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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. FOX of Pennsylvania].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 9, 1995.

I hereby designate the Honorable JON D. FOX to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

For grace and peace, for faith and hope, for good friends and family and colleagues, for all these good gifts and for all the wonderful blessings of life, we offer this prayer of thanksgiving and praise. Remind us, O gracious God, that whatever else we fought in our busy lives, we do not forget to offer thanks and praise—thanks to You for the miracles of life, and praise for the people about us who sustain us and help us along life's way. May we live each day full of appreciation for Your grace, O God, and for the opportunities to express that appreciation in deeds of justice and mercy. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). 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.

Mr. HEFLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

Mr. HEFLEY. 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.

Pursuant to clause 5 of rule I, further proceedings on this question are postponed until later today.

The point of no quorum is considered as withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Connecticut [Ms. DELAURO] come forward and lead the House in the Pledge of Allegiance.

Ms. DELAURO 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 Members for 1-minute speeches on each side of the aisle.

NO UNITED STATES GROUND TROOPS TO BOSNIA

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

Mr. HEFLEY. Mr. Speaker, I am deeply concerned about the Clinton administration's continued declarations about its intent to send United States ground troops to Bosnia for so-called peacekeeping operations. The Clinton administration has been completely inept at convincing Congress or the American people that we have a compelling interest in Bosnia.

Mr. Speaker, the President has an obligation to build a public consensus before committing American forces to these kinds of hazardous missions. And, to term U.S. ground troops in Bosnia hazardous is an understatement. It would be a virtual death sentence for many Americans. I have yet to talk to a single soul who is in support of this kind of deployment.

Mr. Speaker, 2 years ago, Clinton made the promise he would send the troops, with no idea of what they will be doing, how long they will stay, or what the measure of success would be. Last week, we passed a resolution saying come to us before you do that. The next day, the President said, We do not care what they pass down there, we are going to do it anyway.

Last night a conference produced a binding resolution which will come to the floor of this House hopefully next week. We will get an opportunity to debate this issue fully and to consider it.

Mr. Speaker, when one of our young service men or women comes home from Bosnia in a body bag, how do I tell the parents he died serving his country?

RAIDING OF PENSION PLANS

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

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to address a provision that was included in budget reconciliation. This provision would allow

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corporations to remove excess funds from overfunded pension plans for any reason. There is only one way to describe this provision and that is the raiding of pension plans.

This issue has received much attention across the Nation and the general consensus is this is a bad idea. In the September 25, 1995 edition of the Chicago Tribune there was an article entitled ''Keep Paws Off Pension Fund Assets.'' Let me read you a quote from this article:

> Well-heeled financial backers of the majority in Congress—perhaps sensing that the good days won't last much longer for them, either—are busy grabbing for everything they can get as fast as they can get it. Under cover of the high profile debates about budget deficits, welfare reform and Medicare, they are stuffing their cheeks with smaller morsels that don't get media attention. The latest is a proposed raid on corporate pension funds, which represent the storehouse of retirement savings for millions of American workers.

This article is right on target. We cannot allow corporations to siphon off excess pension assets. These pension assets are prudently invested and they should remain in the market. The corporate pension reversion provision does not belong in budget reconciliation. The Senate took a vote to remove it from their budget legislation. We should follow their lead. We cannot allow pension funds to be used as tax free corporate checking accounts.

TIME FOR PRESIDENT TO SIGN A BALANCED BUDGET

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

Mr. BALLENGER. Mr. Speaker, the President gives new meaning to the term AWOL—absent without leadership. We are in the process of doing something that the Democrat majority could never accomplish—balancing the Federal budget. Republicans are keeping their promise to move forward with a certified and honest balanced budget.

What has the Clinton administration done? Everything and nothing at the same time. The President has said he can support a plan that balances the budget in 5, 7, 9, or 10 years. But yet he has not produced any real plans to go along with his statements.

So now the Republican majority is going to present him with a real plan to balance the budget in 7 years. We have shown true leadership by doing the right thing for our children's future.

Mr. Speaker, it's time for the President to stop the gimmicks and excuses. It's time for him to keep his promises and sign a balanced budget.

REPUBLICANS' NEW YEAR'S CARD TO AMERICA

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

Mr. DOGGETT. Mr. Speaker, our Republican friends began shouting ''Happy New Year'' a little early last night. ''Happy New Year'' to everybody in this country who relies on Medicare, because come January there will be a New Year's card from our Republican friends. It is called an increase in Medicare premiums that every person who relies on Medicare will have to pay.

Mr. Speaker, if Americans are sitting out there saying, ''It does not make any difference to me. I am not on Medicare,'' they need to think again and look at the reports from this week. Economists in Washington and business representatives warn that millions of working people and their employers could end up paying more for health care and that many people who work for small businesses could lose their insurance altogether as a result of this harsh, backward Republican cut of Medicare.

Indeed, one independent study reports that employers would require their employees to absorb much of the increased costs in the form of reduced wages, truncated or denied pay increases, or less generous health coverage.

Half a million people will lose their insurance coverage altogether. That is the result of the Republican New Year's present to America: A cut in Medicare, a hike in premiums.

A BRIGHT FUTURE FOR AMERICA'S CHILDREN

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

Mr. KNOLLENBERG. Mr. Speaker, for months the minority has engaged in a vicious smear campaign designed to scare the American people into believing that the Republican majority is working against their interests.

I am here today to tell the American people that the sky is not falling. In fact, we are finally beginning to see the light at the end of the tunnel. A light emanating from the bright future that awaits our children because the Republican majority is requiring the Federal Government to live within its means.

It's simply immoral to spend money we don't have and expect the next generation to pick up the bill. Our plan to balance the budget ensures that our children will have a future that is free of debt and full of opportunity.

Mr. Speaker, we can't continue to perpetuate the policies of spend now and worry later. It's time to place America's families and America's future above the politics of the past. It's time to do the right thing and balance the budget.

VOTERS REJECT GINGRICH REVOLUTION

(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, some people just do not get it. On Tuesday night, as voters all over this country were rejecting the extreme agenda of the Gingrich revolution, House Republicans were working behind closed doors to raise the Medicare premiums.

Mr. Speaker, this is no smear; this is reality. The Medicare part B premiums were scheduled to drop to a 25-percent rate, but Tuesday night Republicans voted to raise those premiums to 31.5 percent. That means that instead of $42 a month, seniors will pay $53 a month beginning on January 1.

The Gingrich revolution means that seniors are going to pay more for Medicare. Do not believe them when they say they are protecting the future for our kids, because they are going to cut the opportunity for youngsters to be able to go to college. They are cutting student loans and providing working, middle-class families with more taxes. They are going to increase their taxes and, frankly, it is wrong.

Mr. Speaker, yesterday the American people rejected the extremism of the Gingrich revolution. What we need to do is to make sure the folks in the other body reject this Medicare increase.

SNOOPING, CHEATING, AND COVERUPS HAVE TO STOP NOW

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

Mr. CHABOT. Mr. Speaker, today's Wall Street Journal contains a shocking story about further abuse of government power. The Journal reports that the head of President Clinton's Department of Energy, Hazel O'Leary has hired a private investigating firm to poke into reporters who write about her. She's then had the private eyes create an enemies list of unfavorable reporters who report on her extravagant travel and the like. And she's billed this private investigation to the taxpayers at a cost of some $43,000, the paper reports.

All this comes on top of Mrs. O'Leary's incredible travel junketing, also undertaken at great taxpayer expense. Mr. Speaker, if the Journal story is accurate the Secretary of Energy should not remain in office 1 more day, 1 more hour, not even 1 more minute. President Clinton should dismiss her immediately.

This administration all too often makes excuses for officials who have gone bad. But the snooping and the cheating and the coverups have to stop. We cannot tolerate this sort of abuse of government power any longer.

TUESDAY'S MESSAGE FROM VOTERS: SLOW DOWN

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

Ms. MCKINNEY. Mr. Speaker, on Tuesday, voters across the Nation sent a message to the Republican majority in Congress: Slow down.

Mr. Speaker, since the elections of 1994, the Gingrich Republicans claim to have a mandate to slash Medicare, cut school lunches, obliterate Medicaid, and reduce student loans. However, that is not what they campaigned on.

Yesterday, Mr. Speaker, the Republican Party scared away its best chance to win the White House in 1996: Colin Powell. In little more than 100 years, the Republican Party has gone from being the party of Abraham Lincoln to becoming the Virginia Beach chapter of the Hezbollah.

Simply put, Mr. Speaker, the Americans do not want the GOP to crucify their Medicare on a cross built by the insurance industry.

AMERICAN DREAM, NOT THE AMERICAN DEBT

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

Mrs. WALDHOLTZ. Mr. Speaker, as the time grows closer for Bill Clinton to either sign or reject a real balanced budget, I feel it is important to remind everyone, on both sides of the aisle, of the importance of this historic legislation.

In a recent speech Alan Greenspan warned:

> If for some unknown reason, the political process fails, and agreement is not reached, it would signal that the United States is not capable of putting its fiscal house in order, with serious, adverse consequences for financial markets and economic growth.

Let me say that again, serious, adverse consequences for financial markets and economic growth.

Mr. Speaker, simply put, a balanced budget means 6.1 million new jobs. It means lower interest rates on cars, homes, and student loans. It means lower inflation. It means renewed hope for the future. And most important, it means that our children will be able to inherit the American dream, not the American debt.

RAIDING WORKERS' PENSIONS

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

Mr. KLECZKA. Mr. Speaker, I also come to the floor this morning to talk about a provision passed by this House which will have the effect of raiding workers' pensions to the tune of $40 billion.

Mr. Speaker, this House passed legislation to do just that. When this item was before the committee, I introduced an amendment to strike it, knowing full well that workers' pensions are their retirement, not to be used by corporations for any purpose. That amendment failed on a party-line vote.

Mr. Speaker, I then introduced an amendment to have corporations inform workers when they are going to reduce the pension plans. That failed on a party-line vote. We could not even inform the workers what the corporation is doing to their pension guarantee. That item came before us under the guise of corporate welfare.

Mr. Speaker, my colleagues know full well that the pension plans might be overfunded today because of a strong stock market, but a downturn in the stock market by at least 1 or 2 percent would have those pensions in default.

So, Mr. Speaker, I say to my colleagues, and especially NEWT GINGRICH, keep your paws off of worker pensions.

□ 1015

ENERGY SECRETARY O'LEARY

(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, in today's Wall Street Journal we found out that Secretary O'Leary, the Secretary of the Department of Energy, has been using tax dollars to investigate reporters that have been writing unfavorable articles about her. We already know that she has the highest travel budget of anyone of the President's Cabinet, as reported earlier.

According to Vice President GORE in his national performance review, her environmental management is 20 percent behind on the milestones, which means one out of five projects is late. Forty percent inefficiency is going to cost us $70 billion over the next 30 years, unless we do something. Now we find out that she is using your money, taxpayer money to investigate reporters that are not giving her very favorable reports.

It was a waste of tax dollars by the high travel budget. It is fraud and management techniques, and now it is abuse of the taxpayers to take their money to investigate reporters that have not been giving her favorable reports. I think it is time for Secretary O'Leary to move on and resign her post as Secretary of the Department of Energy.

PENSION REVERSION

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

Mr. GENE GREEN of Texas. Mr. Speaker, if I could ask the folks to direct their attention to the poster, during the 1980's, over $20 billion was removed from our retirement systems because many companies used their pension funds for leveraged buyouts and others were simply taken over so they could raid their pension funds. In 1982, it went from $404 million all the way up to 1985, $6 billion were taken out of pension plans by companies. In 1986, 1988, and 1990, these were effectively brought to a halt because Congress realized that people's pensions were in jeopardy by these raids and these reversions on pension plans.

The proposed change in the House reconciliation bill would allow employers to remove assets just like in the 1980's, if their liabilities are less than or more than 125 percent or less than 125 percent. They could remove it for any purpose. Changes in the interest rate and the stock market could change the pension plans to weather their needs.

The other body voted 94 to 5 to remove what the House did. I hope our conference committee would also remove it.

THE NATIONAL DEBT

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

Mrs. SEASTRAND. Mr. Speaker, yesterday the national debt stood at 4 trillion, 985 billion, 913 million, 11 thousand and 32 dollars, and 65 cents.

What has been the response from opponents? Fear tactics. Scare the elderly. Scare the children. Scare the infirm. Distort our majority plan to balance the budget.

We have a crisis in America with the national debt expanding and growing even as I speak. We need answers and the resolve to implement them.

I am reminded of what Ronald Reagan said 11 years ago. He said the choices we face are not between personalities or parties, but between ''different visions of the future, two fundamentally different ways of governing—their government of pessimism, fear and limits, or ours of hope, confidence and growth.''

Mr. Speaker, we can balance the budget and secure a better future for our children. We will not and must not be side-tracked by fear and pessimism.

MORE ON PENSION RAID

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

Mr. POMEROY. Mr. Speaker, a proposal tucked into the Budget Reconciliation Act would unleash a $40 billion raid on employee pension plans. During the last 2 nights during special orders, I have invited any Member of the majority to come down to the well and defend their proposal. No one has. I extend the invitation to the 1-minute speakers this morning.

They cannot do it because we all know, you jeopardize worker pension security when you allow $40 billion to be removed. We have done this before.

In the 1980's, $20 billion was removed from employee pension plans until Congress passed the laws that stopped this hemorrhage. This proposal advanced by House Republicans would allow $40 billion to flow out, jeopardizing retirement security for millions of Americans. This plan must be stopped.

REPUBLICAN RESPONSE ON PENSIONS

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

Mr. SCARBOROUGH. Mr. Speaker, I will answer the challenge of the last speaker and be glad to meet any time on this House floor and defend that proposal after I look into it, provided that he comes to the floor and also defends the reason why he continues to support higher taxes, higher spending, higher debt, supporting corporate welfare with the Commerce Department, supporting welfare for lobbyists, supporting all the things that the American people rebuked a year ago when we had the Republican revolution.

The Republican Party has stood for less taxes, less spending, less regulations, wiping out the Commerce Department and wiping out welfare for lobbyists. It is time that the Democratic Party gets the message. Step forward and support us in this revolutionary change. We are changing Washington and we will continue to do it today.

PENSION RAID

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

Mr. HINCHEY. Mr. Speaker, for the last several months, since the beginning of this year, in fact, the Speaker of this House and his followers have been trying to convince the American people that the best way to save the Medicare Program is by raiding it to the tune of $240 billion. I think that the people of this country have clearly seen through that ploy. Now what they are trying to do is to convince us that the best way to treat American workers is to raid their pension funds by $40 billion.

The last speaker who was up here said that he would be happy to look into this, but the fact of the matter is, he has already voted for it. It was in the budget reconciliation bill. This House, the majority party in this House, led by the Speaker, has already passed a bill that would take $40 billion out of the pension programs of American workers, robbing them of the security for which they have worked all their lives. It is a shameless raid on their assets and it needs to be stopped.

TUESDAY'S ELECTION

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

Mr. HOKE. Mr. Speaker, the conservative revolution in this country is alive and well. Tuesday bore that out once again when we had conservative Republicans win elections all over the country. We retained for the first time ever, ever that a single party has held a majority in the legislature in New Jersey for three successive elections. We have the largest number of seats in the Virginia legislature in fully 120 years.

And not only that, but a Republican actually won in Kentucky. Governor Forgy campaigned on smaller government, tax cuts, death penalty, conservative government and on election night, he said: ''Today Kentucky said yes to smaller, more efficient, more conservative government.'' It was simply that it was a Democrat masquerading as a Republican.

Now I want to share with my colleagues something from the Washington Post of a couple of days ago where they have said, they asked the same questions about President Clinton that we have been asking all year. They said:

> He has walked away from the welfare bill he sent to Congress last year. Perhaps he will say he did not mean to send up last year's health care reform proposals either. It becomes increasingly difficult to know what this President stands for or whether he stands for anything.

THE BIGGEST PENSION RAID EVER

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

Mr. WILLIAMS. Mr. Speaker, I yield to the gentleman from North Dakota [Mr. POMEROY].

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

The response I would have to the preceding speaker who just said he would ''look into the facts surrounding the $40 bill pension raid'' explains the seriousness of this proposal.

It was advanced in the Committee on Ways and Means—the biggest pension raid on employee pensions ever allowed in history by a Congress. It did not even have a hearing. It then came to the floor of the House and I sought, along with some of my colleagues, an opportunity to independently debate and vote on this pension raid proposal.

The Committee on Rules did not allow us to single out the pension raid proposal. It was part of the Budget Reconciliation Act. And as the preceding speaker indicated, he did not even know it was in there. He said he will look into it.

He has already voted for it—$40 billion, the biggest raid on employee pension plans.

The majority leader said it right earlier this year in response to another proposal, he said, ''keep your paws off worker pensions.'' The Republican majority would be well advised to follow this advice and drop the pension raid provision of the Budget Reconciliation Act.

BALANCING THE BUDGET

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

Mr. CHRISTENSEN. Mr. Speaker, no more excuses. No more gimmicks. It is put-up or shutup time on balancing the budget.

If the President wants to veto the continuing resolution we passed today, then it is time for this body to take away not only his credit card but all the departments of this Federal Government's credit cards and the abuse of the taxpayer dollars.

Balancing this country's books is what the American people are demanding. The President and his ilk cannot hide behind their Mediscare tactics anymore. The truth is out.

The taxpayer's share of part B is currently 31.5 percent. And guess what, it will stay at 31.5 percent. We have put forward the only responsible plan to save Medicare from bankruptcy, and we have put forward the only responsible plan to balance this country's books by the year 2002.

If Members care about the young and if they care about the old, do what is right and support both of these plans.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). The gentleman will state it.

Mr. WILLIAMS. Mr. Speaker, did the gentleman who just spoke refer to the President as ''ilk'' and if so is that outside the rules of the House?

The SPEAKER pro tempore. The Chair is not aware of such a word on the RECORD.

Mr. WILLIAMS. I am sorry?

The SPEAKER pro tempore. The Chair is not aware of such a word on the RECORD and cannot respond at this point. The Chair will check the remarks. The Chair will ask all Members to be respectful to the President.

Mr. WILLIAMS. Further parliamentary inquiry, Mr. Speaker, without asking, which I do not intend to do, that the gentleman's words be taken down, is it my understanding that the Chair intends to peruse the RECORD to determine if the gentleman used the word ''ilk'' and whether or not that was outside the rules?

The SPEAKER pro tempore. A timely challenge was not made to the remarks. However, the Chair will request all Members to respect the President in their speeches.

Mr. WILLIAMS. I thank the Chair for an effort to continue civility in the House.

ON PENSION FUND REVERSIONS

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

Ms. BROWN of Florida. Mr. Speaker, once again, the party of the rich and famous is up to their old tricks. The recently passed Republican budget reconciliation plan includes a provision

that would allow corporations to raid $40 billion from pension funds and use it for whatever reason they see fit.

This provision is just plain wrong. During the 1980's, approximately, $20 billion in pension funds were drained by companies and, in many cases, used to finance corporate takeovers and leveraged buyouts—leaving the retirement savings of millions of American workers at risk.

Mr. Speaker, why do House Republicans want to risk losing the pensions of 11 million workers and 2 million retirees? Why are House Republicans digging up this ill-advised pension raid which failed in the eighties and is certain to fail again?

I think I know. It is another tax break for the wealthy at the expense of working people and retirees.

The Senate rejected this language, and I urge the budget conferees to reject it too.

BUDGET RECONCILIATION

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

Mr. RIGGS. Mr. Speaker, let me tell my colleagues about the balanced Budget Reconciliation Act that every Democrat who has spoken here in the well this morning voted against a couple of weeks ago. This is our plan which balances the Federal budget in 7 years. Members heard me right, a balanced Federal budget for the first time in a quarter of a century by limiting the growth, the increase in Federal spending to 3 percent per year.

This plan also contains three other major reforms: Tax cuts for families and for economic growth and job creation in the private sector, since the Democrat majority believes the only place we can create jobs is through Government, expanding Government; genuine welfare reform that requires work for the able-bodied, emphasizes families and gives people hope for the future; and lastly, a plan to preserve, protect, and strengthen Medicare for today's and tomorrow's seniors, a plan which increases Medicare spending for every senior every year.

What is their alternative? The Clinton Democratic 10-year budget plan with deficits as far as the eye can see, red ink, increasing from $196 billion this year to $209 billion in the year 2005. It is time for the Democrat minority to get with the program here and adopt a budget that reflects America's values.

