established by agreement among the people who inhabit the island. This new approach for Northern Ireland, based on the continuing willingness to accept the will of a majority of the people there, will be enshrined in British constitutional legislation embodying the principles and commitments in the Joint Declaration and this Framework Document, either by amendment of the Government of Ireland Act 1920 or by its replacement by appropriate new legislation, and appropriate new provisions entrenched by agreement.

21. As part of an agreement confirming the foregoing understanding between the two Governments on constitutional issues, the Irish Government will introduce and support proposals for changes in the Irish Constitution to implement the commitments in the Joint Declaration. These change in the Irish Constitution will fully reflect the principle of consent in Northern Ireland and demonstrably be such that no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted, while maintaining the existing birthright of everyone born in either jurisdiction in Ireland to be part, as of right, of the Irish nation. They will enable a new Agreement to be ratified which will include, as part of a new and equitable dispensation for Northern Ireland embodying the principles and commitments in the Joint Declaration and this Framework Document, recognition by both Governments of the legitimacy of whatever choices is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status, whether they prefer to continue to support the Union or a sovereign united Ireland.

STRUCTURES IN NORTHERN IRELAND

22. Both Governments recognize that new political structures within Northern Ireland must depend on the co-operation of elected representatives there. They confirm that cross-community agreement is an essential requirement for the establishment and operation of such structures. They strongly favour and will support provision for cross-community consensus in relation to decisions affecting the basic rights, concerns and fundamental interests of both communities, for example on the lines adumbrated in Strand 1 discussions in the 1992 round-table talks.

23. While the principles and overall context for such new structures are a recognized concern of both Governments in the exercise of their respective responsibilities, they consider that the structures themselves would be most effectively negotiated, as part of a comprehensive three-stranded process, in direct dialogue involving the relevant political parties in Northern Ireland who would be called upon to operate them.

NORTH/SOUTH INSTITUTIONS

24. Both Governments consider that new institutions should be created to cater adequately for present and future political, social and economic inter-connections on the island of Ireland, enabling representatives of the main traditions, North and South, to enter agreed dynamic, new, co-operative and constructive relationships.

25. Both Governments agree that these institutions should include a North/South body involving Heads of Department on both sides and duly established and maintained by legislation in both sovereign Parliaments. This body would bring together these Heads of Department representing the Irish Government and new democratic institutions in Northern Ireland, to discharge or oversee delegated executive, harmonising or consultative functions, as appropriate, over a range of matters which the two Governments designate in the first instance in agreement with the parties or which the two administrations, North and South, subsequently agree to designate. It is envisaged or overseen by the North/South body, whether by executive action, harmonisation or consultation, account will be taken of:

i the common interest in a given matter on the part of both parts of the island; or

ii the mutual advantage of addressing a matter together; or

iii the mutual benefit which may derive from it being administered by the North/South body; or

iv the achievement of economies of scale and the avoidance of unnecessary duplication of effort.

In relevant posts in each of the two administrations participation in the North/South body would be a duty of service. Both Governments believe that the legislation should provide for a clear institutional identity and purpose for the North/South body.It would also establish the body's terms of reference, legal status and arrangements for political, legal, administrative and financial accountability. The North/South body could operate through, or oversee, a range of functionally-related subsidiary bodies or other entities established to administer designated functions on an all-island or cross-border basis.

26. Specific arrangements would need to be developed to apply to EU matters. Any EU matter relevant to the competence of either administration could be raised for consideration in the North/South body. Across all designated matters and in accordance with the delegated functions, both Governments agree that the body will have an important role, with their support and co-operation and in consultation with them, in developing on a continuing basis an agreed approach for the whole island in respect of the challenges and opportunities of the European Union. In respect of matters designated at the executive level, which would include all EC programmes and initiatives to be implemented on a cross-border or island-wide basis in Ireland, the body itself would be responsible, subject to the Treaty obligations of each Government, for the implementation and management of EC policies and programmes on a joint basis. This would include the preparation, in consultation with the two Governments, of joint submissions under EC programmes and initiatives and their joint monitoring and implementation, although individual projects could be implemented either jointly or separately.

27. Both Governments envisage regular and frequent meetings of the North/South body:

To discharge the functions agreed for it in relation to a range of matters designated for treatment on an all-Ireland or cross-border basis:

To oversee the work of subsidiary bodies.

28. The two Governments envisage that legislation in the sovereign Parliaments should designate those functions which should, from the outset, be discharged or overseen by the North/South body; and they will seek agreement on these, as on other features of North/South arrangements, in discussion with the relevant political parties in Northern Ireland. It would also be open to the North/South body to recommend to the respective administrations and legislatures for their consideration that new functions should be designated to be discharged or overseen by that body; and to recommend that matters already designated should be moved on the scale between consultation, harmonization and executive action. Within those responsibilities transferred to new institutions in Northern Ireland, the British Government have no limits of their own to impose on the nature and extent of functions which could be agreed for designation at the outset or, subsequently, between the Irish Government and the Northern Ireland administration. Both Governments expect that significant responsibilities, including meaningful functions at executive level, will be a feature of such agreement. The British Government believe that, in principle, any function devolved to the institutions in Northern Ireland could be so designated, subject to any necessary savings in respect of the British Government's powers and duties, for example to ensure compliance with EU and international obligations. The Irish Government also expect to designate a comparable range of functions.

29. Although both Governments envisage that representatives of North and South in the body could raise for discussion any matter of interest to either side which falls within the competence of either administration, it is envisaged, as already mentioned, that

its designated functions would fall into three broad categories:

consultative: the North/South body would be a forum where the two sides would consult on any aspect of designated matters on which either side wished to hold consultations. Both sides would share a duty to exchange information and to consult about existing and future policy, though there would be no formal requirement that agreement would be reached or that policy would be harmonized or implemented jointly, but the development of mutual understanding or common or agreed positions would be the general goal;

harmonising: in respect of these designated responsibilities there would be, in addition to the duty to exchange information and to consult of the formulation of policy, an obligation on both sides to use their best endeavors to reach agreement on a common policy and to make determined efforts to overcome any obstacles in the way of that objective, even though its implementation might be undertaken by the two administrations separately;

executive: in the case of these designated responsibilities the North/South body would itself be directly responsible for the establishment of an agreed policy and for its implementation on a joint basis. It would however be open to the body, where appropriate, to agree that the implementation of the agreed policy would be undertaken either by existing bodies, acting in an agency capacity, whether jointly or separately, North and South, or by new bodies specifically created and mandated for this purpose.

30. In this light, both Governments are continuing to give consideration to the range of functions that might, with the agreement of the parties, be designated at the outset and accordingly they will be ready to make proposals in that regard in future discussions with the relevant Northern Ireland parties.

31. By way of illustration, it is intended that these proposals would include at the executive level a range of functions, clearly defined in scope, from within the following broad categories:

Sectors involving a natural or physical all-Ireland framework;

EC programmes and initiatives;

Marketing and promotion activities abroad;

Culture and heritage.

32. Again, by way of illustration, the Governments would make proposals at the harmonising level for a broader range of functions, clearly defined in scope (including as appropriate, relevant EU aspects; from within the following categories:

Aspects of—agriculture and fisheries; industrial development; consumer affairs; transport; energy; trade; health; social welfare; education; and economic policy.

33. By way of example, the category of agriculture and fisheries might include agricultural and fisheries research, training and advisory services, and animal welfare; health might include co-operative ventures in medical, paramedical and nursing training, cross-border provision of hospital services and major emergency/accident planning; and education might include mutual recognition of teacher qualifications, co-operative ventures in higher education, in teacher training, in education for mutual understanding and in education for specialized needs.

34. The Governments also expect that a wide range of functions would be designated at the consultative level.

35. Both Governments envisage that all decisions within the body would be by agreement between the two sides. The Heads of Department on each side would operate within the overall terms of references mandated by legislation in the two sovereign Parliaments. They would exercise their powers in accordance with the rules for democratic authority and accountability for this function in force in the Oireachtas and in new institutions in Northern Ireland. The operation of the North/South body's functions would be subject to regular scrutiny in agreed political institutions in Northern Ireland and the Oireachtas respectively.

36. Both Governments expect that there would be a Parliamentary Forum, with representatives from agreed political institutions in Northern Ireland and members of the Oireachtas, to consider a wide range of matters of mutual interest.

37. Both Governments envisage that the framework would include administrative support staffed jointly by members of the Northern Ireland Civil Service and the Irish Civil Service. They also envisage that both administrations will need to arrange finance for the North/South body and its agencies on the basis that these constitute a necessary public function.

38. Both Governments envisage that this new framework should serve to help heal the divisions among the communities on the island of Ireland; provide a forum for acknowledging the respective identities and requirements of the two major traditions: express and enlarge the mutual acceptance of the validity of those traditions; and promote understanding and agreement among the people and institutions in both parts of the island. The remit of the body should be dynamic, enabling progressive extension by agreement of its functions to new areas. Its role should develop to keep pace with the growth of harmonization and with greater integration between the two economies.

EAST-WEST STRUCTURES

39. Both Governments envisage a new and more broadly-based Agreement, developing and extending their co-operation, reflecting the totality of relationships between the two islands, and dedicated to fostering co-operation, reconciliation and agreement in Ireland at all levels.

40. They intend that under such a new Agreement a standing Intergovernmental Conference will be maintained, chaired by the designated Irish Minister and by the Secretary of State for Northern Ireland. It would be supported by a Permanent Secretariat of civil servants from both Governments.

41. The Conference will be a forum through which the two Governments will work together in pursuance of their joint objectives of securing agreement and reconciliation amongst the people of the island of Ireland and of laying the foundations for a peaceful and harmonious future based on mutual trust and understanding between them.

42. The Conference will provide a continuing institutional expression for the Irish Government's recognized concern and role in relation to Northern Ireland. The Irish Government will put forward views and proposals on issues falling within the ambit of the new Conference or involving both Governments, and determined efforts will be made to resolve any differences between the two Governments. The Conference will be the principal instrument for an intensification of the co-operation and partnership between both Governments, with particular reference to the principles contained in the Joint Declaration, in this Framework Document and in the new Agreement, on a wide range of issues concerned with Northern Ireland and with the relations between the two parts of the island of Ireland. It will facilitate the promotion of lasting peace, stability, justice and reconciliation among the people of the island of Ireland and maintenance of effective security co-operation between the two Governments.

43. Both Governments believe that there should also be provision in the Agreement for developing co-operation between the two Governments and both islands on a range of ''East-West'' issues and bilateral matters of mutual interest not covered by other specific arrangements, either through the Anglo-Irish Intergovernmental Council, the Conference or otherwise.

44. Both Governments accept that issues of law and order in Northern Ireland are closely intertwined with the issues of political consensus. For so long as these matters are not devolved, it will be for the Governments to consider ways in which a climate of peace, new institutions and the growth of political agreement may offer new possibilities and opportunities for enhancing community identification with policing in Northern Ireland, while maintaining the most effective possible deployment of the resources of each Government in their common determination to combat crime and prevent any possible recourse to the use or threat of violence for political ends, from any source whatsoever.

45. The Governments envisage that matters for which responsibility is transferred to new political institutions in Northern Ireland will be excluded from consideration in the Conference, except to the extent that the continuing responsibilities of the Secretary of State for Northern Ireland are relevant, or that cross-border aspects of transferred issues are not otherwise provided for, or in the circumstances described in the following paragraph.

46. The Intergovernmental Conference will be a forum for the two Governments jointly to keep under review the workings of the Agreement and to promote, support and underwrite the fair and effective operation of all its provisions and the new arrangements established under it. Where either Government considers that any institution, established as part of the overall accomodation. Is not properly functioning within the Agreement or that a breach of the Agreement has otherwise occurred. The conference shall consider the matter on the basis of 3 shared commitment to arrive at a common position or, where that is not possible, to agree a procedure to resolve the difference between them. If the two Governments conclude that a breach has occurred in any of the above circumstances, either Government may make proposals for remedy and adequate measures to redress the situation shall be taken. However, each Government will be responsible for the implementation of such measures of redress within its own jurisdiction. There would be no derogation from the sovereignty of either Government; each will retain responsibility for the decisions and administration of government within its own jurisdiction.

47. In the event that devolved institutions in Northern Ireland ceased to operate, and direct rule from Westminster was reintroduced, the British Government agree that other arrangements would be made to implement the commitment to promote co-operation at all levels between the people, North and South, representing both traditions in Ireland, as agreed by the two Governments in the Joint Declaration, and to ensure that the co-operation that had been developed through the North/South body be maintained.

48. Both Governments envisage that representatives of agreed political institutions in Northern Ireland may be formally associated with the work of the Conference, in a manner and to an extent to be agreed by both Governments after consultation with them. This might involve giving them advance notice of what is to be discussed in the

Conference, enabling them to express views to either Government and inviting them to participate in various aspects of the work of the Conference. Other more structured arrangements could be devised by agreement.

49. The Conference will also be a framework for consultation and coordination between both Governments and the new North/South institutions, where the wider role of the two Governments is particularly relevant to the work of those institutions, for example in a coordinated approach on EU issues. It would be for consideration by both Governments, in consultation with the relevant parties in the North, or with the institutions after they have been established, whether to achieve this through formal or ad hoc arrangements.

PROTECTION OF RIGHTS

50. There is a large body of support, transcending the political divide, for the comprehensive protection and guarantee of fundamental human rights. Acknowledging this, both Governments envisage that the arrangements set out in this Framework Document will be complemented and underpinned by an explicit undertaking in the Agreement on the part of each Government, equally, to ensure in its jurisdiction in the island of Ireland, in accordance with its constitutional arrangements, the systematic and effective protection of common specified civil, political, social and cultural rights. They will discuss and seek agreement with the relevant political parties in Northern Ireland as to what rights should be so specified and how they might best be further protected, having regard to each Government's overall responsibilities including its international obligations. Each Government will introduce appropriate legislation in its jurisdiction to give effect to any such measure of agreement.

51. In addition, both Governments would encourage democratic representatives from both jurisdictions in Ireland to adopt a Charter or Covenant, which might reflect and endorse agreed measures for the protection of the fundamental rights of everyone living in Ireland. It could also pledge a commitment to mutual respect and to the civil rights and religious liberties of both communities, including: The right of free political thought, the right to freedom and expression of religion, the right to pursue democratically national and political aspirations, the right to seek constitutional change by peaceful and legitimate means, the right to live wherever one chooses without hindrance, the right to equal opportunity in all social and economic activity, regardless of class, creed, gender or colour.

52. This Charter or Covenant might also contain a commitment to the principle of consent in the relationships between the two traditions in Ireland. It could incorporate also an enduring commitment on behalf of all the people of the island to guarantee and protect the rights, interests, ethos and dignity of the unionist community in any all-Ireland framework that might be developed with consent in the future, to at least the same extent as provided for the nationalist community in the context of Northern Ireland under the structures and provisions of the new Agreement.

53. The Covenant might also affirm on behalf of all traditions in Ireland a solemn commitment to the exclusively peaceful resolution of all differences between them including in relation to all issues of self-determination, and a solemn repudiation of all recourse to violence between them for any political end or purpose.

CONCLUSION

54. Both Governments agree that the issues set out in this Framework Document should be examined in the most comprehensive attainable negotiations with democratically mandated political parties in Northern Ireland which abide exclusively by peaceful means and wish to join in dialoque on the way ahead.

55. Both Governments intend that the outcome of these negotiations will be submitted for democratic ratification through referendums, North and South.

56. Both Governments believe that the present climate of peace, which owes much to the imagination, courage and steadfastness of all those who have suffered from violence, offers the best prospect for the Governments and the parties in Northern Ireland to work to secure agreement and consent to a new political accommodation. To accomplish that would be an inestimable prize for all, and especially for people living in Northern Ireland, who have so much to gain from such an accommodation, in which the divisions of the past are laid aside forever and differences are resolved by exclusively political means. Both Governments believe that a new political dispensation, such as they set out in this Framework Document, achieved through agreement and reconciliation and founded on the principle of consent, would achieve that objective and transform relationships in Northern Ireland, in the island of Ireland and between both islands.

57. With agreement, co-operation to the mutual benefit of all living in Ireland could develop without impediment, attaining its full potential for stimulating economic growth and prosperity. New arrangements could return power, authority and responsibility to locally-elected representatives in Northern Ireland on a basis acceptable to both sides of the community, enabling them to work together for the common welfare and interests of all the community. The diversity of identities and allegiances could be regarded by all as a source of mutual enrichment, rather than a threat to either side. The divisive issue of sovereignty might cease to be symbolic of the domination of one community over another. It would instead be for decision under agreed ground-rules, fair and balanced towards both aspirations, through a process of democratic persuasion governed by the principle of consent rather than by threat, fear or coercion. In such circumstances the Governments hope that the relationship between the traditions in Northern Ireland could become a positive bond of further understanding, co-operation and amity, rather than a source of contention, between the wider British and Irish democracies.

58. Accordingly the British and Irish Governments offer for consideration and strongly commend these proposals, trusting that, with generosity and goodwill, the peoples of these islands will build on them a new and lasting agreement.

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.)

REPORT OF A DEFERRAL AND RESCISSIONS AFFECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES—MESSAGE FROM THE PRESIDENT—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Finance, the Committee on Labor and Human Resources, and the Committee on Environment and Public Works; as follows:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral, totaling $7.3 million, and two revised rescission proposals, totaling $106.7 million.

The revised deferral affects the Department of Health and Human Services. The revised rescission proposals affect the Department of Education and the Environmental Protection Agency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 22, 1995.*

WORKING WAGE INCREASE ACT—MESSAGE FROM THE PRESIDENT—PM 22

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, a draft of proposed legislation to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act; which was referred to the Committee on Labor and Human Resources; as follows:

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*.

MESSAGE FROM THE HOUSE

At 2:24 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 7. An act to revitalize the national security of the United States;

H.R. 667. An act to control crime by incarcerating violent criminals;

H.R. 728. An act to control crime by providing law enforcement block grants; and

H.R. 831. An act to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes.

The message also announced that pursuant to the provisions of 22 United States Code, 1928a, the Speaker appoints the following Members to the United States Group of the North Atlantic Assembly on the part of the House: Mr. BEREUTER, Chairman, Mr. SOLOMON, Vice Chairman, Mr. REGULA, Mr. BATEMAN, Mr. BLILEY, Mr. BOEHLERT, Mrs. MEYERS of Kansas, and Mrs. ROUKEMA.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 7. An act to revitalize the national security of the United States; to the Committee on Foreign Relations.

H.R. 667. An act to control crime by incarcerating violent criminals; to the Committee on the Judiciary.

H.R. 728. An act to control crime by providing law enforcement block grants; to the Committee on the Judiciary.

H.R. 831. An act to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 376. A bill to resolve the current labor dispute involving major league baseball, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

General James B. Davis, United States Air Force, Retired, of Florida, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Beverly Butcher Byron, term expired.

Wendi Louise Steele, of Texas, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Harry C. McPherson, Jr., term expired.

Benjamin F. Montoya, of New Mexico, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Arthur Levitt, Jr., term expired.

S. Lee Kling, of Maryland, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Hansford T. Johnson, term expired.

Alton W. Cornella, of South Dakota, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Peter B. Bowman, term expired.

Rebecca G. Cox, of California, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress. (Reappointment)

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SIMON (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. D'AMATO, Mr. PACKWOOD, and Mr. HATFIELD):

S. 457. A bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Mr. HARKIN):

S. 458. A bill to protect the opening of the 1995 season for the hunting of migratory birds, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BOND:

S. 459. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FORD:

S. 460. A bill to amend title 23, United States Code, to ensure equity in the extent to which businesses located near Interstate and Federal-aid primary highways may erect outdoor advertising signs, displays, and devices, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GORTON:

S. 461. A bill to authorize extension of time limitation for a FERC-issued hydroelectric license; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD:

S. 462. A bill to provide for the temporary suspension of the reformulated gasoline rules under the Clean Air Act; to the Committee on Environmental and Public Works.

By Mr. BREAUX:

S. 463. A bill to amend title 28, United States Code, with respect to the treatment of certain transportation and subsistence expenses of retired judges; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMON (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. D'AMATO, Mr. PACKWOOD, and Mr. HATFIELD):

S. 457. A bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of U.S. immigration laws; to the Committee on the Judiciary.

LEGISLATION TO FACILITATE INTERNATIONAL ADOPTIONS

Mr. SIMON. Mr. President, I rise today to introduce legislation to help individuals trying to adopt a child from a foreign country.

The adoption landscape has changed dramatically in this country over the past 25 years. While international adoptions continue to be a small part of total U.S. adoptions—about 15 percent—thousands of Americans pursue them every year.

Our law regarding international adoption is in a state of some confusion. U.S. law requires that a child be certified as an orphan in order to be eligible for adoption by an American and for an immigrant visa to the United States. This can be accomplished in one of two ways: proof that both parents are dead or; irrevocable release by a sole parent for adoption and emigration. Under U.S. law, a sole parent is the mother of an illegitimate child. Many countries, however, have stopped using the term illegitimate, as have many States in this country. Children born in such countries to parents who are not married are now considered legitimate but born out of wedlock. Technology, these children are no longer eligible for adoption and emigration to the United States, even if the child's father has abandoned him or her.

Despite this quirk in our international adoption law, the INS until recently allowed the adoption and emigration of children who were legitimate but born out of wedlock under their native countries' laws. Last fall, however, the INS issued a new interpretation of the law that required written notice of abandonment from both biological parents. U.S. Consular offices in host countries began disapproving visa applications for children who do not fit the statutory sole parent of an illegitimate child definition, even when it was clear that the biological father had abandoned a child. Around the world, adoptions by U.S. families ground to a halt.

There is a simple and easy fix to this problem and this legislation will do just that. My bill would change the current use of legitimate and illegitimate in the section of the INS Act that defines ''child'' for immigration purposes to born out of wedlock. With this relatively simple change, we can ensure that hundreds of Americans will be able to proceed with international adoptions that are legitimate and meet the legal definitions of both a host country and of the U.S. Both INS and the State Department strongly support this bill.

I request that this legislation be printed in full in the CONGRESSIONAL RECORD.

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

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

SECTION 1. DEFINITION OF CHILD.

Section 101(b) of the Immigration and Nationality Act (8 U.S.C. 1101(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''legitimate child'' and inserting ''child born in wedlock''; and

(B) in subparagraph (D), by striking ''an illegitimate child'' and inserting ''a child born out of wedlock''; and

(2) in paragraph (2), by striking ''an illegitimate child'' and inserting ''a child born out of wedlock''.

By Mr. WELLSTONE (for himself and Mr. HARKIN):

S. 458. A bill to protect the opening of the 1995 season for the hunting of migratory birds, and for other purposes; to the Committee on Environment and Public Works.

LEGISLATION PROTECTING THE OPENING OF THE 1995 HUNTING SEASON

Mr. WELLSTONE. Mr. President, I rise on the floor of the Senate to introduce a bill which protects the opening of the 1995 season for the hunting of migratory birds. This is a hugely important issue in my State of Minnesota and I believe in some other States as well.

Mr. President, I ask unanimous consent that a letter that I sent to Chairman ROTH, as well as the ranking minority member of the Governmental Affairs Committee, Senator JOHN GLENN, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, February 21, 1995.

Hon. WILLIAM V. ROTH, Jr.,
Chairman.

Hon. JOHN GLENN,
Ranking Minority Member, Governmental Affairs Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN ROTH AND RANKING MEMBER GLENN: I am writing to you regarding the regulatory moratorium bill, S. 219, to ask for your assistance in eliminating what I believe would be a harmful effect of this legislation.

As you are aware, S. 219 would impose a moratorium on governmental rulemaking retroactive to last November. While I do agree that some federal rules may be needlessly intrusive, I want to bring to your attention the extreme impact this blanket moratorium would have on my state's hunting enthusiasts.

Under the Migratory Bird Treaty Act of 1918, the hunting season is closed unless the responsible federal agency opens it by regulation. Each year the U.S. Fish and Wildlife Service completes a long, complex rulemaking that opens the waterfowl hunting season and specifies the limits of the hunt. Under S. 219, the USFWS would be delayed in proceeding with this rulemaking and in opening the season in Minnesota this fall.