REMEMBERING YITZHAK RABIN

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

Ms. PELOSI. Mr. Speaker, over the weekend thousands of people gathered in San Francisco, halfway round the world from Israel, to mourn the tragic death of Prime Minister Yitzhak Rabin.

I rise to give expression to our grief. Hearing Prime Minister Rabin eulogized by Presidents and Kings and lovingly remembered by his granddaughter, I was reminded of the words of Ecclesiasticus:

> Now let us praise great men, the heroes of our Nation's history, through whom the Lord established his renown, and revealed his majesty in each succeeding age. Some held sway over kingdoms and made themselves a name by their exploits. Others were sage counselors, who spoke out with prophetic power. Some led the people by their counsels and by their knowledge of the Nation's law; out of their fund of wisdom they gave instruction.

□ 1030

The Bible goes on to praise Abraham, Moses, David, and other heroes of the Jewish nation. Yitzhak Rabin with his courage, wisdom, and sacrifice, fits comfortably among those leaders of the Jewish people, not only for today, but for the ages. Thank God for the life of Yitzhak Rabin.

WHAT A BALANCED BUDGET MEANS TO THE AMERICAN FAMILY

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

Mr. HERGER. Mr. Speaker, what will a balanced budget mean to the American family?

Economists predict that balancing the budget will bring about a 2-percent drop in the interest rates. On an average 30-year home mortgage of $75,000, families will save $37,000 over the life of that loan. On an average 10-year student loan of $11,000, graduates will save $2,160 over the life of that loan. And on an average 4-year car loan of $15,000, families will save $900 over the life of the loan.

Mr. Speaker, we are talking about real savings for all Americans. The economic future of our country is at stake. No more excuses. No more gimmicks. The time has come to balance the Federal budget. Americans deserve the chance to realize the savings that a balanced budget will bring to their family.

DO NOT INCREASE THE BURDEN ON SENIORS

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

Mr. LEWIS of Georgia. Mr. Speaker, they are at it again. Last night, the Republicans increased premiums for Medicare. They sneaked it in at the final hour. They sneaked it in on the same day they gave one more tax break to their rich corporate friends.

Mr. Speaker, this proposal raises premiums for seniors by 20 percent—by 20 percent. That is not fair. That is not right—not when 11 million women on Medicare have incomes less than $8,000. For these women—every dollar counts, and now they must pay more.

Why was this done? Seniors have a right to know why. There was only one reason—my Republican colleagues must give tax breaks to the rich. This premium increase will not help the Medicare trust fund. But it will help the Republican's rich friends. And it will hurt our Nation's seniors.

That is not right. Shame on the Republicans, shame.

WE MUST BALANCE THE BUDGET

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

Mr. KINGSTON. Mr. Speaker, with the rising national debt, with the Government going out of control, with Washington micromanaging everyone's life, it is right and it is proper and it is time to get our house in order. We must balance this budget.

I hear time and time again from this side of the aisle that we are doing it on the backs of children and seniors and so forth and national parks. If my colleagues want to play that kind of scare tactic game, I guess that is the way. As my colleagues know, we cannot convince people not to do that, but the time has come to be responsible.

Mr. Speaker, we are increasing payments on Medicare from $4,800 to $6,700 per senior. On AFDC we are going up 39 percent, from $89 to $124 million.

Our balanced budget, which the Democrats claim cuts and decimates and destroys, actually increases spending over a period of time about $3 trillion. It is a reduction in the growth, but it balances the budget in a 7-year period of time, and that, Mr. Speaker, is what needs to be done to bring our financial picture in order.

APPOINTMENT OF CONFEREES ON H.R. 2546, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from New York?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. DIXON moves that in resolving the differences between the House and Senate, the managers of the part of the House at the conference on the disagreeing votes of the

two Houses on the bill, H.R. 2546, be instructed to insist on the House position relating to technical corrections to the Financial Responsibility and Management Assistance Act.

The SPEAKER pro tempore. The gentleman from California [Mr. DIXON] will be recognized for 30 minutes, and the gentleman from New York [Mr. WALSH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DIXON].

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

Mr. DIXON. Mr. Speaker, this motion to instruct conferees on H.R. 2546, the Fiscal Year 1996 District of Columbia Appropriations Act, is very straightforward. This motion would simply instruct the House conferees to insist on the House position related to technical corrections to the District of Columbia Financial Responsibility and Management Assistance Act, Public Law 104–8.

When the House considered the District of Columbia appropriations bill, the House unanimously adopted an amendment from the distinguished gentleman from Virginia, Mr. DAVIS, making technical, but important, changes to the enabling statute for the District's financial control board. These changes would correct several inadvertent errors made in the original statute enacted in April 1995, and carry out the original intent of Public Law 104–8.

These provisions were not included in the Senate version of the bill, but should be adopted by the conference committee.

These provisions will strengthen the hand of the financial oversight board in dealing with the district. I urge the adoption of this motion to instruct.

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

Mr. Speaker, I have no objection to the motion. I support the motion.

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

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

Mr. DURBIN. Mr. Speaker, those who are following the budget debate in Washington may be aware that we are coming upon some deadlines, important deadlines for every American family. Next week there will be a deadline on funding the Federal Government. If this Congress fails to pass a continuing resolution which is signed by President Clinton, then in fact many offices of the Federal Government will close. For many American families, the veterans seeking to sign up at the Veterans Administration, those seeking to sign up for Social Security, small businesses looking for help from the SBA, they will place the phone call, no one will answer, and the lights will be out.

There is another deadline coming up soon. It is called the debt-ceiling extension, which most Americans are not aware of. It is, in fact, the authorization by this Congress to the Federal Treasury to continue to borrow, to extend the full faith and credit of the United States. If we fail to make that extension, then in fact we will default for the first time in our history, the first time in U.S. history, and that default, of course, will ripple across the economy as it raises interest rates and raises the cost of home mortgages.

There are the doomsday scenarios, the train wrecks, the gridlocks that we hear so much about as part of the strategy from the Republican side of the aisle.

Speaker GINGRICH has said repeatedly when it comes to dealing with President Clinton on the budget, ''I will cooperate, but I will not compromise.'' Let me tell my colleagues this:

For us to sit by and watch the Federal Government shut down or to default on this debt is a total abdication of responsibility, and that is why I am supporting a provision which says no budget, no pay. It is in the Senate version of this bill. I will be pushing for it in the conference committee. What it says is simply this:

If Congress fails to keep the agencies of Government open, if we default on the national debt because of the negligence of this Congress, Members of Congress will not be paid for those days.

Now I know that is tough medicine. A lot of my colleagues are murmuring about me, and they will not talk to me in the hallways. That is OK. I think the bottom line is Democrats and Republicans were sent here to solve problems on a bipartisan basis, not to preside over a train wreck or any gridlock.

Mr. Speaker, I will be pushing for this no budget, no pay in conference.

Mr. DIXON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALSH. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I rise just briefly to respond. I think that certainly our party has reached out to work with the administration to try to preclude any of the train-wreck scenarios the gentleman from Illinois [Mr. DURBIN] has talked about, and our leadership has gone out of its way to try to resolve these issues, they need to be resolved, but at the same time we are very concerned about getting our budget in balance for the first time in a long, long time. Raising the debt ceiling for the Federal Government is an important issue, and I think it is important that both sides work together to try to resolve it so that we can, while we are going to increase our ability to borrow money to pay the debt, we need to talk seriously about getting our budget in balance. So I ask that first of all we support this motion.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California [Mr. DIXON].

The motion to instruct was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mesrrs. WALSH, BONILLA, KINGSTON, FRELINGHUYSEN, NEUMANN, LIVINGSTON, DIXON, DURBIN, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and that I may include tabular and extraneous material.

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

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

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

Mr. RIGGS. 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 338, nays 66, answered ''present'' 1, not voting 27, as follows:

[Roll No. 776]

YEAS—338

Ackerman	Bono	Conyers
Allard	Boucher	Cooley
Andrews	Brewster	Costello
Archer	Browder	Cox
Bachus	Brown (OH)	Coyne
Baesler	Brownback	Cramer
Baker (CA)	Bryant (TN)	Crapo
Baker (LA)	Bryant (TX)	Cremeans
Baldacci	Bunn	Cubin
Ballenger	Bunning	Cunningham
Barcia	Burton	Danner
Barr	Buyer	de la Garza
Barrett (NE)	Callahan	Deal
Barrett (WI)	Calvert	DeFazio
Bartlett	Camp	DeLauro
Barton	Canady	DeLay
Bass	Castle	Dellums
Beilenson	Chabot	Deutsch
Bentsen	Chambliss	Diaz-Balart
Bereuter	Chenoweth	Dickey
Berman	Christensen	Dicks
Bevill	Chrysler	Dingell
Bilbray	Clayton	Dixon
Bilirakis	Clement	Doggett
Bishop	Clinger	Dooley
Bliley	Coble	Doolittle
Blute	Collins (GA)	Doyle
Boehlert	Collins (MI)	Dreier
Bonilla	Combest	Duncan
Bonior	Condit	Dunn

Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fields (TX)
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torres
Torricelli
Towns
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wolf
Wyden
Wynn
Young (FL)
Zeliff

NAYS—66

Abercrombie
Becerra
Borski
Brown (CA)
Brown (FL)
Cardin
Clay
Clyburn
Coburn
Coleman
Collins (IL)
Davis
Durbin
Ensign
Everett
Fazio
Filner
Foglietta
Furse
Gephardt
Gibbons
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Heineman
Hilleary
Hilliard
Hinchey
Jacobs
Jefferson
Johnson, E.B.
LaFalce
Lantos
Latham
Levin
Lewis (GA)
Longley
Martinez
McDermott
Menendez
Miller (CA)
Neal
Ney
Oberstar
Orton
Payne (NJ)
Pickett
Pombo
Rush
Sabo
Sanford
Schroeder
Scott
Skaggs
Taylor (MS)
Thompson
Torkildsen
Velazquez
Vento
Visclosky
Waters
Wise
Woolsey
Yates
Zimmer

ANSWERED ''PRESENT''—1

Harman

NOT VOTING—27

Armey
Bateman
Boehner
Burr
Chapman
Crane
Dornan
Fields (LA)
Hefner
Hunter
Kaptur
Linder
Mfume
Moran
Owens
Peterson (FL)
Rangel
Roth
Stockman
Thornton
Thurman
Tucker
Volkmer
Waldholtz
Weldon (PA)
Wilson
Young (AK)

□ 1102

Mr. PAYNE of New Jersey changed his vote from ''yea'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

MOTION TO GO TO CONFERENCE ON H.R. 956, COMMON SENSE PRODUCT LIABILITY AND LEGAL REFORM ACT OF 1995

Mr. HYDE. Mr. Speaker, by direction of the Committee on the Judiciary, pursuant to House rule XX, I move to take from the Speaker's table the bill H.R. 956, to establish legal standards and procedures for product liability litigation, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Illinois [Mr. HYDE].

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CONYERS moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 956, be instructed not to agree to any provision, within the scope of conference, that would limit the total damages recoverable for injuries by aged individuals, women, or children to an amount less than that recoverable by other plaintiffs with substantially similar injuries.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. HYDE] will be recognized for 30 minutes.

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

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

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

Mr. CONYERS. Mr. Speaker, the motion I am offering would instruct the conferees to not agree to those provisions which limit the total amount of damages recoverable by seniors, women, and children to an amount less than that recoverable by other plaintiffs with substantially similar injuries.

The Republican legal liability bills passed by both Houses of Congress are replete with provisions which will have a disproportionate impact on the most vulnerable members of our society. The House bill caps noneconomic damages in health care liability cases at $250,000, both bills limit punitive damages depending on the amount of economic damages, and both bills eliminate joint and several liability relating to noneconomic damages.

The cumulative effect of these provisions on the elderly, women, and children is devastating. Since these groups generally earn less wages, a greater proportion of their losses is likely to be noneconomic. A middle-aged adult who loses his job could seek full compensation, while a child or a senior who loses a limb or is forced to bear excruciating pain for the remainder of his or her life would face arbitrary new damage limitations. A corporate CEO with a seven figure salary is entitled to collect millions of dollars in damages in lost wages resulting from medical misconduct, but a homemaker who loses her reproductive capacity as a result of medical malpractice would face a $250,000 limitation on her damages.

The House bill also immunizes manufacturers of FDA-approved products from any possible award of punitive damages. This so-called FDA defense completely forecloses the possibility of punitive damages for defective products—even if the manufacturer has clear evidence of the dangers of a product. This will undoubtedly have a disproportionate impact on the ability of women to recover damages, since so many cases involving large punitive damage awards pertain to defective medical products placed inside women's bodies. We need look no further than the Dalkon Shield, Cooper 7–IUD, high-estrogen birth control pills, and high absorbency tampons linked to toxic shock syndrome to find recent examples of FDA–approved products which caused widespread injuries to female consumers.

What is it about the elderly, women, and children that the Republican Party is so opposed to? The legal reform bills before us are blatantly unfair and discriminatory, and I would hope the conferees would have the good sense to remove these provisions from whatever final legislation may emerge from the conference.

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

Mr. DINGELL. Mr. Speaker, I urge my colleagues to support the motion to instruct. I have long supported product liability reform legislation. However, I was compelled to vote against the so-called common sense product liability and legal reform bill passed by the House early this year because it had little to do with either product liability reform or common sense. Due in great part to extreme amendments added during floor debate, the bill passed by the House became a Christmas

tree for special interest groups that makes radical changes to the Nation's legal system that go far beyond fair and balanced product liability reform.

For example, the bill creates numerous and varying standards for preemption of State laws that would create confusion rather than uniformity. It abolishes joint liability for noneconomic damages in all civil cases—not just product liability actions—and limits noneconomic damages in medical malpractice cases to only $250,000. These provisions fail to recognize that pain and suffering, disfigurement, loss of limb, sight, or reproductive capacity are very real harms and that they have the effect of treating low-income workers, retirees, women, children, and disabled persons less favorably than corporate executives and others who have large economic losses. And floor amendments to the bill deleted important provisions that would ensure that foreign corporations who sell defective products here will not be treated more favorably than our own companies.

The motion to instruct is one that all Members should support. It simply says the conferees should not agree to provisions in either bill that tend to limit recovery for damages by seniors, women, and children compared to others who suffer substantially similar injuries.

In recent days, we have fought legislation our Republican colleagues have rammed through the House that will disproportionately hurt seniors, women, and children, while wealthier persons are enriched even more. The most glaring example of this treachery is the Speaker's plan to cut Medicare by $270 billion while giving tax breaks of $245 billion to the rich. It seems the other side will stop at nothing in their attempts to carry out their extreme agenda that will have the effect of hurting the most vulnerable of Americans.

Treating seniors, women, and children the same as other persons is truly a commonsense proposal. I urge my colleagues to support this simple and straightforward motion.

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

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

Mr. HYDE. Mr. Speaker, one of the principal goals of civil justice reform legislation is to restore fairness, rationality and predictability to our Nation's legal system. We want our legal system to be even-handed. The notion that these reforms will adversely affect particular groups, women, the elderly and children, is just not accurate. Mr. Speaker, it is an emotional device used by opponents of legal reform to confuse the issues and to divide supporters.

The much-needed reforms contained in the Common Sense Legal Reform Act treat all plaintiffs the same. The motion fails to recognize the distinction between economic damages, that is reimbursement for actual out-of-pocket losses on the one hand, and noneconomic damages, which are damages for intangible items such as emotional distress or pain and suffering on the other.

Because noneconomic damages are not based on tangible economic losses, such as medical expenses or lost wages, there are no objective criteria for determining the amount of such an award.

As a result of their subjective nature, noneconomic damages vary widely, the awards vary widely, even for similar or identical injuries. This introduces an issue of unpredictability and caprice into the civil justice system.

Mr. Speaker, because there are no objective standards for assessing noneconomic damages, jurors often pick figures out of the air. It depends on how well the plaintiff's lawyer can play the violin. For the same reason, judicial review of noneconomic damage awards is virtually nonexistent.

Noneconomic damage awards may well be disproportionately high. Jurors in many jurisdictions routinely make excessive awards for intangible losses. Similarly, the motion to instruct fails to distinguish between compensatory damages and punitive damages.

Mr. Speaker, under our legal system, punitive damages are not intended to compensate injured parties. Instead, they are intended to be a punishment and a deterrent. Punishment for particularly reckless or egregious acts and deterrence against similar reckless acts in the future. Using economic damages rather than noneconomic damages as a measurement for appropriate punitive damages to me makes sense.

Like criminal fines, civil punishment in the form of punitive damages should bear a reasonable relationship to the conduct for which the defendant is punished. Economic damages are susceptible to fairly accurate determination and, therefore, provide an appropriate basis from which to calculate punitive damage awards, ensuring that similar cases are treated alike.

□ 1115

By contrast, using inherently subjective noneconomic damages as a basis for calculating punitive damages could ensure that defendants in similar cases will be subject to widely varying punitive damage awards. Because noneconomic damages may be exceedingly high, they provide no meaningful limit on the size of punitive damage awards. Basing punitive damages on noneconomic damages would enhance the windfall nature of punitive damages and increase plaintiffs attorneys' contingency fees and unduly inflate punitive damage awards.

It is important to note there is no right to punitive damages. Again, punitive damages are not about compensating the injured party. Those who would use noneconomic damages as a basis for calculating them seek only to increase punitive damage awards at the expense of rationality and predictability.

A number of States that permit punitive damages have enacted statutes using economic damages as the basis for such awards. For these reasons, I strongly urge this House to reject the gentleman's motion to instruct conferees on H.R. 956.

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

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], minority whip.

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

Mr. Speaker, here we go again, waging class warfare on middle-income working families.

Mr. Speaker, let us be clear what this bill does.

If you are a corporate CEO making $1 million a year and God forbid you should get in a car accident because a faulty gas tank explodes, this bill say you can receive up to $3 million in damages.

But if you are a working mom or a senior citizen making $15,000 a year, and you should get in a car accident because of the same faulty gas tank, you can only receive up to $250,000 a year.

That is what this bill does.

This bill says that the lives of corporate CEO's and corporate bankers and the economic elite are more important and more valuable than the lives of working men and women. And that is shameful.

Mr. Speaker, we live in a country where 98 percent of the growth in income since 1979 has gone to the top 20 percent.

Yet in the past 3 weeks, this House has voted to cut Medicare, Medicaid, and student loans to give tax breaks to the wealthy.

Two weeks ago today, it voted to take $648 out of the pockets of families who earn less than $50,000 a year, just so we can give a $14,000 tax break to a few lucky families who earn over $350,000 a year.

And today, we are trying to write special rules for the wealthy one more time.

Mr. Speaker, enough is enough. It is a tragedy when anybody is injured by a faulty product. Let us not make women, children, and seniors pay a special price.

I urge my colleagues: Support the motion to instruct and stand up for fairness for a change.

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

Mr. Speaker, the class struggle goes on. Every time some of the outstanding spokesmen for the other side take the well on almost any issue, we find ourselves in some nuanced version of dialectical materialism. Does the minority really want to help the elderly? Then let them join us in helping to reform a confusing and irrational liability lottery that is almost totally unpredictable. It makes many injured victims wait years, years before they receive any compensation for their injuries. Does the minority really want to help women? They sure say they do. Then let them join us now in overthrowing the system that is discouraging the development of new beneficial and lifesaving treatments for breast

cancer, ovarian cancer and other deadly diseases that afflict women.

A recent report by the American Medical Association contained the following quote:

> Innovative new products are not being developed or are being withheld from the market because of liability concerns or inability to obtain adequate insurance.

That is pretty clear, who is standing in the way of protecting women.

How many more Americans, men and women, will lose their lives because our current system discourages new and lifesaving products from ever being developed? Well, does the minority really want to help our children? To hear them, they sure do. They are the only ones that do. Then let them help us pass legislation and cut the lawyers tax on childhood vaccines. Ninety-five percent of the price of a vaccine today goes solely for liability costs.

The current liability system adds cost to virtually every product purchased by every American. Children suffer from the current system in many other ways. One only has to visit the many recreational parks that have been closed, little leagues that have been disbanded, swimming pools that have been altered or shut down, charitable groups such as the Boy Scouts and Girl Scouts where parents are afraid to risk volunteering, all because of liability fears.

We should be working together to pass this bill to help American children.

Mr. Speaker, it is not the elderly, women, and children who are threatened by these reforms. It is the wealthy personal injury lawyers who are threatened by reform. It is they who are pushing a small minority of our colleagues to derail these reforms in any way possible.

I urge my colleagues to defeat this motion and let us at long last get onto long overdue reform of the tort system.

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

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BRYANT].

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

Mr. BRYANT of Texas. Mr. Speaker, there have only been 355 punitive damage verdicts in 25 years, 355 in the whole United States. Yet the minority comes forward and presents this to us as though it is a crisis. There is not a single study, not a single study, not one study that confirms this assertion that there is a lawsuit explosion or that there is an explosion in size of verdicts or an explosion in the number of punitive damage verdicts.

What is a fact, though, is that there is only one place, one place in the United States where the humblest citizen is equal to the most powerful person, the most powerful corporation or the most powerful institution, one place where they are equal. That is the American courtroom.

And this new Republican majority is doing everything it can for its corporate supporters and its rich and powerful supporters to see to it that that is no longer the case. And that is the only thing this whole debate is about.

Has anybody on the other side, I wonder, read the Conyers proposal for instructing the conferees? What it says is that the conferees should not agree to any provision that would limit the total damages recoverable for injuries by aged individuals, women, or children with an amount less than that recoverable by other plaintiffs with substantially similar injuries.

Now, if the gentleman from Illinois [Mr. HYDE] and the Republicans truly believe that their bill is not unfair, that their bill does not disadvantage aged individuals, women or children, they should have no objection whatsoever to this instruction. But they do. Why? Because their bill plainly does.

A bill which limits punitive damages, which by the way are for intentional conduct that hurts somebody else virtually on purpose, for taking a baseball bat and pounding somebody, for stealing from somebody, depending on the type of lawsuit that it is, if punitive damages are only three times economic damages, then the little guy or women who does not make very much money and loses their livelihood can only get three times that. But the rich guy, represented by the folks on this side of the aisle, he could get three times of whatever he makes. That is what this debate is all about right here.

The fact of the matter is, these guys represent the corporate interests and the rich folks that do not want the American who is a little guy or a little woman to be equal in the American courtroom to them. That is all this whole debate is about.

For goodness sakes, read this instruction. It just says that aged individuals, women or children should not be restricted to an amount less than that recoverable by other plaintiffs when they have substantially similar injuries. Surely their damages should be the same. I think every American would agree. Vote for the instruction offered by the gentleman from Michigan [Mr. CONYERS].

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

I just want to respond to one sentence from my dear friend from Texas. He said ''these guys.'' I think he was referring to us. What a contrast to the old days when we used to say ''my learned friends.'' Claude Pepper, where are you when we need you?

''These guys represent the malefactors of great wealth, the bloated bondholders, the economic royalists, the big corporations.'' If I may, in a humble way say, these other guys represent the plaintiffs trial lawyers.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN] who is a distinguished member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, I am a brandnew Member of Congress; I have been here just about 11 months and was not here to hear the flowery rhetoric of last year. These gals think there is a problem with the bill before us.

I want to raise an issue that I raised in the committee and it has to do with the law of unintended consequences. At least, I believe they are unintended.

Several States of our union have passed laws that allow victims of child molestation to sue the person who harmed the child and collect under punitive damage statutes. I think that is terrific. As a matter of fact, I offered, earlier this year, an amendment in committee to impose life imprisonment on child molesters, but that was ruled nongermane. I think the tougher we are against those who abuse children, the better off society is.

I note that, unless the Conyers motion to instruct is approved, those statutes would in essence be repealed because we are federalizing the laws of the 50 States. I know that the chairman, who I truly admire and respect, does not intend this result. But the facts are that a child has no economic damages that are easily quantifiable. If an individual rapes a woman, she maybe able to quantify damages and lost wages from the trauma inflicted upon her. That case is very difficult to make if the victim of the molestation and rape is an 8-year-old. Under this bill, that child would be limited in recovery.

However, because of the money that potentially maybe needed for counseling for that child, I personally believe that if we can go after the wrongdoer in that case and make them pay as much money as possible, that is a good thing to do. We should punish that person criminally. We should punish that person civilly. Without the motion to instruct, the laws of the States that are moving in that direction, and I would say in an orderly fashion and with a lot of justification, will be preempted by the Federal Government. I think it is a mistake.

I would like to raise one other additional caution. In the Committee on Science we are going to be working on reform of the FDA, which Lord knows needs it. I am concerned that if the FDA exception in this bill is enacted at this time, it may have an unintended consequence on that serious work. In the end, it may be something we want to do, but I think the jury is still out. I think it is a mistake to do that without tying it into the overall FDA reform effort.

With that, I thank the gentleman from Michigan, [Mr. CONYERS], my esteemed ranking member.

□ 1130

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

Mr. Speaker, I wonder if I might respond to the gentlewoman from California [Ms. LOFGREN], who is one of the very serious and pro-active members of

our committee. I want to agree with her that the matters she mentioned, it seems to me, are not adequately dealt with in our bill, and it is my intention in conference to carve out of the exceptions in this bill crimes of violence, drunk driving, criminal activity that she mentioned as being inadequately compensated, child molestation, and I do agree with her.

Mr. Speaker, it is my intention, and I am sure, with the help of the conferees, that we will make that a better situation in conference.

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

Mr. Speaker, I am delighted to hear the chairman of the Committee on the Judiciary agreeing with us on something. I am glad he thought of it now. This bill was in our committee. We tried to get a rule to this effect without any luck. Of course the gentleman does not control the Committee on Rules. But now that I find out that I am involved in dialectical materialism, I just thought I ought to find out what the heck it was, and it is the Marxian interpretation of reality that views matters as the sole subject of change and all change as the product of a constant conflict between the contradictions inherent in all events, ideas, and movements.

I appreciate that because I have also learned that now the Republicans are also supporting women. The ladies, they do not understand; we are just raising this as a political issue to embarrass the Republicans' Contract With America. But the people in the Congress that are really out to help them and the seniors are these fellas that are on the other side that correct us when we say ''these fellas.''

This distinguished group of Members of the Republican persuasion keep saying, ''Here we go again with a class war, class warfare. We only rip you off in the legislation.'' But then when we bring it to their attention on the floor, we are dialectical materialists, we are using the language unfairly. ''Women, seniors, children, this is for your benefit, don't believe these guys on the other side, the Democrats that are just trying to score political points. For goodness' sakes, we are going to limit your damages, and so why all this confusion?''

This is one of the most revealing positions of the Republican contract. This is part of the contract, limit punitive damages, because the limit will take away one of the most effective means of protecting Americans from the products that kill, maim, and do sterility and otherwise injure, and what do we get accused of? We are protecting lawyers. That is what we are doing, and they are protecting the women.

I ask, don't you understand, ladies and gentlemen of America? It is the Republicans and the contract that are helping you out. It's us that are really protecting the plaintiffs' lawyers.

So between our dialectical materialism and our protecting the lawyers the real guys get accused of trying to use class warfare as a basis of further confusing this wonderful Contract With America.

Of course the most profound mistruth being told about punitive damages is that they are awarded too often.

Now we said there are 355 punitive-damages awards in product liability. But it we take out asbestos for the 30 years' period, it only amounts to 11 awards each year, many of which were reduced on appeal.

Now is this new to the Committee on the Judiciary? I think not. We went over it a hundred times, and then we come to this floor when productive rights of women, of seniors, are now in issue, and it is a big gag; as my colleagues know, it is real funny. It is just another joke because they have got the votes, and they will probably roll us over anyway; right?

Well, it is a terrible way to legislate, and I have got a number of stories about this. But the bottom line is that the bill discriminates against seniors, women, and children, and no amount of dialog on this floor is going to change it.

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

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

In our ongoing classes on Marxian philosophy, Mr. Speaker, the gentleman from Missouri has proposed the thesis. I propose the antithesis and in conference we will get the synthesis, and if that needs any further explanation, we can do it after the debate.

Nobody has ever said there are too many punitive-damage awards. I certainly have not. I do not know if there are or not. That does not enter into my calculus.

But what does bother me is the possibility of wild, runaway punitive damages which are not to compensate the plaintiff, the injured party, and the case immediately comes to mind in Alabama where a doctor bought a BMW, and had to take it in for some servicing, and learned that it had been repainted, and so an award of $2 million punitive damages was awarded against the automobile company. Now I suppose automobile companies, especially if they are foreign companies, are not entitled to much justice over here, but that is the sort of capricious action that we are trying to straighten out in this legislation.

So I hope the gentleman's motion to instruct is defeated.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

The thesis, the antithesis, and the synthesis, and I will get more lessons after this. We see it is really just a big joke, my colleagues. I mean this is just a back and forth. It is not really too serious. We do not even know if there are a lot of product liability cases or not, but what difference does it make? Let us limit them because it is in the contract. That is why we have got to limit them. We do not know how many they are, and we do not really even care.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS] for yielding this time to me, and I hope that his motion carries.

As my colleagues know, we cannot make light of what happens to people in this country and what has happened in the past to people in this country when corporations and corporate officers unfortunately and almost unbelievably from time to time have made decisions to systematically injure people and hide the cause of injury from those individuals.

I have thousands of constituents who are caught up in the asbestos scandal of the past decades, and we have gone through the corporate minutes and the memorandums between medical committees, and the chief executive officers, and the board of directors and others about how to strategically retire people before they would find out that they had mesothelioma. We would find out how people were given bonuses to be retired, and gold watches, so that they would be off the rolls when they discovered they had the cancer and they were dying. I have people in my district who drag behind them breathing machines everywhere they go. They come to see me, or they go to the show, or they go to dinner. The husband is usually dragging a breathing machine behind him.

Why? Because the Johns Manville Corp. systematically made a decision that they were going to hide from these people the damage that the company and the product was doing to them for decades while they knew it. They did the research, very analogous to what we see going on in the tobacco industry. That company that mispainted that car and sold it as new, it was not a single-shot item. They systematically were doing it in States all over the country. They were representing that people were buying a luxury automobile that was new. It was not new. It had been damaged, and dinged, and what have you, and unfortunately a lot of people buy these for the pride of ownership and everything else. They were defrauded, and they were defrauded on a systematic basis.

Mr. Speaker, that is why we need the plaintiffs' attorneys, because without the plaintiffs' attorneys who is it that is going to bring his case to the bar of justice? Who is going to take this case and bring it to the bar of justice? Who is going to get these people who worked all their lives in that asbestos company in my district the kind of recovery they need based upon their wages? Their wages were spit compared to the injury to them, and their families, and their premature death. Yes, you can calculate it out. They worked for not very good wages at all, and that

is the reward we are going to give them.

These cases have faces on them. They have faces of people who calculate that they can get away with allowing X number of people to die in a Pinto automobile and still make it profitable. They can absorb the lawsuits. What they cannot absorb is when a jury gets fed up with these people, understands that they are harming their neighbors or they are harming their community, and they put down punitive damages. Then the company says, ''We better redesign the car, we better recalculate.'' How many low-income people, how many wives, have to drive a pickup truck with the gas tank that explodes and get minimal recovery, but if an executive is driving it on his ranch, his summer home in Montana, and it explodes, what is his recovery? Why are they treated differently?

This is about equity, this is about fairness, this is about an average person not able, unfortunately, to unravel some of the conspiracies of silence, the withholding of information, that have gone on in the board rooms of the largest, most reputable corporations in this Nation, and without the plaintiff's bar those people would have never known what happened to them. They would have never been able to discuss it. They would never be able to discover it.

Mr. Speaker, that access to that bar is what this motion is about, and we ought to support the gentleman's motion.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE], a member of the Committee on the Judiciary.

Ms. JACKSON-LEE. Mr. Speaker, I thank the distinguished ranking member for his insight on a very important issue, and I respect my very able chairman for his leadership of the Judiciary committee, and would acknowledge to him that we should engage in this discussion quite vigorously because there is a willingness in a bipartisan manner, frankly, to look at this tort litigation system in this country and address it from a forthright perspective that would address all the concerns of people who appeared and expressed their interest on this issue, and I think frankly that we would have been able to resolve this had we looked at this issue as plainly as we are looking at it now through the motion of the gentleman from Michigan [Mr. CONYERS].

Mr. Speaker, the motion deals specifically with instructing the conferees not to agree to any provision within the scope of conference that would limit the total damages recoverable for injuries by individuals that are elderly, women, or children to an amount less than that recoverable by other plaintiffs with substantially similar injuries.

Now I ask the House, I ask my colleagues, why is that not a realistic, commonsense provision? Particularly is it common sense when we recognize that those three categories of individuals would fall in an economic level that is substantially less than many Americans.

□ 1145

It is documented that women today still earn less than men. It is documented, obviously, that children are mostly unemployed. Certainly it is documented that elderly citizens are retirees and are on fixed income.

It seems to me if we talk about a system that we want to have work for all Americans, we can clearly document that the tort litigation system, unfortunately and tragically as it may be for some, has brought about safer cars, better medical procedures, safer drugs and, certainly, better constructed homes that we can live in.

I come from a community that now is suffering from two very explosive, toxic situations in residential areas, not in commercial areas, but in residential areas where women, children, and the elderly live. We do not know what it will take to compensate them for the long-term damages of having been impacted by a toxic situation close to their homes.

I would simply ask the question: If they go into a court of law seeking justice under the Constitution, are we going to tell them that this was just a frivolous incident, it did not matter, and we do not need to address their grievances in a fair manners? That we will cap the amount they can recover even if case is found totally meritorious. But to the contrary higher income level litigants would be able to receive higher recovery for their damages even though their injuries might be no greater than the elderly person, woman, or child.

Specifically as it relates to children, children encounter severe burns, bicycle accidents, pedestrian car accidents, playground accidents. Many of them become quadriplegics. They tragically must depend upon that parent or guardian to take care of them for the rest of their life. They have no economic damages. Therefore under this legislation without this motion to instruct, these persons are penalized.

So, in combination with our States, who have done a good job in tort reform, we need to, as well, address those cases of individuals who are least served. This is a worthy motion, and it simply gives to the conferees the responsibility to take care of the elderly, the women, and children in this massive Federal tort reform legislation. We should have done it in committee.

Mr. Speaker, I ask that we support the motion to instruct by the ranking member. This is important for real tort reform that in fair to many.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas, Mr. PETE GEREN.

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

Mr. Speaker, this is a very appealing motion. On the face of it, it is impossible to imagine how anyone could be against it. I commend those who drafted it for the wording of it, the appealing wording of it. But what this will do is totally gut the effort to try to bring any rationality to the award of punitive damages. As appealing as this language seems, that is really what its goal is. That is what its objective is.

To respond to the concerns expressed by some of my colleagues earlier, this concern about punitive damages is not a province of the right wing or the left wing in this country. Legal scholars across the political spectrum, liberal, moderate, and conservative, have expressed concerns not about the number of punitive damage awards perhaps, but the arbitrariness, the capriciousness of it in their award. We have seen those issues raised time and time again, recently, to the point where the constitutionality of this punitive damage process is in question again by people across the political spectrum.

I raise one very practical problem with the application of this motion to commit. How would it be applied? Would we have the plaintiff conduct the trial? They award the damages, and then do we have to have a separate trial to have a substantially similarly injured plaintiff and have a second trial, and then take what would have happened in this hypothetical plaintiff's case and apply it to this other plaintiff's case?

As appealing as this language sounds on the surface of it, it presents the litigation system in this country with an absolutely impossible task: two trials in the case, the actual plaintiff, and then this hypothetical similarly situated plaintiff. It is unworkable. It is a very clever effort to undo the sincere efforts to bring some rationality to the award of punitive damages.

As appealing as the language sounds, Mr. Speaker, I urge my colleagues to reject the motion.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS], whose announcement has left us speechless.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of the motion to instruct. This motion is about fairness, plain and simple. All it asks is that any limits in this bill that place total damages recoverable for injuries not be less for women, children, and seniors than it is for others receiving substantially similar injuries.

Is this common sense, that the greatest leniency in H.R. 956 will be reserved for manufacturers of products that hurt children? That is what this bill will do.

Is it common sense to say that a pharmaceutical company could face lower penalties if its product kills a senior citizen rather than a middle-aged man? That is what this bill will do.

Is it common sense to make a law that says that victims of hazardous and unsafe products such as the IUD, cigarettes, silicone breast implants, and thalidomide will have less of a chance to recover damages if they are women? That is right. That is what this bill will do without this motion to instruct.

One of the most troubling aspects of this bill is a rule for calculating punitive damages, three times the amount of economic loss or $250,000, whichever is greatest. That establishes an appalling unequal penalty based not on the severity of the harm caused by the thing, or the extent of negligence, or even malice, but on the income of the victim.

There is not common sense, this is absolute nonsense. By tying the amount of punitive damages to monetary loss alone, it is not noneconomic damages like pain and suffering, but this bill takes away the threat of heavy punitive damages for products that severely hurt people with low incomes or no incomes, like children. Think about it.

Under this bill, if a product kills a child, punitive damages, regardless of the situation, will be capped at a mere $250,000.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Massachusetts [Mr. MARKEY], the distinguished ranking member of the Subcommittee on Telecommunications and Finance of the Committee on Commerce.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the gentleman from Virginia [Mr. SCOTT], my classmate from Boston College Law School, for his courtesy.

Mr. Speaker, I rise in support of the Conyers motion to instruct the conferees on the product liabilities legislation. The motion is very simple, but it cuts to the core of the issue of how we are going to treat the aged, women, and children who have suffered injuries due to a defective or malfunctioning product or medical malpractice. The motion very simply states that the conferees be instructed not to agree to any provision that would limit the total damages recoverable for injuries by aged individuals, women, or children to an amount less than that recoverable by other plaintiffs with substantially similar injuries.

Why is this necessary? The reason is that the House bill abolishes joint liability for noneconomic damages in all civil cases, not just product liability cases, and limits noneconomic damages in medical malpractice cases to only $250,000. These provisions have the effect of treating low-income workers, retirees, women and children, and the disabled less favorably than those who earn large salaries. Wealthy corporate executives who suffer injuries will be able to recover substantial sums of money due to their economic losses, but seniors on Social Security, women who work at home, they will be punished under this bill. Support the Conyers motion.

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

Mr. Speaker, it has always been my understanding of the purpose of a lawsuit to restore the plaintiff to the status that they enjoyed before the injury. It is not an effort to lump all plaintiffs in the country together, so that everyone comes out even. It is to restore the plaintiff to the situation before the injury.

Now, under present law, and it will always be thus, plaintiffs are different from each other. If Greg Maddox has an accident and has a sore arm, he is a multi-million-dollar pitcher in the big leagues, his sore arm prevents him from throwing the ball or throwing it as effectively as he could, and that is a tremendous loss.

But if I get a sore arm, it is discomfort. I just grit my teeth and live with it. But the differences are enormous in terms of litigation to recover for a sore arm or a sore ankle from an athlete or a musician whose hands are damaged than somebody whose work does not involve that high degree of skill, or that member of the human body.

All of this talk is not very logical, and it does not really make a lot of sense.

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

Mr. CONYERS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from North Carolina [Mr. WATT] to close the debate from our side, who is also a member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding time to me and giving me the honor of closing this debate.

Mr. Speaker, this debate is really not unlike everything else that is going on in this House, because without the instruction to the conferees and compliance with this instruction, basically what we are saying to the conferees and to our Nation is that money is the only thing of value in this country, and we have been saying it ever since this session of Congress began. If you do not make a lot of money, if you are not rich, then you have no value. We have said it over and over and over again.

This bill simply fits right into that pattern. If you, as the chairman of our committee has indicated, make a lot of money for throwing a baseball, then you are a lot more valuable than a person who sits at home and nurtures her children and provides the sustenance of life for our community, but you do not have any economic value, and that is what this underlying bill says, and that is what this Congress has been saying to America ever since this session of Congress convened.

Mr. Speaker, that is basically what we are here arguing about. So if Members believe, Mr. Speaker, I would say to my colleagues, that the underlying value of a human being is based on the wealth that they have, the amount of money that they have, then they ought to vote against this motion to instruct the conferees. But if Members think my mother's love, sitting at home and nurturing me and serving our community and having compassion for me has some value, then they ought to vote for this motion to instruct. Please join me, and say to America that there is something of value in this country other than money.

□ 1200

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

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan [Mr. CONYERS].