As Minnesota is home to some of America's best waterfowl hunting, I must oppose any legislative measure that would limit or eliminate the annual migratory bird hunting season. As introduced, S. 219 would have the effect of delaying the 1995 migratory bird hunting season for at least a month; such a delay would be tantamount to cancellation of at least part of the season (the ''local shoot,'' when the vast majority of Minnesotans do their hunting), since Minnesota's colder climate means that the birds would likely have already migrated south.

The result would be unacceptable to Minnesotans. In Minnesota, the waterfowl hunting season is eagerly awaited by hundreds of thousands of hunting enthusiasts, in addition to being responsible for millions of dollars of economic activity. Therefore, I request that when the Governmental Affairs Committee considers this legislation, it attach an amendment to exempt from the moratorium any rulemaking necessary and appropriate to allow the annual migratory bird hunting season to go forward as usual.

Sincerely,

PAUL D. WELLSTONE,
U.S. Senator.

Mr. WELLSTONE. Let me read the relevant portions of this letter:

I am writing to you regarding the regulatory moratorium bill S. 219, to ask for your assistance in eliminating what I believe would be a harmful effect of this legislation.

As you are aware, S. 219 would impose a moratorium on governmental rulemaking retroactive to last November. While I do agree that some Federal rules may be needlessly intrusive, I want to bring to your attention the extreme impact this blanket moratorium would have on my State's hunting enthusiasts.

Under the Migratory Bird Treaty Act of 1918—

I need to be clear about this, Mr. President—

the hunting season is closed unless the responsible Federal agency opens it by regulation. Each year the U.S. Fish and Wildlife Service completes a long, complex rulemaking that opens the waterfowl hunting season and specifies the limits of the hunt. Under S. 219, the USFWS would be delayed in proceeding with this rulemaking and in opening the season in Minnesota this fall.

As Minnesota is home to some of America's best waterfowl hunting, I would oppose any legislative measure that would limit or eliminate the annual migratory bird hunting season. As introduced, S. 219 would have the effect of delaying the 1995 migratory bird hunting season for at least a month; such a delay would be tantamount to cancellation of at least part of the season (the ''local shoot,'' when the vast majority of Minnesotans do their hunting), since Minnesota's colder climate means the birds would likely have already migrated south.

Now, Mr. President, let me be crystal clear about it. This bill that I introduce today makes it clear that this moratorium on rules would include an exemption for hunting season rules. I am not talking about an exception for agency administration rules. I am simply saying that the Fish and Wildlife Service has made it crystal clear that they have to do the rule making for us to have our hunting season.

Best case scenario, it would be delayed too long a period of time for the early, local shoot, and worst-case scenario, we would not have the season.

The bill I introduce is very clear:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, notwithstanding a law that imposes a moratorium on the issuance of regulations, or any other law (except a law that specifically refers to this Act), that is in effect or comes into effect on or after the date of enactment of the Act, the Secretary of Interior may issue such regulations as are appropriate under section 3 of the Migratory Bird Treaty Act to establish the framework for and to open the migratory hunting season for 1995.

Mr. President, some Senators have said there is no problem. But we are lawmakers. And we have to be crystal clear in our language. Sometimes haste makes waste. As I look at S. 219 right now, there is absolutely no provision whatever in this piece of legislation which makes it clear that Fish and Wildlife Service will be able to go forward with the rulemaking so we will have this hunting season.

Mr. President, there are at least 100,000 active duck hunt participants each year in Minnesota—100,000. And as many as 170,000 in a good year. And the DNR officials estimate that waterfowl hunting directly contributes between $35 to $40 million each year to the Minnesota economy. Tim Bermicker, section chief of the Minnesota Department of Natural Resources, summed up this issue better than I ever could: ''Duck hunting is more than just an annual event. It is the cherished way of life in Minnesota, part of the fabric of the State.''

I just say, Mr. President, I fully expect for there to be a debate on this bill. But with some Senators haste makes waste and some may have moved forward too quickly on this blanket moratorium and did not take this into account with their current legislation. I am fully prepared to be a part of this debate.

I see no reason why my bill cannot be accepted as an amendment at the markup of this piece of legislation in committee, and there is absolutely on my part as a Senator from Minnesota a commitment to make sure that we get the language to make it clear that the rulemaking goes forward so we have this hunt, so that we have our duck hunting season.

Now, other Senators have said there is nothing to worry about. There will not be anything to worry about when we get our language included and make the exemption clear. There will not be anything to worry about when we do our work as legislators. But I will not accept word of mouth assurances, or arguments that all this is scare tactics.

What I know is what I read in the legislation. I am a legislator. I understand legislation. And I know right now we do not have the necessary language that will enable the agency to go forward with this hunting season or the necessary language to make sure that Minnesotans will be able to fully participate.

This bill I introduced today is extremely important, and it is my fervent hope that the language in this bill will find its way into what happens on the House side and what also happens in the U.S. Senate. This is no small issue, and it is a perfect example of what happens when we are not careful in the legislative work that we do.

By Mr. BOND:

S. 459. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Labor and Human Resources.

BIRTH DEFECTS PREVENTION ACT

Mr. BOND. Mr. President, birth defects are the leading cause of infant death in this country, and a national research and prevention strategy is desperately needed. The infant mortality rate in the United States is higher than in most other industrialized nations and higher than some Third World countries. One out of every five infant deaths results from a birth defect. Birth defects cause more infant deaths in this country than any other single factor. In Missouri, birth defects account for 21 percent of total infant deaths.

Today, I am introducing the Birth Defects Prevention Act. This bill lays out a national strategy to prevent birth defects. Congressman SOLOMON ORTIZ is simultaneously introducing this bill in the other body.

In 1991, I introduced the Families in Need Act, S. 1380, to address many important health, nutrition, and housing needs of families in crises. In that bill, I proposed efforts that would lead to a coordinated effort to reduce the incidence of birth defects. Simultaneously, I worked in the Appropriations Committee to obtain funding for this effort at the Centers for Disease Control and Prevention. This funding is the basis for CDCP's efforts in this area today. This bill is a continuation of efforts in this area.

More than 100,000 children are born each year with a serious birth defect. Many more children have serious disorders from a birth defect that are discovered later in life. Birth defects are the leading cause of disability in infants who survive their first birthday. Infants of all races, economic classes, and in every State are at risk. This is a serious public health problem.

More children die before their first birthday because of birth defects than from any other cause. More infant deaths result from birth defects than from prematurity and low birth weight. In 10 States, over 25 percent of infant deaths were caused by birth defects. Birth defects are also a leading cause of childhood disability that leads to a lifelong suffering. This is a serious problem that has a terrible impact on the well-being of many children in our Nation.

It may surprise you to learn that the United States has no coordinated strategy for reducing the incidence of birth defects. It is shocking how few resources are devoted to preventing this devastating problem. That must change.

A tragic situation in the State of Texas a few years ago exemplifies how the lack of a coordinated birth defects prevention strategy can affect a community. The result was a delayed response to an outbreak of birth defects and the needless cost of innocent lives. In the incident in Texas, health professionals observed that six infants were born with anencephaly over a 6-week period. Anencephaly is a fatal birth defect in which the infant is born without a brain.

The Texas Department of Health conducted a thorough study after this information was reported. This study revealed that, since 1989, at least 30 infants in south Texas had been born without any or with very little brain tissue. However, like many States, Texas does not have a birth defects surveillance program. As a result, the severity of the problem was not recognized until the incidence of anencephaly was so high that it was difficult to miss. It is only because so many infants were born without any brain tissue that this terrible catastrophe was discovered.

This tragic story from south Texas underlines the need for a coordinated national effort to research the causes of birth defects and develop prevention strategies. Infants are being born today somewhere in America with serious birth defects that could have been prevented. Without a coordinated surveillance system, we may not discover these defects and discover how to prevent them.

Many birth defects are preventable. Tragically, many opportunities at prevention are missed because few States have prevention strategies.

One example of a serious, yet preventable, birth defect is fetal alcohol syndrome or FAS. Pregnant mothers cause FAS when alcoholic beverages are consumed. Fetal alcohol syndrome is a leading cause of mental retardation. It affects an estimated 8,000 newborns each year plus, 36,000 who suffer a related set of birth defects. It is completely preventable.

Neural tube defects are one of the top three causes of birth defects that result in the death of the infant. Neural tube defects are severe defects of the brain and spinal cord. They include spina bifida and anencephaly. This birth defect is also preventable. The majority of neural tube defects could be prevented through the consumption of a simple folic acid vitamin supplement by pregnant women and women of childbearing age.

The Birth Defects Prevention Act lays out a strategy to prevent children from being born with defects and to find possible cures for those already afflicted with certain defects.

Under this bill a national birth defects surveillance and prevention research system would be established. Regional birth defects research programs would be established as centers of excellence to provide the comprehensive surveillance data and epidemiological research needed to study clusters of birth defects, identify their causes, and develop and evaluate prevention efforts. Such centers also would provide training and education to health professionals. The surveillance and monitoring of birth defects would be carried out using vital records, hospital records, and other data while protecting privacy.

This bill would develop and implement birth defects prevention and intervention programs. When the cause of a birth defect is known, we must have a prevention strategy. This bill would authorize prevention demonstration programs to develop new strategies to reduce the incidence of birth defects. This bill would also provide funding and technical assistance to State health departments to implement programs of proven effectiveness and safety in prevention of birth defects.

And finally, this bill would broaden public and professional awareness of birth defects and prevention opportunities. To do this, a clearinghouse at the Centers for Disease Control would be established for the collection, storage, and interpretation of data generated from State birth defects surveillance programs and regional birth defects centers. This bill would also enhance public information and education programs for the prevention of birth defects, such as programs using folic acid vitamin supplementation to prevent spina bifida and alcohol avoidance strategies to prevent fetal alcohol syndrome.

Without a strategy to discover the causes of birth defects and prevent them, the terrible tragedy of birth defects will continue. Too few resources are devoted to reducing birth defects which are the leading cause of infant

morality. We cannot reach the national goal of reducing infant morality to 7 death per 1,000 live births by the year 2000 without a national birth defects prevention strategy.

The March of Dimes has done such important and tireless work toward the prevention of birth defects. This country and its children certainly owe the March of Dimes a heartfelt thank you. In particular, Kay Johnson and Vivian Gabore of the March of Dimes staff deserve a special thank you for their seemingly never-ending efforts to get the Birth Defects Prevention Act passed. It is their research, study, and work that has resulted in this bill, and I am exceedingly grateful to them.

In addition to the March of Dimes, this bill also has the endorsement of 18 organizations, including the American Academy of Pediatrics, the American Public Health Association, the Epilepsy Foundation, the National Easter Seal Society, the Spina Bifida Association, and many others.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

THE BIRTH DEFECTS PREVENTION ACT

PURPOSE

To prevent birth defects by developing and implementing new prevention strategies, targeting research into the causes of birth defects, monitoring the incidence of clusters of birth defects, and increasing the collection of national data on birth defects.

THE NEED

More children die from birth defects in the first year of life in the U.S. than from any other cause including prematurity and low birth weight. Birth defects are also a leading cause of childhood disability. Each year, over 100,000 children are born with serious defects, and many more are found later in life to have disorders. Medical care and special education made necessary by birth defects cost billions of dollars each year.

Recent research shows that a significant proportion of common birth defects are preventable, although the causes of most birth defects remain unknown. Few states have prevention strategies and many opportunities are being missed. Despite the fact that birth defects are the leading cause of infant mortality, research and prevention has not received priority attention.

ESTABLISH A NATIONAL BIRTH DEFECTS SURVEILLANCE AND PREVENTION RESEARCH SYSTEM

A. Establish regional birth defects research programs as ''centers of excellence'' to provide the comprehensive surveillance data and epidemiologic research needed to study clusters of birth defects, identify their causes, and develop and evaluate prevention efforts. Such centers also would provide training and education to health professionals.

B. Improve the surveillance and monitoring of birth defects using vital records, hospital records and other data.

DEVELOP AND IMPLEMENT BIRTH DEFECTS PREVENTION AND INTERVENTION PROGRAMS

A. Authorize demonstration projects for the prevention of birth defects to develop new strategies to reduce the incidence of birth defects.

B. Providing funding and technical assistance to state health departments to implement programs of proven effectiveness and safety in prevention of birth defects.

BROADEN PUBLIC AND PROFESSIONAL AWARENESS OF BIRTH DEFECTS AND PREVENTION OPPORTUNITIES

A. Establish a clearinghouse at the Centers for Disease Control for the collection, storage, and interpretation of data generated from state birth defects surveillance programs and regional birth defects centers.

B. Establish an Advisory Committee for Birth Defects Prevention to gather the views and recommendations of experts.

C. Enhance public information and education programs for the prevention of birth defects, such as programs using folic acid vitamin supplementation to prevent spina bifida and alcohol avoidance strategies to prevent Fetal Alcohol Syndrome (FAS).

By Mr. FORD:

S. 460. A bill to amend title 23, United States Code, to ensure equity in the extent to which businesses located near Interstate and Federal-aid primary highways may erect outdoor advertising signs, displays, and devices, and for other purposes; to the Committee on Environment and Public Works.

HIGHWAY ADVERTISING EQUITY ACT

Mr. FORD. Mr. President, today I am introducing Senate Bill 460, entitled Highway Advertising Equity Act, to amend section 131 of title 23, United States Code. Enacted on August 28, 1958, 23 U.S.C. 131, Control of Outdoor Advertising, was designed to protect public investment, promote safety and recreational value, and preserve natural beauty along the interstate system. Therefore, the statute reflects a socioeconomic and demographic environment of 36 years ago.

Roadways that were once rural, narrow, and sparsely populated are now multilane highways bordered with burgeoning businesses and linking the Nation in a well-traveled web. This growth in commercial and industrial use areas has increased the need to inform the motoring public of available services, food, lodging, and attractions of special interest.

Current law allows only on-premises advertising by business owners whose property is adjacent to the interstate system. Restricting advertising to owners of businesses adjacent to the interstate system to advertise on-premise services discriminates against property owners in the same commercial area who wish to advertise off-premise services near the interstate system.

Commercial and industrial areas have expanded beyond the properties which were once only found adjacent to interstate systems. However, the need for businesses, no matter where they are located, to advertise along the interstate system is imperative to their success.

Senate bill 460 is offered to bring the law up to date with the needs of our growing business communities. I think it is fitting that we address this issue in today's environment where the Federal Government has said it intends to give more power back to the localities and stop placing mandates on middle class Americans who spend everyday honestly trying to make a decent living for their family.

By Mr. FEINGOLD:

S. 462. A bill to provide for the temporary suspension of the reformulated gasoline rules under the Clean Air Act; to the Committee on Environment and Public Works.

REFORMULATED GASOLINE REQUIREMENTS

Mr. FEINGOLD. Mr. President, I rise today to introduce legislation to temporarily suspend enforcement of the reformulated gas requirements as mandated by the Clean Air Act Amendments of 1990. I do so, Mr. President, as a supporter of the Clean Air Act, the reformulated fuels program, and of the Environmental Protection Agency. However, the situation over the past few weeks in Milwaukee, since the introduction of reformulated fuel on January 1, 1995, has caused me great concern. In introducing this measure, I am joined today by two of my colleagues in the other body, Representative KLECZKA and Representative BARRETT, who have introduced similar legislation.

The EPA Regional Office in Chicago has received at least a thousand calls from individuals in Milwaukee who are experiencing problems using reformulated fuels. During the first week of February, 1995 phone calls to my Milwaukee office were coming in at rates of 5–8 per hour, and several hundred constituents have contacted me to share their experiences. Among the concerns that these individuals express, and of primary concern to me, is that this gasoline is making them ill. Additionally, Mr. President, citizens of Milwaukee want to know what the EPA knows about how the gasoline will perform both in their cars and in two stroke-engines such as snow blowers and snowmobiles, when the price, which is currently running between 10 and 15 cents more than regular gas will come down, and how to identify the various blends of gasoline at the pump. I wrote to Administrator Browner on February 10, 1995 expressing these concerns and have not yet received a response.

While price and performance are significant problems that need to be examined, the health of the citizens of Milwaukee, Mr. President, simply cannot wait. Administrator Browner, in a meeting with the Wisconsin delegation last Friday, February 17, 1995, announced that the Agency would not make a final decision on suspending the fuels until after they went to Wisconsin. The Agency believes, Mr. President, that Wisconsin's problems could best be addressed by switching fuels among different reformulated blends.

In response to the calls and inquiries from the Wisconsin delegation and Governor Thompson, and in line with the EPA's announced position, the Agency did hold a public meeting in

Milwaukee this past Monday, February 20, 1995 on reformulated gasoline. The Milwaukee Sentinel reported that more than 400 people showed up for the meeting, overflowing the room. The Agency has pledged to say in Wisconsin as long as it takes to address my constituents' concerns.

It seems, Mr. President, that these concerns are significant and that the Agency should suspend its enforcement of the rule until it completes its on the ground assessment, particularly while people's health is potentially at risk. Gasoline blended with three different oxygenates is being sold in Milwaukee, some containing MTBE derived from methane, some containing ETBE derived from ethanol and natural gas, and some containing ethanol. The EPA knows from more than $2 million in health studies, Mr. President, that one of the oxygenates, MTBE, has the potential to produce both cancer and other health effects—and the jury is still out on the ethanol blends. The current data that the Agency has on Milwaukee's overall air quality and on specific situations my constituents face every day such as refueling, riding inside their cars, and having their vehicles sit in enclosed garages, is too limited for a quantitive estimate of population exposure to the host of oxygenates used in the six county area. At best, the data have been used to estimate a broad range of potential exposures. However, Mr. President, we are no longer in a potential exposure situation—people are putting this stuff into their tanks.

While I understand that actual epidemiological experiences in Milwaukee may be difficult for EPA to interpret, I cannot as a responsible policymaker rule out the fact that Milwaukee's topography and temperature results in exposures in my State that are different than the other parts of the country. I also understand, Mr. President, that Milwaukee is not alone in experiencing problems with reformulated fuels. Several of the nine other cities required to use the fuels are facing similar concerns.

I believe that these requirements should be suspended until the health concerns can be fully investigated. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 462

SECTION 1. SUSPENSION OF REFORMULATED GASOLINE RULES.

Upon the enactment of this Act, the Environmental Protection Agency rules under section 211(k) of the Clean Air shall be suspended. Such suspension shall remain in effect until such time as the Administrator—

(1) demonstrates, after notice and opportunity for hearing, that reformulated gasoline manufactured and distributed in accordance with such rules does not cause adverse health effects; or

(2) revises such rules to eliminate any such adverse health effects, and submits a report to the appropriate committees of Congress setting forth the steps taken under paragraph (1) or (2).

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 3, a bill to control crime, and for other purposes.

S. 38

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 38, a bill to amend the Violent Crime Control and Law Enforcement Act of 1994, and for other purposes.

S. 219

At the request of Mr. NICKLES, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 219, a bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes.

S. 252

At the request of Mr. LOTT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 252, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 254

At the request of Mr. LOTT, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 275

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 275, a bill to establish a temporary moratorium on the Interagency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 303

At the request of Mr. LIEBERMAN, the name of the Senator from Iowa [Mr. GRASSLEY] 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. 343

At the request of Mr. DOLE, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from Texas [Mr. GRAMM], the Senator from Florida [Mr. MACK], the Senator from New Hampshire [Mr. GREGG], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 343, a bill to reform the regulatory process, and for other purposes.

S. 356

At the request of Mr. SHELBY, the names of the Senator from New Hampshire [Mr. GREGG] and the Senator from Mississippi [Mr. LOTT] 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. 360

At the request of Mr. SMITH, the names of the Senator from New Hampshire [Mr. GREGG] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 360, a bill to amend title 23, United States Code, to eliminate the penalties imposed on States for noncompliance with motorcycle helmet and automobile safety belt requirements, and for other purposes.

S. 381

At the request of Mr. HELMS, the names of the Senator from Connecticut [Mr. LEIBERMAN], the Senator from Virginia [Mr. WARNER], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 381, a bill to strengthen international sanctions against the Castro government in Cuba, to develop a plan to support a transition government leading to a democratically elected government in Cuba, and for other purposes.

S. 425

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 425, a bill to amend title 38, United States Code, to require the establishment in the Department of Veterans Affairs of mental illness research, education, and clinical centers, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Florida [Mr. MACK], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

AMENDMENT NO. 274

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of amendment No. 274 intended to be proposed to House Joint Resolution 1, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

AMENDMENTS SUBMITTED

BALANCED BUDGET AMENDMENT

CONRAD AMENDMENT NO. 297

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him, to the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States; as follows:

On page 2, strike line 18 and all that follows through line 25, and insert the following:

''SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which—

''(1) a declaration of war is in effect;

''(2) the United States is engaged in military conflict which causes an imminent and serious military threat to national security, and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law; or

''(3) the United States suffers from a serious economic recession that causes an imminent and serious threat to the nation's economy and is so declared by a joint resolution adopted by a majority of the whole number of each House, which becomes law.

GRAHAM AMENDMENT NO. 298

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 2, line 8, after ''increased,'' insert ''except for increases in the limit on the debt of the United States held by the public to reflect net redemptions from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund,''.

NUNN AMENDMENTS NOS. 299–300

(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 299

On page 2, strike lines 18 through 25 and insert the following:

''SECTION 5. The provisions of this article shall not apply to any fiscal year—

''(1) if at any time during that fiscal year the United States is in a state of war declared by the Congress pursuant to section 8 of article I of this Constitution; or

''(2) if, with respect to that fiscal year, the Senate and the House of Representatives agree to a concurrent resolution stating, in substance, that a national economic emergency requires the suspension of the application of this article for that fiscal year.

In exercising its power under paragraph (2) of this section, the Senate and House of Representatives shall take into consideration the extent and rate of industrial activity, unemployment, and inflation, and such other factors as they deem appropriate.

AMENDMENT NO. 300

On page 3, line 3, after the period insert ''The power of any court to order relief pursuant to any case or controversy arising under this article shall not extend to ordering any remedies other than a declaratory judgment or such remedies as are specifically authorized in implementing legislation pursuant to this section.''.

BYRD AMENDMENT NO. 301

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 3, line 8, strike ''principal.'' and insert ''principal and those for law enforcement and the reduction and prevention of violent crime.''.

LEAHY (AND OTHERS) AMENDMENT NO. 302

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DASCHLE, and Mr. BUMPERS) submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 1, lines 4 and 5, strike ''is proposed as an amendment to the Constitution of the United States, which'' and inserting ''shall be proposed as an amendment to the Constitution of the United States and submitted to the States for ratification upon the completion by the General Accounting Office of a detailed analysis of the impact of the article on the economy and budget of each State and''.

WELLSTONE AMENDMENTS NOS. 303–305

(Ordered to lie on the table.)

Mr. WELLSTONE submitted three amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 303

At the end of the article add the following:

''SECTION . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in significant reductions in assistance to students who want an opportunity to attend college.''

AMENDMENT NO. 304

At the end of the article, add the following:

''SECTION . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in an increase in the number of hungry or homeless children.''

AMENDMENT NO. 305

At the end of the article, add the following:

''SECTION . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in—

''(a) significant reductions in the quality of, or access to, health care for veterans, or

''(b) significant reductions in compensation provided to veterans for service-connected illnesses or injuries.''

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 306

(Ordered to lie on the table.)

Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. AKAKA, and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the joint resolution, House Joint Resolution 1, supra; as follows:

At the end of section 6, add the following: ''However, no legislation to enforce or implement this Article may impair any payment or other benefit based upon a death or disability incurred in, or aggravated by, service in the Armed Forces if such payment or other benefit was earned under a program established before the ratification of this Article.''.

PRYOR AMENDMENT NO. 307

(Ordered to lie on the table)

Mr. PRYOR submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 3, between lines 8 and 9, insert the following:

''SEC. 8. It is the intent of Congress that each State should, as a part of its ratification process, submit to Congress recommendations for reductions in direct and indirect Federal funds provided to the State and its residents (based on the State's allocation of Federal funds) necessary to balance the State's share of the Federal deficit.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 308

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself, Mr. FORD, Mr. HOLLINGS, Mr. BUMPERS, Ms. MIKULSKI, Mr. KOHL, Mr. MCCAIN, Mr. HARKIN, Mr. DASCHLE, Mr. DORGAN, and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the joint resolution, House Joint Resolution 1, supra; as follows:

Strike all after the resolving clause and insert the following: ''That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

''ARTICLE —

''SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

''SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old–Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

''SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.''.