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

Mr. CONYERS. 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 190, nays 231, not voting 11, as follows:

[Roll No. 777]

YEAS—190

Abercrombie	Dooley	Kleczka
Ackerman	Doyle	Klink
Andrews	Durbin	LaFalce
Baesler	Engel	Lantos
Baldacci	English	Levin
Barcia	Eshoo	Lewis (GA)
Barrett (WI)	Evans	Lincoln
Becerra	Farr	Lipinski
Beilenson	Fattah	LoBiondo
Bentsen	Fazio	Lofgren
Berman	Filner	Lowey
Bevill	Flake	Luther
Bishop	Foglietta	Maloney
Bonior	Ford	Manton
Borski	Frank (MA)	Markey
Boucher	Frost	Martinez
Browder	Furse	Martini
Brown (CA)	Gejdenson	Mascara
Brown (FL)	Gephardt	Matsui
Brown (OH)	Gibbons	McCarthy
Bryant (TX)	Gonzalez	McDermott
Cardin	Gordon	McHale
Clay	Green	McKinney
Clayton	Gutierrez	McNulty
Clement	Hall (OH)	Meehan
Clyburn	Hamilton	Meek
Coble	Hastings (FL)	Menendez
Coleman	Hayes	Mfume
Collins (IL)	Hefner	Miller (CA)
Collins (MI)	Hilliard	Minge
Condit	Hinchey	Mink
Conyers	Holden	Moakley
Costello	Hoyer	Mollohan
Coyne	Istook	Moran
Cramer	Jackson-Lee	Murtha
Danner	Jacobs	Nadler
de la Garza	Jefferson	Neal
DeFazio	Johnson (SD)	Oberstar
DeLauro	Johnson, E. B.	Obey
Dellums	Johnston	Olver
Deutsch	Kanjorski	Ortiz
Diaz-Balart	Kaptur	Orton
Dicks	Kennedy (MA)	Owens
Dingell	Kennedy (RI)	Pallone
Dixon	Kennelly	Pastor
Doggett	Kildee	Payne (NJ)

Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—231

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
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
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
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
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Chapman
Fields (LA)
Gutknecht
Montgomery
Peterson (FL)
Sawyer
Shadegg
Thornton
Thurman
Tucker
Weldon (PA)

□ 1220

Messrs. METCALF, LIGHTFOOT, FRISA, KING, KOLBE, HOEKSTRA, and BOEHNER changed their vote from ''yea'' to ''nay.''

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

So the motion to instruct was not agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 956:

From the Committee on the Judiciary, for consideration of the House Bill, and the Senate amendment, and modifications committed to conference: Messrs. HYDE, SENSENBRENNER, GEKAS, INGLIS of South Carolina, BRYANT of Tennessee, Mr. CONYERS, Mrs. SCHROEDER, and Mr. BERMAN.

As additional conferees from the Committee on Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. BLILEY, OXLEY, COX of California, DINGELL, and WYDEN.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2586, TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 258 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 258

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes. The following amendments shall be considered as adopted: (1) the amendment recommended by the Committee on Ways and Means now printed in the bill; and (2) the amendments specified in the report of the Committee on Rules accompanying this resolution. The previous question shall be considered as ordered on the bill, as amended, and any amendments thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) one motion to amend by the chairman of the Committee on Ways and Means or his designee, which shall be considered as read and shall be debatable for twenty minutes equally divided and controlled by the proponent and an opponent; (3) one motion to amend by Representative Walker of Pennsylvania or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be debatable for forty minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit, which may include instructions only if offered by the minority leader or his designee. During consideration of the bill, no question shall be subject to a demand for division of the question.

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

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the distinguished gentleman from Ohio [Mr. HALL], 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. SOLOMON asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. SOLOMON. Mr. Speaker, House Resolution 258 is a modified closed rule providing for the consideration in the House without intervening point of order of the bill, H.R. 2586, providing for a temporary increase in the public debt limit.

Mr. Speaker, the rule provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority members of the Committee on Ways and Means. The rule provides for the adoption of the amendment reported by the Committee on Ways and Means now printed in the bill together with four other amendments specified in the Committee on Rules report.

Those amendments include—and Members ought to listen up, if they are back in their offices—the amendments include, one that I authored that commits the President of the United States and this Congress to enact legislation this year that will achieve a balanced budget no later than fiscal year 2002. Moreover, my amendment affirms that the Congress will not, and this is important, will not enact another increase in the public debt limit until the President has signed that balanced budget legislation into law.

The second amendment is one nearly identical to the one that was contained in the short-term continuing appropriations resolution. It will permit Medicare coverage of certain anti-cancer oral drug treatments for prostate and breast cancer.

The third amendment adopted by this rule is a habeas corpus or death penalty reform provision, taken from the Senate-passed anti-terrorism bill, a long overdue change in the now endless appeals system that is preventing the execution of those who are convicted murderers.

The fourth amendment, authored by the gentleman from Michigan [Mr. CHRYSLER] and developed by many committees of this House, is legislation to eliminate a major Cabinet department, the Department of Commerce, the first time that has happened in 40 years.

Mr. Speaker, in addition to those four amendments, the rule makes in order consideration of a regulatory reform amendment to be offered by the

gentleman from Pennsylvania [Mr. WALKER]. That amendment, which is debatable for 40 minutes, is a compromise between already passed House and Senate regulatory bills that are aimed at bringing commonsense relief to American businesses that are so saddled with bureaucratic red tape and needless regulations.

The rule also allows for the chairman of the Committee on Ways and Means to offer a manager's amendment, if necessary, debatable for 20 minutes. It does not waive points of order against the amendment, so it must be a germane modification or something already in the bill or a motion to strike.

Finally, Mr. Speaker, the rule allows for a motion to recommit which, if containing instructions, may only be offered by the minority leader or his designee, a right that has been guaranteed to the minority for the first time in this Republican 104th Congress.

Mr. Speaker, nobody likes to extend or increase the debt limit, especially me. I have not voted for one in 17 years because I resent the fiscal irresponsibility of this Congress over all those years. On our side especially, we Republicans are committed to ending and reversing the spiraling debt that has been piled on our children and our grandchildren. That is why we are linking this debt limit extension to our commitment made in our contract to balance the budget.

It is so important to the future of this Nation and its economy, to the millions of American workers who have seen their wages being eroded and their jobs being eliminated and exported to other countries, to ensure the revitalization of our economy based on balancing the Federal budget.

What could be more understandable and essential than this basic linkage between the public debt and the need to bring our Federal books into balance?

Mr. Speaker, the President has made overtures in the direction in recent months at least in his rhetoric. Now is the time for him to make that rhetoric a reality by joining with us in committing to balancing the budget within the next 7 years. My amendment in this bill, if signed into law, will determine whether the President really is serious about balancing the budget. When he ran for President in 1992, then-Governor Clinton said we could balance the budget in just 5 years. That is when he was a candidate for the Presidency, in other words, by 1997, or a year after his first term.

Since he became President, he has backed off that pledge that he made to the American people, and he has said, maybe we can do it in 10 years. Heck of a lot of difference between 5 and 10 years, my colleagues. As the 1996 presidential election grew even nearer, he said, maybe we can do it in 8 or 9 years. Most recently he indicated that, yes, it could be done in 7 years as we had proposed and proved by our 7-year balanced budget package recently passed by this House.

□ 1230

Members of this House, we are now in difficult negotiations to reconcile the House- and Senate-passed reconciliation bills. Has the President stepped forward to show how he would balance the budget in 7 years in any way different? No, he has not. I even wrote to the President and to the President's Director of the Office of Management and Budget back when he was considering the budget resolution earlier this year inviting him, the President, to submit an alternative plan for balancing the budget in 7 years. We wrote a rule, we put out all of the proposals, and all of them balanced the budget in 7 years, even from the other side of the aisle, but no budget was presented by this President to balance that budget. I indicated in that letter we would put his resolution out on this floor and we would have an up-or-down vote on it, and I have yet to receive any response whatsoever from Mr. Panetta or the President, and, my colleagues, I do not think it was the fault of the U.S. Postal Service. We have the best postal service in the entire world; the mail went through to 1600 Pennsylvania Avenue. But we have yet to receive even a post card in response.

Mr. Speaker, as the saying goes, the time has come to fish or cut bait. The sign in front of the White House though still reads ''Gone Fishing.'' So come on back, Mr. President, and let us get on with the business that the people sent us here to conduct. Let us pass this rule, let us pass this bill, and let us pass our budget reconciliation bill.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of November 8, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	52	67
Modified Closed [3]	49	47	19	25
Closed [4]	9	9	6	8
Total	104	100	77	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of November 8, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of November 8, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H.Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

H.R. 258, SUMMARY OF PROVISIONS OF RULE FOR H.R. 2586—TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

1. Provides a modified closed rule.

2. Provides for consideration in the House without any intervening point of order.

3. Provides for the adoption of the amendment recommended by the Committee on Ways and Means now printed in the bill and the amendments specified in the report of the Committee on Rules accompanying this resolution.

4. Provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

5. Provides one motion to amend by the chairman of the Committee on Ways and Means or his designee, which shall be considered as read and shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent.

6. Provides for one motion to amend by Representative Walker of Pennsylvania or his designee, which shall be considered as read and shall be debatable for 40 minutes equally divided and controlled by the proponent and an opponent.

7. Provides one motion to recommit which may include instructions only if offered by the Minority Leader or his designee.

8. Provides that during the consideration of the bill, no question shall be subject to a demand for division of the question.

SUMMARY OF AMENDMENTS MODIFYING THE TEXT OF H.R. 2586

(Considered as adopted by the adoption of the rule)

1. Solomon (NY)—Committing the President and Congress to enacting in calendar year 1995 legislation to achieve a balanced budget, as scored by CBO, by fiscal year 2002, and affirming the intent of Congress not to enact a further increase in the public debt limit until the President has signed such legislation. (Printed in the Rules Committee report on the rule)

2. Medicare Coverage of Certain Anti-Cancer Drug Treatments. (Printed in the Rules Committee report on the rule)

3. Habeas Corpus Reform—Text of Senate-passed habeas corpus reform provisions of S. 735, the anti-terrorism bill. (Printed in the Rules Committee report on the rule)

4. Chrysler (MI)—Compromise language on House-passed provisions from reconciliation legislation dismantling the Department of Commerce. (Printed in the Congressional Record)

AMENDMENT MADE IN ORDER BY THE RULE FOR SEPARATE CONSIDERATION

1. Walker (PA)—Compromise between House and Senate regulatory reform legislation (printed in the Congressional Record), non-amendable and debatable for 40 minutes equally divided between the proponent and an opponent.

Mr. Speaker, I ask unanimous consent that I be relieved and that the gentleman from Colorado [Mr. MCINNIS], a member of the Committee on Rules, be allowed to manage the remainder of time on this side during debate of this rule.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, House Resolution 258 is a modified closed rule which will allow consideration of H.R. 2586, a bill to increase temporarily the Federal debt ceiling. As my colleague from New York, the chairman of the Rules Committee, Mr. SOLOMON, described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Ways and Means.

Under this modified closed rule, only two amendments may be offered. One amendment, to be offered by Mr. WALKER of Pennsylvania, changes and standardizes the way Federal agencies analyze the effect of their regulations. In

addition, the chairman of the Committee on Ways and Means may offer any germane amendment.

Mr. Speaker, it is with reluctance that I oppose my committee on this rule. However, my opposition is so deep I feel I have no choice.

Increasing the debt limit is one of the most solemn tasks that Congress must face. The level of the debt ceiling is the amount of money that the Federal Government can borrow to pay its debts. As Federal borrowing increases, the debt ceiling must be raised.

Failure to raise the debt ceiling means the Federal Government cannot pay its bills. By defaulting on our creditors, we risk driving up the cost of borrowing in the future. In 200 years, this Nation has never, ever defaulted on its financial obligations. That is a reputation we, as a Nation, cannot afford to ruin.

I want to emphasize that the need to raise the debt ceiling is based on spending decisions that have already been made. Now, the bills have come due and we must pay our debts.

There is only one responsible course for this House today: To pass a simple, straight-forward bill that raises the debt ceiling to a level that will protect the faith and credit of the United States.

This bill does not do that. This rule does not do that.

This is what the rule does. It takes a relatively simple bill—that is 6 pages long—and adds a controversial, completely irrelevant 218-page proposal to abolish the Commerce Department.

It makes in order a floor amendment to add another controversial, and also completely irrelevant 112-page proposal to change the way Federal agencies issue regulations.

It also adds yet a third completely irrelevant provision related to habeas corpus.

These provisions have nothing to do with the debt ceiling. These provisions have nothing to do with protecting the credit and good name of the U.S. Government.

These provisions are kindly referred to as sweeteners. That is, they were added by the Republican leadership to ensure that enough Republicans would vote to pass this bill.

That is profoundly disturbing. As Members of the House, it is our duty to cast difficult votes when they are needed for the future of our country. Yet the Republican leadership cannot even get its own Members to vote for this bill without adding pandering riders.

And if these three sweeteners are not bad enough, here's the real kicker. This rule makes in order a Republican leadership amendment—on any germane subject—an amendment that could do almost anything—just in case these other sweeteners are not enough.

In other words, if it turns out at the last minute that the Republican leadership has not included enough sweeteners, they can be like Monty Hall in ''Let's Make a Deal,'' and throw in a few more attractions.

Vote for the debt ceiling and you get this regulatory reform package behind curtain No. 1. And, you get this new habeas corpus behind curtain No. 2. And, if that is not enough for your vote, you get this mystery amendment behind curtain No. 3.

To make matters worse, the rule does not make in order important, improving amendments to the basic bill.

The bill is only a short-term extension of the debt ceiling that might have to be extended next month. The Democratic members of the Rules Committee attempted to make in order responsible amendments by Mr. GIBBONS, Mr. PAYNE of Virginia, and Mr. GEKAS that would provide more time to avoid a default. In each case, we were denied along a straight party-line vote.

The bill also contains unworkable restrictions on the Treasury Department's debt management. These are restrictions that have never been placed on any President before. Again, in the Rules Committee, we tried to strike the restrictions but the Republicans opposed us.

Mr. Speaker, I do not enjoy rhetorical attacks on my friends on the other side of the aisle. But this rule is a travesty of legislative complexity when the solution begs simplicity. This rule is a highly partisan attempt to ram irrelevant, controversial Republican initiatives through Congress. This rule gags the opposition. And this rule makes a mockery of our responsibility to the American people to protect our Nation's financial reputation.

The Nation needs a simple extension of the debt ceiling now. The task before us can be done with a 2-page bill, not a monster packed with Republican wish lists.

Mr. Speaker, I am ashamed of the Rules Committee for producing such a rule. I urge defeat of the rule. I urge defeat of the bill.

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

Mr. Speaker, first of all, and I say this constructively to my good friend, the gentleman from Ohio [Mr. HALL], and that is I think that his staff needs to do a little more research on his statement that this is the first time that the United States has defaulted or could possibly default on its debt. That is not true. If my colleague looks at the gold clause which occurred in the first year of Franklin Roosevelt's Presidency, he will find that the United States did in fact default on its debt, and that was upheld by the United States Supreme Court, so I think at the onset here to my good colleague across the aisle that we need to especially, when we speak to the other body here, that we need to be accurate in our historical facts.

Second of all, I think it is very easy to whine and complain about, look, what is on this bill, but I think what my colleague needs to do, instead of complaining about the amendments that are on the bill, take a look at what those amendments contain, talk about breast cancer, talk about prostate cancer. Those are amendments on this bill.

Let us go further than that, and let us talk about the balanced budget. This Government is eating its debt at a rate of about $37 million an hour. That is what we spend more than we bring in, and, no, I am not going to yield. Is it not about time that this Government stood up to the plate and said ''We can't do that anymore''? Do my colleagues think we are going to get this through if we do not have some tough negotiating sessions?

What my good colleague from across the aisle, and I say this with all due respect because I have a great deal of respect for him: what he is saying is, ''Let's go into this battle unarmed. Let's let the President run this thing the way he wants to run it.'' We have got to have some negotiating power on this side of Pennsylvania Avenue. We got to know what we are doing here. We got to be willing to go in with some strength, and we are not doing it.

I am not going to yield, but I certainly will yield to this gentleman as soon as I am finished, but of course the gentleman has his own time as well. But talk about the habeas corpus reform. Americans all across this country are crying for reform in death penalty cases in this country. We are not going to get it otherwise. We have got to go in negotiations with strength.

Finally, of course the Department of Commerce. I have yet to find somebody can really look me in the eye and honestly defend the Department of Commerce.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say to my friend, the gentleman from Colorado [Mr. MCINNIS], that I think some of the amendments that he talked about of course we have debated on the floor, but we do not even know what is in the bill.

For example, a lot of these amendments came to us right before we started the vote last night at about 10:30—quarter to 11, and what used to be a six-page bill, a bill that we have always passed on debt limit, a very simple bill, where all these amendments were added. As a matter of fact, the bill now is over 300 pages. We had an amendment on habeas corpus, and nobody, nobody, even came to the Committee on Rules and testified on it. There was nobody that even spoke about it. All of a sudden we see that as a major amendment that came before us, and these amendments continue to add just so much addition, and if the gentleman can tell me what is in these bills, what is in these amendments? I mean nobody had any idea what was going on last night when we passed these amendments to a simple debt-limit extension.

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

Mr. HALL of Ohio. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I thank the gentleman from Ohio for yielding and would inquire of the gentleman from Colorado, precisely my reason for inquiring, if he could explain the Medicare coverage of certain anticancer-drug treatments, an issue on which we never had hearings or never discussed, and could the gentleman enlighten us as to what exactly this amendment is other than the written bill which does not describe the bill, or how much it would cost, or why it was in there?

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

Mr. Speaker, first of all, again to address the comments of the gentleman from California or my colleague, the gentleman from Ohio [Mr. HALL], let us talk about the pages. The gentleman says in the past we have only had six pages. In the past we have not had the kind of negotiations we are facing right now. I think my colleague over there would freely admit that the toughest negotiations we have seen in Congress in a long time are going to be coming up in the next couple of weeks. We have got a President down there who has promised to veto almost everything we send to him. We have got a President who, when he ran for office, said he would balance the budget in 5 years. That was later changed to 8 years, then 10 years, and then about 2 weeks ago it went back to 7 years. These are the kinds of negotiations we are dealing with.

That 300 pages or whatever amount of pages, that is not frivolous paper put on there. Those are some pretty tough negotiating points that we have got to deal with, and I think it is perfectly in order, perfectly in order for us to expect this side of the House, for the House as a whole, to go into these negotiations as well armed as possible. We have got a lot to lose here. We have got to do something about this national deficit.

Mr. STARK. Mr. Speaker, will the gentleman yield briefly?

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

Mr. STARK. Mr. Speaker, this is to ask if the gentleman would describe that Medicare provision.

Mr. MCINNIS. The gentleman is correct. I am not ignoring the gentleman's question. I will, however, have a speaker here who can speak a little more profoundly on that issue.

The gentleman is here.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, briefly, what we are allowing to have happen in Medicare is for a cancer-fighting drug that is now not permitted under Medicare to be taken orally for fighting breast cancer and a treatment that is not permitted to be taken orally for fighting prostate cancer would now be permitted under the language which is included in the bill.

□ 1245

Mr. STARK. Mr. Speaker, if the gentleman will yield, I would ask the gentleman, was it considered for the screening of mammography and colorectal? Many of these people would be dead by the time they get to take this drug, because in our committee the Republicans voted against colorectal screening and mammography, which, of course, would negate some of these drugs being administered at the point at which it is too late.

Mr. WALKER. Mr. Speaker, I do not know under whose time the gentleman is speaking, but the fact is what we are putting in the bill right now would deal with the question of allowing people to take available treatments that, because of the outmoded nature of Medicare at the present time, they cannot get onto the prescribed drug list. We are going to say flatly that we think that it is high time that Medicare gets up to date and allows people to take these treatments which are available in the rest of the marketplace.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from the Massachusetts [Mr. MOAKLEY], former chairman of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, the gentleman from Ohio, for yielding time to me.

Mr. Speaker, the debt limit is not a political football.

The debt limit extension is the mechanism by which we make sure this country pays its bills. I think that is a very important issue, one that should not be trifled with, under any circumstances.

But today we will vote on a debt limit extension loaded down with partisanship. This is a very dangerous gamble on the part of congressional Republicans.

Although I am opposed to raising the debt limit, I recognize it is something we must do. If we do not, for the first time in the proud history of the United States, we will default on our loans. To some that may not sound very real. But let me tell you, this political gamble could affect practically everyone. You are gambling with the fiscal integrity of the United States. You are gambling with people's pension plans. You are gambling with people's mortgages. You are gambling with people's payroll deduction plans. The debt limit extension is a very serious, far-reaching issue and we owe it to the people of this country to put politics aside and act responsibly.

I urge my colleagues, defeat this rule, let us pass a clean debt limit.

The fiscal integrity of the United States is much too important to be sacrificed on the altar of partisanship.

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

Mr. Speaker, my good colleague and ranking member of the Committee on Rules talks about a political gamble. If he wants to talk about a political gamble, he had better talk about the $37 million an hour that this country spends more than it brings in. The biggest financial political gamble of this century is this deficit. This bill is going to help us address that.

If the gentleman thinks we are going to be able to go down to the White House and go into that White House unarmed to try and defend ourselves or to try and negotiate with that President, he is wrong. We have to be prepared for some very tough negotiations. The President is a good negotiator. We would be foolish not to go in there as well-equipped as we could possibly be.

When we talk about the gamble, let us talk about the overall picture of the gamble, what we have to lose in this country if we do not do something about this deficit.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GIBBONS], former chairman of the Committee on Ways and Means.

Mr. GIBBONS. Mr. Speaker, as we so well know, there is only one reason we are here today. That is because the Speaker and his party have been unable to do the things that their duties require them to do. This debate that we are having right now should have been finished in August, at the latest, of this year.

If our constituents want to know what bribery looks like, this is a picture of it right here, these 400 pages. Who are they trying to bribe? They are trying to bribe their own Republican Members on voting for two lines, to strike out a figure for the debt ceiling and insert a new figure. All the rest of this bill is pure bribery, nothing else. That is all.

They are not trying to bribe anybody except their own members, their own members of their own Republican party to vote for this bill. They are not bargaining with us, they are not bargaining with the President, because we would tell them this, Mr. Speaker, as we have told you: Do the job that you are supposed to do.

There have to be 13 appropriations bills passed, Mr. Speaker. Two of them have become law. Eighty-seven percent of all the money that we are talking about is still floating around out there somewhere, because you have not been able to get a majority of your people who control this place to vote for what you advocate. That is how simple it is.

Mr. Speaker, there is a way to get admission to the White House. That is to pass your budget. You have not passed your budget. Your budget, I am on the conference committee on your budget, Mr. Speaker, and you have not even called a meeting of the conferees in 2 weeks to do this. And you are complaining about the President not inviting you to sit down and cut steaks with him?

When you get your act in order, Mr. Speaker, when you get your bills passed and you get them down there, then, obviously, the President will be in a position to speak and be in a position to negotiate. But he cannot negotiate with somebody who does not have a plan, who has not done their work, who cannot even get enough people on their own side to vote on it without adding all of this garbage, all of this garbage, all of this bribery to get a simple debt ceiling passed.

Mr. Speaker, you know, we have passed debt ceilings, in the time that you have been a Member of this body, that were only two or three lines long. It is a simple amendment. You strike out one figure and you insert another figure. But you cannot get your folks to vote for it. You are blaming the President. You were blaming the Democrats.

Mr. Speaker, you are to blame. The Republicans are to blame. They cannot get their own House in order. They cannot get a majority to vote for their own proposals.

Mr. HALL of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent to insert extraneous material in the RECORD and that it appear at the end of the debate on House Resolution 245 in the permanent RECORD.

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

There was no objection.

The material referred to is as follows:

REPUBLICANS WAIVE THREE-FIFTHS VOTE REQUIREMENT ON TAX RATE INCREASES AGAIN

The rule for consideration of the reconciliation bill once again waives the new rule (clause 5(c) of rule XXI) requiring a three-fifths vote on any measure carrying a federal income tax rate increase, as did the rule for consideration of the bill cutting Medicare.

The reconciliation bill raises taxes on millions of American working families by modifying the earned income tax credit. The bill makes those who invest venture capital in qualified jobs-creating small businesses pay a higher rate of federal income tax than they would under existing law. This is the same tax rate increase that provoked an attempt to appeal the ruling of the Chair. The reconciliation bill raises income tax rates in the new Medicare provisions and includes other rate increases within the ambit of the new rule.

Republicans have backtracked on their promise to use this new rule to restrict tax increases. They have voted for tax hikes on working families and waived the new rule without a second thought.

Speaker Gingrich and the Republicans promised before last November: if we are elected, we won't raise your taxes. As the Speaker said, ''Those of us who ended up in the majority stood on those steps and signed a contract and here is what it says: 'The new Republican majority will . . . require a three-fifths majority vote to pass a tax increase.' '' (Congressional Record, January 4, 1995, page H6) In fact the early rhetoric extended beyond taxes to encompass all revenue increases. But something funny happened between the time a Republican majority was elected in November and opening day of this session in January. It was a quiet revolution within the Republican conference that led to narrowing the scope of the rules change away from covering all tax increases down to just tax rate increases. Did we say: ''No tax increases?'' Well, we meant, ''No tax rate increases.''

Republicans made a solemn promise—we won't raise income tax rates without a three-fifths vote; however, (READ THE FINE PRINT) we can raise income taxes, payroll taxes, excise taxes, effective rates, and everything short of statutory rate increases with impunity.

Even this narrow reading now proves too difficult for Republicans to live with. It took no longer than the Contract with America tax bill to provoke an attempt to further narrow the interpretation of tax rates. Did we really say ANY federal income tax rate increase? Maybe we should limit it further. And if we can't limit it, let's waive it.

Chairman Solomon for example has suggested that the rule be further narrowed, limiting it to a specific type of bracket rate increase, as he claims was the original intent. There is nothing in the legislative history to support a further narrowing of the rule. The legislative history in fact supports the broadest possible interpretation of the rule since every supporter speaks broadly about the rule touching all tax increases. Here's how Republicans descried their rule change at the time it was adopted:

Rep. Dick Armey—''House rules will now require a three-fifths majority to raise taxes''—Cong Rec H31, Wednesday, January 4.

Rep. John Boehner—''. . . and we decided to change the rules to require a three-fifths majority to raise taxes''—Cong Rec H127, Thursday, January 5.

Rep. Gerry Solomon—''Mr. Speaker, the tax-and-spend Democrats are at it again. They are suing us Republicans, do you believe it, to overturn our rules change that requires a three-fifths majority vote to raise taxes.

''The three-fifths majority vote to raise taxes will stand as a hindrance to any Democrat attempt to foist more taxes on the American people. There ain't going to be any more''—Cong Rec H1469, Thursday, February 9.

Rep. Joe Barton of Texas—''This country was founded on the principle of no taxation without representation. Today many Americans believe that principle has been violated and that their elected Representatives in Washington have taxed them so that they can spend money on the special big-spending interests in Washington, DC. To correct this said situation the new Republican majority has now introduced section 106 of the rule change package. Section 106 would require a three-fifths vote to increase income taxes''—Cong Rec H70, Wednesday, January 4.

Rep. Gary Franks—''Under this [rules] package, any income tax increase must now be approved by a three-fifths majority of the House of Representatives''—Cong Rec H43, Wednesday, January 4.

Rep. Jon Fox—''The goal of this rule is twofold. First, it will require three-fifths majority vote for tax increase measures and amendments''—Cong Rec H63, Wednesday, January 4.

Rep. Jim Saxton—''As you know, this amendment to the House rules provides for a three-fifths or 60 percent vote as a necessity to pass any income tax increase''—Cong Rec H63, Wednesday, January 4.

Rep. Randy Tate—''I am in favor of the proposal of requiring a 60-percent majority in order to raise taxes so that the taxing ways of Congress are gone forever''—Cong Rec H68, Wednesday, January 4.

Rep. Joe Scarborough—''We have to have a three-fifths supermajority now to pass any tax increases on middle class citizens across this country''—Cong Rec H1898, Thursday, February 16.

Rep. Joe Scarborough—''When you pass a taxpayer protection plan that we passed the first day of Congress, that requires this body to pass new taxes increase by a three-fifths vote in the 104th Congress, you are saving jobs . . .''—Cong Rec H2031, Wednesday, February 22.

Rep. Gil Gutknecht—''And we also required a three-fifths vote to pass any kind of tax increase''—Cong Rec H6824, Tuesday, July 11.

Every single Member speaks broadly of all income tax increases. No one even mentions rates, let alone a more limited reading. It is only after their own bills are caught by the rule that they try to insist on a narrower reading.

The gist of Chairman Solomon's views is expressed in the Rules Committee report on this rule. He boldly asserts, without argument or evidence, that there were no violations of clause 5(c) in the reconciliation bill and that the rule is now being applied too broadly by others.

It came as a great surprise to find this bold new (and controversial) position in the Rules Committee report. The first reason it is surprising is because I wrote to Chairman Solomon in May (see attached letters) requesting that the Rules Committee hold hearings on the application of the new three-fifths vote requirement. In his June 12 response, Chairman Solomon explained it ''would not be useful'' for the Rules Committee to hold hearings because:

''We [on the Rules Committee] are generally considered as arms of our respective party leaderships. We should not be in the position of trying to second guess the Chair's rulings by holding after-the-fact ''reviews'' of those rulings, let alone attempt to dictate what interpretations the Chair should use in the future.''

It is also surprising to find controversial new interpretations in the Rules Committee report because of the long-standing tradition of making the reports extremely brief and purely technical. The Rules Committee is specifically exempt from many requirements on committee reports, because of the long-standing tradition. In particular, the Rules Committee is the only House committee not required to provide additional time for dissenting views to be included in the report.

While the Rules Committee report appears to be from the entire Committee, it should be noted that the language was not shared with any Democratic member on the Committee until after the report was filed. The language in the report is clearly controversial. During mark-up, I moved to strike the waiver of the three-fifths vote requirement (Republicans voted it down on a straight party line vote) and Democratic members strongly expressed their views during debate on that motion. It is the considered opinion of the Democrats on the Rules Committee that the reconciliation bill includes tax rate increases within the meaning of clause 5(c) and that the rule was never intended to be applied narrowly to bracket increases—at least, not until Republicans found themselves running afoul of it constantly.

We hope the majority will return to the traditional Rules Committee report and will stop using the report to include clearly controversial statements or will share the language in advance and permit those opposed to include dissenting views.

But let me return to the subject at hand. The Contract with America tax bill raised the capital gains rate on those who invest in qualified jobs-creating small businesses. A

similar provision is in the reconciliation bill. The increase in the capital gains rate for qualified investors raised the issue of whether the Contract with America tax bill required a ⅗ vote. On April 5, a series of parliamentary inquiries led to a ruling of the Chair and a failed attempt to appeal the ruling of the Chair. That led to an exchange of letters a few months ago about the ruling of the Chair. In that exchange, even Speaker Gingrich noted that the Chair's ruling ''did not seem either satisfactory or overly compelling at the time . . .''

WASHINGTON, DC,
May 4, 1995.

Hon. GERALD B.H. SOLOMON,
Chairman, Committee on Rules, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request that the Rules Committee hold hearings to review clause 5(c) of rule XXI in light of recent interpretations. Clause 5(c) of rule XXI was added on opening day, January 4, 1995, as part of House Resolution 6. The new rule requires a ⅗ majority to pass or agree to a bill, joint resolution, amendment or conference report ''carrying a Federal income tax rate increase.''

During debate on H.R. 1215, Contract with America Tax Relief Act of 1995, the new rule was interpreted in a peculiar way to permit a simple majority vote to pass the bill even though the bill carried a provision increasing from 28% to 39.6% the maximum rate of tax on the taxable portion of capital gains income. The bill increases the statutory maximum tax rate by repealing section 1(h) of the existing Internal Revenue Code which provides that the maximum rate on taxable capital gains can't exceed 28%.

One particular capital gain to which the existing law maximum 28% rate applies is described in the Internal Revenue Code section 1202 titled ''50-percent exclusion for gain from certain small business stock.'' Section 1202 describes investments that qualify for the exclusion because they are investments in job-creating small businesses. Under existing law, other gains cannot take advantage of the 50% exclusion.

H.R. 1215 imposes a higher statutory rate on all capital gains including investments in job-creating small businesses. The statutory rate increase results in an increase from 14% to 19.8% in the effective maximum tax rate on qualified small business investments. In other words, the bill raises the maximum statutory rate on all capital gains but cuts the effective capital gains tax rate for everyone except those who invest in job-creating small businesses.

The Chair relied on ''expert'' advice to conclude that a maximum rate of 39.6% is not an increase over a maximum rate of 28%. Expert advice is surely appropriate for the Chair to rely on, especially on a matter of first impression such as this and especially if it comes from a nonpartisan source. Attached you will find the letter from the staff of Joint Committee on Taxation (JCT) on which the decision is based. Unfortunately, JCT's advice was hastily put together and the reasoning employed is plainly open to question.

The JCT argues that because the bill expands the category of gains that can take advantage of the 50% exclusion, the 28% maximum rate is deadwood, and the bill repeals the provision only because it is inoperative. That is simply not true; if the bill did not repeal section 1(h) those taxpayers in the top bracket could take advantage of both the expanded 50% exclusion on other gains and a maximum rate of 28% on those gains.

The JCT's ''deadwood'' argument is even weaker with respect to the income tax rate increase on qualified small business gains. Compare the treatment of this type of gain with collectibles. The bill did not affect the taxable portion of the gain from collectibles (gains remain 100% taxable) and retained the maximum 28% rate for this type of property. Had the bill not done so there would have been an income tax rate increase on gain from collectibles. The bill also did not affect the portion of gain from qualified small business stock subject to taxation. However, the bill did not retain the existing 28% maximum rate for this stock unlike the treatment of collectibles. Therefore, the bill increases the income tax rate on this type of property.

The JCT further argues that the bill repeals one maximum rate (28%) and leaves instead a higher rate (39.6%) but does not explicitly increase the rate. By this reasoning, the bill would have required a 3/5 majority for passage only if it had specifically included a rate higher than 28% instead of simply allowing the 39.6% rate to kick in. For example, a 29% tax rate would have been considered an income tax rate increase even though 39.6% is not an increase.

Relying solely on the advice of the JCT, the Chair ignored the position of the Treasury Department. Treasury had consistently called the provision in question a federal tax rate increase from its first testimony in February hearings on H.R. 1215 through the letter dated April 5 to Representative Moran from Assistant Secretary for tax policy—Mr. Leslie Samuels—reiterating Treasury's position. The April 5 letter includes a quotation from the February 22 testimony and the letter is also attached.

I also suggest the Rules Committee look into the role of committees giving advice to the Chair. The decision of April 5 brings into question the use of any partisan organization in giving advice to the Chair. The Budget Act requires the Chair to turn to the Budget Committee—rather than the Congressional Budget Office—to determine estimated levels of spending in deciding the applicability of Budget Act points of order. While the Budget Committee has not so far abused its responsibility, the ruling of April 5 reflects badly on the practice of relying on the advice of committees. The rulings of the Chair must be objective, nonpartisan and reflect the traditions and practices of the House.

Again, I urge you to hold hearings on this new rule in light of the interpretation of April 5. The ruling of April 5 establishes a narrow interpretation of the applicability of clause 5(c) of rule XXI. The narrow approach is directly contrary to the expansive rhetoric that accompanied House passage of the rules change; the discussion on opening day focussed on how this change would inhibit any tax increase and the illustrative lists included in the Record contained a wide range of tax increases, most of which would have been excluded by this ruling. In one of its first tests, the intent of the rules change appears to be undermined.

Does the April 5 ruling render ineffective the new clause 5(c)? Does the ruling call on us to redraft clause 5(c) so that it can work? These and similar questions deserve our careful attention and a full and public airing through the normal committee hearing process.

Sincerely,

JOHN JOSEPH MOAKLEY,
Ranking Minority Member.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 4, 1995.

Hon. CHARLES W. JOHNSON III,
Parliamentarian, House of Representatives, Room H–209, Capitol Building, Washington, DC.

DEAR MR. JOHNSON: We are writing to request that you personally review clause 5(c) of rule XXI and the ruling of April 5, 1995. As you recall, clause 5(c) of rule XXI was added on opening day, January 4, 1995, as part of House Resolution 6. The new rule requires a ⅗ majority to pass or agree to a bill, joint resolution, amendment or conference report ''carrying a Federal income tax rate increase.''

During debate on H.R. 1215, Contract with America Tax Relief Act of 1995, the new rule was interpreted in a peculiar way to permit a simple majority vote to pass the bill even though the bill carried a provision repealing a maximum tax rate of 28% on the 50% of gain from qualified investments in job-creating small businesses that is taxable under present law and leaving in its place a maximum rate of 39.6% on the same 50% of gain from such investments that will be taxable under the bill.

We are enclosing copies of letters sent to Speaker Gingrich and to the Chairman of the House Rules Committee, Representative Solomon, and one set of the attachments sent to each.

We hope that the parliamentarians will treat the ruling of April 5, 1995 (Congressional Record, H4316–H4319) as merely an incident in which the Chair relied on expert advice to reach its conclusion. We hope that other expert advice will be sought in deciding the applicability of clause 5(c) of rule XXI and not simply the advice of the Joint Committee on Taxation (JCT). We note the Chair disregarded the advice of the Treasury Department which had consistently called the provision an income tax rate increase, from its first testimony on the bill in February. We hope the April 5 ruling does not stand for the proposition that the staff advice of the JCT is the arbiter in these matters even when the Treasury Department disagrees.

In addition, it would be a mistake to rely on the line of reasoning the Joint Committee on Taxation staff employed—which we believe to be faulty—and we hope it will not be given the weight of precedent. The JCT staff letter also opined that the new rule was not intended to apply to effective rate increases. Even if effective tax rate changes are outside the reach of clause 5(c), JCT's expertise does not include the intent of House rules changes. We hope the April 5 decision does not give special weight to the views of the JCT in determining the intent of the standing rules.

In conclusion, we urge you to review the ruling of April 5 carefully.

Sincerely,

RICHARD GEPHARDT,
Minority Leader.

SAM GIBBONS,
Ranking Minority Member, Ways and Means.

JOHN JOSEPH MOAKLEY,
Ranking Minority Member, Committee on Rules.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 4, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Room H–204, Capitol Building, Washington, DC.

DEAR MR. SPEAKER: The more we consider the ruling of the Chair on April 5 with respect to clause 5(c) of rule XXI—on the question of whether the bill H.R. 1215, as amended, carried a Federal income tax rate increase and therefore required a ⅗ majority vote for passage—the more outraged we become. We are writing to request that you personally review the ruling and take whatever action is necessary to prevent such an outrage from recurring.

H.R. 1215, Contract with America Tax Relief Act of 1995, as amended, included a provision repealing a maximum tax rate of 28% on capital gains income and leaving in its place a maximum rate of 39.6%. The provision, on its face, is a statutory income tax rate increase though it is also an effective rate increase only on gains from qualified investments in job-creating small businesses that are subject to favorable tax treatment (50% exclusion) under current law.

Essentially, the Chair relied on ''expert'' advice to conclude that 39.6 is not a bigger number than 28. Imagine if you had hired outside counsel on a personal tax matter and the attorney advised you that a law did not increase your tax rate even though it repealed a maximum rate of 28% and left in its place a maximum rate of 39.6%. Would you ever again turn to that tax counsel?

Expert advice is surely appropriate, especially on matters of first impression such as this and especially if it comes from a nonpartisan source. The Joint Committee on Taxation (JCT) staff advice, however, was hastily put together and the reasoning employed is plainly open to question.

The rulings of the Chair must be objective, nonpartisan and reflect the traditions and practices of the House. The conclusion reached in the April 5 ruling is so contrary to common sense that it must be questioned.

Relying solely on the advice of the JCT, the Chair ignored the position of the Treasury Department. The Treasury Department had consistently called the provision in question a federal tax rate increase from its first testimony in February in hearings on H.R. 1215 through the letter dated April 5 to Representative Moran from Assistant Secretary for tax policy—Mr. Leslie Samuels—reiterating Treasury's position. The April 5 letter includes a quotation from the February 22 testimony and the letter is attached.

Finally, the ruling of April 5 establishes an extraordinarily narrow interpretation of the applicability of clause 5(c) of rule XXI. The narrow approach is directly contrary to the expansive rhetoric that accompanied House passage of the rules change; the discussion on opening day focused on how this change would inhibit any tax increase; the illustrative lists included in the *Record* contained a wide range of tax increases, most of which would have been excluded by this ruling. In one of its first tests, the intent of the new rule appears to be undermined.

Again, we urge you to personally review this ruling (i) to see whether clause 5(c) of rule XXI must be redrafted to be an effective deterrent to Federal income tax rate increases and (ii) to take whatever steps are necessary to prevent any further outrageous rulings of the Chair.

Sincerely,

RICHARD GEPHARDT,
Minority Leader.