LEVIN AMENDMENTS NOS. 309–311

(Ordered to lie on the table.)

Mr. LEVIN submitted three amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 309

Strike all after ''*Assembled*'' and insert the following: ''(two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-forths of the several states within seven years after the date of its submission to the States for ratification:

ARTICLE —

SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which the total outlays do not exceed total receipts.

SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security, or if pursuant to the legislation referred to in Section 6 the Congress determines an economic emergency exists, and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. No court shall have the power to order relief pursuant to any case or controversy arising under this article, except as may be specifically authorized in implementing legislation pursuant to this section.

SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

SECTION 8. Nothing in this article shall authorize the President to impound funds appropriated by Congress by law, or to impose taxes, duties, or fees.

SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.''

AMENDMENT NO. 310

On page 2, line 17, after ''roll call vote'', insert ''except that if the whole number of the Senate is equally divided, the Vice President shall have a vote''.

On page 2, line 25, after ''of each House'', insert '', except that if the whole number of the Senate is equally divided, the Vice President shall have a vote, ''.

AMENDMENT NO. 311

On page 2, line 17, after ''roll call vote'', insert ''except that if the whole number of the Senate is equally divided, the Vice President shall have no vote''.

On page 2, line 25, after ''of each House'', insert '', except that if the whole number of the Senate is equally divided, the Vice President shall have no vote, ''.

DASCHLE AMENDMENTS NOS. 312–313

(Ordered to lie on the table.)

Mr. DASCHLE submitted two amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 312

Strike all after the resolving clause and insert the following: ''That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification. The article shall be submitted to the States upon the adoption of a concurrent resolution as described in section 9 of the article. The article is as follows:

''ARTICLE —

''SECTION 1. Upon the adoption by the Congress of a concurrent resolution on the budget establishing a budget plan to balance the budget as required by this article, and containing the matter required by section 9, total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

''SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

''SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.

''SECTION 9. (a) In order to carry out the purposes of this article, the Congress shall adopt a concurrent resolution setting forth a budget plan to achieve a balanced budget (that complies with this article) not later than the first fiscal year required by this article as follows:

''(1) a budget for each fiscal year beginning with fiscal year 1996 and ending with that first fiscal year (required by this article) containing—

''(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

''(B) totals of new budget authority and outlays for each major functional category;

''(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

''(D) an allocation of Federal revenues among the major sources of such revenues;

''(2) a detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change; and

''(3) reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution.

''(b) The directives required by subsection (a)(3) shall be deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974. Upon receiving all legislative submissions from committees under subsection (a)(3), each Committee on the Budget shall combine all such submissions (without substantive revision) into an omnibus reconciliation bill and report that bill to its House. The procedures set forth in section 310 shall govern the consideration of that reconciliation bill in the House of Representatives and the Senate.

''(c) The budget plan described in subsection (a) shall be based upon Congressional Budget Office economic and technical assumptions and estimates of the spending and revenue effects of the legislative changes described in subsection (a)(2).''.

AMENDMENT NO. 313

Strike all after the resolving clause and insert the following: ''That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification. The article shall be submitted to the States upon the adoption of a concurrent resolution as described in section 10 of the article. The article is as follows:

''ARTICLE —

''SECTION 1. Upon the adoption by the Congress of a concurrent resolution on the budget establishing a budget plan to balance the budget as required by this article, and containing the matter required by section 10, total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

''SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, which becomes law, or if pursuant to the legislation referred to in Section 6 the Congress determines an economic emergency exists, and is so declared by a joint resolution adopted by a majority of the whole number of each House, which becomes law.

''SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. No court shall have the power to order relief pursuant to any case or controversy arising under this article, except as may be specifically authorized in implementing legislation pursuant to this section.

''SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal and those dedicated to a capital budget.

''The capital budget shall include only major public physical capital investments. For each fiscal year, the capital budget shall not exceed an amount equal to 10 percent of the total outlays for that year which amount shall not be counted for purposes of section 2. Three-fifths of each House may provide by law for a capital budget in excess of 10 percent for a fiscal year.

''The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

''SECTION 8. Nothing in this article shall authorize the President to impound funds appropriated by Congress by law, or to impose taxes, duties, or fees.

''SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.

''SECTION 10. (a) In order to carry out the purposes of this article, the Congress shall adopt a concurrent resolution setting forth a budget plan to achieve a balanced budget (that complies with this article) not later than the first fiscal year required by this article as follows:

''(1) a budget for each fiscal year beginning with fiscal year 1996 and ending with that first fiscal year (required by this article) containing—

''(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

''(B) totals of new budget authority and outlays for each major functional category;

''(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

''(D) an allocation of Federal revenues among the major sources of such revenues;

''(2) a detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change; and

''(3) reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution.

''(b) The directives required by subsection (a)(3) shall be deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974. Upon receiving all legislative submissions from committees under subsection (a)(3), each Committee on the Budget shall combine all such submissions (without substantive revision) into an omnibus reconciliation bill and report that bill to its House. The procedures set forth in section 310 shall govern the consideration of that reconciliation bill in the House of Representatives and the Senate.

''(c) The budget plan described in subsection (a) shall be based upon Congressional Budget Office economic and technical assumptions and estimates of the spending and revenue effects of the legislative changes described in subsection (a)(2).''.

KERRY AMENDMENT NO. 314

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 2, beginning on line 3, strike ''year, unless'' and all that follows through line 11 on page 3, and insert the following: ''year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

''SECTION 4. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 5. The provisions of this article may be waived for any fiscal year during which the United States experiences serious economic distress or a natural or manmade disaster the injurious effects of which are likely to be exacerbated by adherence to this article, and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

''SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.''.

HOLLINGS AMENDMENT NO. 315

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

Strike all after the resolving clause and insert the following: ''That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

''ARTICLE —

''SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

''SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 7. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal and those dedicated to a capital budget. The capital budget shall include only major public physical capital investments. For each fiscal year, outlays dedicated to the capital budget shall not exceed an amount equal to 10 percent of the total outlays for that year, which amount shall not be counted for purposes of section 2. Three-fifths of each House may provide by law for capital budget outlays in excess of 10 percent for a fiscal year.

''Total receipts shall include all receipts of the United States Government except those derived from borrowing and the disposition of major public physical capital assets.

''SECTION 8. The receipts (including attributable interest) and outlays of the Federal Old–Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

''SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 11 a.m. on Wednesday, February 22, 1995, in closed session, to vote on the nominations of the Base Closure and Realignment Commission.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 22, 1995, to conduct a hearing on the Federal Reserve's first monetary policy report for 1995.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, February 22, 1995, at 9:30 a.m. for a hearing on S. 219, the Regulatory Transition Act of 1995.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Ryan White Care Act reauthorization, during the session of the Senate on Wednesday, February 22, 1995 at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 22, 1995 at 2 p.m. to hold a closed hearing on Intelligence matters.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, U.S. Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Wednesday, February 22, 1995, at 9:30 a.m., in Senate Dirksen room 226, on S. 343, the Comprehensive Regulatory Reform Act of 1995 and regulatory relief.

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

ADDITIONAL STATEMENTS

THROWING SAND IN SOCIETY'S MACHINERY

• Mr. SIMON. Mr. President, Jim Wright served as Speaker of the House of Representatives and, prior to that, majority leader of the House.

I had the privilege of working with him on a number of things and found him to be a genuine leader, not just someone who holds the title of leader.

Not long ago, I read a reference about a column that he had done for the Fort Worth Star Telegram on the subject of civility.

I wrote to him and asked for a copy of a column, and it is the kind of enlightened common sense that you would expect from Jim Wright.

The first paragraph of his column sums up our situation beautifully:

Civility. The word is little used these days, the quality it describes too little practiced. It is a necessary lubricating oil for the machinery of a free society. In its absence, the gears of democracy grind in noisy dissonance to a screeching halt.

I ask that the entire Jim Wright column be printed in the RECORD.

The column follows:

[From the Fort Worth Star-Telegram, Oct. 23, 1994]

THROWING SAND IN SOCIETY'S MACHINERY

Civility. The word is little used these days, the quality it describes too little practiced. It is the necessary lubricating oil for the machinery of a free society. In its absence, the gears of democracy grind in noisy dissonance to a screeching halt.

Webster's New Twentieth Century Dictionary defines civility as the state of being civilized. Its marks, the dictionary notes, are politeness, consideration, courtesy. The modern term grew from a Latin word, civilitas. In its original form, it signified ''the art of government.''

The preservation of liberties—free speech, free press, free religious expression—has always exacted a price. Part of that price is civility, respect for the institutions of our government and fellow citizens with whom we disagree. Deprived of its oxygen, the lungs of a democratic society would ultimately collapse.

Too much of what passes for debate in this election year, protected by the liberties to which we pay homage, pollutes the public dialogue as noxiously as carbon monoxide contaminates a living environment.

The hallmark of a civilized human order is the ability to disagree without being disagreeable. We seem to be losing this. Instead of reasoned disputation, we hear increasingly hateful and unreasoning allegations brandished like weapons designed to inflict injury and mortal hurt.

The mail last week brought astonished recipients a fund-raising appeal so rotten and rancid with hate as to offend the very garbage cans into which it should be forthrightly consigned.

On an official-looking letterhead with a Washington address, the plea for contributions begins with the following outrageous claim: ''I have in my possession compelling evidence that proves beyond all shadow of a doubt that White House aid [sic] Vincent Foster was murdered * * * vital clues that lead right to the Oval Office.''

Begging for money to spew out more such bile, the writer promises to prosecute a case of impeachment against President Clinton, presumably for the murder of his lifelong friend.

Really, this is beyond the pale. No president of the United States should have to contend with such inflammatory and unfounded libel. It is not enough that special counsel Robert B. Fiske, a Republican and no friend of Clinton's looked carefully into this bizarre allegation concerning poor Foster's suicide and reported it to be just that.

Tasting blood and heedless of the proven emptiness of their brazen claim or the hurt it inflicts upon loved ones and friends of the late presidential aide, professional purveyors of venom continue their calculated campaign of calumny against the president.

Hate-Clinton solicitation letters have become a cottage industry. For some the good is political power. For others it's just a way to fill greedy coffers with contributions bilked from innocent, well-meaning Americans gullibly alarmed by the strident claims of right-wing media personalities such as Rush Limbaugh and the Rev. Jerry Falwell.

Preachments of hate, prejudgments of guilt and eagerness to repeat the vilest slanders are not new to American society. But they do seem to have reached preposterous proportions in this election year.

Twenty-six years ago, Lyndon B. Johnson deplored the incivility of some anti-war demonstrators who shouted slogans to drown out opposition. ''They are chiefly united in the certainty with which they advance their views,'' he said, ''and in the vehemence with which they mock the views of others.''

Thomas Jefferson 160 years earlier compared political extremists to ''patients of Bedlam, needing medical more than moral counsel.'' He despaired of ''any attempt to set one of these zealots to right, either in fact or principle.''

Presently, things are going better. American policy is working. In Haiti and Iraq our will prevails without war. North Korea, after 40 years of implacable hostility, agrees to remove its nuclear threat. World tensions abate. Israel and Jordan proclaim a historic peace. At home the economy grows, unemployment falls, prices are stable. We should rejoice, but we don't.

Pollsters report a sour mood, agitated to anger by apostles of discontent. Seldom have political partisans so boldly boasted of obstruction, so viciously attacked colleagues and their own institutions. What's missing is civility.

The assault on mutual respect has pervaded Congress. Republicans, desperate after 40 years in the minority, are turning ever more negative. Some nervous Democrats follow suit. Not only do dissident members attack the personal integrity of our president, but they seem out to weaken and destroy Congress itself. Absurdly, they think this is what the public wants.

Senate Republican Leader Bob Dole and House Whip Newt Gingrich recently pledged support on the Capitol steps for a constitutional amendment to limit congressional terms. House members should not be trusted, the argument goes, to serve faithfully for more than six years, nor senators for more than 12.

But at the heart of this gimmicky assault on the Constitution lies an unspoken assumption that the public cannot be trusted to choose wisely. The hypocrisy of the position that these two publicly profess is transparent in the fact that Dole has been in Congress continuously since 1960, and Gingrich, who would limit future colleagues to no more than three terms, is seeking his ninth.

If their logic should ever prevail, the legislative branch will be vastly weakened, bereft of strong and experienced leaders, much more at the mercy of an authoritative executive branch. There will be no Sam Rayburns, no Robert A. Tafts, no Arthur Vandenbergs or Barry Goldwaters to curb the presidential appetite for power or to soften its occasional rashness with their wisdom. And civility.●

NATIONAL VOTER REGISTRATION ACT

● Mr. SARBANES. Mr. President, I rise today to draw to the attention of the Senate my concern about declines in recent decades in voter participation in local and national elections. In the 1988 election, only about half of those citizens eligible to vote went to the polls. While turnout improved during the last Presidential election, voter participation remains low in this country compared to other advanced democratic countries. According to the Congressional Research Service, only 61 percent of U.S. citizens eligible to vote are registered. While there are many reasons why people do not vote, studies indicate that the major reason is that they are not registered. In fact, the Bureau of Census reports that voter turnout of registered voters in Presidential elections typically exceeds 85 percent.

Recognizing the need to establish uniform national voter registration procedures to allow greater opportunities for all eligible citizens to participate in the electoral process, the U.S. Congress adopted the National Voter Registration Act early in the 103d Congress, legislation I was proud to support. The National Voter Registration Act, also known as the motor-voter bill, provides greater opportunities for all eligible citizens to participate in the electoral process.

The methods for voter registration established by the legislation—by mail, as part of drivers license renewal, and when visiting Government agencies—are well tested and successful methods for registering voters. And, in fact, States which have implemented the motor-voter provisions have experienced significant increases in voter registration. About 3,700 voters were registered in Washington State within the first 7 days of motor-voter operation. Florida has been averaging more than 3,000 new voter registrations per day from people obtaining drivers licenses. The successes continue to be documented in other States such as Georgia, where more than 18,000 people have been registered under the new procedures since January 1, 1995, and in Kentucky where 10,000 new voters were registered in the first 10 days of implementation. In my own State of Maryland, approximately 90,000 people have been registered through the Motor Vehicle Administration in 1995 alone, and Maryland election officials expect an additional 900,000 citizens to register under the new system.

While some critics of this legislation have charged that by making voter registration easier, there may be increased opportunities for fraud, the bill includes important safeguards to prevent such fraud. The mail registration form requires a statement of eligibility to vote, an attestation that the applicant meets each requirement of eligibility to vote, and the signature of the applicant under penalty of perjury.

Mr. President, there are further misconceptions surrounding this bill that should be clarified. First, though agencies are required to provide registrants with assistance when requested, the National Voter Registration Act does not require agency personnel to fill out registration forms—it is the applicant who fills out the form. Second, the legislation requires that an applicant be informed that the quality and quantity of Government assistance they receive will not be effected by their willingness or refusal to register. Third, the legislation protects the privacy of the applicant by restricting the use of voter registration information. An applicant has the option of completing the form at home and returning it by mail, and agency employees may not force an individual to register or attempt to persuade an applicant to join a particular political party.

I understand that concerns have also been raised about potential additional costs for State and local governments to implement this legislation. I would simply note that any increased costs for a State to comply with the uniform voter registration standards provided by this legislation would be relatively small, particularly in those States, such as Maryland, that have already taken steps to increase the opportunity for citizens to register to vote. In addition, the legislation provides relief to all States in the form of a postal rate reduction for State and local election officials which will save State and local governments more than $4 million per year. There are also expected to be savings through the use of uniform registration forms in those States that have not yet adopted uniformity between jurisdictions and because voter registration is now likely to be spread out over the year as people renew drivers licenses. Consequently, there will be less need to hire additional registrars to handle the higher volume of registration that typically occurs in some States before registration deadlines.

Mr. President, it is my strongly held view that we must be careful about attaching price tags to civil rights. Imagine if we had decided not to extend the right to vote to 18-year-olds, women, or other minorities because it would place a burden on the States due to an increased workload or the purchasing of new voting machines. The National Voter Registration Act is already making it easier for citizens to exercise one of the most fundamental rights of a democracy—the right to vote. A healthy democracy thrives on the active participation of the governed.

This important new law is clearly working and should not be repealed nor should its implementation be delayed as some have proposed.●

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT—S. 381

● Mr. LIEBERMAN. Mr. President, I am pleased to join several of my colleagues as a cosponsor of the Cuban Liberty and Democratic Solidarity Act, although I have reservations concerning the trade sanctions included in the legislation. Fidel Castro's 36-year dictatorship has been catastrophic for Cuba's society and economy. Agricultural and industrial production have been stymied by authoritarian state control. Many of Cuba's most skilled and talented citizens have chosen to risk their lives to achieve freedom elsewhere, including the United States. Meanwhile, living standards for those who remained have fallen steadily. The backward direction of Cuba's development stands in sharp contrast to other states in Central and South America, who have flourished under policies of market and democratic liberalization. Castro is among the last adherents to the bankrupt philosophy of Communist authoritarianism. The Cuban people cannot move forward to the prosperity which their human and natural resources entitle them as long as Castro's authoritarian rule remains intact. The United States must continue to do what it can to help the Cuban people in their struggle for economic and political freedom and to reestablish the rule of law.

We also have an obligation to American citizens, many of whom have unresolved property claims against the Castro government, to work for justice on their behalf. At the same time, I believe the United States must balance its goals in Cuba with other important foreign policy objectives, such as free trade and support for market and political reforms in other countries. Accordingly, I associate myself with the objectives of the Cuban Liberty and Democratic Solidarity Act and look forward to working with my colleagues to improve the bill particularly in the

trade areas as it receives further consideration.●

HOW COLORBLIND ADOPTIONS CHANGED AND ENRICHED OUR LIVES

● Mr. SIMON. Mr. President, for several years I had an outstanding staff member, Pamela J. Huey, who, unfortunately for me, moved to Minneapolis with her husband and family.

She was not only a superb staff person but she is a genuine humanitarian.

She and her husband have adopted two African-American children. I have seen Benjamin develop into a fine young man and their new child, Anthony, I am sure will do the same.

She has written for the Minneapolis Star Tribune an article titled, ''Colorblind Adoptions Changed and Enriched Our Lives.''

I ask that her article be printed in the RECORD.

The article follows:

[From the Minneapolis Star Tribune, Jan. 29, 1995]

COLORBLIND ADOPTIONS CHANGED AND ENRICHED OUR LIVES

(By Pamela Huey)

The national debate on welfare reform, teenage pregnancy and orphanages demands another look at transracial adoption as one positive alternative for children who need stable, loving homes.

While some within the African-American community and other minorities continue to oppose the adoption of children of color by Caucasian parents, I would argue that such adoptions are not only successful but desirable, producing benefits for parents, children and society as a whole.

Five years ago, childless and wanting to start a family, my husband and I approached an agency in Washington, D.C., specializing in foreign adoptions. But the paperwork, red tape, cost and prospect of spending an undetermined amount of time in another country were daunting.

We learned our agency did receive ''domestic'' placements but these children were nearly always black or biracial. We wondered why, if there were babies in our own country in need of loving, nurturing homes, would anyone travel halfway around the world for a baby? Skin color seemed the only answer. We told the agency that the race of the child did not matter—a baby was a baby—and within seven months we were parents of a beautiful black 17-day-old boy. This Christmas, we became parents of Anthony, a 6-week-old African-American baby, also born in Washington, D.C.

Adopting Benjamin and Anthony has changed and enriched our lives in profound ways that we did not anticipate.

When we moved to the Twin Cities in 1992, we chose an integrated neighborhood in south Minneapolis.

The church we chose, Park Avenue United Methodist, has a spiritual mission to increase understanding between the races and to bring people together as one to worship God.

Benjamin attends Seed Academy, a private school with an Afrocentric curriculum.

We've attended classes for multicultural families. We've participated in the YMCA's ''home team'' program for multicultural families. The Twin Cities area seems to have no end of opportunities for us.

But most importantly, we have a perspective on race relations and racial prejudice that we otherwise would never have had. The love of parent for child has no equal, and loving Benjamin and Anthony was given us a window on a world previously closed to us. Now, as parents, we hurt for the young black males who are considered threats just because of their race.

Interracial adoption breaks down barriers and increases understanding in new ways that filter through the extended family. Grandparents, aunts, uncles, brothers, sisters and cousins, even neighbors and family friends, also are exposed to this new understanding and a family love that crosses racial lines.

We hope growing up in our racially blended family will give Benjamin and Anthony skills for living in both white and black worlds and that their worlds will be more human and loving, rather than divided along racial lines.

Harvard Law Prof. Elizabeth Bartholet wrote in the May 1991 issue of the University of Pennsylvania Law Review that ''transracial adoptees appear more positive than blacks raised inracially about relationships with whites, more comfortable in those relationships and more interested in a racially integrated lifestyle.''

American University Prof. Rita Simon, who has done exhaustive studies on the long-term effects of these adoptions, has written that transracial adoptees perceive ''their world as essentially pluralistic and multicolored.''

We hope we are not being naive. We know Benjamin and Anthony will face racism and hatred in future years, and we are trying to prepare them for that.

As we prepared for our second adoption, I asked Benjamin what kind of sister or brother he would like. His first response was ''black.'' But then he thought for a moment and responded, ''Any color would be OK.''

Pamela Huey is a journalist who lives in Minneapolis.●

RULES OF PROCEDURE OF THE COMMITTEE ON BANKING

● Mr. D'AMATO. Mr. President, I ask that the rules of procedure and jurisdiction of the Committee on Banking, Housing, and Urban Affairs be printed in the RECORD.

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, January 11, 1995)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Minority Member have specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Committee.

(e) *Prior notice of markup sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless (1) fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting, or (2) with respect to multiple first degree amendments, each of which would strike a single section of the measure under consideration, fifty copies of a single written notice listing such specific sections have been delivered to the Committee at least 2 business days prior to the meeting. An amendment to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable in the second degree by the Senator offering the amendment to strike. This subsection may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Minority Member. This subsection shall apply only when at least 3 business days written notice of a session to markup a measure is required to be given under subsection (e) of this rule.

(g) *Cordon rule.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in

order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee or by a majority vote of the Subcommittee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his or her appearance) 120 copies of his statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Ten-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Minority Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Minority Member of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than to report a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 40 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.

2. Control of prices of commodities, rents, and services.

3. Deposit insurance.

4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.●

BLACK HISTORY MONTH

● Mr. SARBANES. Mr. President, I rise today to add my voice to those who have already spoken in recognition of February as Black History Month. Since 1926 this nation has designated February as the month in which we honor the achievements and contributions of African-Americans to our history, our culture, and our future. One could also say that February is the month in which we honor our Nation's unsung heroes—from the African-American soldiers who have often received no acknowledgment for fighting in the American Revolution to the African-American poets and authors often excluded from literary anthologies. The history of African-Americans is the history of what this country has come to mean to so many people around the world. It is the history of possibilities, of dreams, and of the equality of all human beings. It is the story of insurmountable odds overcome and of challenges yet to be faced.

Mr. President, my own State of Maryland has been blessed to be the birthplace and home of countless outstanding African-Americans. Maryland was a bedrock of the Underground Railroad which helped many African-Americans find their way out of slavery to freedom. In fact, Harriet Tubman, the African-American woman credited with leading more than 300 men, women, and children to freedom on the Underground Railroad was a Marylander. The history of Maryland is replete with the contributions of African-Americans, many of which have gone undocumented and unrecognized. Black History Month affords us an opportunity to honor our heroes both past and present, and to remind ourselves of the many national heroes whose faces do not adorn currency or postage stamps and whose stories are not told in history books or encyclopedias.