SAM GIBBONS,
Ranking Minority Member, Ways and Means.

JOHN JOSEPH MOAKLEY,
Ranking Minority Member, Committee on Rules.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, DC, June 12, 1995.

Hon. JOHN JOSEPH MOAKLEY,
Ranking Minority Member, Committee on Rules, H–152 the Capitol, Washington, DC.

DEAR JOE: I am enclosing for your information the letter I have received from the Parliamentarian, Charles W. Johnson, in response to your request for further information on the interpretation of clause 5(c) of rule XXI, the three-fifths vote requirement for tax rate increases.

I think you will see from the explanation of the circumstances surrounding the April 5 ruling of the Chair that this is indeed a very difficult and complex area that does not always readily lend itself to an instantaneous, informed ruling. In some cases, such as on the March 24, 1995, Mink amendments to the welfare reform bill, the question of whether a tax rate increase was involved was ''self-evident.'' In other instances, such as the April 5 situation, there were numerous interrelated and technical provisions involved on which even the most objective of observers could disagree.

I appreciate your raising the question for further clarification. Obviously, this is still not a matter which has been fully and finally resolved, and the Parliamentarian welcomes further input from any interested party. Just as with clause 5(b) of rule XXI, regarding what constitutes a tax, this is an issue on which interpretations, guidelines, policies and precedents will evolve as the Chair is presented with new situations and questions.

However, two obvious lessons can be learned from the April 5 situation regardless of one's position on the ruling. First, Members who wish to raise or oppose points of order are well-advised to present their arguments and background information to the Parliamentarian, preferably in writing, well in advance of the point of order being made in order to ensure the fullest and fairest consideration of all sides of the question and the most objective and informed ruling.

Second, committees and Members should be especially careful in drafting bills and amendments to avoid potential points of order that their provisions may violate a House rule. This also should involve advance consultation with the Parliamentarians to be safe.

I cite these two lessons without prejudice to either side since I have not formulated any final position on the intricate and interrelated issues raised by the ruling in question. Frankly, not being a tax lawyer, I am, to quote from the Parliamentarian's first reaction to the question, still ''perplexed by the complexity'' of the issue.

I am satisfied by the Parliamentarian's assurance in response to your second question that the Chair will not rely exclusively on any committee or entity in determining the applicability of clause 5(c) or rule XXI. The Chair does have a responsibility, as I earlier mentioned, to consult with a variety of sources and experts in developing the best possible ruling.

As to the request in your May 4 letter that the Rules Committee ''hold hearings to review clause 5(c) of rule XXI in light of recent interpretations,'' I do not think this would be useful for the reasons stated on page 3 of your letter regarding ''the role of committees giving advice to the Chair'' and ''the use of any partisan organization giving advice to the Chair''. As you put it so well, ''The rulings of the Chair must be objective, nonpartisan and reflect the traditions and practices of the House.''

The principle you enunciate should apply with even greater force to the Rules Committee than to any other entity since we are generally considered as arms of our respective party leaderships. We should not be in the position of trying to second guess the Chair's rulings by holding after-the-fact ''reviews'' of those rulings, let alone attempt to dictate what interpretations the Chair should use in the future.

If, on the other hand, resolutions are introduced and referred to us that amend existing rules to clarify their application, then we certainly have authority to consider such proposals as matters of original jurisdiction. I would be willing to further discuss with you any such clarification resolution on clause 5(c) that you or any other Member might introduce. In the alternative, the Parliamentarian has indicated that he would welcome any input you or others might have towards further clarification of the rule.

In conclusion, I again want to thank you for raising the questions you have. You have made a valuable contribution to fleshing-out the application of this important new House reform provision. I greatly appreciate your interest in wanting this super-majority vote requirement for tax rate increases to be applied and enforced in the fairest and most effective manner possible.

Sincerely,

GERALD B. SOLOMON,
Chairman.

Enclosures.

HOUSE OF REPRESENTATIVES,
THE SPEAKER'S ROOMS,
Washington, DC, June 9, 1995.

Hon. GERALD B.H. SOLOMON,
Chairman, Committee on Rules, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of May 9, 1995, seeking my response to questions raised by Representative Moakley in a letter to you. Those questions concern clause 5(c) of rule XXI, which requires a three-fifths vote for approval of specified propositions ''carrying a Federal income tax rate increase,'' and the interpretation of that rule by the Chair on April 5, 1995. You ask that I comment on the extent to which the Chair relied upon advice from the Joint Committee on Taxation in this instance and in past instances involving tax legislation.

Clause 5(b) of rule XXI, prohibiting tax and tariff measures in bills reported from a committee not having that jurisdiction, or in amendments to such bills, was adopted in 1983. Over the ensuing 12 years, the Office of the Parliamentarian has developed advice for the presiding officers of the House, Members, and staff, on interpretations of that rule. Rulings from the Chair based on that advice are documented in section 846b of the House Rules and Manual. Our analysis of provisions alleged to constitute taxes or tariffs often has evolved through consultation with staff of the Committee on Ways and Means and other committees having pertinent, substantive expertise. Over time, we have been able to articulate guidelines, e.g., for distinguished taxes and tariffs on the one hand and user or regulatory fees and other forms of revenue on the other. Some of those guidelines were formally enunciated by Speaker Foley on the opening day of the 102d Congress (Jan. 3, 1991, pp. H29–31, H507), and have been reiterated in the two succeeding Congresses (Jan. 5, 1993, p. H59; Jan. 4, 1995, p. H110). The Office of the Parliamentarian did not consider it necessary to consult directly with the Joint Committee on Taxation in the development of general guidelines under clause 5(b).

Clause 5(c) of rule XXI was adopted by the House on the opening day of the 104th Congress (H. Res. 6, Jan. 4, 1995) with an explanation reiterating the language of the rule, itself, following reports that earlier versions discussed in the Republican Conference had proposed to apply the requirement of a three-fifths vote to all increases in income tax revenue or even to all increases in revenue.

The rule has been found applicable to require a three-fifths vote only once, on an amendment offered by Representative Mink to the Welfare Reform bill (H.R. 4) on March 24, 1995. That amendment, which did not receive even a majority vote, proposed a direct increase in the top marginal rate of tax on corporate income in section 11 of the Internal Revenue Code of 1986. The Parliamentarian did not seek specialized expertise in developing advice for the Chair on that occasion because it was clear on the face of the amendment that it proposed to increase a Federal income tax rate. The application of clause 5(c) to that text was self-evident.

The circumstances surrounding the Chair's ruling of April 5, 1995, were more unusual. The possibility that a Member might assert that the treatment of capital gains in H.R. 1215 constituted an income tax rate increase came to my attention only late on that afternoon. It was presented to me orally and without benefit of most of the written matters later supplied for the Congressional Record. I was perplexed by the complexity of the argument presented in confidence by Representative Moran and asked his permission to present it to the staff of the Joint Committee on Taxation for their prompt analysis of the technical aspects of the question. I chose this approach based on my recollection of the professional reputation of the Joint Committee on Taxation during my time in the Office of the Parliamentarian. Representative Moran agreed to allow me to share the information he had furnished with the staff of the Joint Committee.

The letter from the chief counsel of the Joint Committee, Mr. Kenneth J. Kies, to Chairman Archer dated April 5, which Chairman Archer read in response to Representative Moran's point of order, was the entire response furnished that evening by the Joint Committee. I provided Mr. Moran with a copy of that letter when it was shown to me just prior to the Chair's ruling. In preparing to advise the Chair, I compared the analysis supplied by the staff of the Joint Committee with the explanation of the capital gain provisions of the bill in the report of the Committee on Ways and Means. The provision ultimately in question was described as follows:

The bill allows individuals a deduction equal to 50 percent of net capital gain for the taxable year. The bill repeals the present-law maximum 28-percent rate. Thus, under the bill, the effective rate on the net capital gain of an individual in the highest (i.e., 39.6-percent) marginal rate bracket is 19.8 percent.

The bill repeals the provisions in the Revenue Reconciliation Act of 1993 providing a capital gain exclusion for sales of certain small business stock (sec. 1202 of the Code).

A taxpayer holding small business stock on the date of enactment is able to elect, within one year from the date of enactment, to have the provision of present law (rather than the provisions of the bill) apply to any gain from the sale of the stock.

(H. Rpt. 104–84, pp. 36–37). The more general commentary earlier in the committee's report was couched in the context of a reduction in the taxation of capital gains. For example, it stated that ''reducing the rate of taxation of capital gains would encourage investors to unlock many of these gains.'' (Id. at p. 35). Thus, nothing in the committee report suggested that the rate of tax on capital gains for any taxpayer would be increased in any real or effective way.

The concerns expressed by Representatives Gephardt, Gibbons, and Moakley, in their letters of May 4, 1995, to the Speaker, to you, and to me, prompted me to ask Mr. Kies to elucidate his analysis of April 5. I enclose his response, dated May 12, 1995, for your information. As you can see, Mr. Kies remains convinced of the correctness of his advice to Chairman Archer on April 5.

In both of his letters, Mr. Kies proposes several alternate arguments, each concluding that the provisions contained H.R. 1215 did not constitute a Federal income tax rate increase within the meaning of clause 5(c) of rule XXI.

The first essential question yet to be properly determined is whether the new rule applies discretely to individual provisions of a bill or, instead, to the integrated whole formed by related provisions in the bill. Does a provision (including a repealer) that, standing alone, textually increases a statutory rate of Federal tax on income, necessarily trigger the application of the three-fifths voting requirement in clause 5(c) of rule XXI, regardless of the effect of other provisions of the bill that may ensure that the ostensible rate increase has no actual effect on any taxpayer? I suggest that this is the essential, initial question because the rule cannot sensibly be construed to require the Chair to assess ''effective'' income tax rate increases by weighing other provisions in the bill (including repealers) in the form of exclusions (e.g., the repeal of section 1202 of the Internal Revenue Code of 1986 in H.R. 1215), deductions, credits, or other factors that might determine a taxpayer's basis or other foundation of liability.

Mr. Kies also argues that, instead of proposing to repeal section 1(h) of the Code, the bill could have been drafted to render that section even more obviously ''dead wood'' (tax practitioners' jargon for a provision of the Code no longer applicable to any taxpayer). I would not advance that hypothetical argument as a sufficient response to the assertion that repealing section 1(h) would—as a matter of law—expose income derived by capital gain to the full range of statutory marginal rates, including those above 28 percent.

The more difficult question, as posed by Mr. Kies in both of his letters, is whether section 1(h) of the current Code is not a rate of tax on income, but rather ''a formula derived cap on total tax liability.'' The provision reads as follows:

(h) Maximum capital gains rate.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

(1) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

(A) taxable income reduced by the amount of the net capital gain, or

(B) the amount of taxable income taxed at a rate below 28 percent, plus

(2) a tax of 28 percent of the amount of taxable income in excess of the amount determined under paragraph (1).

For purposes of the preceding sentence, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer elects to take into account as investment income for the taxable year under section 163(d)(4)(B)(iii).

(26 U.S.C. 1(h)). Mr. Kies' contention that it is ''generally recognized in interpreting Code provisions that their titles do not control their substantive effect'' is supported by section 7806(b) of the Code as follows:

nor shall any table of contents, table of cross references or similar outline, analysis or descriptive matter relating to the contents of this title be given any legal effect.

(26 U.S.C. 7806(b)). Even if one applies this standard of statutory construction and accords no weight to the caption of section 1(h), the operative language immediately following the caption does not rule out that the provision establishes a ''rate'' of tax on income, as opposed to merely establishing a ceiling on the amount of a taxpayer's liability. On this question I continue to seek input from all interested parties.

In conclusion, I can only assure you and the Members who have corresponded with us on this subject that I would not advise the Chair to rely exclusively on a single entity or to be totally reliant on any single input in determining the applicability of clause 5(c) of rule XXI or the intent of the House in adopting that rule.

Sincerely,

CHARLES W. JOHNSON.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, April 5, 1995.

Hon. BILL ARCHER,
House of Representatives,
Washington, DC.

DEAR MR. ARCHER: The purpose of this letter is to further clarify, based on our prior discussion, the basis for our conclusion that the provision of H.R. 1215 repealing current law section 1(h) does not constitute an income tax rate increase for purposes of the House rules. The basis for this conclusion relates generally to the fact that this provision would be inoperative as relates to current law after the enactment of the pending legislation. This would be the case for the following reasons:

1. As a result of the enactment of the 50% exclusion applicable generally, taxpayers (other than those described in the following two paragraphs) would have a tax rate lower than 28%. Thus, the 28% maximum rate of section 1(h) of current law would not cause a reduction in tax liability as compared with that under current law, i.e., as relates to current law liability, the provision would be inoperative.

2. The 50% exclusion would not apply to collectibles under H.R. 1215. For this group of taxpayers the maximum rate of 28% is retained by H.R. 1215.

3. A question has been raised as to the potential application of the 28% maximum rate under current law for taxpayers currently qualifying for the special rules of existing law section 1202. In light of the fact that this provision would be repealed by H.R. 1215, the maximum rate of 28% would have no further application. Moreover, it should be noted that the special rules of section 1202 are an exclusion provision rather than a rate provision. Further, it should be noted that concerns as to whether repeal of current law section 1202, in conjunction with the repeal of current law section 1(h), constitute a rate increase are focused upon the effective rate impact rather than the occurrence of an income tax rate increase. The House rule in question is not intended to apply to effective rate changes.

A further factor impacting our view that the repeal of section 1(h) does not constitute an income tax rate increase relates to the nature of section 1(h). That provision operates as a cap on the maximum amount of tax liability imposed by the Internal Revenue Code which is determined by reference to a formula which includes a hypothetical 28% tax rate. Thus, section 1(h) itself may not constitute an income tax rate. Thus, even if the continued existence of section 1(h) were

to have a practical effect as relates to the liability determined under current law, we have some doubt as to whether its repeal would constitute an income tax rate increase under the House Rules. In light of the fact, as indicated above, that we have concluded that the provision would not impact the calculation of tax liability as relates to current law, we have concluded that the provision's repeal is neither within the spirit nor the letter of the House Rule in question.

Sincerely,

KENNETH J. KIES.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, May 12, 1995.

Hon. CHARLES W. JOHNSON,
Parliamentarian, House of Representatives, Washington, DC.

DEAR MR. JOHNSON: I am writing to further expand upon the advice that we provided to you concerning the ruling of April 5, 1995, regarding H.R. 1215, the Tax Fairness and Deficit Reduction Act of 1995. As you will recall, the ruling relates to Clause 5(c) of Rule XXI. I am writing to specifically affirm our view that the provision of H.R. 1215 repealing section 1(h) of the Internal Revenue Code of 1986 (hereinafter the ''Code'') was not within the scope of the above referenced rule requiring a three-fifths majority to approve legislation ''carrying a Federal income tax rate increase.'' Your ruling of April 5, 1995, apparently has been questioned by some minority members of the House of Representatives. The purpose of my letter is to respond to the issues which they have raised in letters to you, the Speaker, of the House and the Chairman of the Committee on Rules (copies attached).

In reviewing the above-referenced letters, it is clear to me that the minority Members who have questioned the ruling have failed to thoroughly understand the intention of the various provisions contained in H.R. 1215. As a result, I am setting forth the analysis that I went through to conclude that consideration of the provisions involved did not trigger the application of Clause 5(c) of Rule XXI. The steps to that analysis are set forth below.

First, I consider the issue of whether the provision of H.R. 1215 repealing existing law section 1202 of the Code, the provision of current law providing a fifty-percent exclusion for the gain from the sale of certain small businesses stock, constitutes a Federal income tax rate increase under the provision of Clause 5(c) of Rule XXI. I concluded that such legislation is not within the scope of the rule because the Code provision involved is merely an exclusion provision, not an income tax rate increase. My conclusion that Clause 5(c) of Rule XXI is intended to apply only to specific income tax rate increases and, not to any of the following: (i) revenue increases; (ii) effective rate increases; or (iii) income tax increases, is based on two factors. First, the actual text of Clause 5(c) of Rule XXI specifically uses the language ''income tax rate increase'' rather than ''revenue increase'', ''effective income tax rate increase'' or ''income tax increase.'' Thus, a construction of the actual language leads to the conclusion that the provision was only intended to apply to ''income tax rate increases.'' Second, I am advised by those who participated in the development of Clause 5(c) of Rule XXI that earlier versions of the rule, that were considered but rejected, would have applied to all revenue increases. It is important to note at this point that the provision of H.R. 1215 repealing section 1202 did specifically grandfather any ''taxpayer who holds qualified small business stock (as defined in section 1202 of such code, as in effect on the day before the date of enactment of this Act) as of such date of enactment.'' This grandfathering provision was necessary to ensure that the repeal of section 1202 would not have retroactive effect which could have violated Clause 5(d) of Rule XXI.

The second step of my analysis was to consider whether legislation to provide a fifty-percent exclusion for all taxpayers, including those who no longer qualify for the specific treatment of section 1202, could be considered without triggering the application of Clause 5(c) of Rule XXI if it included as an integral part of the fifty-percent exclusion an amendment to current law section 1(h) of the Code by inserting the following sentence at the end of section 1(h): ''This section shall be applied prior to the effect of the fifty-percent exclusion applicable to net capital gain income.'' Assuming that the fifty-percent exclusion was enacted in this manner, section 1(h), as amended, would apply to no taxpayer whatsoever. If one were to propose in the alternative repealing section 1(h) rather than leaving it in the Code in a form under which it applied to no taxpayer, it is inconceivable to me that Clause 5(c) of Rule XXI would be applicable in that it is reasonable to assume that the rule was not intended to prevent the elimination of deadwood provisions from the Code even if they included a reference to a hypothetical tax rate as in the case of section 1(h).

The third step of my analysis relates to the nature of section 1(h) itself. While some have argued that it constitutes an income tax rate, in substance it is not specifically an income tax rate but rather a formula derived cap on total tax liability.[1]

Another way to analyze the issue raised by the April 5, 1995, ruling is to consider whether Clause 5(c) of Rule XXI would have applied if the only provision contained in H.R. 1215 had been a provision which would have added a limitation to section 1(h) like that set forth above, i.e., to modify the application of the provision so that it was applied prior to the effect of any fifty-percent exclusion from capital gains. Such a change would have the effect of increasing the effective rate on capital gains subject to section 1202 of the Code from 14 percent to 19.6 percent. Again, I do not believe that such a change was contemplated by Clause 5(c) of Rule XXI. In order for the argument set forth by those who have written to you on this issue to prevail, I believe they would also have to assume that the effective income tax rate increase which would occur under such an amendment to section 1(h) would also be within the scope of Clause 5(c) of Rule XXI. This again would raise the prospect that any income tax increase would be subject to Clause 5(c) of Rule XXI, an interpretation which is clearly inconsistent with the specific language of the rule.

You have also asked me to comment upon additional input concerning this matter which was provided by Congressman Moran during the debate of April 5, 1995, but which neither you nor I had had the opportunity to review at that time. Specifically, you have alluded to a letter to Congressman Moran dated April 5, 1995, from Leslie B. Samuels, the Assistant Secretary of the Treasury Department for Tax Policy. A copy of this letter was placed in the Congressional Record of April 5, 1995 (H 4318). I have reviewed the letter involved and conclude that my analysis is in no way affected by the argument set forth in the letter of Mr. Samuels. The letter from Mr. Samuels relies entirely upon the proposition that effective rate income tax increases would be subject to Clause 5(c) of Rule XXI. For the reasons set forth above, I do not believe that this is a correct interpretation of the rule. It is clear that Mr. Samuels' letter is based upon such an interpretation in that his letter specifically asserts that the repeal of section 1202 would cause the rate of tax on this income to rise from 14 percent to 19.8 percent. In view of the fact that the Code contains no provision setting forth a rate of 19.8 percent, it is obvious that Mr. Samuels' reference to a 19.8 percent tax rate is a reference to an effective tax rate rather than an actual income tax rate. In view of this, I do not believe that the conclusion reached in the ruling of April 5, 1995, would have been affected by the information to which Mr. Moran alluded during the floor debate.

An example of a provision which is within the scope of Clause 5(c) of Rule XXI is the increases in tax rates included as part of the Omnibus Reconciliation Act of 1993, legislation which the Members who wrote to you are certainly familiar with. That legislation would also have violated the absolute prohibition on a ''retroactive Federal income tax rate increase'' set forth in Clause 5(d) of Rule XXI.

I hope that you find this additional analysis useful in confirming that the interpretation of Clause 5(c) of Rule XXI adopted as part of the ruling on April 5, 1995, is correct.

If you have any questions, please do not hesitate to contact me.

Sincerely,

KENNETH J. KIES.

HOUSE OF REPRESENTATIVES,
THE SPEAKER'S ROOMS,
June 26, 1995.

Hon. RICHARD GEPHARDT,
Minority Leader,
Hon. SAM GIBBONS,
Committee on Ways and Means,
Hon. JOSEPH MOAKLEY,
Committee on Rules.

DEAR GENTLEMEN: I am writing in response to your letter requesting my review of a ruling of the Chair dealing with Rule XXI which calls for a ⅗ vote to pass any Federal tax rate increase.

I am sure you are aware of a letter sent by Mr. Charles W. Johnson, the House Parliamentarian, in response to a request from Rep. Gerald Solomon seeking clarification of this ruling. I believe his response accurately portrayed the circumstances surrounding this ruling. Rep. Solomon's letter to Rep. Moakley speaks to this matter sufficiently and I endorse its conclusions.

After reviewing the material contained in your letter, the language in H.R. 1215 dealing with the capital gains treatment of certain small business stock, the follow-up letter from Joint Taxation, and the response from the Parliamentarian, I can see how confusing the situation was and how the Chair's ruling itself did not seem either satisfactory or

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[1] A consideration of the actual language of the provision highlights this point. In this regard, it should be noted that it is generally recognized in interpreting Code provisions that their titles do not control their substantive effect. Section 1(h) reads as follows:

''(h) MAXIMUM CAPITAL GAINS RATE.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

''(1) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

''(A) taxable income reduced by the amount of the net capital gain, or

''(B) the amount of taxable income taxed at a rate below 28 percent, plus

''(2) a tax of 28 percent of the amount of taxable income in excess of the amount determined under paragraph (1).

''For purposes of the preceding sentence, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer elects to take into account as investment income for the taxable year under section 163(d)(4)(B)(iii).''

overly compelling at the time of issuance. However, based upon the circumstances, I believe the Parliamentarian's guidance and subsequent ruling by the Chair were objective.

Yours very truly,

NEWT GINGRICH,
Speaker.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I would like to just talk about this so-called Medicare coverage of anticancer drug treatment. It is important to know that in the Committee on Ways and Means, the gentleman from Nevada, [Mr. ENSIGN], the gentleman from Pennsylvania [Mr. ENGLISH], the gentleman from Nebraska [Mr. CHRISTENSEN], and the gentlewoman from Connecticut [Mrs. JOHNSON], all voted to deny women annual mammograms. They all voted to deny colorectal screening because they said they did not have the money. This was at the same time when the Speaker was cutting a deal to give $3 billion to the American Medical Association, and these people did not have the money.

Now they come in at the behest of some drug company in a payoff, slip in two pharmaceutical treatments that will not do you any good if you do not discover the cancer in time, and say they are trying to help seniors. Thanks. My mother does not need that kind of help.

The seniors need to find out in a timely fashion when they get cancer, and the Republicans, in an effort to pay for a huge tax cut for the rich, are denying the seniors the chance to have the screening and the testing that the American Cancer Society says is necessary. You should be ashamed of yourselves. You have no compassion, no willingness to help treat the seniors. All you want is to waive the capital gains tax for a few rich Republicans and give a payoff to a pharmaceutical company who has made huge contributions to the Republican coffers. That is criminal.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, it is almost sad that people who used to chair subcommittees and committees are reduced to coming to the floor and shouting and carrying on in terms like ''bribery'' and ''payoff'' and all of that. It is almost sad. But the fact is that some of this talk that we are hearing on the floor about not doing our business is somewhat reminiscent of the old story of the kid who shot his two parents and then complained that he was an orphan.

The fact is that all over the Hill, what we have met as we have attempted to push through a legislative program is obstruction and delay, in an attempt to do everything possible to stop the program. There are even people of the minority party around the Hill that are trying to stop the conference on the reconciliation from even taking place, and have not yet even gotten to the place where conferees can be appointed.

Mr. Speaker, it is fascinating, then, to hear that the work cannot get done and the conference cannot meet because the minority party is in fact carrying on the blockading action. The minority party has attempted on the floor to delay many of these actions on appropriation bills and all kinds of things as they have come through the House. We have had a series of attempts to obstruct and obfuscate.

The bottom line is that it is amusing to have this kind of talk, and particularly to have people out here shouting at the top of their lungs about the fact that the work is not getting done. In fact, the work is getting done. The work is getting done in exactly the same way that some of these gentlemen voted on in the past. Back during the 1980's we ran the entire Government on continuing resolutions. When we pass a continuing resolution, that is regarded as not getting the work done. That is exactly one way of doing our work when in fact Democrats are obstructing.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, the gentleman from Colorado and others keep talking about being armed in negotiations and conflict and negotiating with strength and all that. I am not aware of any legislative gun control having passed here, and indeed, I think they are going to go into negotiations with a lot of armament. Indeed, what they have on the table is, between the two adversaries, they have a cocked pistol. If it goes off though, unfortunately, neither one of those gets plugged, it is the economy that gets taken out. That is what is at issue here.

The issue is whether this is what is called a clean debt ceiling, in which you just simply say the country can borrow more for a short period of time and avoid default, or you weight it up with so many obstacles that in order to get the votes and to pass it, you know it has to be vetoed, and in so doing risk that default. I do not think the country deserves that kind of gamesmanship.

I would like to also accept the gentleman's challenge who said, ''I defy anyone to look me in the eye and defend the Department of Commerce.'' I am here, and I am looking the gentleman in the eye. Here is why. Because when Members vote for this rule, if they vote for this rule, they will dismantle the Department of Commerce. It is going to be done in the name, supposedly, of ending bureaucratic sprawl and inefficiency.

Let us look at what happens. Over here is the Department of Commerce as it presently exists. When it is taken apart, if this rule should pass, it now divides over into 11 different groups in creating eight new entities. The Department of Commerce, which coordinates trade and business, it is business's main spot at the Cabinet table, now turns into a new Trade Representative, a bigger Department of the Interior, a bigger OMB, a bigger International Trade Commission, a bigger Department of Labor, a bigger Small Business Administration, and a bigger or new Office of Programs Resolution, and several more. We get Defense in there, too. They do a good job at commerce, of course. We get all that in there when we vote for this.

That is why it is so foolhardy, I think in this, which should be a clean debt ceiling extension, to dismantle an entire Cabinet agency. When we do that, we will take out the Economic Development Administration, with $131,000 alone to the gentleman's State in Colorado since 1965 in vital water and sewer projects. That is not good economics.

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

Mr. Speaker, I hope, before the gentleman yields, and first of all I appreciate him looking me in the eyes and saying that, but I think he ought to complete his statement. The completion of the statement would say that we have a net savings of $4 billion if we eliminate that department. Furthermore, I think the gentleman ought to go on to say that we are going to eliminate several thousand bureaucrats and we are going to make this operation much more efficient for American business.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia.

Mr. WISE. Mr. Speaker, in responding to the gentleman, I never saw efficiency come from greater inefficiency. The Department of Commerce is what coordinates the trade functions, and as I say, there is $131 million to the gentleman's State in water and sewer projects, defense dislocation, and many other areas. He is going to spread it out over a lot of different places where it is not going to be very, very effective. That is not good efficiency, that is not good policy.

The worst thing of all, of course, what they have not dealth with, they are trying this onto a debt ceiling bill and pointing this gun at the Department of Commerce. I happen to think the Department of Commerce is good for the economy. That should be a debate for another day. But do not endanger simply a debt ceiling extension.

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Mr. MCINNIS. Mr. Speaker, again, I hope the gentleman does not leave the Chamber, because I would like to continue this. I yield 2 minutes to the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, to look at the debt ceiling like an individual goes to the banker and says to the banker, I would like to have a loan. And the banker says, well, do you have any collateral? The person says, well, no, I do

not have any collateral. The banker says, well, I do not have a loan.

The elimination of Commerce is in a sense our collateral to the American people as we accumulate more debt. We are saying, we are willing on a temporary basis to accumulate slightly more debt; we need to borrow more money from the next generation. We are saying to the next generation, our collateral is that we are going to kill a department.

Now, there are 71 functions of trade right now in the Federal Government. We are going to consolidate this in one operation. We are going to kill the advanced technology program, which is corporate welfare. It is a big handout to businesses to do research at the taxpayers' expense.

We should abolish the Economic Development Agency, but we are going to downsize it. We are going to save money there, and we are going to save employees there.

What we are doing, rather than spreading responsibility, we are focusing responsibility. When you take 71 trade functions and you consolidate it into one operation, you have a lot more consistency of policy and you save an awful lot of money.

So what we are saying to the American people is, we are going to get rid of a department. Now, if you do not want to get rid of a department, you can make a lot of excuses as to why you do not want to do it. But at the end of the day, we are, in fact, saving billions of dollars for the American people, and at the same time saying, as a good-faith effort, we are going to give you this and we are going to incur a little bit more debt. I remind you, although the little bit more debt that we are going to incur expires in December, as it should.

Then when we finally lay down our reconciliation plan, which is the plan we present to the next generation for incurring debt over the next 7 years until we balance, that is our good-faith effort. That is the reason why there is something attached to this bill. I would hope that the President in the final analysis will accept the fact that the American people want less bureaucracy and less Cabinet positions.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. Speaker, I could not help but observe the wry comment by our colleague from Pennsylvania about a kind of role reversal going on here. I might say to the gentleman, it is refreshing to see the gentleman come down to the well and lower his voice and speak with a smile, in contrast to a style, a very different style in previous Congresses.

Adoption of this rule will let us make it very clear, eliminate the Department of Commerce, a proposition concocted in the dead of night by the Republican majority leadership, takes a Department of Commerce crafted by a Republican administration in earlier years, creating one-stop shopping for all American businesses, combining economic development, trade and technology in a way to promote growth in our economy and job creation, and scatter this all to the winds in a disjointed shuffled jumble of unrelated functions and proliferation of agencies that are now combined under the umbrella of the Department of Commerce.

If the Republican leadership were serious about this proposal, they would not join it in this fashion with time spooned out in limited debate; they would bring it to the floor under an open rule subject to amendment and subject to adequate debate before the American public and air the issue, its merits, its demerits. But no, they want to hide this thing under their bushel and bring it here to the floor and abolish programs like the Economic Development Administration, which has survived numbers of administrations, numbers of attempts to abolish EDA, and on a bipartisan basis, by three- and four-to-one votes in this Chamber. EDA has been preserved because this is a program that creates jobs, that returns more in tax dollars every year than all of the money that has been invested in EDA over its entire period of time.

Even in this Congress on a bipartisan basis, an amendment during the appropriation bill consideration on this floor, the proposal to eliminate EDA, the amendment to abolish EDA, was defeated on an overwhelming vote of 310 to 115. It had the support of a majority of Democrats, a majority of the Republicans, and a majority of the Republican freshman class. Why would we want to in this cavalier fashion abolish a department of government without adequate discussion and debate?

We ought to stop the partisan politics. If we are serious about the Department of Commerce issue, bring it up fairly. Take the bushel off the issue. Let it be debated in the sunlight of open discussion and floor debate and open amendment process. Vote ''no'' on the rule.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I think we need to set the record straight. The fact is, we did debate this matter of the Department of Commerce elimination under the reconciliation bill. It passed this House under the reconciliation bill, so it has been on the floor before.

Second, with regard to EDA and because of those votes on the House floor we did in fact include EDA under the Small Business Administration in this bill. So EDA remains a part of the Federal Government, it simply goes to a different location.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I would like to correct the gentleman from Pennsylvania. I presided during a lot of that reconciliation debate, and I do not remember a single word being uttered, maybe in some revision or extension put in the RECORD that he talked about, about the Department of Commerce.

Mr. Speaker, the Department of Commerce has done a good job. There have been some very distinguished Republican Secretaries of the Department of Commerce down there. It is amazing to me that, now that we have a black man as Secretary of the Department of Commerce, the Republicans suddenly decide that they have to abolish the Department of Commerce. You know, it was your darling department for years around here. You all nurtured it, you hugged it, you put your best people in it. But now that there is a black man in charge of it, you decide you want to abolish it.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I have a question as to why are we considering a temporary debt extension? Why are we not considering a permanent extension for the 2-year period? After all, we have already approved in this House an increase in the debt by $600 billion to $5.5 trillion. Why should we not separate that? Let us pass a permanent extension for this term of Congress so that we do not hold hostage the credit of this Nation, which could affect the interest rates that our constituents pay on their mortgage payments or on their car loans or on their credit cards. Why do we not just do that, separate it, get it done.

Mr. Speaker, we could have bipartisan support for that type of a debt extension. But no, we have a temporary bill before us. Why is it temporary? Why? Because we have not gotten our work done. Republicans have not brought forward the appropriation bills or the changes in the entitlement programs to conform to their budget. It should have been done by October 1, but we are now debating this in November when it should have been done in October. So we need to do a temporary extension.

Well, we could have bipartisan support for a temporary extension, if we would just remove the issues that are not relevant to the debt extension. It is your fault that we have a delay. We are willing to have bipartisan support for a temporary extension if we just do a temporary extension. But no, you have to have all of these other issues to this temporary debt extension bill.

Mr. Speaker, they promised that we were going to have regular legislative process, that we would use the procedures properly in this House. That was one of their promises. This bill that is before us and the rule that is before us violates that promise. Another Republican promise broken.

I urge my colleagues to defeat the rule.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I think it is well to point out that the last three Commerce Secretaries under Republican administrations all favor the elimination of the Department of Commerce. I would also think that someone who was given the distinguished position of leading one of our major committees in the House does undermine the debate on this floor when he brings racism into the argument.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from the State of Ohio [Ms. PRYCE], my colleague on the Committee on Rules.

Ms. PRYCE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I am pleased to rise in support of this rule for consideration of the debt limit extension. The provisions of this debt limit increase respond to the very serious fiscal situation facing our Nation today. Along with the short-term continuing resolution passed by the House yesterday, this legislation will restore stability and competence in the U.S. Treasury's ability to meet its most fundamental financial responsibilities.

Now, this is not an easy vote for Republicans. We are not used to digging a hole deeper and deeper and deeper, but it is the responsible thing to do and we must do it. So, the self-enactng provisions of this rule will ensure that, as we vote to increase the debt ceiling, we will also be voting to make an important down payment on our plan to balance the Federal budget.

We include a provision to commit both the Congress and the President to achieve a balanced budget by the year 2002 before we consider any further increase in the public debt.

Now, those who criticize that plan have said that we are trying to blackmail the President into signing the CR and the debt limit. But the truth is, this legislation and the important changes made possible under it simply offer the President an opportunity to join with us in this historic effort to get to a balanced budget in 7 years and limit the size and scope of the Federal Government along the way.

So instead of criticism, we offer our friends on the other side a chance to vote for real change and fiscal responsibility. Instead of partisan rhetoric and misinformation, we offer the opportunity to cut spending, to shrink the Federal Government, and to get our fiscal house in order. That is what I believe the American people sent us here to do, and that is what this legislation will accomplish.

Mr. Speaker, now is the time for bold action to carry out a vision for a more stable and secure future for our children and grandchildren. I urge my colleagues to support this rule, pass this important legislation, and let us get this country to a point where we can get our budget balanced.

Mr. HALL of Ohio. Mr. Speaker, I yield 3½ minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, this is the kind of experience that gives politics a bad name. Consider for a minute this six-page bill which will extend the debt ceiling of the United States, will make certain that our Government does not default on its debts. The United States of America has never defaulted on its debts. We want to make certain that our word is good, not only in the United States, but around the world.

The failure to pass this six-page bill will have a dramatic impact on every family in America, particularly those who happen to have something called an ARM, an adjusted rate mortgage. If the Gingrich Republicans are successful, if they force America into default for some political strategy, it will force interest rates up on every American homeowner paying an ARM, an adjusted rate mortgage. So, for the Gingrich Republican strategy, there is a tax on homeowners.

□ 1315

That, of course, would suggest that maybe we ought to just pass this six-page bill and do the responsible thing. But my friends on the Republican side of the aisle have much more in store.

Look at this. This is the beginning of the amendments which they want to offer to the six-page bill. Do not take the time to ask any Member on the floor if they have read these amendments, the answer is no. And guess what, there is another 200-page amendment the gentleman from Pennsylvania wants to offer that we have not even seen. And then the gentleman from Texas [Mr. ARCHER] has the opportunity under the rule to come in with another mystery amendment.

Mr. Speaker, this is the most suspicious meatloaf that has ever hit this floor of the House of Representatives. What is sad is that we are putting ourselves through these mental and political gyrations so that Speaker GINGRICH can have leverage on the President of the United States. See, they want to load this bill up with so many things that Bill Clinton will veto it and that our Government will go into default and that homeowners will pay the bill.

I think that is wrong. People sent Members of Congress here, Democrats and Republicans, to solve problems, to work together, not to impose more burdens on working families and homeworkers across America.

It is about time to stop the politics. Six pages, that is the responsible thing for us to address; 200, 300, 500, is a political game, the kind of political game that gives politics a bad name.

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

Mr. DURBIN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, the gentleman makes an excellent point, but this is not without precedent. The gentleman came, I believe, in 1982. I was elected in a special election in 1981. The Republicans were effectively in control of the House of Representatives and took the rule away from us, and a 1,400-page bill, reconciliation bill, was put on the floor in June. It was still warm from the Xerox when they asked us to vote on it. So, there is precedent for doing this. It is business as usual from 1981 to today.

Mr. DURBIN. Mr. Speaker, make no mistake, this amendment is not public interest, good government. The amendment here is generated by special interest groups, special interest groups which some way or another did not get a bite of the apple in the Republican reconciliation bill.

With this, with the amendment that the gentleman from Pennsylvania is going to come in with, and the mystery amendment from the gentleman from Texas, I have to say to my colleagues on the floor, I have been around legislatures and Congress for a long time, and I have seen a lot of lobbyists and special interest groups. What is happening on this floor today is turning the House of Representatives into a dismal swamp of special interests. It is shameful.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair.

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

Mr. Speaker, I would like to point out a couple of things. First of all, I am appalled by the language that has just been used by the previous speaker. Maybe consideration at some point in time ought to be given to the Americans of the next generation who are going to face this deficit of $37 million an hour.

My colleagues talk about impact on homeowners. They talk about impact on the children and the next generation. That is where the impact is. And they want to talk about special interests. Are my colleagues saying special interests are the people that want cancer treatments or special interests are small businesses? I think those are the things they ought to consider.

Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, what is this debate all about? Let me try to bring this debate into some perspective.

We are raising the debt of the United States of every man, woman, and child for the next 34 days in the amount of $67 billion added debt. I went down and took out $269 from my savings account. This new debt is $269 for every man, woman, and child in the United States for 34 days.

Mr. Speaker, by the time you eat your Thanksgiving turkey, it will be $118 per man, women, and child. Get this into some perspective. We are already $4.9 trillion in debt. Get this into some perspective.

For 30 years, these good intentions have driven us into the poorhouse. And

here we are, we could take the money and pay for the entire country's Medicaid with this; $67 billion is 74 percent of all the money we spend for every Medicaid recipient in the country, that is what we are going into debt for in the next 34 days. We only reorganize one department, the Department of Commerce, one department, 36,000 employees, 21,000 within 50 miles of where I am standing, 21,000. We will eliminate over 7 years, 11,000 positions. Why do we need that many people?

Mr. Speaker, we are eliminating 40 programs. We are saving $6 billion. This is just a downpayment on the mess that has been created over these three or four decades. So, we have run ourselves into the poorhouse. It is only a downpayment. Bring it into perspective: For every man, woman, and child in this country, $269 between now and December 12.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I want to point out again, this is 40 days after the homework was due. The fiscal year ended 40 days ago and only 12 percent of the budget has been dealt with. So, here we are with the debt extension and now Members are adding all sorts of things to it and saying the President has to have a budget.

Mr. Speaker, how can this side of the aisle yell that, when they cannot get a budget? They are still trying to get a budget, because they cannot get the two Houses together. This is really all about show business, and how tragic. It is the American people who are going to pay.

One of the fastest-growing items in our budget is interest on the debt. If we hold hostage the full faith and credit of this Government, wait until my colleagues see what happens to interest rates. It will absolutely subsume almost everything that we pay in taxes. That is ridiculous.

Mr. Speaker, I am a person that does not want to pay more interest than I have to. what we are doing here today is guaranteeing Americans will pay higher interest. And also, those who have an adjustable rate mortgage are going to pay higher interest.