During this month of celebration, one of the three great African-Americans receiving special honor across the Nation is Frederick Douglass, a man whose life symbolized heroism. Born on Maryland's Eastern Shore in 1818, Frederick Douglass escaped slavery to become one of the leading abolitionists of his time. For Frederick Douglass it was not enough that he won his own freedom; he spent his life fighting for the freedom and advancement of millions of other people. His life, like the lives of many of the other men and women honored during Black History Month, was a life of triumph against overwhelming odds. One only has to visit the birthplace of Frederick Douglass and take a moment to imagine it without the nearby highway, automobiles, and convenience stores in order to have an inkling of the challenges which faced a slave seeking freedom. Not only was there the challenge of escaping an isolated plantation and the constant fear of recapture and torture, but also the challenge to self-educate, find work, and build a new life away from all that was familiar.

The history of African-Americans, however, does not begin or end with slavery and the Civil War. Long after the end of slavery, African-Americans continued to fight for freedom and all of its rights. It is a struggle which has inspired people around the world to fight for their freedom. Mr. President, I utter the name of Frederick Douglass not only to honor the man who was known as Frederick Douglass and who achieved so very much with his life, but for all nameless thousands who like Frederick Douglass achieved so much from so little—people who gave their lives so that their children and grandchildren might have better lives, people who have helped to define the real possibilities of freedom and equality in this Nation.

Mr. President, as we near the end of this month, I hope that each of us will take a moment to remember the lessons of Black History Month and to carry them with us throughout the year as a reminder of all that is truly possible. Two hundred years ago, how many Americans would have imagined a Thurgood Marshall or an Alice Walker? Black History Month is a time to celebrate—to celebrate all of the great achievements of African-Americans, to celebrate how far this country has come, and to remind us of how much further we have to go.●

U.S. POLICY VIS-A-VIS SERBIA

● Mr. LIEBERMAN. Mr. President, I would like to express my strong disapproval at the latest developments in the administration's approach to Bosnia. The national press reported last week the administration's decision to concur with a Contact Group proposal to offer Serbia a complete lifting of U.N. sanctions if it would recognize the independence of Croatia and Bosnia and cut off arms to rebel Serbian armies in both countries.

This might have been a reasonable proposal if, as the New York Times put it, ''Serbia's President, Slobodan Milosevic, had a record of honoring his commitments, or if the five-power group had a record of insisting on compliance with its deals. Neither is true.''

This latest step in United States compliance with the Contact Group's policy of appeasement followed the decision just 1 month ago to extend for another 100 days a partial easing of U.N. sanctions on Serbia with the understanding that it would deny assistance to rebel Serbs in both Croatia and Bosnia. During the previous 100-day, sanctions-easing period last fall, SAM 6 missiles mysteriously appeared at Serbian positions in Bosnia and regular soldiers of the Serbian army participated in the Serb attack on Bihac. But since there was no proof of Serbian complicity, the sanctions easing was extended.

Two weeks ago, U.N. monitors were temporarily barred from a Serbian airfield during a time when U.N. troops in northern Bosnia observed helicopters travel from Serbia to Bosnian Serb positions in Bosnia. Once again, Serbia created a fact—continued assistance to the Bosnian Serbs—for which there was no documentary proof.

Now it appears from press reports that Milosevic has rejected this latest Contact Group offer, just as the Serbs have refused earlier offers—in which the United States has concurred—to effectively legitimize Serbian gains from aggression in exchange for promises to cease fighting.

But even if Milosevic were to agree, there is no reason to believe that he would honor a new pledge to cease supporting Serbian aggression in Bosnia now any more than he has any previous similar promise. And even if Milosevic were to accept the Contact Group offer, this would not necessarily persuade the Croatian or Bosnian Serbs to accept the peace plans. Both are well supplied at the moment. They need only wait for a few months until Milosevic finds a way to renew his support, as he has always done.

The Contact Group's offer to Milosevic was objectionable from the

outset because it was immoral. It was an expression of weakness and indecision on the part of five of the strongest and most principled nations on Earth. It remains wrong on the grounds of realism and practicality, not just because Milosevic rejected it, but because it would not work even if he changed his mind.

The further we go down the path of appeasement in the Balkans, the more obvious it becomes that not only does this policy offer no hope of resolving the Bosnian tragedy, it demeans the role of the United States in the world. I am more convinced than ever that we must abandon the policy of weakness and appeasement and return to the lift-and-strike policy President Clinton brought into the Oval Office in 1993.●

TURKEY'S CONFIDENT LEADER

● Mr. SIMON. Mr. President, recently, Lally Weymouth had an op-ed piece in the Washington Post about Turkey's remarkable Prime Minister.

It's a great tribute to her.

The political storms are not easy to weather in Turkey, but one of the things that our friends in Turkey must understand is that an improved relationship with the United States, and much of Western Europe, is in the interest of all of us, but it is not likely to happen until Turkey faces up to the Cyprus question and the Armenia question.

I recognize that is easy for a politician of the United States to say, and not easy for a political leader in Turkey to say because of the decades of emotion on these issues.

But if the people in the Middle East can get together, even though it is not all smooth, and if the people in Northern Ireland can get together, then it seems to me, the Turks, the Greeks, and the Armenians ought to be able to work out a better relationship than the one they now have, and that is in the interest of all parties.

I ask that the Lally Weymouth column be printed in the RECORD.

The column follows:

[From the Washington Post, Nov. 28, 1994]

TURKEY'S CONFIDENT LEADER

(By Lally Weymouth)

In a country where a radical Islamist party is growing in strength, and increasingly women are seen on the streets of major cities wearing the chador, the prime minister is a decidedly modern woman who has surprised the experts with her staying power. From the day 48-year-old Tansu Ciller came to power little over a year ago, analysts have been predicting the fall of her coalition. So far, however, she has managed to prove them wrong.

It remains true, however, that virtually every move Ciller makes is controversial. Some Turks criticize her as a disorganized novice; she's an academic-turned-prime minister. Others say she has failed to deal with Turkey's economic crisis; inflation this year is running at 116 percent, and the growth rate is negative.

Yet the prime minister appears cool and unflappable as she stops out of a helicopter in Istanbul and enters her palace to talk about Turkey's problems.

For one thing, Turdey's relationship with Washington has deteriorated in the post-cold war era. Meanwhile, Ciller has many soldiers deployed fighting terrorists in the southeast of Turkey. On the domestic front, she's engaged in an effort to reschedule a by-election for some national assembly seats, a vote originally scheduled for early December. Experts have been predicting that Ciller's party wouldn't fare well in these elections, since the majority of seats at stake are located in southeast Turkey, where the fundamentalist ''Welfare Party'' is strong.

Ciller, however, says confidently, ''We are the majority party in the parliament * * * and I think we'll increase that majority. We're going to do much better than ANAP [the other right-of-center party.] I'm secular and democratic and progressive and this is what people want.

The central threat to Ciller's party and to all mainstream Turkish parties is the radical Islamist ''Welfare Party.'' The prime minister nevertheless plays down the fundamentalist threat, claiming that the fundamentalists have only 15 or 16 percent of the vote. Indeed, she argues that their core vote is even smaller than that; she believes that Welfare attracts a considerable number of protest voters who are reacting to Turkey's economic problems.

Shouldn't her party (the True Path) merge with the other right-of-center party (the Motherland Party)—to offer voters a united front against the fundamentalists? Ciller, who has acquired a populist touch, strikes out at the Motherland Party, calling it elitist, ''the product of the military coup. They had contacts [only] with the upper class,'' says Ciller, claiming that her True Path Party ''represents the peasants and small businessmen, the artisans and free trades—the private sector.'' In the next elections, she predicts, Turkish voters will opt for one party, and ''very likely it's going to be me and my party they will choose.''

As Ciller sees it, she's faced with two major problems: an economic crisis and a terror threat. In the economic realm, she's trying to privatize the state sector: ''I'm for a free market economy * * * but we've had problems in the economy because the government sector was so big. The government is in finance, in banking, in manufacture—everywhere.''

As for terrorism, when Ciller became prime minister, the Syrian-sponsored PKK terrorists controlled large areas of southeast Turkey. Although she and other Turkish officials have not noticed any dropoff in Syrian support for the terror group, Ciller says she has used her army to regain control over much of the southeast. The prime minister says confidently that factories and schools are open again after having been closed for six years. ''Life is going back to normal * * * and I did it in one year,'' she said. ''We still have problems, but it's a big step in the right direction.''

Her government has been criticized for the harsh methods used by the army in fighting the PKK, but Ciller claims she had no choice: ''The fight was not against people living in the southeast [but] against the PKK who were killing the Kurdish and Turkish people without discrimination.''

Turning to foreign affairs, Ciller notes that Turkey was a faithful U.S. ally during the Cold War, and cooperated with the United States and its allies in prosecuting the gulf war, shutting down an oil pipeline from Iraq that had produced large revenues for Turkey, thus causing economic hardship.

Recently, when Saddam marched toward Kuwait, Ciller said she told President Clinton that ''we back the U.S. 100 percent and that I would provide any help the president would ask.''

Yet she hesitates when it comes to the question of renewing ''Operation Provide Comfort''—the program started by the United States and the international community to aid the Kurds in northern Iraq. ''My people have hesitations about Provide Comfort because they feel it might help separate northern Iraq from the rest of the country,'' she said. ''We feel the territorial integrity of Iraq should be maintained.''

Ciller has endeavored to warn Washington about Russia's aggressive posture. ''We know what is going on there * * * and we cannot close our eyes to the fact * * * that there are forces within Russia who want to go back to the old empire, to the old ways * * *. Aggression should be stopped—be it in Bosnia, in Azerbaijan or Kuwait.''

Tansu Ciller is looking to the future. She plans to guide Turkey into the Customs Union of the European Union. Then, she wants Turkey to play some role in the Middle East peace process. Moreover, she wants to aid the Turkic Republics of the former Soviet Union emerge into independence.

But, says the prime minister, ''we need help.'' She does; she also deserves it.●

RULES OF SELECT COMMITTEE ON INTELLIGENCE

● Mr. SPECTER. Mr. President, paragraph 2 of Senate rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each committee be published in the RECORD.

In compliance with this provision, I ask that the rules of the Select Committee on Intelligence be printed in the RECORD.

The rules follow:

SELECT COMMITTEE ON INTELLIGENCE—RULES OF PROCEDURE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee Members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes case in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5 The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6 No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman. Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2nd Session and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1 NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2 OATH OR AFFIRMATION.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3 INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4 COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5 STATEMENTS BY WITNESSES.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6 OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7 INSPECTION AND CORRECTION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8 REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9 CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed by majority vote of the Committee, to forward such recommendation to the Senate.

8.10 RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1 Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3 Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4 Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to section 8 of S. Res. 400 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5 Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.6 No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise as authorized by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. For purposes of this paragraph, members and staff of the Committees may disclose classified information in the possession of the Committee only to persons with appropriate security clearances who have a need to know such information for an official governmental purpose related to the work of the Committee. Information discussed in executive sessions of the Committee and information contained in papers and materials which are not classified but which are controlled by the Committee may be disclosed only to persons outside the Committee who have a need to know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director and Minority Staff Director, acting on their behalf. Failure to abide by this provision shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400.

9.7 Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.8 Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1 For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committees unless that individual holds appropriate security clearances.

10.2 The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committees offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of Senate Resolution 400 of the 94th Congress.

10.3 The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, and shall be administered under the direct supervision and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4 The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5 The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, 2d session, and to abide by the Committee's code of conduct.

10.7 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or in the event of the Committee's termination the Senate of any request for his or her testimony, either during his tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8 The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9 Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10 The workplace of the Committee shall be free from illegal use, possession, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. In accordance with title III of the Civil Rights Act of 1991 (P.L. 102–166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1 Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2 The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3 The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1 The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2 Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1 No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2 When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3 No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A—RESOLUTION TO ESTABLISH A STANDING COMMITTEE OF THE SENATE ON INTELLIGENCE AND FOR OTHER PURPOSES—MAY 19, 1976

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the ''select committee''). The select committee shall be composed of fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(c) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are from the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The Intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the senate by such standing committee within thirty days after the day on which such proposed legislation is referred to such standing committee; and any proposed legislation reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence. activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the

Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purpose of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct[1] and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the information of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which the committee or which Members of the Senate received such information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct[1] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct[1] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct[1] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95–1, Feb. 4, 1977.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided,* That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of the United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term ''intelligence activities'' includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term ''department or agency'' includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence tivities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (This section authorized funds for the select committee for the period May 19, 1976, through Feb. 28, 1977.)

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

APPENDIX B—RESOLUTION AMENDING THE RULES OF THE SENATE RELATING TO OPEN COMMITTEE MEETINGS—JANUARY 15, 1975

Resolved, That paragraph 7(b) of rule XXV of the Standing Rules of the Senate is amended to read as follows;

''(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion of portions—

''(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

''(2) will relate solely to matters of committee staff personnel or internal staff management or procedures;

''(3) will tend to charge an individual with crime on misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

''(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement; or

''(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

''(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

''(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.''

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102 (d) and (e) of the Congressional Budget Act of 1974 are repealed.●

MEASURE PLACED ON THE CALENDAR—S. 376

Mr. HATCH. I believe there is a bill at the desk that requires a second reading.

The legislative clerk read as follows:

A bill (S. 376) to resolve the current labor dispute involving major league baseball, and for other purposes.

Mr. HATCH. I would object to further consideration of the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican leader, pursuant to 22 U.S.C. 276l, appoints the Senator from Alaska [Mr. STEVENS] as chairman of the Senate delegation to the British-American Interparliamentary Group during the 104th Congress.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, appoints the Senator from Alaska [Mr. MURKOWSKI] as chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 104th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, appoints the Senator from Arizona [Mr. KYL] as chairman of the Senate delegation to the Mexico-United States Interparliamenary Group during the 104th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276a, appoints the Senator from Montana [Mr. BURNS] as chairman of the Senate delegation to the Interparliamentary Union during the 104th Congress.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, appoints the Senator from Delaware [Mr. ROTH] as chairman of the Senate delegation to the North Atlantic Assembly during the 104th Congress.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair announces on behalf of the President pro tempore of the Senate and the Speaker of the House of Representatives, pursuant to section 201 (a)(2) of Public Law 93–344, the appointment of Ms. June Ellenoff O'Neill as Director of the Congressional Budget Office for the term of office beginning on January 3, 1995, effective March 1, 1995.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

ORDERS FOR THURSDAY, FEBRUARY 23, 1995

Mr. HATCH. 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 Thursday, February 23, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leader be reserved for their use later in the day; that there then be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each, with the following Senators to speak for the designated times: Senator MURKOWSKI, 20 minutes; Senator CAMPBELL, 10 minutes; Senator DORGAN, 15 minutes.

I further ask unanimous consent that at the hour of 10 a.m. the Senate resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment.

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

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. HATCH. If there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:10 p.m., recessed until Thursday, February 23, 1995, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate February 22, 1995:

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JOHN CHRYSTAL, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1997. (REAPPOINTMENT.)

GEORGE J. KOURPIAS, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1997. (REAPPOINTMENT.)

GLORIA ROSE OTT, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1996, VICE WELDON W. CASE, TERM EXPIRED.

HARVEY SIGELBAUM, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1996, VICE CAROLYN D. LEAVENS, TERM EXPIRED.

THE JUDICIARY

INEZ SMITH REID, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF 15 YEARS, VICE EMMET G. SULLIVAN.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

To be lieutenant colonel

MILTON D. HUGHES, 000–00–0000

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5035:

VICE CHIEF OF NAVAL OPERATIONS

To be admiral

JOSEPH W. PRUEHER, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

DONALD L. PILLING, 000–00–0000

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. ORTIZ. Mr. Speaker, today, I am joined by a bipartisan group of Members in introducing a bill whose objective is to reduce the rate of birth defects in this country. I am particularly pleased that my colleague from Texas, Congressman HENRY BONILLA, is the lead cosponsor of this vital legislation. The legislation addresses a national health care issue that crosses all geographic areas and affects children of all races and economic classes and is imperative to the public health of all Americans.

Many people may not realize that birth defects are the leading cause of infant mortality in the United States as well as a leading cause of disability and shortened life expectancy. Currently, over 150,000 children are born with a serious birth defect every year. Nevertheless, the United States lacks a coherent, comprehensive national strategy to address the birth defects problem. As a result, there are inadequate State and local resources that work to combat the incidence of birth defects. Consequently, most Americans have insufficient knowledge about birth defects, and remain unaware of the high rate of birth defects in our country.

This legislation, in many ways, is a product of a tragedy in part of my district, Cameron County, TX. It is the result of great anguish and misery experienced by mothers, fathers, and all who sympathize with the loss of a child, or the sadness of a baby born with a deformity.

The discovery of this tragedy began to unfold in March 1991, when a nurse helped deliver two babies in a 36-hour period. Both babies had anencephaly, a lethal birth defect in which the baby either has only a partial brain or no brain at all. This pattern triggered this competent nurse to review recent hospital birth records where she found a pattern of six babies born with anencephaly in the previous month.

The Texas Department of Health and the Centers for Disease Control were notified of the extremely high rate, and a case study of the cluster was initiated. Further research by the Centers for Disease Control and the Texas Department of Health revealed even more anencephaly cases, the largest cluster of such cases ever recorded in such a short period of time in the United States.

The revelation of this cluster created an atmosphere of anxiety and fear in this close-knit community along the United States-Mexico border. Families expecting or planning to one day have a child were fearful of the possibility of anencephaly. Many have put family plans blown investigation. Much has been revealed with the unfolding of this intense investigation, which has included an examination of environmental, nutritional, and genetic factors.

First, we have learned that folic acid has proven to be effective in reducing the recurrence of neural tube defects and may possibly reduce the chance of initial occurrence. In fact, in September 1992, the U.S. Public Health Service issued a recommendation on folic acid stating that all women of childbearing age in the United States who are capable of becoming pregnant should consume 0.4 mg of folic acid per day for the purpose of reducing the risk of having a pregnancy affected with spina bifida or other neural tube defects. The discovery that folic acid can contribute to preventing neural tube birth defects could save many babies each year from disability and death. This news is greatly welcomed.

The events in Brownsville, TX, also called attention to the fact that the prevalence of neural tube defects in Hispanic children was twice the national average. Additional studies show that the Hispanic community, on a nationwide level as well as in some Latin American countries, seems to experience higher rates of anencephaly and other neural tube defects than other ethnic groups.

In order to address the issue of birth defects, this legislation seeks to establish a national, State-based, birth defects surveillance system with regional centers of excellence to determine the unknown causes of birth defects. The bill also enables States to begin or enhance their own birth defects registries. This will ensure that basic information on birth defects can be gathered and analyzed so clusters like that in Cameron County would not have to be discovered accidentally.

The bill also establishes regional birth defects centers of excellence whose purpose is to monitor the changes in the incidence of birth defects by studying surveillance information. This will create a mechanism so that we can act quickly when a cluster is identified, thereby alerting and directing all pertinent Federal, State, and local agencies so that all possible causes, whether environmental, nutritional, or genetic, will be explored. These centers will develop and evaluate preventive services so that we can work to prevent birth defects, and not act in instances after the fact.

The bill also establishes a clearinghouse at the Centers for Disease Control so that information is centralized. We must have the capability of collection, storage, and interpretation of data generated from State birth defects surveillance programs and regional birth defects centers, as well as the ability to disseminate that information in a timely and useful manner.

The Centers for Disease Control is the Federal agency charged with protecting the public ease Control was obviously the best choice as the lead agency to coordinate the Federal, State, and local efforts for this national birth defects program.

In these times of budgetary constraints, many may have concerns about the cost of this bill. A close examination, however, will show that this bill will actually serve to reduce expenditures. It will help save money by reducing the incidence of birth defects, which cost the States and the Federal Government millions of dollars each year in treatment, special education, insurance, and loss of income.

This legislation has already gained bipartisan support, and I am thankful that it has the blessing of so many distinguished Members, particularly Congressman HENRY BONILLA. Additionally, I would like to thank Senator BOND for his lead on this legislation in the Senate. I would also like to thank the March of Dimes for their invaluable contributions and dedication to working toward the prevention of birth defects. The March of Dimes' commitment toward enacting the Birth Defects Prevention Act of 1995 only strengthens this legislation. Other major health organizations have also endorsed this legislation, and I am pleased to submit a list for the record.

The concept of this bill may have derived from a crisis in Brownsville, TX, however, its provisions are important to the Nation as a whole. Birth defects are not simply a regional problem, they are a health issue that should be addressed seriously by all Americans. The Birth Defects Prevention Act of 1995 will serve as an investment in the health of all people of the United States.

Mr. Speaker, I urge my colleagues to support the bipartisan Birth Defects Prevention Act of 1995 by cosponsoring this legislation.

NATIONAL ORGANIZATIONS ENDORSING THE BIRTH DEFECTS PREVENTION ACT OF 1995

American Academy of Pediatrics, American Association of Mental Retardation, American Association of University Affiliated Programs, American College of Medical Genetics, and American Counseling Association.

American Mental Health Counselors Association, American Occupational Therapy Association, American Public Health Association, American Speech-Language-Hearing Association, and The Arc.

Epilepsy Foundation of America, Learning Disabilities Association of America, March of Dimes Birth Defects Foundation, National Association of Children's Hospitals and Related Institutions, and National Center for Learning Disabilities.

National Easter Seal Society, National Society of Genetics Counselors, Society of Craniofacial Genetics, Spina Bifida Association of America, and Teratology Society.

February 17, 1995.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

orable Dante Fascell. For over 40 years, Dante Fascell represented the people of south Florida in both the State legislature and the U.S. Congress.

Very few Americans can claim to have had as distinguished a record of service to their country as Dante Fascell. Born in New York in 1917, his family relocated to Florida when he was 8 years old. He earned his law degree from the University of Miami in 1938, and then served his country with honor in WWII from 1941–46. After leaving the Army, he returned to the private practice of law until he was elected to the Florida State Legislature in 1951. Three years later, he was elected to the U.S. Congress in 1954, where he served with honor until his retirement in 1992.

Dante Fascell came to Congress when virtually all of south Florida was one congressional district. Perhaps no other man has had a greater impact on the face of today's south Florida. He authored the bill that made the Florida Keys a national marine sanctuary, as well as barring offshore drilling there. In 1990, Mr. Fascell enacted legislation that created the prestigious North-South Center at the University of Miami, to foster understanding and better relations within our hemisphere.

As chairman of the House Foreign Affairs Committee, he was a tireless advocate for Radio Marti and the National Endowment for Democracy, both of which promoted the ideas of democracy around the world. He also coauthored the War Powers Resolution of 1973 which required the President to consult with Congress before initiating any military action against a foreign power. Dante Fascell continues to be active in these issues today, currently serving on the board of trustees of the North-South Center and with a number of other activities and organizations in the Miami area.

HAPPY 32D ANNIVERSARY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. YOUNG of Alaska. Mr. Speaker, under the new spirit of a family friendly Congress, I would like to wish my wife, Lu, a happy 32d anniversary this day, February 22, 1995.

EDI REFORM ACT OF 1995

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. TRAFICANT. Mr. Speaker, in 1994 the U.S. Department of Housing and Urban Development [HUD] awarded over $319 million to depressed communities under the Economic the community. Should the applicants be otherwise qualified, they will be selected as funding levels permit. Should, before passage of this legislation, the EDI program be consolidated into a program that awards grant money based on a formula, as has been proposed by the administration, extent of unemployment must be taken into consideration.

In either case, Mr. Speaker, severe unemployment—the root of hopelessness yet heretofore all but ignored—figures prominently in the process.

The EDI is a wonderful program. Enacted in early 1994 as a way to enhance and strengthen section 108 loan guarantees, it has served to not only stimulate the $2 billion section 108 program, but to help secure repayment as well. A public entity, for example, may couple an EDI grant with a section 108 loan to create a large loan pool for businesses to tap into. Such an entity may also use the EDI grant to buy down its own interest rates—thus attracting businesses previously avoiding or fleeing depressed communities.

Last year, cities as diverse as Indianapolis, Atlantic City and Selma have received anywhere between $300,000 and $450,000 to further their efforts to rejuvenate their proud communities and revitalize needy sections of town. Businesses are attracted to places like these, Mr. Speaker. More importantly, businesses choose to stay—thus creating jobs and restoring hope.

The EDI Reform Act of 1995, therefore, will ensure that these jobs are created where they are most needed—in high unemployment areas. Now, cities such as Youngstown, OH, or Yuma, AZ, which suffer from unemployment rates double and triple that of the national average, will have a better chance at improving their communities.

Despite the merits of the EDI Program, it now glosses over the extent of unemployment and, in pending proposals, all but ignores the problem. My bill will make this good program better.

I urge my colleagues to support the EDI Reform Act of 1995.

THE LINE-ITEM VETO

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 22, 1995 into the CONGRESSIONAL RECORD.

THE LINE-ITEM VETO

Hoosiers often express their frustration with unnecessary federal spending—especially for the ''pork-barrel'' projects that seem to be funded year after year. I share this frustration, and have worked for years to curtail the practice of omnibus spending bills that include thousands of individual

VARIOUS VERSIONS

Under current law, the President has authority to submit a request to Congress to defer or rescind specific, line-item appropriations. These requests are known as ''rescissions''. Yet the law is not very tough. Congress needs to approve the rescissions for them to take effect, but there is no requirement that Congress ever consider the President's request.

In recent years, many have argued for a system that requires Congress to take an immediate vote on the President's line-item rescissions package. No longer able to ignore the President's requests, Members would be forced to take a stand on individual spending items. This enhanced rescission proposal is one form of a line-item veto. With my support, the House has passed such legislation several times. However, the measure has never come to a vote in the Senate.

The House has considered many different versions of the line-item veto over the years. I have supported some and opposed others. The key points for me are that they be tough on exposing unnecessary spending and preserve the constitutional balance of powers.

HOUSE BILL

In early February, the House passed a version of a line-item veto. It would give the President 10 days after signing a spending or revenue bill to submit a package of spending cuts or targeted tax benefits to be eliminated. These recommendations would go into effect unless Congress rejected the package by a two-thirds vote in both the House and the Senate.

This version went too far in some ways and not far enough in others. I continue to support a line-item veto. But the final version that passed the House shifts far too much power to the President, threatens the constitutional separation of powers, and is not tough enough on tax loopholes and deficit spending. There is a better alternative.

The version I favored would allow the President to use the line-item veto at any time—not just within 10 days—and would permit the President to force Congress to use the savings for deficit reduction instead of for other programs. It would require Congress to take an immediate vote on the President's package, which could be enacted with majority approval. Under this system, the President could turn the national spotlight on an item of unnecessary spending and force Congress to cast an explicit and immediate vote on it. The President would win most of these votes. The approach achieves the purpose of a line-item veto without a dangerous shift of power to the President. The House did not approve this version, but passed another version.

My key concern with the version that passed the House is that it would shift enormous power to the President. It would allow him and 146 Members of the House or 34 Senators—representing as little as 7% of the population—to control the fiscal policy of the entire federal government. In addition, this version would allow the President to cut all or part of any program—a power few governors have. It would permit a President basically to rewrite an entire spending bill. Congress should not surrender the budget-

much power. In recent years, presidential power has grown at the expense of congressional authority.

The version that passed the House is also weak on controlling wasteful tax loopholes. It defines ''targeted tax benefits'' as tax loopholes that benefit 100 or fewer taxpayers. Tax benefits cost us as much as $400 billion per year, but this definition of tax benefits does not even begin to scratch the surface of the problem. I voted for a broader definition which would have allowed targeting any tax provision giving ''different treatment to a particular taxpayer or limited class of taxpayers''. This was the definition contained in the GOP's ''Contract With America.'' Most tax benefits are worthy, but some can be wasteful and costly.

This bill now goes to the Senate for consideration, where Senators of both parties have expressed reservations about its constitutionality, as well as its limited effect on tax loopholes and deficit reduction. These concerns may be addressed in the Senate. I want to vote for a tough line-item veto that will stand the test of time.

LIMITATIONS

A line-item veto can help eliminate government waste, but it is easy to overestimate its effectiveness. The only kind of spending a line-item veto applies to is discretionary spending, not those parts of the budget that have increased most dramatically—entitlements and interest on the debt. Discretionary spending is the area of the budget that has been held most in check. As a share of total federal spending it has fallen from 44% in 1985 to 36% this year. The line-item veto is less about deficit reduction than responsible spending policy.

CONCLUSION

Depsite its drawbacks, a line-item veto can be a useful tool in eliminating wasteful spending and tax loopholes. The tough version I have supported would achieve this without resulting in a dangerous shift of power to the President.

TRIBUTE TO DR. JOEL FRANKEL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Dr. Joel Frankel for his outstanding contributions to his community and his profession.

The Concordia Chapter of the City of Hope, National Medical Center, and the Beckman Research Institute have chosen to present their annual Spirit of Life Humanitarian Award to Dr. Frankel for his over 25 years of outstanding commitment to the people of Broward County, and to the science of medicine.

Dr. Frankel was born and raised in Israel. Following service in the Israeli Army, he moved to New York City to pursue higher education. He graduated magna cum laude from Adelphi University, and went on to study medicine at the State University of New York.

Following his graduation from medical school, he spent 5 years at Mount Sinai Medi- Frankel is a founder and chairman of the board of the Florida Institute of Health. FIH is a rapidly growing multispecialty group practice that began in 1993 and currently is composed of 50 physicians and serves approximately 70,000 patients.

Dr. Frankel and his wife Ellen have been married for 27 years, and they have 2 children, Michael, 21; and Stacy, 17.

Dr. Frankel's contributions to his community make him eminently worthy of the award being bestowed upon him. City of Hope, one of America's foremost medical and research centers, is dedicated to patient care, education, and research in leukemia and other cancers, diseases of the heart, lung, blood, and basic studies in genetics, the neuroscience, diabetes, and AIDS.

I salute Dr. Frankel and the City of Hope for their exemplary public service.

THE ''ERISA TARGETED HEALTH INSURANCE REFORM ACT OF 1995''

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. FAWELL. Mr. Speaker, last year reform of health care focused on what was wrong with the system. This year reform should be driven by what is working in the system and how we can expand on what is being done. Yesterday, I introduced the ERISA Targeted Health Insurance Reform Act. I also introduced a related bill, the Targeted Individual Health Insurance Reform Market Act which I will explain separately.

Joining as original cosponsors of the ERISA targeted bill are: My colleagues Representatives BILL GOODLING, DICK ARMEY, TIM PETRI, MARGE ROUKEMA, CASS BALLENGER, PETE HOEKSTRA, BUCK MCKEON, JAN MEYERS, JIM TALENT, JAMES GREENWOOD, TIM HUTCHINSON, JOE KNOLLENBERG, LINDSEY GRAHAM, DAVE WELDON, and DAVID MCINTOSH.

Our approach to fixing the problems—primarily lack of access to affordable coverage—is fundamentally different than that taken by the Clinton administration and Congress last year. In developing this legislation, we took the hippocratic oath: First, do no harm. We carefully target reforms to fix the problems without doing harm to the choice and quality of care enjoyed by most Americans. Moreover, we will not disturb the revolution in innovation and competition going on in the private sector—instead, we will build on it.

The legislation we are introducing addresses the problem areas in health care insurance: portability, preexisting conditions, and affordable coverage for small employers.

Most importantly, the framework builds on the successful and time-tested cornerstone of employee benefits law, the Employee Retirement Income Security Act [ERISA]. Under ability and limits on preexisting conditions under health plans will help eliminate job lock. It gives increased purchasing power for employers and employees. Increased health plan competition will mean more affordable choice of coverage for many Americans.

Our legislation makes these targeted reforms without forcing Americans to give up their current coverage or restrict their choice of coverage—it should actually expand choice. Nor do we impose employer mandates, price controls, or a one-size-fits-all benefit package. Moreover, the legislation does not require any Government subsidies, expenditures, or taxes.

We have worked with many organizations in developing this legislation and have received a number of letters supportive of our effort to begin the debate on health insurance reform. So far, we have supportive letters from: the National Federation of Independent Business, the U.S. Chamber of Commerce, the ERISA Industry Committee, the National Association of Wholesalers, the National Association of Manufacturers, the Self-Insurance Institute of America, Associated Builders and Contractors, the Association of Private Pension and Welfare Plans, the National Business Coalition on Health, the National Retail Federation, the National Restaurant Association, Mutual of Omaha, and New York Life.

I've attached a section by section analysis of the first bill, the ERISA Targeted Health Insurance Reform Act, that has five subtitles (A through E). I will now explain what is contained in subtitles A and B. Subtitle A, entitled ''Increased Availability and Continuity of Health Coverage for Employees and Their Families'' deals with the subject matter of portability, limitations on preexisting condition exclusions, and private standard setting organizations. Subtitle B, entitled ''Requirements for Insurers Providing Health Insurance Coverage to Group Health Plans of Small Employers'' contains fair rating standards and rules relating to insurance availability in the small group market. After I've explained this, I will, at another time, explain subtitles C, D, and E.

THE ERISA TARGETED HEALTH INSURANCE REFORM ACT OF 1995

SUMMARY

The ERISA Targeted Health Insurance Reform Act of 1995 presents a well-targeted and workable framework within which incremental health insurance reform can be enacted this year.

The framework builds on the successful and time-tested cornerstone of employee benefits law set in 1974 under ERISA. Under the umbrella of ERISA, near ''universal health coverage'' has been afforded the employees of larger companies. It is long-overdue that cost-conscious small employers be given the opportunity to achieve the economies of scale and freedom from excessive government regulation and taxation that have been ERISA's hallmark. The problems of uninsured families can be strongly attacked by removing barriers and releasing the purchasing power of employers acting

saving innovations into the marketplace and into the 21st century.

In addition to addressing the problems of the uninsured and cost-control, the legislation contains important new protections and freedoms for workers who must compete in a more mobile workforce. No longer would covered workers face job-lock because they fear the lack of access to health insurance or denial of coverage because of a preexisting health condition.

The bill contains targeted but important elements of health insurance reform including participation, portability, renewability, utilization review, solvency, claims processing and fair rating standards.

The foundation of this bill, built upon ERISA, is to create an unfettered 21st century framework in which employers, employees, and their representatives are free to set the level of their health benefit promises and in which those promises will be better kept.

WHAT THE ERISA TARGETED HEALTH INSURANCE REFORM BILL DOES

New protections and freedoms for workers in a mobile workforce

Portability and limits on preexisting conditions under health plans helps eliminate job-lock (e.g. if an employee once chooses insurance coverage they do not have to again satisfy a preexisting condition as long as some form of coverage is continued).

Participation standards require annual open enrollment and limits exclusions based on certain age, service, and income criteria.

Insurers and multiple employer plans must guarantee the renewal of health coverage.

Increased purchasing power for employers and employees

Barriers are removed for employers to voluntarily form multiple employer health plans of the fully-insured and self-insured variety.

Barriers are removed to the formation of employer health coalitions enabling single and multiemployer plans to negotiate agreements with providers.

Let the market roar: Increased health plan competition means more affordable choice of coverage

State benefit mandates are limited.

State anti-managed-care laws are restructured and, instead, uniform standards are encouraged.

Restrictive state laws relating to Provider Health Networks, Employer Health Coalitions, insured plans, and self-insured plans are preempted.

Buyer cost awareness is encouraged through Medisave plans.

Access to fully-insured coverage expanded for employees of small employers

Insurers must open their small group (under 51 employees) markets to all eligible buyers.

Fair rating standards limit premium variations among similarly situated groups which balances the need to make insurance more affordable, but avoids ''sticker shock'' for the currently insured.

Increased consumer protections under ERISA plans

Claims processing and determinations must be timely and participant remedies are improved.

It does not impose employer mandates that result in lost wages and lost jobs.

It does not require any new federal spending or new taxes.

It does not have unfunded state or local mandates.

It does not have price controls or impose government-prescribed health care budgets that would lead to rationing or lower quality of care.

It does not establish a government-run health care system, nor does it create a massive bureaucracy.

It does not deny employers the right to self-insure, but does allow more employers to do so.

It does not impose a single, one-size-fits-all, national benefits package determined by the government.

Title I

Subtitle A—Increased availability and continuity of health coverage for employees and their families

The purpose of this subtitle is to expand access to affordable group health coverage for employers, employees, and their families and to help eliminate job-lock and the exclusion of such individuals from coverage due to preexisting condition restrictions.

Sec. 1001.—Access to affordable health plan coverage.

This section adds a new ERISA Part 8 providing for nondiscrimination, portability, renewability, and participation standards under Subpart A; encouragement of private standards—setting organizations for utilization review and provider networks under Subpart B; and standards and enforcement mechanisms applicable to insurers under Subpart C.

ERISA Part 8—Access and continuity of, Health Plan Coverage

''Sec. 800. Definitions and special rules.

Erisa Subpart A—Nondiscrimination, Portability, Renewability, and Plan Participation Standards

''Sec. 801. Nondiscrimination and limitations on preexisting condition exclusions.

''Sec. 802. Portability.

These sections of Part 8 of ERISA limit preexisting condition restrictions under all employer group health benefit plans, including self-funded plans. The same provisions also apply to health insurance coverage sold in the small group market. Section 8 provides that a child who is covered at birth or adoption and remains covered shall not be considered to have a preexisting condition at the time of birth or adoption.

The provisions will help end job-lock and assure continuous availability of health coverage by prohibiting preexisting condition restrictions for those who are continuously covered and elect coverage when first eligible. Coverage is considered ''continuous'' as long as any lapse in coverage is not longer than 3 months (6 months for employees who terminate employment). Generally, plans may not have more than a 3/6 preexisting exclusion (i.e. treatments or diagnoses in the 3 months prior to coverage could be excluded from coverage for up to 6 months). Insurers in the small group market can also offer 6/12 coverage.

''Sec. 803.—Requirements for renewability of coverage.

tion: (1) a waiting period beyond 90 days, (2) attainment of a specified age, (3) that an employee be highly compensated, or (4) that an employee perform more than a ''year of service'' as currently defined under ERISA. Employer contributions to a group health plan are not required.

An annual enrollment period of 30 days must be provided to enable employees to enroll in such coverage as provided under the terms of each group health plan. Employees and dependents may also enroll for coverage at the time of the loss of other coverage (if such coverage was the reason for declining enrollment when first eligible).

Subpart B—Encouragement of Private Standards Setting Organizations for Provider Networks and Utilization Review Under Group Health Plans

''Sec. 811.—Encouragement of private standards setting organizations for provider networks under group health plans.

''Sec. 812.—Encouragement of private standards setting organizations for utilization review under group health plans.

This Subpart B of ERISA encourages the establishment of private standards setting organizations to provide certain guidelines which would be applicable to provider networks under provider networks and toutilization review procedures under group health plans.

The standards which group health plans would look to from any such private entity would be related to (1) reasonably prompt access of individuals to covered services, (2) the extent to which emergency services are provided to individuals outside the provider network, (3) notification and review regarding the termination of providers from a network, and (4) conditions relating to utilization review, including timely review and provider participation in such decisions.

ERISA Subpart C—Establishment of Standards; Enforcement

''Sec. 821.—Establishment of standards applicable to insurers offering health insurance coverage to group health plans.

''Sec. 822.—Enforcement with respect to insurers offering health insurance coverage to group health plans.

''Sec. 823.—Preemption.

The standards applicable to group health plans under ERISA Subparts A and B are generally enforced under ERISA Part 5.

With respect to the standards applicable to insurers only, and not to group health plans, states may (in accordance with Sections 821 and 822) implement and enforce the nationally uniform standards under Subparts A and B, including the uniform regulations which may be recommended by the NAIC. States that voluntarily elect to implement such standards have the exclusive authority to enforce such standards as they apply to insurers and not to the group health plans which purchase health insurance coverage. In this fashion the traditional regulation of insurers by the states is preserved while the uniform regulation of group health plans under ERISA is not disturbed.

Pursuant to the preemption provisions under Section 823, a state may not establish or enforce standards applicable to insurers

to expand access to health insurance by making private health insurance coverage marketed to small employers more affordable and available regardless of an employee's health status and previous claims experience.

ERISA Subpart D—Requirements for Insurers Providing Health Insurance Coverage to Group Health Plans of Small Employers

''Sec. 831.—Definitions.

''Sec. 832.—Requirements for insurers to offer general, catastrophic, and Medisave coverage to small employers.

''Sec. 833.—General, catastrophic, and Medisave coverage defined.

These sections provide for the availability of health insurance coverage to all small employers from those insurers who sell health insurance in the small group market. Insurers would be required to open their general coverage market to small employers and to offer a catastrophic plan with higher cost-sharing provisions (unless the insurer is an HMO or does not otherwise offer fee-for-service coverage). Insurers may also offer a Medisave plan that includes catastrophic coverage with an integrated family medical savings account. Among the general policies offered must be a fee-for-service option, a managed care option, and point-of-service option, but only if these are made available by the insurer under other policies of insurance. Insurers must accept every small employer and every eligible employee of a small employer who applies for coverage under a plan as long as the plan meets the minimum participation requirements. The initial and annual enrollment periods of 30 days applicable to small group plans are identical to those applicable to all group health plans under section 804.

''Sec. 834.—Use of fair rating, uniform marketing materials, and miscellaneous consumer protections.

''Sec. 835.—Establishment of standards.

''Sec. 836.—Enforcement.

''Sec. 837.—Preemption.

Under these sections, insurers must use fair rating standards in setting initial and renewal premiums in the small group market. In general, premiums may vary for age, geographic area, family class, and administrative category for a particular benefit design. Discounts for employer wellness programs may also be given.

When the fair rating standards are first effective, the premiums of two employers having workforces with similar demographic characteristics cannot vary by more than 50% based on initial underwriting factors or in subsequent years, based on claims experience. This rule and the permitted one year surcharge for coverage containing the less restrictive 3/6 preexisting condition clause will help insulate currently insured employers for the premium ''sticker shock'' which could otherwise result from more restrictive rules. Suggestions as to the extent to which this 50% variation may be reduced over time without reducing coverage are solicited from the NAIC and other interested parties.

Such premium variations for individual employers participating in a qualified association which is experience-rated is not permitted.

Under sections 835 and 836 states may, but are not required, to implement and enforce standards with the uniform standards. After such period standards differing from the uniform standards are preempted under section 837.

Sec. 1102. Effective date.

In general the requirements of ERISA Subpart D apply on January 1, 1998 with regard to insurers offering health insurance coverage to small employers.

Subtitle C—Encouragement of multiple employer health plans and preemption

The purpose of this subtitle is to improve access to health coverage and lower insurance costs for both small and larger employers by encouraging the establishment of multiple employer purchasing arrangements, by eliminating costly state regulations, and by freeing market forces and creating a more competitive environment in which health care is delivered.

Sec. 1201—Scope of State Regulation

ERISA Subpart E—Scope of State Regulation

''Sec. 841—Prohibition of State benefit mandates for group health plans.

''Sec. 842—Prohibition of provisions prohibiting employer groups from purchasing health insurance.

''Sec. 843—Preemption of State anti-managed care laws.

These sections facilitate the ability of employers to form groups for the purpose of purchasing fully-insured health insurance coverage. The provisions will help reduce costly regulation and allow any group of employers to form any arrangement to purchase insurance. The preemption of anti-managed care laws is intended to allow market forces to operate to help contain health care costs.

Section 841 will also help lower costs, eliminate inter-state barriers, and provide a level playing field between insured and self-funded plans by eliminating burdensome and expensive state mandates. Although states could continue to mandate a comprehensive and basic benefit package, insurers would be free to design and offer employers and employees the type of coverage they want and can afford.

Sec. 1202—Preemption of state laws for Multiple Employer Benefits Plans meeting Federal Standards.

Part 7—Multiple Employer Health Plans

Sec. 701. Definitions.

Sec. 702. Exempted multiple employer health plans relieved of certain restrictions on preemption of State law and treated as employee welfare benefit plans.

Sec. 703. Exemption procedure.

Sec. 704. Eligibility Requirements.

Sec. 705. Additional requirements applicable to exempted multiple employer health plans.

Sec. 706. Disclosure to participating employers by arrangements providing medical care.

Sec. 707. Maintenance of reserves.

Sec. 708. Notice requirements for voluntary termination.

Sec. 709. Corrective actions and mandatory termination.

Sec. 710. Expiration, suspension, or revocation of exemption.

Sec. 711. Review of actions of the secretary.

exemption include certain collectively-bargained and ''single-employer'' plans that otherwise fail to meet criteria exempting them from the MEWA definition. Also certain employer associations, employee leasing arrangements, and provider health networks may also qualify. Arrangements receiving an exemption would be subject to uniform standards under ERISA regarding reporting, disclosure, fiduciary requirements, and new funding/reserve requirements. Regulations would be promulgated by the Department of Labor in connection with the standards. Arrangements operating multiple employer health plans would be required to notify the states in which they operate. In addition, new arrangements could not commence operations unless an exemption is obtained. Failure to follow this procedure would result in criminal penalties. States could enter into agreements with the Departmentregarding the enforcement of the federal statutory and exemption standards for exempted arrangements.

Sec. 1203—Clarification of scope of preemption rules.

Sec. 1204—Clarification of treatment of single employer arrangement.

Sec. 1205—Clarification of treatment of certain collectively bargained arrangements.

Sec. 1206—Employee leasing health care arrangement.

Sec. 1207—Enforcement provisions relating to multiple employer welfare arrangements and employee leasing health care arrangement.

Sec. 1208—Fling requirements for multiple employer welfare arrangements providing health benefits.

Sec. 1209—Cooperation between Federal and State authorities Sec.

Sec. 1210—Clarification of treatment of employer health coalitions.

Sec. 1211—Single annual filing for all participating employers.

Sec. 1212—Effective date; transitional rules.

Subtitle D—Remedies and enforcement with respect to group health plans

This subtitle includes provisions for expediting the claim process and clarifying the remedies available in the case of claims disputes under ERISA group health plans.

Sec. 1301.—Claims procedures for group health plans.

This section expedites the claims process under ERISA health plans by requiring that claims for medical benefits be approved within 45 days of the filing completion date. A full and fair review must also be provided within 45 days of the review filing date. Requests for emergency preauthorization must be provided within 10 days (or 48 hours in the case of extreme emergencies), with the opportunity for a full and fair review of each within the same time period for approval. The same time frames for approval and review would apply to requests for utilization review determinations and emergency utilization review determinations.

Sec. 1302.—Available court remedies.

This section amends Section 502 of the Employee Retirement Income Security Act of 1974 (ERISA) to provide for the following court remedies in the case of a plaintiff prevails in a claim for benefits: (1) a cease and

The amendments to ERISA in this Subtitle take effect January 1, 1998.

Subtitle E—Funding and plan termination requirements for self-insured group health plans

Sec. 1401.—Special rules Self-Insured Group Health Plans.

This section adds a new section 610 to ERISA Part 6 providing for plan termination and funding requirements for certain plans. Under subsection 610(b) the single-employer self-insured group health plans maintained by small employers are required to establish reserves in an amount equal to 25% of expected annual incurred claims and expenses or the estimated amount of incurred, but unpaid, claims, if greater. Alternative means of meeting such requirements would take into account factors such as the size of the plan, the benefit design, the presence of stop-loss coverage, and either security, guarantee, or financial arrangements. The self-insured plans maintained by large plan sponsors who meet certain distress criteria would also have to file notice and a financial plan demonstrating the basis for the continued timely payment of benefits. A safe-harbor for large plans meeting the above described reserve requirements for small plans would be provided, thus obviating the need to file such a notice in the event of the distress of the plan sponsor. Multiemployer plans would have to maintain contributions and assets at a level so as to avoid becoming financially overburdened.

New ERISA section 611 spells out the requirements for notice and procedures related to the voluntary termination of self-insured plans and to the mandatory termination by the Secretary of Labor of such plans in the event of their failure to meet reserve or other requirements.

Sec. 1402.—Effective Date.

Section 610 applies to plan years beginning on or after January 1, 1998.

WITH NEW NAACP LEADER WE CAN HAVE HOPE

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, the selection this past weekend by the National Association for the Advancement of Colored People [NAACP] of Myrlie Evers-Williams as its new chairwoman, comes at a crucial time for new and aggressive leadership of our Nation's oldest civil rights organization.

I congratulate Mrs. Evers-Williams, and I salute the NAACP for its courage in making tough choices. Tough choices are never easy to make, and I doubt if this will be a choice made in vain.

Mrs. Evers-Williams now has before her the immediate task of protesting G.O.P. roll-backs of civil rights gains spearheaded by her organization over the past three decades. These are civil rights policies—labeled affirmative action programs—that have been set in place in males.

On the west coast—in California—voters who last year denied services to illegal immigrants, were gearing up to decide whether to end State programs that broaden opportunities for those most in need—women and racial/ethnic minorities.

How symbolic that such battles are taking place during Black History Month. How frightening that these battles must take place again—or even at all.

I stand with our freedom fighters willing to continue the struggle for civil rights for all Americans. Indeed, anyone who has benefited from these rights is obligated to rise today to ward off this vicious, mean-spirited attack against our hard fought gains.

Mr. Speaker, listen to the message being delivered to America today. The people want opportunity. The people want freedom of choice. Don't allow roll backs of the struggles for civil rights. Let this great Nation of ours continue becoming even greater. In other words, leave our civil rights gains alone.

FCC TAX CERTIFICATE PROGRAM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. RICHARDSON. Mr. Speaker, yesterday the House unwisely voted to eliminate the Federal Communications Commission's tax certificate program to encourage minority ownership of telecommunications entities. This program has successfully allowed minorities to add their voice to society through our Nation's vast array of communications media. All Americans must have access to the means of communication and FCC's tax certificate program ensures diversity of content. My friends at the Minority Media and Telecommunications Council have put together a list of 14 points on the importance of this program. I urge my colleagues on the House and Senate side to consider the following points.

WHY THE FCC'S TAX CERTIFICATE POLICY SHOULD BE RETAINED

1. The policy benefits taxpayers. By involving otherwise excluded minorities in media ownership, more broadcast and cable properties reach their highest valued use, thereby creating jobs and generating investment and tax revenues. The policy's reinvestment feature retains capital in the media industries, where it helps build the communications infrastructure. Furthermore, the policy helps minority business succeed and ultimately become taxpayers.

2. The FCC was justified in adopting the policy in 1978. It had before it an extensive staff report documenting the need for minorities to participate in the broadcasting industry as owners, and the need for marketplace intervention to help achieve that objective. The Reagan FCC supplemented that record in 1982. Even when the Commission

4. The policy is consistent with the original intent of Section 1071, and with the Commission's interpretation of Section 1071. Congress gave the Commission wide discretion in the implementation of Section 1071. In applying Section 1071 to other diversity-promoting contexts, the Commission exercised its discretion with Congressional endorsement. The Commission followed the same procedures in using tax certificates to promote minority ownership.

5. The policy has delivered important benefits to the public. Extensive research cited in *Metro Broadcasting, Inc. v. FCC,* 497 U.S. 547, 579–84 (1990) demonstrates that the minority ownership promotes diversity in service to the public. Minority owners are industry leaders in hiring and training minorities, and in providing information which is unavailable from other outlets. The policy has delivered value far beyond the public's investment.

6. The policy evolved as a highly desirable substitute for intrusive content-based regulation. Any weakening of the policy will severely undermine—and could prompt reexamination—of the FCC's reliance on its minority ownership policies as a substitute for content-based regulation in promoting First Amendment values.

7. The policy is fair. It has never been seriously accused of disadvantaging whites, since it is neither a quota nor a set aside.

8. The policy is very cost effective. It goes to the heart of the problem—access to capital. Moreover, it is very inexpensive to administer.

9. The policy is especially valuable to the cable industry. Cable operators possess unique power to select the range of programming available to viewers and to stimulate diversity in the national programming marketplace. Thus, diversity in cable ownership is especially critical to cable viewers.

10. Weakening the policy would make it commercially irrelevant. The policy's incentive to sell properties to minorities is only moderate, having been primarily responsible for increasing minority broadcast ownership from almost zero to 2.7% in 15 years. That is very significant but hardly indicative of a massive rush by sellers to trade with minority buyers.

11. The policy should be applied to transactions regardless of size. The policy was designed to help minorities enter the mainstream of American commerce. While tax certificates have been primarily used for small transactions, one might occasionally be used for a larger transaction, given the growth in the communications industry. Because other companies had such a long headstart in spectrum access and media ownership, no minority broadcaster or cable system owner has yet attained sufficient size and influence to justify ''graduation'' out of the program.

12. Third parties have a fair chance to challenge applicant bonafides. In questions from the bench in *Adarand Constructors v. Peña,* No. 93–1841 (argued January 17, 1995), Justice O'Connor expressed concern that third parties should have a meaningful opportunity to challenge specific transactions. The FCC's well established petition to deny process affords challengers that right. Indeed, abuses

under the policy, and procedures for additional scrutiny of the *bonafides* of tax certificate applicants. Congress should receive the FCC's report before considering statutory modifications to the policy.

14. If policy changes are considered, they absolutely should not be made retroactively. Strong businesses develop operating plans based on the reasonable assumption that government regulations will be changed only prospectively and with reasonable notice. Retroactive decision making is anti-business, and is virtually unknown in business regulation.

CONGRESSMAN KILDEE HONORS VOLUNTEERS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. KILDEE. Mr. Speaker, I rise today to honor the volunteers of Genesee County for their commitment to our community. National Volunteer Week, scheduled for April 23 to 29, is a fitting time to honor the men and women who give so generously of their time and talents.

Every day, countless volunteers throughout our community work to address the fundamental necessities of our people, educating our youth, protecting our environment, caring for those in need. From children who help older Americans after school to volunteer firefighters who guard our neighborhoods while we sleep, these dedicated individuals bring a sense of hope and security to everyone whose lives they touch. Their service makes us stronger as a nation, setting a powerful example of leadership and compassion to which we all can aspire.

Since the founding of our democracy, the ideal of community service has been an integral part of our national character. We all owe a deep debt of gratitude to our fellow citizens who take the time to volunteer to serve the needy of our community. Their efforts make our community a better place in which to live, work, and raise families. They have our sincerest thanks.

PERMANENT EXTENSION OF THE HEALTH INSURANCE DEDUCTION FOR THE SELF-EMPLOYED

SPEECH OF

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health

As one who has previously cosponsored legislation that would extend the 25-percent personal income tax deduction for health insurance cost for individuals who are self-employed, I am pleased that the Ways and Means Committee and the House leadership have brought this bill forward in such an expedient manner. It is important that we move quickly in approving this legislation, which lapsed on December 31, 1993, because the American taxpayers deserve to know that they can count on this deduction as they prepare their taxes before the April 15 filing deadline.

Fairness dictates that we restore this deduction. We should not punish individuals based solely on the fact that they are self-employed. Fairness also dictates that this deduction be made permanent so that the taxpayers know year to year that they can count on this deduction. This Congress should be encouraging individuals to purchase health care insurance, and H.R. 831 will play a significant role in reaching this goal.

It is my hope that our colleagues in the other body will move expeditiously in approving this legislation, so that self-employed individuals in our Nation are able to prepare their tax returns before the April 15 filing deadline and know that they will not have to file amended returns, and also secure in the knowledge that this important deduction will not lapse again. I urge my colleagues to join with me in strong support of this legislation.

UP AND COMING KANSAS CITY LEADERS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Ms. McCARTHY. Mr. Speaker, today I rise to honor 25 up and coming business and civic leaders of the Kansas City area. They have given of themselves not to receive praise for their accomplishments, but to advance causes they strongly believe in. These distinguished leaders of Kansas City will be recognized at the Up and Coming Awards ceremony on February 23. This prestigious event is sponsored by Junior Achievement of Middle America, The Kansas City Business Journal, and local business leaders.

A panel of six judges, community leaders in their own right, selected this year's leaders. The selection criteria are demanding. These up and coming leaders must adhere to the highest moral and ethical principles, must be recognized by their peers and professional associates as making significant contributions to the success of their business or organizations, and have exhibited vision for their community. Each of them must have demonstrated courage, creativity, and energy in the promotion of Kansas City as a place to live and work, and serve as a role model for others in their field and community.

ates.

Thomas J. Davies, president of the Olathe Bank.

Rafael I. Garcia, president of Rafael Architects Inc.

Martha Gershum, national marketing manager, Keller Graduate School.

Linda Hanson, president, Mark Twain Kansas City Bank.

Dalton Hermes, president, Hermes-Landscaping Inc.

Sarah Beeks Higdon, senior trust officer, Commerce Bank.

John M. Holland, executive vice president, B.C. Christopher.

Dennis G. Kasselman, senior vice president, Marketing and Development.

Gail Lozoff, president, CEO, Bagel and Bagel.

Aaron G. March, partner, Polsinelli, White, Vardeman, & Shalton.

Ross P. Marine, administrator, Truman Medical Center East.

Cris Medina, executive director, Guadelupe Center Inc.

Roshann Parris, president, Parris Communications Inc.

B. John Ready III, Trust Administration Department head, Smith, Gill, Fisher, & Butts.

Dr. Carol V. Spring, executive director, The National Conference of Christians and Jews.

Bailus M. Tate, vice president, Human Resources, Kansas City Power and Light Co.

William D. Wagner, president and owner, Columbian Steel Tank Co.

Kevin F. Warren, owner-chief executive officer, Kevin F. Warren & Associates Inc.

Maurice A. Watso, Blackwell, Sanders, Matheny, Weary & Lombardi, LC.

Dr. Michael L. Weaver, director of emergency services, St. Luke's Hospital.

David P. White, executive director, Youth Opportunities Unlimited Inc.

David Wroe, music director-conductor, Kansas City Camerata.

DESIGNATING OBSTETRICIAN-GYNECOLOGISTS AS PRIMARY CARE PHYSICIANS

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to urge my colleagues to support legislation that would designate ob-gyns as primary care physicians in future Federal legislation. I introduced legislation, House Resolution 30, with Representative LARRY COMBEST that would express the sense of Congress that we provide this basic assurance to America's mothers, daughters, and sisters.

In 1990, almost 60 percent of women's visits for general medical examinations were to

cians, although the legislation it amended was never considered on the House floor. House Resolution 30, which has the same goal, now has the bipartisan support of 115 Members of Congress. I urge my colleagues to join with us in expressing our support for designating obgyns as primary care physicians.

TARGETED INDIVIDUAL HEALTH INSURANCE REFORM ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. FAWELL. Mr. Speaker, yesterday, I introduced H.R. 996, the Targeted Individual Health Insurance Reform Act of 1995, under which access to coverage will be expanded for individuals. Joining me as original cosponsors were Representatives BILL GOODLING, TOM PETRI, MARGE ROUKEMA, CASS BALLENGER, PETE HOEKSTRA, BUCK MCKEON, JAN MEYERS, JIM TALENT, JAMES GREENWOOD, TIM HUTCHINSON, JOE KNOLLENBERG, LINDSEY GRAHAM, DAVE WELDON, and DAVID MCINTOSH.

A section-by-section analysis of H.R. 996 follows:

TARGETED HEALTH INSURANCE REFORM IN THE INDIVIDUAL MARKET

SUMMARY

This legislation providing individual market reforms presents a well-targeted and workable framework within which incremental health insurance reform can be enacted this year.

The bill contains targeted but important elements of health insurance reform in the individual market including non-discrimination, portability, renewability, utilization review, and fair rating standards.

WHAT THE TARGETED HEALTH INSURANCE REFORM BILL DOES

New protections and freedoms for workers in a mobile workforce

Portability and limits on preexisting conditions under health plans helps eliminate job-lock (e.g. if an employee once chooses insurance coverage they do not have to again satisfy a preexisting condition as long as some form of coverage is continued, whether obtained in the individual market or otherwise).

Insurers and multiple employer plans must guarantee the renewal of health coverage.

Let the market roar: Increased health plan competition means more affordable choice of coverage

State benefit mandates are limited.

State anti-managed-care laws are restructured and, instead, uniform standards are encouraged.

Buyer cost awareness is encouraged through Medisave plans.

Access to fully-insured coverage expanded for individuals

Insurers must open their individual markets to all eligible buyers.

their current health insurance coverage, nor does it restrict their choice of coverage (in fact, it will help expand their choice).

It does not impose mandates that result in lost wages and lost jobs.

It does not require any new federal spending or new taxes.

It does not have unfunded state or local mandates.

It does not have price controls or impose government-prescribed health care budgets that would lead to rationing or lower quality of care.

It does not establish a government-run health care system, nor does it create a massive bureaucracy.

It does not impose a single, one-size-fits-all, national benefits package determined by the government.

Title II

Subtitle A—Increased availability and continuity of health coverage for individuals

The purpose of this subtitle is to expand access to affordable health coverage for individuals and their families and to help eliminate job-lock and the exclusion of such individuals from coverage due to preexisting condition restrictions.

Part I—Nondiscrimination, Portability, Renewability, and Plan Participation Standards

Sec. 2001.—Nondiscrimination and limitations on preexisting condition exclusions.

Sec. 2002.—Portability.

These sections limit preexisting condition restrictions under all general health insurance coverage offered in the individual market. This section provides that a child who is covered at birth or adoption and remains covered shall not be considered to have a preexisting condition at the time of birth or adoption.

The provisions will help end job-lock and help assure continuous availability of health coverage for both the employed who lack access to employer coverage as well as non-employed individuals by prohibiting preexisting condition restrictions for those who are continuously covered. Coverage is considered ''continuous'' as long as any lapse in coverage is not longer than 3 months. Generally, plans may not have more than a 6/12 preexisting exclusion (i.e. treatments or diagnoses in the 6 months prior to coverage could be excluded from coverage for up to 12 months). Insurers in the small group market can also offer 12/12 coverage.

Sec. 2003.—Requirements for renewability of coverage.

This section prohibits health insurance coverage offered by insurers from being canceled or denied renewability except for reasons of: (a) nonpayment of premiums, (b) fraud or misrepresentation, (c) noncompliance with plan provisions, and (d) certain other conditions.

Part 2—Encouragement of Private Standards Setting Organizations for Provider Networks and Utilization Review

Sec. 2011.—Encouragement of private standards setting organizations for provider networks.

Sec. 2011.—Encouragement of private standards setting organizations for utilization review.

individuals outside the provider network, (3) notification and review regarding the termination of providers from a network, and (4) conditions relating to utilization review, including timely review and provider participation in such decisions.

Part 3—Requirements for Insurers Providing Health Insurance Coverage in the Individual Market

In general, the purpose of this Part is to expand access to health insurance by making private health insurance coverage marketed to individuals more affordable and available.

Sec. 2021.—Requirements for insurers to offer general, catastrophic, and Medisave coverage in the individual market.

This section provides for the availability of health insurance coverage to eligible individuals from those insurers who sell health insurance in the individual health insurance market. Insurers would be required to open their general coverage market to individuals and to offer a catastrophic plan with higher cost-sharing provisions (unless the insurer is an HMO or does not otherwise offer fee-for-service coverage). Insurers may also offer a Medisave plan that includes catastrophic coverage with an integrated family medical savings account. Among the general policies offered must be a fee-for-service option, a managed care option, and point-of-service option, but only if these are made available by the insurer under other policies of insurance.

The extent to which an insurer may offer or deny coverage with respect to an individual who would be expected to incur disproportionately high health care costs is contingent on the establishment of risk adjustment mechanisms, high-risk pools, or other mechanisms. The suggestions of the NAIC, actuaries, insurers, and other experts are solicited so that a workable framework can be developed in this complex area.

Sec. 2022.—Use of fair rating, uniform marketing materials, and miscellaneous consumer protections.

Under this section, insurers must use fair rating standards in setting initial and renewal premiums in the individual market. In general, premiums may vary for age, geographic area, family class, and administrative category for a particular benefit design.

When the fair rating standards are first effective, the premiums of two individuals having similar demographic characteristics cannot vary by more than 100% based on initial underwriting factors. Other rules apply in subsequent years. This rule and the permitted one year surcharge for coverage containing the less restrictive 6/12 preexisting condition clause will help insulate the currently insured from the premium ''sticker shock'' which could otherwise result from more restrictive rules. Suggestions as to the extent to which this 100% variation may be reduced over time without reducing coverage are solicited from the NAIC and other interested parties.

Subtitle B—Establishment of standards; enforcement

Sec. 2101.—Establishment of standards applicable to insurers offering health insurance coverage in the individual market.

NAIC. States that voluntarily elect to implement such standards have the exclusive authority to enforce such standards as they apply to insurers.

Pursuant to the preemption provisions under Section 2103, a state may not establish or enforce standards applicable to insurers which are different than the nationally uniform standards under this subpart. Certain state benefit mandates and anti-managed care laws are also preempted under the bill.

Sec. 2104. Effective date.

In general the requirements of the bill apply on January 1, 1998 with regard to insurers offering health insurance coverage in the individual market.

UNITED NEGRO COLLEGE FUND [UNCF]

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, a week ago I delivered the keynote speech at the Second Annual United Negro College Fund Banquet Fundraiser given by the Alliance of Telecommunication Employees' metro area chapter, where this year's theme was ''The Future Is Yours * * * Black History Evolves Through Education and Diversity.''

This theme underscores what I believe to be the mission for all colleges and universities, not just our heritage-rich historically Black colleges and universities, and that is providing deserving, qualified students an opportunity for a quality education at a reasonable price.

However, during the month of February, Black History Month, this occasion allowed me a moment to highlight just some of the many accomplishments—or miracles, if you will—of the United Negro College Fund.

For example, In just 50 short years, the United Negro College Fund [UNCF] is responsible for: Graduating 33 percent of the African-American students who attend college; helping to fund 41 historically Black colleges and universities; graduating in real numbers over 250,000 predominantly African-American students; and raising over $1 billion to help deserving students further their education.

UNCF distinguishes itself from all others because UNCF provides a hand and not a handout.

UNCF plays a critical role for persons with low income and socioeconomic level and those otherwise financially disadvantaged.

We are battling a noncaring, do-it-yourself, and an I-don't-care Government. This is exemplified by passage of the so-called Contract With America legislation by House Republicans and conservative Democrats bent on killing such things as education grants and loans at decent interest rates, and eliminating funding for Medicare, Medicaid, and so on.

There are efforts under way designed to have a negative effect on the quality of life

TON: RETURN CRIME FIGHTING TO CRIME FIGHTERS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. MANZULLO. Mr. Speaker, this week, the House restored maximum crime fighting power to the people who best know how to use it—the men and women who make up the ranks of our local law enforcement. Broken down into six parts, the cornerstone of the GOP crime bill is the Local Law Enforcement Block Grants Act of 1995. This measure directly grants money to local communities based upon a formula which takes into consideration population and violent crime rate. Once the community receives the grant, it can decide how it wants to allocate the funds; for more cops, court personnel, prevention programs, etc. If it chooses to do so, it can spend all the money on cops or on prevention. The point being that the needs of the communities in McHenry County are different than the needs of New York, Los Angeles, or Detroit.

The second major provision of the Republican crime bill is the Violent Criminal Incarceration Act. This legislation allocates $10.5 billion in prison construction funds to States that enact or make significant progress toward truth in sentencing in their corrections programs. Truth in sentencing will require violent criminals to serve 85 percent of their sentences. This measure is about protecting the American people. In Illinois, 46 percent of inmates released from prison are back in prison within 3 years.

In 1980, Illinois released 21,000 prisoners 3 months before the completion of their sentences, solely for the purpose of saving money. The State saved $60 million; however, those prisoners committed 23 murders, 32 rapes, 262 acts of arson, 681 robberies, 2,472 burglaries, 2,571 assaults, and 8,000 other crimes in 3 months following their release. By requiring inmates to serve more of their sentence, fewer will be able to revictimize society.

When a judge sentences a criminal to 20, 30, or 40 years, that sentence should be carried out. What will it cost to keep criminals locked up? In 1992, the U.S. Department of Justice reported that the average criminal, if not detained, costs society $171,566 per year in direct injuries to victims and direct costs such as lost jobs, sales taxes, and educational opportunities. Some of the costs associated with reincarcerating criminals include $26,000 for treatment of a gunshot wound, $2,711 to cover the cost of each criminal investigation, $700 for pretrial detention, and $1,205 for prosecution, defense, and court cost for each felony case.

The annual cost of keeping a criminal in prison is $16,000.

The GOP crime bills also included the Effective Death Penalty Act which will dramatically used to reimburse the victim for necessary child care, transportation, and other expenses incurred while participating in the investigation or court proceedings. This law will also allow, but not require, the courts to order restitution of any person who was harmed physically, emotionally, or financially by the unlawful conduct of the defendant.

Last year, the Democratic-controlled 103d Congress passed a crime bill that told local law enforcement agencies that Washington knows best when it comes to their needs in fighting crime. The House of Representatives in the 104th Congress has reversed this arrogance. These amendments to last year's crime bill put crime fighting power back in the local agencies and tells Washington to get out of the way. It is time that victims of crimes are served. It is time criminals are punished swiftly and serve out their sentences.

Mr. Speaker, it is time that bureaucrats in Washington realize that they are not crime fighters.

TRIBUTE TO DR. HERBERT L. CARTER

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. DIXON. Mr. Speaker, I am privileged to have this opportunity to salute my good friend Dr. Herbert L. Carter on the occasion of his retirement as president and chief executive officer of the United Way of Greater Los Angeles. Herb's retirement, effective February 27, 1995, will be short-lived. In fact, he is only reshifting his energies and focus. He will return to the California State University system as a trustee professor on the campus of Los Angeles State University at Dominguez Hills.

As head of the United Way of Greater Los Angeles, Dr. Carter provided leadership and management direction at a time when philanthropy to the organization was sorely tested. He directed a staff of approximately 200 individuals and managed a budget in excess of $60 million.

Dr. Carter guided the organization through two especially difficult periods. First to occur were the civil disturbances of 1992 and second, the Northridge/Los Angeles earthquake of 1994. Both of these catastrophes placed severe strains on the many organizations that depend on the United Way for funding. Through his tenacity and fund-raising acumen, however, the United Way of Greater Los Angeles not only confronted the disasters, but prospered in its efforts to continue providing funding for its member organizations.

Five years ago, I had the pleasure of introducing my colleagues to Dr. Herbert L. Carter. The occasion was a history-making one as Herb stood poised to become the first African-American chairman of the board of directors of

University System and with the United Way of Greater Los Angeles, Herb serves on the board of directors of Pacific Enterprises, Golden State Mutual Life Insurance Co., the National Advisory Council of the Hughes Aircraft Co. public education project, the board of regents for Loyola Marymount University, and the University of Southern California's School of Public Administration board of counselors. And that is only a partial listing of his affiliations.

Mr. Speaker, most individuals view retirement as a well-earned reward, an occasion to rest and enjoy the fruits of his/her labors, and the culmination of a lifetime of contributions made to a noble purpose. Herb Carter, however, is several cuts above most individuals. He is a man of vision and of enormous energy and focus, a man who possesses a passionate commitment to helping society become more Utopian. Those of us privileged to know him have long since dispensed with the notion that he has any intention of retiring and enjoying the fruits of his labors, and we are all the better for that decision.

Mr. Speaker, the late, celebrated, and distinguished Supreme Court Chief Justice John Marshall once noted that, ''A great man represents a great ganglion in the nerves of society, or to, vary the figure, a strategic point in the campaign of history, and part of his greatness consists in his being there.''

Dr. Herbert L. Carter is such a man and I am proud to recognize him and commend him on his outstanding contributions to the citizens of Los Angeles. Well done, my friend.

DALE A. DUNCAN HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize the accomplishments of Mr. Dale A. Duncan, the Boy Scout's 1995 Distinguished Citizen. A dinner in Mr. Duncan's honor is being held on February 23 in Wilkes-Barre.

Mr. Duncan has served as the president and publisher of the Times Leader, one of Wilkes-Barre's daily papers. He began with the Times Leader in 1980 as the city editor, worked as executive editor in 1984, until his ascension to publisher in 1986.

Through his work at the paper, Dale has been active in the community, including organizing the annual Times Leader/Boy Scout gold tournament and the paper's ''Book of Dreams'' community service drive. He also serves on the boards of the F.M. Kirby Center for Performing Arts, the Salvation Army, the United Ways of Wyoming Valley, the Greater Wilkes-Barre Partnership, and he serves as the chairman of the Diversity Committee for the Pennsylvania Newspaper Publishers' Association.

hard to keep me on my toes in the grand tradition of a free press, and I will miss his thought-provoking critiques. Dale and I have not always agreed politically and philosophically, but I have always enjoyed having the opportunity to discuss our views with one another openly and with mutual respect.

Mr. Speaker, the Boy Scouts honor someone each year who has exemplified the scouting ideal of participating citizenship. As one can see from his long list of accomplishments and various memberships, Dale Duncan is certainly an appropriate honoree for the 1995 award. I am pleased to join the Boy Scouts in recognizing him for his community and civic work.

CORSICANA DAILY SUN, 100 YEARS OF PUBLISHING

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. FROST. Mr. Speaker, I would like to take this opportunity to acknowledge the 100 years that the Corsicana Daily Sun in Corsicana, TX has been publishing.

The first edition of the Corsicana Daily Sun was published on March 2, 1985 as a morning edition. The Daily Sun was prosperous, and in 1906 the owners purchased the Semi-Weekly Light and continued to publish both newspapers.

In 1984 the semiweekly publication was converted into a weekly called the Navarro County Sun Extra. And in 1986, the Daily Sun began publishing a Saturday edition for the first time, making it a 7 day a week publication.

Mr. Speaker, the Corsicana Daily Sun has been an invaluable addition to life and the arts in Corsicana. Although a fire displaced operations for 5 months in 1992, the Daily Sun continued to publish without missing one edition.

Mr. Speaker, the Corsicana Daily Sun has documented local events and happenings for the past 100 years, and will continue to do so, we hope, for 100 more.

AGENDA FOR CHANGE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. PACKARD. Mr. Speaker, today marks day 50 of our Republican Contract With America. The Republican-controlled House has accomplished more in 50 days than any Democrat-controlled Congress ever did. Republicans continue to prove that hard work produces real results.

fense measures to guarantee security at home and to protect our national interests abroad.

In the next 50 days, House Republicans will continue to work hard, make change, and keep their promises. Although the House has already passed a full political agenda, there is still more to consider. We will work to roll back overzealous Government regulation, reform a backlogged legal system, to promote personal responsibility, and to restore fairness in our Tax Code.

Mr. Speaker, America voted for change last November. This Republican-controlled Congress is committed to working for the results the people want. The Republican agenda for change moves forward.

UPDATE ON THE PERSONAL RESPONSIBILITY ACT

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GREEN] is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Madam Speaker, I take the floor to continue the discussion about the Personal Responsibility Act. The Goodling substitute of the Personal Responsibility Act which will be taken up in the Economic and Educational Opportunities Committee tomorrow will cut funding for child care in the State of Texas from fiscal year 1996 through 2000 over $485 million.

The Personal Responsibility Act will repeal all Federal programs that deal with nutrition, including the school breakfast and lunch programs, and restrict nutrition programs under the Older Americans Act.

I am happy that the Republicans realized that being ''penny wise and pound foolish'' with the cuts in senior nutrition programs was not good policy and were simply unworkable. However, senior nutrition programs are not the only programs which should be taken out of the Personal Responsibility Act.

I suggest that all nutrition programs be withdrawn from the Personal Responsibility Act and discussed in the context of the people participating in the programs. For example, school breakfast and lunch programs should be discussed in education or health reform along with nutrition programs for women, infants, and children. Not simply in terms of reforming welfare.

School nutrition programs provide food assistance in a school setting, such as the Port Houston Elementary School with Principal Maria Sierra,

grams to encourage children to learn.

Again, I suggest to my colleagues on the other side that all nutrition programs which do not go directly to individuals should be taken out of this act.

Finally, under summaries provided by the Republicans of the Goodling substitute, several references are made to the funds being increased. However, estimates provided to my office by the State of Texas show the states' school nutrition programs taking a 6.5 percent cut in funding. This is when we have more children every year needing food.

I leave on this last note. Do we wish to be the Congress which cuts funds to feed even one hungry child? This may be reform but at what cost. Are we hard hearted enough to deny food to children?

FEDERAL HOUSING TRUST FUND ACT OF 1995

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. OWENS. Mr. Speaker, I rise to introduce the Federal Housing Trust Fund Act of 1995, a significant piece of legislation which would offer every family in this country the opportunity to live in decent, safe, and affordable housing.

In 1949, Congress enacted a comprehensive housing bill setting the national goal of a decent home and a suitable living environment for every American family. Today, we are further from that goal than ever before. The VA-HUD-Independent Agencies appropriations bill which finally passed the Senate last week does not even keep pace with the problem of low-income housing. Recently, the Department of Housing and Urban Development [HUD] released its worst case housing needs report, based on 1991 American Housing Survey data. It shows that the number of very low-income renter households with worst case housing needs is increasing at the rate of 100,000 per year. But the 1995 HUD appropriation provides money for only 88,000 additional households.

Low-income people have faced a housing crisis for many years, and each year it gets worse. The 1990 Census, which does not even count deteriorated or dilapidated housing, found that over 30 percent of American households have significant problems with housing costs, overcrowding, or lack of kitchens or complete plumbing facilities. These problems affect an estimated 70 million people.

Although this Nation has had federally subsidized housing programs for low-income people since the mid-1930's, the scope of the programs has been limited. In recent years, HUD has consistently found that there are over 5 million households with worst case housing needs. Moreover, for each household with a worst case need, there are four more households—27 million in all—which are overcrowded, lack kitchens or bathrooms, or must pay more than they can afford for housing.

While low-income housing programs have failed to meet the needs of their target population, special tax benefits have provided significant assistance for millions of higher-income Americans who already can afford a home. Official estimates of the Office of Management and Budget [OMB] indicate that the cost of these special benefits to the Federal Treasury has risen from $10 billion in 1976 to $84 billion in 1994.

A large majority of this cost to the Government is due to the deduction of home mortgage interest and real property taxes. While these tax deductions have helped millions of higher-income Americans achieve financial stability, they represent too high a proportion of Federal housing expenditures. For every dollar the Federal Government spends to provide housing assistance to a low-income family, a family in the top fifth of the income distribution receives $3 in benefits from homeowner deductions, primarily for mortgage interest and property taxes.

The sad fact is that this Nation's housing subsidy system is upside down. While Congress restricts budget authority and outlays for low-income housing to help reduce the Federal budget deficit, higher-income people continue to receive their entitlement to benefits through homeowner deductions. Administration projections show that the cost of the mortgage interest deduction alone will amount to almost one-third of the deficit in fiscal year 1995.

One result of the gross imbalance in Federal housing benefits has been the growing segregation of different aspects of American society: rich and poor, white and people of color, urban and suburban. This trend poses a threat to the Nation's general welfare, family and community life, and economic stability. It has even led to increased drug use and crime. It therefore is in the interest of all Americans to address the housing problem effectively.

To reset the balance of Federal housing expenditures, I am introducing the Federal Housing Trust Fund Act of 1995. This bill would take only a fraction of mortgage interest and property tax deductions enjoyed by taxpayers in the top eighth of the income distribution[1] and place it in a Federal Housing Trust Fund for low-income families who lack decent, safe, and affordable housing. To raise additional revenue for the trust fund, the bill also would eliminate a huge tax loophole—the favorable tax treatment of inherited property. This loophole permits wealthy American families to pass their property to their children and grandchildren and completely escape any income taxes on their incomes, would keep at least half of their current mortgage interest and property tax benefits, and only 1 household in 10 would pay higher taxes as a result of this bill. Moreover, these changes would be phased in over 5 years to reduce their immediate impact.

Thus, the bill would drastically reduce the cost to the Treasury for homeowner tax benefits for taxpayers with incomes above $75,000, generating tens of billions of dollars for the trust fund. The Government then would be able to provide the money needed for a comprehensive and flexible program of housing grants to eligible State and local entities. In turn, such entities would provide housing costs assistance for owners and renters, increase and improve the supply of affordable housing, increase the capacity of the nonprofit sector, and improve fair housing efforts.

Specifically, two-thirds of the money in the trust fund would be designated for a housing costs assistance program, which would pay the difference between 30 percent of adjusted income and the fair market rent for a unit of the size needed in the area where the family resides or wishes to reside. Although the subsidy amount would be based on rental housing costs, the assistance could be used either to rent or purchase. The funds would be distributed by formula to cities, States, and Indian tribes, based on the number of households with severe affordability problems and the cost of housing.

The remaining one-third of the funds would be used to expand the housing supply and provide related services, including fair housing and capacity-building. All housing and related services provided through this program, except for emergency repairs and hazard abatement, would be subject to permanent restrictions on housing affordability. Like the housing costs program, these trust fund dollars would be distributed by formula, but the formula would be developed by HUD based on the relative need for improving and expanding the housing stock.

By limiting tax benefits for individuals who do not need them to be able to live in decent, affordable housing, the bill would provide the funding needed to attack the critical housing problems facing low- and moderate-income people, and contribute to family security, cohesiveness, and economic self-sufficiency.

This bill is the kind of bold measure we need to solve the low-income housing crisis. It provides the resources to address the full range of problems—not only worst case needs, but also the needs of young families without enough income to have realistic prospects of moving into decent neighborhoods or owning their own homes.

Within 10 years of passage of this bill, we could expect the same enhanced opportunities for low-income people to obtain housing as young families had after the end of World War II when, thanks to low-housing costs, an expanding economy, and Veterans Administration [VA] and Federal Housing Administration [FHA] mortgages, millions of Americans were

[1] The Joint Tax Committee estimates for 1994 are that 10.6% of all ''returns'' have incomes above $75,000. ''Returns'' includes filers with and without taxes due, and estimated numbers of non-filers. About 80–90% of filers in the above-$75,000 income bracket claim homeowner deductions.

TRIBUTE TO THE NAVY DEPOT IN JACKSONVILLE

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Ms. BROWN of Florida. Mr. Speaker, I am happy to join here with the mayor of Jacksonville and other distinguished guests to proclaim the accomplishments of our navy depot in Jacksonville. When it comes to value, NADEP is tops. Yesterday, the State of Florida selected the depot as a finalist for the 1995 Florida Sterling Quality Award. NADEP has a record of quality products, good labor/management relations, excellence in work, and cost containment. I am proud that NADEP has turned a profit of over $100 million the past 4 years.

BIRTH DEFECTS PREVENTION ACT

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. BONILLA. Mr. Speaker, I rise today to join my good friend from Texas [Mr. ORTIZ] as an original cosponsor of the Birth Defects Prevention Act of 1995. Similar legislation was introduced by my colleague from Texas last year.

This legislation sets up a national tracking system which is based on a tried and true model in the area of cancer, where the Centers for Disease Control has worked in partnership with States, funding programs to monitor the incidence and research the environmental cases.

The surveillance program would identify and address the causes of birth defects, including risks from environmental chemicals, diet, occupational hazards, personal habits and infections; evaluate and put in place the most effective prevention strategies for such birth defects as spina bifida and fetal alcohol syndrome, and design targeted intervention strategies responsive to community concerns for special problems in minority, rural, and other underserved populations.

Mr. Speaker, more children die from birth defects in the first year of life in the United States than from any other cause, including prematurity and low birth weight. Birth defects are also a leading cause of childhood disability.

A significant proportion of common birth defects are preventable. This bill would provide important information to future parents and grandparents to educate them on how to implement prevention strategies that are responsive to community concerns.

Preventive education has already been a positive factor in Texas. For example, studies folic acid is a major means of preventing birth defects. Folic acid is needed before a woman becomes pregnant. A woman can find the nutrient in green leafy vegetables, beans, orange juice, and a variety of other foods.

Every couple wants to have a healthy baby; however, birth defects cut across all geographic areas, classes, and races. Until we can discover a cure for birth defects, it is essential that mothers and fathers-to-be plan ahead and give their child the prenatal care that every child deserves. It's a wise investment in our children.

This bill is the important first step in helping our next generation be healthy and active members in our communities.

LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 728) to control crime by providing law enforcement block grants.

Mr. LEVIN. Mr. Chairman, last year I made a commitment to the people of my district to put more cops in our local communities, and add 100,000 more cops across this country. That is a commitment I intend to keep.

The bill before us does not ensure a single new officer will be added to our communities so I must oppose it. In fact, it ensures nothing. The bill permits the $10 billion block grant to be used for anything that generally reduces crime or improves public safety.

Proponents of the bill argue this is just the sort of flexibility we need: no limits, no guidelines. But just how flexible is this bill? Could it be used to construct highways or roads? Absolutely. In fact, an amendment I supported that would have prevented the $10 billion from being used for these very purposes was defeated.

Taxpayers deserve more accountability than this. They deserve to know how their money is used. And when they ask for a crime bill they deserve to see more police in their neighborhoods.

The current law meets these goals with responsible flexibility for local government, and accountability for the taxpayers. The funding can be used to hire cops, purchase police technology and equipment, and bring on civilian clerks to free up officers from desk duty. Under an amendment I wrote, it can also be used to fund multijurisdictional task forces that allow local communities to pool their resources to focus on specific crime problems that don't respect suburban municipal boundaries.

The law we passed last year with bipartisan support ensures the purpose of the people,

REINVENTING GOVERNMENT

SPEECH OF

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. ORTON] is recognized for 5 minutes.

Mr. ORTON. Madam Speaker, tonight I will talk about efforts taken by the Department of Housing and Urban Development to revitalize and reinvent the FHA single family housing program.

Created in 1934, the Federal Housing Administration—also known as FHA—has played a critical role in making homeownership a reality for more than 21 million Americans. Last year alone, FHA insured over 1.3 million single family loans, including 450,000 for first-time homebuyers. FHA carries out its mission of expanding homeownership through private sector lenders who have direct contact with borrowers. And, it does so without costing the taxpayer a single dollar, since homeowner premiums fully fund a reserve against future losses and pay all related administrative costs.

Commendably, however, FHA has not been content to rest on its record of accomplishments. It has aggressively developed and implemented changes in line with the overall reinventing government program. Let me tell you what has been done, and what is yet to be done.

Several years ago, largely as a result of regional recessions in some parts of the country, some concern developed over the long-term health of the FHA single family mortgage fund. This problem was promptly resolved through a change in the premium structure—the source of revenues for the program. As a result, the FHA reserve account easily exceeds required capital ratios, and Price Waterhouse has attested to the financial health of the fund.

As part of the reinventing government program, FHA has moved recently to cut costs, streamline operations, and improve customer service through consolidation of loan processing offices. Last year, FHA announced the opening of a regional loan processing center in Denver, CO. This center will perform loan processing that had been carried out by 17 HUD field offices in the Rocky Mountain and Southwest portions of the country. This consolidation should save approximately $4 million a year. It is also expected to reduce loan processing time—from an average of about 5 weeks down to an average of about 5 days.

Just recently, FHA also announced changes in underwriting guidelines, to keep pace with procedures in the private sector. These changes more fully recognize second job and overtime income—a reflection of the increased

tory legislation. For example, last year, FHA made recommendations which included a proposal to allow private mortgage lenders who underwrite FHA loans to issue their own mortgage certificates. I have heard from many FHA lenders who have complained bitterly about long bureaucratic delays in the actual paper issuance of these certificates—a delay that would be eliminated by this HUD proposal. Last year, the House responded by including this proposal in the housng bill. How-

Efficiency Act include an elimination of the current prohibition against parental loans to help their children buy a home; a simplification of the down payment formula, permitting two-step mortgages; and others. I believe we should pass these provisions, to continue the effort to keep FHA an aggressive, innovative provider of homeownership opportunities.

Finally, the future of FHA itself appears to be in question. We are beginning to hear calls for the end of HUD and the privatization of

make FHA an independent public corporation. This would maintain FHA's mission of increasing homeownership. It would accelerate the efforts I have discussed here tonight to modernize FHA, to make it more responsive to market demands and innovative products, and less like a bureaucracy. And, it would reaffirm the principle that creating opportunities for all Americans is what government should really be about.

Mr. Speaker, I thank you for my time.

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 Thursday, February 23, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

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, Cemeterial Expenses, Army, Consumer Information Center, Consumer Product Safety Commission, Office of Consumer Affairs, and Court of Veterans Appeals.
SD–138

Judiciary
Administrative Oversight and the Courts Subcommittee
To resume hearings on S. 343, to reform the regulatory process.
SD–226

FEBRUARY 28

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold joint hearings with the Committee on Energy and Natural Resources' Subcommittee on Energy Research and Development to review the findings of the Task Force on Alternative Futures for Department of Energy National Laboratories.
SD–366

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold joint hearings with the Committee on Appropriations' Subcommittee on Energy and Water Development to review the findings of the Task Force on Alternative Futures for Department of Energy National Laboratories.
SD–366

Labor and Human Resources
To hold hearings to examine the impact of welfare reform, focusing on children and their families.
SD–430

10:00 a.m.
Armed Services
To hold hearings on the nomination of Shelia Cheston, of the District of Columbia.
Governmental Affairs
Business meeting, to mark up S. 219, to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions.
SD–342

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Postal Service.
SD–116

Judiciary
To hold hearings on pending nominations.
SD–226

MARCH 1

9:00 a.m.
Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
To hold hearings to examine proposals to authorize State and local governments to enact flow control laws and to regulate the interstate transportation of solid waste.
SD–406

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Endowment for the Arts.
SD–192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the United States civilian space program.
SR–253

Energy and Natural Resources
To hold hearings on S. 395, to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, including title II, proposed Trans-Alaska Pipeline Amendment Act.
SD–366

Governmental Affairs
To resume hearings on proposed legislation to reform the Federal regulatory process, to make government more efficient and effective.
SD–342

Labor and Human Resources
To continue hearings to examine the impact of welfare reform, focusing on the child care system.
SD–430

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

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of State.
S–146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Endowment for the Humanities.
SD–192

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 391, to authorize and direct the Secretaries of the Interior and Agriculture to undertake activities to halt and reverse the decline in forest health on Federal lands.
SD–366

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

MARCH 2

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 167, to revise certain provisions of the Nuclear Waste Policy Act of 1982, and S. 443, to reaffirm the Federal Government's commitment to electric consumers and environmental protection by reaffirming the requirement of the Nuclear Waste Policy Act of 1982 that the Secretary of Energy provide for the safe disposal of spent nuclear fuel beginning not later than January 31, 1998.
SD–366

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

Governmental Affairs
Business meeting, to mark up S. 4, to grant the power to the President to reduce budget authority, and S. 14, to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items.
SD–342

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

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Office of National Drug Control Policy.
SD–192

MARCH 7

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold joint hearings with the House Committee on Resources' Subcommittee on National Parks, Forests, and Lands to review the health of the National Park System.
SD–366

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.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Commerce.
S–146, Capitol

Indian Affairs
To hold oversight hearings to review Federal programs which address the challenges facing Indian youth.
SR–485

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Labor.
SD–192

MARCH 8

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Geological Survey, Department of the Interior.
SD–116

Governmental Affairs
To resume hearings on proposed legislation to reform the Federal regulatory process, to make government more efficient and effective.
SD–342

Small Business
To hold hearings on the proposed ''Regulatory Flexibility Amendments Act''.
SR–428A

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for rural economic and community development services of the Department of Agriculture.
SD–138

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Transportation Safety Board.
SD–192

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Health and Human Services.
SD–138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Secret Service, Federal Law Enforcement Training Center, and the Financial Crimes Enforcement Network, Department of the Treasury.
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 14

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense.
SD–138

MARCH 15

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Smithsonian Institution.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for farm and foreign agriculture services of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Justice.
Room to be announced

MARCH 16

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Fed-
SD–192

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Education.
SD–192

MARCH 22

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior.
SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Natural Resources Conservation Service, Department of Agriculture.
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

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Alcohol, Tobacco and Firearms and the United States Customs Service, Department of the Treasury.
SD–192

3:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Institutes of Health, Department of Health and Human Services.
SD–138

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 28

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Land Management, Department of the Interior.
SD–116

MARCH 29

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Judiciary, Administrative Office of the Courts, and the Judicial Conference.
S–146, Capitol

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 3

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.
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

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Immigration and Naturalization Service, and the Bureau of Prisons, both of the Department of Justice.
S–146, Capitol

APRIL 6

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

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Treasury and the Office of Management and Budget.
SD–116

APRIL 26

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for energy conservation.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.
SD–116

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 2

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture.
SD–138

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

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture.
SD–138

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

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Interior.

SD–192

Wednesday, February 22, 1995

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2907–S2984

Measures Introduced: Seven bills were introduced, as follows: S. 457–463. **Page S2965**

Balanced Budget Constitutional Amendment: Senate resumed consideration of H.J. Res. 1, proposing a balanced budget amendment to the Constitution of the United States, taking action on amendments proposed thereto, as follows:

Pages S2911–17, S2920–52

Rejected:

Byrd Amendment No. 256, to permit waiver of the article when the United States is engaged in military conflict by majority vote. (By 55 yeas to 41 nays (Vote No. 75), Senate tabled the amendment.)

Pages S2926–38

Rockefeller Amendment No. 306, to protect the disability and death benefits of veterans. (By 62 yeas to 33 nays (Vote No. 76), Senate tabled the amendment.) **Pages S2938–48**

Withdrawn:

Dorgan motion to refer H.J. Res. 1 to the Committee on the Budget with instructions.

Pages S2949–52

Senate will continue consideration of the resolution on Thursday, February 23, 1995.

Appointments:

British-American Interparliamentary Group: The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican Leader, pursuant to 22 U.S.C. 276l, appointed Senator Stevens as Chairman of the Senate Delegation to the British-American Interparliamentary Group during the 104th Congress. **Page S2984**

Canada-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, appointed Senator Murkowski as Chairman of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the 104th Congress. **Page S2984**

Mexico-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, appointed Senator Kyl as Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the 104th Congress. **Page S2984**

Interparliamentary Union: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276a, appointed Senator Burns as Chairman of the Senate Delegation to the Interparliamentary Union during the 104th Congress. **Page S2984**

North Atlantic Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, appointed Senator Roth as Chairman of the Senate Delegation to the North Atlantic Assembly during the 104th Congress. **Page S2984**

Congressional Budget Office: The Chair announced on behalf of the President pro tempore of the Senate and the Speaker of the House of Representatives, pursuant to Sec. 201(a)(2) of Public Law 93–344, the appointment of Ms. June Ellenoff O'Neill as Director of the Congressional Budget Office for the term of office beginning on January 3, 1995, effective March 1, 1995. **Page S2984**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting notice of rescissions and deferrals; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; which was referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Finance, the Committee on Labor and Human Resources, and the Committee on Environment and Public Works. (PM–21). **Page S2964**

Transmitting, a draft of proposed legislation to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that Act; to the Committee on Labor and Human Resources. (PM–22). **Pages S2964–65**

Nominations Received: Senate received the following nominations:

John Chrystal, of Iowa, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997. (Reappointment)

George J. Kourpias, of Maryland, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997. (Reappointment)

Gloria Rose Ott, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996.

Harvey Sigelbaum, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996.

Inez Smith Reid, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

2 Navy nominations in the rank of admiral.

A routine list in the Army. **Page S2984**

Messages From the President: **Pages S2964–65**

Messages From the House: **Page S2965**

Measures Placed on Calendar: **Page S2965**

Executive Reports of Committees: **Page S2965**

Statements on Introduced Bills: **Pages S2965–69**

Additional Cosponsors: **Page S2969**

Amendments Submitted: **Pages S2970–73**

Authority for Committees: **Page S2973**

Additional Statements: **Pages S2973–83**

Record Votes: Two record votes were taken today. (Total—76) **Pages S2938, S2948**

Recess: Senate convened at 10:30 a.m., and recessed at 8:10 p.m., until 9:15 a.m., on Thursday, February 23, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S2984.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—FOREIGN ASSISTANCE

Committee on Appropriations: Subcommittee on Foreign Operations resumed hearings on proposed budget estimates for fiscal year 1996 for foreign assistance, focusing on political and economic reform in the New Independent States of the former Soviet Union, receiving testimony from James F. Collins, Office of Special Advisor to the Secretary for the New Independent States, and Thomas W. Simons, Jr., Coordinator of U.S. Assistance to the New Independent States, both of the Department of State; and Thomas A. Dine, Assistant Administrator for Europe and the New Independent States, Agency for International Development.

Subcommittee recessed subject to call.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of Rebecca G. Cox, of California; Alton W. Cornelia, of South Dakota; Gen. James B. Davis, USAF (Ret.), of Florida; S. Lee Kling, of Maryland; Benjamin F. Montoya, of New Mexico; and Wendi L. Steele, of Texas, each to be a Member of the Defense Base Closure and Realignment Commission.

SUBCOMMITTEE MEMBERSHIP

Committee on Banking, Housing, and Urban Affairs: Committee announced the following subcommittee assignments:

Subcommittee on Securities: Senators Gramm (Chairman), Bennett, Shelby, Faircloth, Grams, Dodd, Murray, Boxer, and Bryan.

Subcommittee on Financial Institutions and Regulatory Relief: Senators Shelby (Chairman), Grams, Frist, Gramm, Bennett, Bond, Mack, Bryan, Moseley-Braun, Dodd, Kerry, and Boxer.

Subcommittee on International Finance: Senators Bond (Chairman), Mack, Faircloth, Bennett, Frist, Boxer, Moseley-Braun, Kerry, and Murray.

Subcommittee on Housing Opportunity and Community Development: Senators Mack (Chairman), Bond, Frist, Shelby, Kerry, Dodd, and Bryan.

Subcommittee on HUD Oversight and Structure: Senators Faircloth (Chairman), Gramm, Grams, Moseley-Braun, and Murray.

MONETARY POLICY

Committee on Banking, Housing, and Urban Affairs: Committee held hearings to examine the Federal Reserve's conduct of monetary policy and the economic outlook for 1995, receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

Hearings were recessed subject to call.

TAX REFORM

Committee on the Budget: Committee held hearings to examine certain proposals to reform the United States income tax system, receiving testimony from Senator Nunn; Representative Armey; Eric Toder, Deputy Assistant Secretary of the Treasury (Tax Analysis); and Harry L. Gutman, King & Spalding, Washington, D.C.

Hearings were recessed subject to call.

REGULATORY REFORM

Committee on Governmental Affairs: Committee concluded hearings on S. 219, to establish a moratorium on Federal regulatory rulemaking actions, after receiving testimony from Sally Katzen, Administrator,

Office of Information and Regulatory Affairs, Office of Management and Budget; Stephen H. Kaplan, General Counsel, Department of Transportation; William B. Schultz, Deputy Commissioner for Policy, Food and Drug Administration, Department of Health and Human Services; C. Boyden Gray, Wilmer, Cutler & Pickering, on behalf of Citizens for a Sound Economy, Thomas J. Donohue, American Trucking Associations, Inc., David G. Hawkins, Natural Resources Defense Council, and C. Dean McGrath, Jr., American Automobile Manufacturers Association, all of Washington, D.C.; Sal Risalvato, Riverdale Texaco, Riverdale, New Jersey, on behalf of the National Federation of Independent Business; and Rainer Mueller, Safe Tables Our Priority, Oceanside, California.

REGULATORY REFORM

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts held hearings on S. 343, to reform the Federal regulatory process, receiving testimony from Thomasina V. Rogers, Chair, Administrative Conference of the United States; Rick Keith, West Bend Elevator Company, Mallard, Iowa; Sal Risalvato, Riverdale Texaco, Riverdale, New Jersey, on behalf of the National Federation of Independent Business; and Marshall J. Breger, Heritage Foundation, Peter J. Ferrara, National Center for Policy Analysis, and Tom O'Conner, National Grain and Feed Association, all of Washington, D.C.

Hearings continue on Friday, February 24.

AUTHORIZATION—RYAN WHITE CARE ACT

Committee on Labor and Human Services: Committee concluded hearings on proposed legislation authorizing funds for programs of the Ryan White CARE Act of 1990, after receiving testimony from Senator Hatch; Philip R. Lee, Assistant Secretary of Health and Human Services for Health; William J. Scanlon, Associate Director, Health Financing and Policy Issues, Health, Education, and Human Services Division, General Accounting Office; Mayor Wellington Webb, Denver, Colorado; David W. Curtis, Burlington, Vermont, on behalf of the Vermont Coalition for AIDS Research, Education and Services; Donna E. Sweet, University of Kansas School of Medicine, Wichita; Douglas Nelson, Campaign for Fairness, Milwaukee, Wisconsin; June E. Osborn, University of Michigan, Ann Arbor; Alexander Robinson, National Organizations Responding to AIDS, Washington, D.C.; Erle Blake, Columbiana, Ohio; and Anna Wyman, Miami, Florida.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

House of Representatives

Chamber Action

Bills Introduced: Eight public bills, H.R. 1010–1017; and one resolution, H. Con. Res. 32, were introduced. **Page H2063**

Report Filed: The following report was filed as follows: H. Res. 93, providing for the consideration of H.R. 450, to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions (H. Rept. 104–45). **Page H1984**

Defense Department Supplemental Appropriation: By a yea-and-nay vote of 262 yeas to 165 nays, Roll No. 154, the House passed H.R. 889, making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995. **Pages H1979–84, H1985–H2010**

Rejected the Obey motion to recommit the bill to the Committee on Appropriations with instructions to report it back forthwith containing amendments so as to ensure that discretionary outlays for fiscal year 1995 that are made pursuant to new budget authority do not cause discretionary outlays for fiscal year 1995 (computed without regard to any emergency designations) to exceed the amount currently allocated to the Committee on Appropriations pursuant to section 602(a) of the Congressional Budget Act of 1974 (rejected by a recorded vote of 163 ayes to 264 noes, Roll No. 153). **Pages H2008–10**

Agreed to the amendment in the nature of a substitute made in order by the rule. **Page H2008**

Rejected the Obey amendment in the nature of a substitute that sought to provide the $2.5 billion in supplemental defense appropriations requested by the Administration, rescind $2.2 billion in previously appropriated defense funds; and require the Secretary

of Defense to make those cuts according to the Secretary's own determination of the lowest priority defense programs, while providing for 30 days notice by the Secretary to, but not approval of, the Congress for such cuts (rejected by a recorded vote of 167 ayes to 260 noes, Roll No. 152).

Pages H1999–H2008

H. Res. 92, the rule under which the bill was considered, was agreed to earlier by a year-and-nay vote of 282 yeas to 144 nays, Roll No. 151.

Pages H1979–84

Paperwork Reduction: By a recorded vote of 418 ayes, with 6 voting ''present'', Roll No. 157, the House passed H.R. 830, to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public. **Pages H2010–29**

Agreed To:

The committee amendments en bloc; **Page H2021**

The Meyers of Kansas amendment that provides that all provisions requiring information collection must include how long records on such information must be kept; **Pages H2024–25**

The Sanders amendment that requires that, in acting to reduce Federal paperwork and reporting requirements on small businesses, OMB and Federal agencies establish as a priority the reduction of such requirements on those ''smaller'' small businesses for whom Federal paperwork costs impose the greatest burden; and **Page H2025**

The Crapo amendment that provides that private citizens have a right to a complete defense or bar to an action taken by Federal agency information collection activities that have not been cleared by OMB, which do not display a current OMB control number on the information request form, or which fail to state that the request for information is not subject to clearance under provisions. **Pages H2028–29**

Rejected:

The Collins of Illinois amendment that sought to omit provisions amending the definition of ''collection of information'' and ''the disclosure to third parties or the public of information'', effectively preserving the 1990 Supreme Court decision regarding OMB's regulatory oversight authority (rejected by a recorded vote of 170 ayes to 254 noes, Roll No. 155); and **Pages H2021–24**

The Maloney amendment that sought to ''sunset'' the measure after five years (rejected by a recorded vote of 156 ayes to 265 noes, Roll No. 156).

Pages H2025–28

The Clerk was authorized to make such technical and conforming changes as may be necessary in the engrossment of the bill. **Page H2029**

H. Res. 91, the rule under which the bill was considered, was agreed to earlier by a voice vote.

Pages H2011–12

Committees to Sit: It was made in order that the following committees and their subcommittees be permitted to sit on Thursday, February 23, during proceedings of the House under the five-minute rule: Committees on Agriculture, Banking and Financial Services, Commerce, Government Reform and Oversight, International Relations, Judiciary, National Security, Resources, Transportation and Infrastructure, and Select Intelligence. **Page H2030**

Presidential Message—Budget Deferrals and Rescissions: Read a message from the President wherein he transmits one revised deferral, totaling $7.3 million, and two revised rescission proposals, totaling $106.7 million—referred to the Committee on Appropriations and ordered printed (H. Doc. 104–40). **Page H2030**

Commission on Security and Cooperation in Europe: The Speaker appointed to the Commission on Security and Cooperation in Europe the following Members on the part of the House: Representatives Porter, Wolf, Funderbunk, Salmon, Hoyer, Markey, Richardson, and Cardin. **Page H2030**

North Atlantic Assembly: The Speaker appointed to the United States Group of the North Atlantic Assembly the following Members on the part of the House: Representatives Rose, Hamilton, Coleman, and Rush. **Page H2030**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H2064–67.

Quorum Calls—Votes: Two yea-and-nay votes and five recorded votes developed during the proceedings of the House today and appear on pages H1984, H2008, H2009–10, H2010, H2023–24, H2027–28, and H2029. There were no quorum calls.

Adjournment: Met at 11 a.m. and adjourned at 10:18 p.m.

RESCISSION; AGRICULTURE, FDA, RURAL DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies approved for full Committee action a supplemental/rescission measure for Fiscal Year 1995.

The Subcommittee also continued appropriation hearings. Testimony was heard from Members of Congress and public witnesses.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and the Judiciary, and Related Agencies held a hearing on the Attorney General. Testimony was heard from Janet Reno, Attorney General.

RESCISSION; ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development approved for full Committee action a rescission measure for Fiscal Year 1995.

The Subcommittee also held a hearing on Corps of Engineers: Southwestern Division, North Pacific Division, South Atlantic Division, and on Lower Mississippi Valley Division. Testimony was heard from the following Division Engineers, Corps of Engineers, Department of the Army: Col. James Paul King, USA, Southwestern Division; Maj. Gen. Ernest J. Harrell, USA, North Pacific Division; Brig. Gen. Ralph V. Locurcio, USA, South Atlantic Division; and Brig. Gen. Eugene S. Witherspoon, USA, Commander, Lower Mississippi Valley Division and President, Mississippi River Commission.

RESCISSION

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs approved for full Committee action a rescission measure for Fiscal Year 1995.

RESCISSION; INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior and Related Agencies approved for full Committee action a rescission measure for Fiscal Year 1995.

The Subcommittee also held a hearing on Indian Education and on the Bureau of Mines. Testimony was heard from Thomas W. Payzant, Assistant Secretary, elementary and Secondary Education, Department of Education; and Rhea L. Graham, Director, U.S. Bureau of Mines, Department of the Interior.

RESCISSION; LABOR, HHS AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies began consideration of a rescission measure for Fiscal Year 1995.

The Subcommittee also held a hearing on the Secretary of Labor and on the Employment and Training Administration. Testimony was heard from the following officials of the Department of Labor: Robert B. Reich, Secretary; and Doug Ross, Assistant Secretary, Employment and Training, Employment and Training Administration.

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Committee on Appropriations: Subcommittee on Legislative held a hearing on the Joint Committee on Printing, GPO, and on the Library of Congress. Testimony was heard from Representatives Thomas and Hoyer; Michael F. DiMario, Public Printer, GPO; and James H. Billington, Librarian of Congress.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on the Secret Service. Testimony was heard from Eljay B. Bowron, Director, U.S. Secret Service, Department of the Treasury.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on veterans' Affairs and Housing and Urban Development, and Independent Agencies held a hearing on the American Battle Monuments Commission and Cemeterial Expenses, and on the National Credit Union Administration. Testimony was heard from Gen. Fred Woerner, USA (Ret), American Battle Monuments Commission; John Zirschky, Acting Assistant Secretary, Civil Works, Cemeterial Expenses, Department of the Army; and Norman E. D'Amours, Chairman, National Credit Union Administration.

LOCAL NEIGHBORHOOD SOLUTION FOR HOUSING AND ECONOMIC OPPORTUNITIES

Committee on Banking, Finance, and Urban Affairs: Subcommittee on Housing and Community Opportunity held a hearing on "Local Neighborhood solutions for Housing and Economic Opportunities." Testimony was heard from public witnesses.

ADMINISTRATION'S HUD BUDGET

Committee on the Budget: Held a hearing on the Administration's HUD Budget: Reform or Retrenchment? Testimony was heard from the following officials of the GAO: Paul L. Posner, Director, Budget Issues; and James E. Wells, Associate Director, Housing and Community Development Issues.

Hearing continue tomorrow.

COMMON SENSE PRODUCT LIABILITY REFORM ACT; OVERSIGHT PLANS

Committee on Commerce: Began consideration of H.R. 917, Common Sense Product Liability Reform Act.

Will continue tomorrow.

The Committee approved oversight plan for the 104th Congress for submission to the Committee on

Government Reform and Oversight and the Committee on House Oversight.

WELFARE REFORM CONSOLIDATION ACT

Committee on Economic and Education Opportunities: Began markup of H.R. 999, Welfare Reform Consolidation Act of 1995.

Will continue tomorrow.

OVERSIGHT

Committee on Government Reform and Oversight: Subcommittee on District of Columbia and the Subcommittee on District of Columbia of the Committee on Appropriations held a joint oversight hearing to review the Financial Condition of the District of Columbia. Testimony was heard from the following officials of Audit Support and Analysis, GAO: John W. Hill, Jr., Director; Terry L. Carnahan, Assistant Director; Edward H. Stephenson, Assistant Director; and Laura B. Triggs; and the following officials of the District of Columbia: Marion Barry, Jr., Mayor; David A. Clarke, Chairman, Council; and Robert Pohlman, Acting Chief Financial Officer.

OVERSIGHT

Committee on Government Reform and Oversight: Subcommittee on Human Resources and Intergovernmental Relations held an oversight hearing on Efforts to Reduce Costs and Increase Efficiency of HUD. Testimony was heard from Susan Gaffney, Inspector General, Department of Housing and Urban Development; Judy England-Joseph, Director, Housing and Community Development Issues, GAO; and public witnesses.

AFRICA—HUMAN RIGHTS SITUATION

Committee on International Relations: Subcommittee on Africa held a hearing on Human Rights Situation in Africa. Testimony was heard from the following officials of the Department of State: John Shattuck, Assistant Secretary for Democracy, Human Rights and Labor; and Edward Brynn, Principal Deputy Assistant Secretary, African Affairs; and public witnesses.

FOREIGN RELATIONS AUTHORIZATION

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on Foreign Relations Authorization: Refugees. Testimony was heard from Ambassador Brunson McKinley, Deputy Assistant Secretary, Population, Refugees, and Migration, Department of State.

Hearings continue tomorrow.

MEXICAN PESO BAILOUT

Committee on International Relations: Subcommittee on Western Hemisphere and the Subcommittee on International Economic Policy and Trade held a joint hearing on the Mexican Peso Bailout. Testimony was heard from Representative Kaptur; Jeffrey R. Shafer, Assistant Secretary, International Affairs, Department of the Treasury; and public witnesses.

COMMON SENSE PRODUCT LIABILITY REFORM ACT

Committee on the Judiciary: Began markup of H.R. 956, Common Sense Product Liability Reform Act of 1995.

Will continue tomorrow.

DEFENSE AUTHORIZATION

Committee on National Security: Continued hearings on the Fiscal Year 1996 National Defense authorization request. Testimony was heard from the following officials of the Department of Defense: Gen. Gordon Sullivan, USA, Chief of Staff, Army; Adm. J. M. Boorda, USN, Chief of Naval Operations; Gen. Ronald R. Fogelman, USAF, Chief of Staff, Air Force; and Gen. Carl Mundy, Jr., USMC, Commandant, Marine Corps.

Hearings continue tomorrow.

REGULATORY TRANSITION ACT

Committee on Rules: By a record vote of 8 to 4, granted a modified open rule providing 1 hour of debate of H.R. 450, Regulatory Transition Act of 1995. The rule makes in order the Government Report and Oversight Committee amendment in the nature of a substitute as an original bill for amendment purposes which shall be considered as read. The rule provides a 10-hour time limit on the amendment process. Priority in recognition may be accorded to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD prior to their consideration. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Clinger and Representatives McIntosh, Collins of Illinois, and Slaughter.

NSF BUDGET

Committee on Science: Subcommittee on Basic Research held a hearing on the NSF budget. Testimony was heard from Neal F. Lane, Director, NSF.

Hearings continue March 2.

CAPITOL GAINS TAX REFORM

Committee on Small Business: Held a hearing on Capital Gains Tax Reform. Testimony was heard from Jane Gravelle, Senior Specialist in Economic Policy, CRS, Library of Congress; and public witnesses.

ECONOMIC DEVELOPMENT ADMINISTRATION AND APPALACHIAN REGIONAL COMMISSION

Committee on Transportation and Infrastructure: Subcommittee on Public Buildings and Economic Development concluded hearings on Economic Development Administration and Appalachian Regional Commission. Testimony was heard from Casper Taylor, Speaker, House of Delegates, State of Maryland; and public witnesses.

DISPOSITION OF ICC'S NON-MERGER AUTHORITY

Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on the Disposition of the ICC's Non-Merger Rail Authority. Testimony was heard from Barry Hill, Associate Director, Transportation Issues, GAO; Gail McDonald, Chairman, ICC; Joseph Canny, Deputy Assistant Secretary, Transportation Policy, Department of Transportation; and public witnesses.

Joint Meetings

MINIMUM WAGE

Joint Economic Committee: Committee concluded hearings to examine the Administration proposal to raise the minimum wage, after receiving testimony from Representatives Longley and Owens; Robert B. Reich, Secretary, and Alan Krueger, Economist, both of the Department of Labor; Lowell Taylor, Carnegie-Mellon University, Pittsburgh, Pennsylvania; Peter Brandon, University of Wisconsin, Madison; Finis Welch, Texas A&M University, College Station; Bill Rogers, College of William and Mary, Williamsburg, Virginia; Herman Cain, Godfather's Pizza, Omaha, Nebraska; Grant Maloy, Gabrielle Growers, Oviedo, Florida; Charles Fuller, Off Campus Bookstore, Athens, Georgia; and Audrey Haynes, Frankfort, Kentucky.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 23, 1995

(Committee meetings are open unless otherwise indicated)

Senate

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 program, focusing on the military strategies and operational requirements of the unified commands, 9:30 a.m., SR–222.

Committee on the Budget, to hold hearings on the President's proposed budget request for fiscal year 1996 for the Department of Health and Human Services, 10 a.m., SD–608.

Committee on Environment and Public Works, Subcommittee on Transportation and Infrastructure, to hold hearings on S. 440, to revise title 23, United States Code, to provide for the designation of the National Highway System, and to examine the President's proposed budget request for fiscal year 1996 for the Department of Transportation's Federal-aid highway program 2 p.m., SD–406.

Committee on Governmental Affairs, to hold hearings on S. 4, to grant the power to the President to reduce budget authority, and S. 14, to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items, 10 a.m., SD–342.

Committee on the Judiciary, business meeting, to consider pending nominations, time and room to be announced.

Committee on Labor and Human Resources, Subcommittee on Education, Arts and Humanities, to hold hearings on proposed legislation authorizing funds for programs of the National Foundation on the Arts and Humanities Act of 1965, 9:30 a.m., SD–430.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see pages E408–11 in today's RECORD.

House

Committee on Agriculture, Subcommittee on General Farm Commodities, hearing on the Effects of the Federal Tax Code on Farmers, Ranchers, and Rural Communities, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Food Safety and Inspection Service, 1:30 p.m., 2362A Rayburn.

Subcommittee on Commerce, Justice, and State and the Judiciary, and Related Agencies, on the Secretary of Commerce, 9:30 a.m., 2360 Rayburn, and to mark up Fiscal Year 1995 Rescissions, 12:30 p.m., H–309 Capitol.

Subcommittee on Energy and Water Development, on Corps of Engineers: North Central Division, New England Division, and on Pacific Ocean Division, 10 a.m., and on Corps of Engineers: South Pacific Division, and North Atlantic Division, 2 p.m., 2362B Rayburn.

Subcommittee on Interior and Related Agencies, on Fish and Wildlife Service, 10 a.m. and 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on OSHA, 10 a.m., and on Mine Safety and Health Administration, Employment Standards Administration, Office of the American Workplace, Pension and Welfare Benefits Administration, and on Bureau of Labor Statistics, 2 p.m., 2358 Rayburn.

Subcommittee on Legislative, on OTA and the GAO, 9:30 a.m., and on GAO and Public Witnesses, 1:30 p.m., H–144 Capitol.

Subcommittee on Military Construction, overview hearing, 9:30 a.m., B–300 Rayburn.

Subcommittee on Transportation and Related Agencies, to mark up Fiscal Year 1995 Rescissions, 3:30 p.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service, and General Government, on Secretary of Treasury, 10:30 a.m., H–163 Capitol.

Subcommittee on Veterans' Affairs, and Housing and Urban Development, and Independent Agencies, on Office of Consumer Affairs, Consumer Information Center, 10 a.m., and to mark up Fiscal Year 1995 Rescissions, 1:30 p.m., H–143 Capitol.

Committee on Banking, Finance, and Urban Affairs, to mark up H. Res. 80, requesting the President to submit information to the House of Representatives concerning actions taken through the exchange stabilization fund to strengthen the Mexican peso and stabilize the economy of Mexico, 2 p.m., 2128 Rayburn.

Subcommittee on Domestic and International Monetary Policy, Humphrey-Hawkins oversight hearing on the Biennial Report to the Congress, 10 a.m., 2128 Rayburn.

Committee on the Budget, to continue hearings on the Administration's HUD Budget, 10 a.m., and 2 p.m., 210 Cannon.

Committee on Commerce, to continue consideration of H.R. 917, Common Sense Product Liability Reform Act, 10 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, to continue markup of H.R. 999, Welfare Reform Consolidation Act of 1995, 9 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Postal Service, hearing on the general oversight of the U.S. Postal Service, 10 a.m., 2247 Rayburn.

Committee on International Relations, Subcommittee on Asia and the Pacific and the Subcommittee on International Economic Policy and Trade, joint hearing on the North Korean Military and Nuclear Proliferation Threat: Evaluation of the U.S.-DPRK Agreed Framework, 10 a.m., 2172 Rayburn.

Subcommittee on International Operations and Human Rights, to continue hearings on Foreign Relations Authorization: Arms Control and Disarmament Agency, 2 p.m., 2255 Rayburn.

Subcommittee on Western Hemisphere Affairs, hearing on Cuba and U.S. Policy, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, to continue markup of H.R. 956, Common Sense Product Liability Reform Act of 1995; and to begin markup of H.R. 988, Attorney Accountability Act of 1995, 9:30 a.m., 2141 Rayburn.

Committee on National Security, to continue hearings on the Fiscal Year 1996 National Defense authorization request, 9:30 a.m., 2118 Rayburn.

Subcommittee on Military Installations and Facilities, hearing on base closure and realignment issues, 2:30 p.m., 2212 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing on U.S. Geological Survey and Bureau of Mines fiscal year 1996 budget requests, 2 p.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife and Oceans, hearing on the reauthorization of the Magnuson Fisheries Conservation and Management Act, in particular H.R. 39, Fishery Conservation and Management Amendments of 1995, 11 a.m., 1334 Longworth.

Subcommittee on National Parks, Forests and Lands, hearing on H.R. 260, National Park System Reform Act of 1995, 10 a.m., 1324 Longworth.

Committee on Standards of Official Conduct, executive, to consider pending business, 4 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, to continue hearings on Restructuring Air Traffic Control as a Private or Government Corporation, 9:30 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Health, hearing on Medicare provisions in the Administration's budget, 9:30 a.m., and to mark up H.R. 483, to amend the Internal Revenue Code of 1986 to restore the exception to the market discount rules for tax-exempt obligations, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Technical and Tactical Intelligence, executive, hearing on Intelligence Support to Targeting of Precision Weapons, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:15 a.m., Thursday, February 23

Senate Chamber

Program for Thursday: After the recognition of three Senators for speeches and the transaction of any morning business (not to extend beyond 10 a.m.), Senate will resume consideration of H.J. Res. 1, Balanced Budget Constitutional Amendment.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, February 23

House Chamber

Program for Thursday: Consideration of H.R. 450, Regulatory Transition Act (modified rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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