Mr. Speaker, we hear all this stuff about the Department of Commerce and why do we need it. We need it for the same reason all of our allies we are competing with in the global marketplace have one. It is called: To create jobs; to hold the position we are in; to get us out there and to keep being more and more competitive.

If every western industrialized country has business recognized at their cabinet level, can my colleagues believe we would say no, we do not need this anymore? How are we going to create jobs for the American people? Where are we going to go? Why are we not having debates on this? Why are they shoving it into bills and then shoving it to the President's desk and playing this ''High Noon''? Here we are, it is John Wayne.

Mr. Speaker, this should not be John Wayne. This is the full faith and credit of this Government. Nobody has played so fast and loose with it, and we should not either. Vote ''no.''

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

Mr. Speaker, the gentlewoman from Colorado [Mrs. SCHROEDER], my colleague, talks about show and tell. How much cooperation has the gentlewoman given us on this budget? How many balance budgets has the gentlewoman voted for during her career? Now very many, if we take a look at it.

Mr. Speaker, if the gentlewoman wants to talk about what is going to help business in this country, small business in this country, it is not the Department of Commerce. They do not help my little business in New Castle, CO, or small business in the gentlewoman's district in Colorado.

Mr. Speaker, talk about tort reform. Where was the gentlewoman, my colleague from Colorado, on tort reform? Talk about regulation relief. Where was the gentlewoman on regulation relief for the small businesses in Colorado?

Mrs. SCHROEDER. Mr. Speaker, would the gentleman yield?

Mr. MCINNIS. Mr. Speaker, no, I will not yield on my time. I do not have enough time remaining.

Mrs. SCHROEDER. Mr. Speaker, I have not answered.

Mr. MCINNIS. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I just want to point out that one of the so-called extraneous matters in this bill is something very, very important and it is not really extraneous. It would end the endless appeals of death row inmates. It would finally enact, after years and years, if the President signs this into law, reforms of habeas corpus petitions in death penalty cases; something that many of us have been trying to accomplish for a long period of time.

Mr. Speaker, I would suggest that the victims, for example the victims in Oklahoma City in that bombing, are as concerned if not more concerned about getting this accomplished than anything else that we could pass in this Congress.

Mr. Speaker, it is a very, very opportune time, a very timely moment in this particular provision that the President has to face to put it in here to finally get a confrontation of this issue, and give him the opportunity to sign into law a provision that stops these forever-extending carrying out of death penalty sentences that so often have delayed that throughout the Nation in many, many, many cases.

Mr. Speaker, I hope this does not go down to the President. I am pleased that it is in here today, and I would certainly hope that he would not veto this bill with that in it.

Mr. HALL of Ohio. Mr. Speaker, can you tell me how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio has 2½ minutes remaining, and the gentleman from Colorado has 5 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, how many speakers does the gentleman from Colorado have left?

Mr. MCINNIS. Mr. Speaker, I think probably two, possibly three.

Mr. HALL of Texas. Mr. Speaker, I would reserve the balance of my time.

Mr. MCINNIS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I think it is important that we talk a little more about the Department of Commerce and the importance of making it more efficient in this Government. First of all, this is an issue that has been talked about. Every major newspaper in the country has written about it and debated about it. This is not something that came in the late of night and suddenly appeared on the House floor today. We did talk about it in the reconciliation package.

Mr. Speaker, I think it is important to take a look at the business community. A recent poll by Business Week revealed that by a 2-to-1 ratio, Business Week executives say, ''Eliminate the Department.'' How many of us in these House Chambers have received letters from small businesses in our district that are not direct beneficiaries or do not have a contract with the Department of Commerce, how many of us have received correspondence from these people saying, ''Save the Department of Commerce,'' or, ''If the Department of Commerce is eliminated, we are not going to be able to compete out in that world''?

Mr. Speaker, the important elements of that Department, and they are very, very few in my opinion, the important elements of that Department have been preserved on transfer out of that Department to other agencies.

Mr. Speaker, I reserve the balance of my time

Mr. HALL of Ohio. Mr. Speaker, I yield 30 seconds to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I am glad chivalry is alive in Ohio, anyway. It does not seem to be in Colorado. I thank the gentleman.

Mr. Speaker, I just want to say that all the people that have written to me from Colorado about the Department of Commerce have been small businesses. They claim that big business does not need the Department of Commerce; it is the small business.

Mr. Speaker, I also would like to set the record straight that I have voted for many a balanced budget and I have helped draft some, and I resent very much the gentleman from Colorado [Mr. MCINNIS] taking my name and pointing those things out and not yielding back.

Mr. Speaker, I thank the gentleman from Ohio. All chivalry is not dead.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, the gentlewoman from Colorado, my colleague, resents the

fact that I have the courage to stand up and debate with her? Sometimes people will not stand up to the gentlewoman. Mr. Speaker, It is about time some of the facts of the gentlewoman be called to order.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. Mr. Speaker, I think probably some of the correspondence the gentlewoman has received on the elimination of the Department of Commerce is from some of the employees of the Department of Commerce.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. Mr. Speaker, no I will not yield.

PARLIAMENTARY INQUIRY

Mrs. SCHROEDER. Mr. Speaker, I do not know how to debate the gentleman. Parliamentary inquiry. Parliamentary inquiry.

Mr. MCINNIS. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will be in order. The gentleman from Colorado [Mr. MCINNIS] controls the time.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, having been involved in the private sector in international trade before I got here, and coming from business, I can tell my colleagues that this proposal is a tremendous improvement over the current disjointed, disorganized trade mess.

We have taken the USTR office, which only has about 150 people, and consolidated into that office from the Department of Commerce all of the trade activities that serve medium and small business and can do a great job in improving our competition in the international market.

Mr. HALL of Ohio. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] has 2 minutes remaining, and the gentleman from Colorado [Mr. MCINNIS] has 3 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

□ 1330

Mr. PAYNE of Virginia. Mr. Speaker, I rise in strong opposition to this rule.

Yesterday in the Committee on Rules, I offered an amendment that offered a fair and rational way to keep pressure on both the Congress and the President to reach a compromise to balance the Federal budget and without risking default. We will not have an opportunity though to vote on my commonsense amendment because the Committee on Rules rejected it.

My amendment represented a fair proposal. It would have given us 30 days after the President sent the reconciliation or after the President has received the reconciliation bill from the Congress to work out policy differences and to get to our shared goal, which is a balanced budget. It was simple. It was straightforward. It kept this debt ceiling extension clear of these partisan distractions.

This is essential if we are to work together to reach a balanced budget, which the American people have told us that they want, not a Republican effort or a Democratic effort to reorder our spending priorities but a bipartisan effort to bring fiscal responsibility to this Government.

We must not allow the United States to default on its debt. We must move forward with balancing the budget, free from partisan distractions represented by this rule.

I strongly support and advocate getting this country's fiscal house in order. However, I believe that this historic effort is one which will take more time than is permitted in this Republican bill before us today. I believe balancing our budget by the year 2002 is too important an issue for this country not to allow the President 30 days after this important legislation hits his desk.

Mr. Speaker, this rule does not allow time for bipartisan cooperation on our Nation's budget. I strongly urge my colleagues to vote against this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a lousy rule. I think it is dangerous. I think since 10:30 last night we added almost 300 pages to this bill which nobody has read. I think we are messing around with the credibility of the United States, and we should not do that.

Mr. Speaker, I include the following for the RECORD.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

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. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
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.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a ''Queen of the Hill'' procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a ''Queen of the Hill'' procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H.Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority.. *RULE AMENDED*	N/A.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min) If adopted, it is considered as base text; Pre-printing gets priority.	N/A
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (3/5 requirement on votes raising taxes).	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (3/5 requirement on votes raising taxes).	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min) on regulatory reform.	5R

*Contract Bills, 67% restrictive; 33% open. **All legislation, 57% restrictive; 43% open. ***Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. ****Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. MCINNIS. Mr. Speaker, I yield the balance of my time to the gentleman from Florida [Mr. GOSS], my colleague on the Committee on Rules.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Florida [Mr. GOSS] is recognized for 3 minutes.

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

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Colorado for yielding time to me, a hard working and hard charging member of the Committee on Rules. I commend him and the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules for their tireless efforts to bring balance to our Federal budget. That is what this debate is about. I know we have gotten off the track here, but that is what this debate is about. It is about money. It is about America and it is about taxpayers.

Other than some spending-addicted liberals, there are very few Members who take pleasure in voting to raise the debt limit because it says to the United States of America, we are failing in our responsibilities here. In casting such a vote today, which I have never voted for one of these things before, Congress has got to admit that to date we have been unable to control our Federal penchant for spending beyond our means. It is like endlessly increasing the credit limit on a credit card when you cannot pay off the debt you have already accumulated, and Americans go to jail for doing things like that.

In past years the Democratic leadership has sought to protect their Members from having to cast this tough vote, burying the debt limit extension deep in the budget resolution because there was no end in sight to the red ink they could pour out. But here, as in so many other ways, the new leadership in the House has courageously charted a different course, a more responsible course. We are today casting this tough vote out in the open with nowhere to hide, right here in the sunshine. We owe it to the American people to tell the truth about the mess that the liberal spenders have put us in, and we have to fix it and we have to plan to do it.

As we come clean on the debt, we are also cementing our commitment on the majority side anyway that such debt extensions will in 7 years become a thing of the past, because we are going to stop spending more money than we have. We are going to balance our budget, and we are going to do it by the year 2002.

This bill today will allow our leaders to work with the White House, if, of course, the White House wants to negotiate with us. It allows us to make the necessary down payment on our children's future by cutting spending, by freeing up taxpayers' dollars for investment in productivity and jobs and by shrinking the bloated Federal bureaucracy. One of our colleagues on the other side said we are trying to hide the dismantling of the Commerce Department. Wrong; we are shouting it from the roof tops. It is time. It is time to do this thing.

Incredibly, some of the rhetoric suggests that many of our Democratic friends still do not get it. Nearly a century ago, one of this Nation's wisest leaders, Thomas Jefferson, wrote, and I quote:

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its Constitution; I mean an additional article, taking from the Federal Government the power of borrowing.

If Thomas Jefferson's view had prevailed, perhaps today we would not be more than $4.9 trillion in debt. Thomas Jefferson saw the public debt as ''the greatest of the dangers to be feared.''

There were a lot of things to worry about when he was alive. His prescient comments should ring in Members' ears. We should past this temporary measure so we can get on with the business of paying down our debt once and for all.

I urge support for the rule.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. MCINNIS. 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 220, nays 200, not voting 12, as follows:

[Roll No. 778]

YEAS—220

Allard
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—200

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shadegg
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—12

Archer
Bateman
Chapman
Fields (LA)
Hunter
Kasich
Peterson (FL)
Shaw
Thornton
Tucker
Weldon (PA)
Wilson

☐ 1355

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

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.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I have asked to speak for the purposes of engaging the distinguished majority leader in a colloquy about our schedule given the fact that tomorrow is Veterans' Day and Members have travel plans, and parades and other events to honor our veterans.

Could the gentleman from Texas [Mr. ARMEY] enlighten us on the schedule, what the schedule will be in the next couple of days as we move forward with these debt-limit bills and continuing resolutions?

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for yielding.

Mr. Speaker, of course we are all aware that the end-of-the-year scheduling difficulties that are commonplace, especially to the first session of any Congress, are upon us.

We have passed the continuing resolution over to the Senate, and they are working on that right now as I understand. We are now beginning to proceed on the short-term debt limit. We should expect to perhaps finish that sometime around 5 o'clock this evening. It will take us something in the neighborhood of an hour, maybe a little longer, to get the paperwork over to the Senate. The Senate, I am advised, will begin consideration of the short-term debt limit as soon as we have all our papers to them.

☐ 1400

We are not certain how long it will take them to work on that. We must be prepared. At least at this time, let me say, until we know something more certain about possible Senate action, we will stand prepared to receive their work back on either of the two bills tonight, and hopefully we can do that tonight and perhaps complete the process. But I must say to the Members, having been through this many times in the past, I would not expect to be able to catch a plane home before sometime tomorrow morning at the earliest, and, quite frankly, I think we would probably be most well prepared if we prepared ourselves to be here working until noon tomorrow.

I think that right now would represent a fair degree of optimism, depending on how things go between the House and Senate, and as they go, of course, we will have additional announcements. At any point we have something more definitive that we can share with the Members, we will do an announcement of this type and keep you apprised.

Mr. BONIOR. Mr. Speaker, I would ask the gentleman, how late does he expect to go this evening.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I think what we would have to do is take the measure of the Senate's action. We would be, of course, prepared to stand in recess to await the Senate's work, presuming they could get it done in anything like a reasonable hour.

I think there comes a time when one perhaps makes the decision we are better off to surrender the evening and

prepare to come back in the morning to take up that work. But I think, in the interests of the Members, we would want to hold ourselves available for as late as what might be reasonable, in the hopes that we might be able to get our folks on an early morning plane, if that is an option available. So we will be trying to evaluate that and make an announcement as we get better information.

Mr. BONIOR. Mr. Speaker, I would ask the gentleman, understanding the difficulty in guesstimating what time this is all going to culminate, let me ask my friend from Texas one other question. On Monday next, has he made any decisions about when we should be here for the first vote?

Mr. ARMEY. Again, I thank the gentleman for his inquiry. The fact is that, again, to a large extent, we are waiting to see what happens with the current work under consideration between the House and Senate, but I think a prudent advice I could give the Members would be to be prepared to be back in the Chamber by noon on Monday. Again, if I have any news to share on that later on, and hopefully good news, I will announce it, but I would be prepared, I think, to return to the Chamber on noon on Monday.

Mr. BONIOR. I thank my colleague.

GENERAL LEAVE

Mr. MCCRERY. 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. 2586, the bill about to be considered.

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

There was no objection.

TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

Mr. MCCRERY. Mr. Speaker, pursuant to the rule, I call up the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 258, the gentleman from Louisiana [Mr. MCCRERY] will be recognized for 30 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes.

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

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

Mr. Speaker, the subject of this bill, of course, is a short-term extension of the Nation's debt limit. This short-term extension is intended to provide an orderly process, with sufficient time for the Congress and the President to consider the balanced budget bill that will shortly be sent to the President. It is now clear that some type of pressure must be applied to bring the differing views together and to resolve this problem.

Mr. Speaker, H.R. 2586 would temporarily increase the statutory limit on the public debt to $4.967 trillion. It would do so until December 12, 1995. Under the bill, the limit would then revert to $4.8 trillion. H.R. 2586 also ensures the financial integrity of Government trust funds invested in Government debt obligations subject to the debt limit.

Mr. Speaker, this bill today is necessary because the Congress, the legislative branch, under our Constitution, is responsible for authorizing any debt to be incurred by the U.S. Government. That is an obligation which we must take very seriously, and consider very carefully. Some in this Chamber are reluctant to increase the Nation's debt limit at all. I understand that, Mr. Speaker.

However, we all recognize that this Government has made commitments and entered into obligations that must eventually be paid, so in an effort to accommodate those obligations and in an effort to accommodate this body and the executive branch with time to deliberate matters of great importance to the country, including balancing this Nation's budget in 7 years, this bill comes to us today. We believe this bill is not only necessary, but entirely appropriate, and we will get into more of the details as the debate continues.

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

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

Mr. Speaker, my fine and much-admired friend, the gentleman from Louisiana, has stated some of this bill, but perhaps he knows more about it than I do. He says that it is just a temporary legislation. The first page or so is temporary, but the other 400-and-some pages in this bill, and the pages that will perhaps be adopted here by additional amendments, are not temporary legislation. They are very permanent legislation. They do drastic things to this U.S. Government. They do it without debate, without consideration, or anything else.

The only reason we are here at this late hour and under this kind of confusing circumstances is because the Republicans have not been able to get their act together, to get their majority control together, and to do the things that should have been done. We are here on November 9 to do the work that should have been done in July of this same year.

The Republicans keep howling and screaming that the President will not bargain with them, but how, Mr. Speaker, can the President bargain with them? They have no budget bill. They have not even had a meeting on their budget bill in 2 weeks. I know. I am a conferee. I have not even gotten a notice, or, as one Member said, a postcard about a meeting of the conferees to iron out the differences in the budget resolution. We are about 4 months behind on the budget, the Congress is, because the Republicans cannot muster a majority on their side to get anything done.

We are here at this late hour attempting to blackmail the President into signing something that he will never sign. The President is not subject to blackmail. He has enough sense not to give in to that kind of treatment. He is not going to sign this ridiculous trash here, most of which is only put together, as the gentleman from Louisiana said, temporarily, so they can get enough votes together to get this thing through the House. They are going to drop all these amendments. Their Members ought to understand that. None of this is ever going to become law. It is only here so that the Republicans can be coerced or bribed or twisted their arms or whatever you want to call it to vote for this thing. It is not going to happen.

It is a terrible way to run the Government. It is a terrible reflection upon the Republican Party that they cannot do a simple thing, which is strike out one figure in a piece of legislation and add another figure. That is all that is here. We have done it hundreds of times in the years that I have been here without all of this rankle, all of this other garbage that has been added to it.

Mr. Speaker, this is a very, very poor and disastrous way to run the Government. It is a terrible reflection upon the Republican Party. We Democrats do not have control of this body. We do not set the agenda. We do not have the ability to produce a majority vote. It is all within their power. It is all within their ability. It is all within their responsibility. They cannot get up here and pretend that it is anybody's responsibility except theirs.

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

Mr. MCCRERY. Mr. Speaker, it is with a great deal of pleasure that I yield 3 minutes to the gentleman from Pennsylvania [Mr. CLINGER], one of the most distinguished Members of the Chamber, and chairman of the Committee on Government Reform and Oversight.

Mr. CLINGER. Mr. Speaker, I thank the gentleman very much for yielding time to me.

I guess we will have to put the gentleman from Florida [Mr. GIBBONS] as undecided on this matter.

Mr. Speaker, this bill is more, really, much more than an increase in the debt limit. It is really a down payment on the promise that we have made to make government smaller and more responsive to the American people. It is crucial that we refocus government on those essential functions that it must perform, and reconsider whether government should be involved in any activity which it cannot do well.

We presently are involved in a great many activities, Mr. Speaker, that we do not do well. The reason we have to

raise the debt ceiling again is that the bureaucracy in Washington has grown unchecked for far too long. Endlessly we have added, bloated, and enlarged the Federal Government, so today we are going to continue to reverse that trend by voting for a second time, Mr. Speaker, to eliminate the Department of Commerce. This has been debated, has been considered before with this body, and we have decided in our wisdom to eliminate the Department of Commerce as part of the reconciliation discussions.

In my view, the Department of Commerce is one bureaucracy that, frankly, is not necessary. Functions of the Department overlap with 71 independent agencies of the Government. True, there are, indeed, vital functions performed by Commerce involving trade, weather services, statistical information, and essential components will be retained in a more appropriate home. Other functions will be privatized, sent to the States and localities, or terminated.

Mr. Speaker, it has been suggested that we are doing this just to put a scalp on our belt. That is absolutely not true. We have really taken a very close look at how this Department can be dismantled, how the functions of that Department can be consolidated and made to work much more efficiently, much more productively than they have in the past.

Specifically, the commerce title in the debt ceiling bill highlights the importance of a strong trade policy, consolidates the various activities that are now spread all over the Federal Government dealing with trade, presents a cohesive approach to trade promotion. We consolidate the Department of Scientific and Environmental Functions of the National Oceanic and Atmospheric Administration, we privatize or eliminate 40 agencies and programs, and we establish a citizens commission on 21st century government to evaluate the entire Federal Government, and determine how we can make this government, yes, smaller, more productive, more efficient, and more responsive to the American people.

Let me be clear, however, that we are not cutting just for the sake of saving dollars. If that was the only objective, I do not think it would be worth doing. In fact, we will be saving a great deal of dollars as a result of this exercise. The CBO has recently revised their estimate. We are going to save $6 billion by the elimination or the dismantlement of the Department of Commerce. The other side suggests we are just bloating up other parts of the government. That could not possibly be the case if we are going to save $6 billion. Clearly we are reducing, not enlarging the government.

□ 1415

So, Mr. Speaker, I would urge support for this debt limit extension, and for the elimination of the Department of Commerce. It is long overdue.

Mr. GIBBONS. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. LEVIN].

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

Mr. LEVIN. Mr. Speaker, the issue here today is not a balanced budget and it is not a short-term extension to achieve it. Democrats favor an extension to help achieve a balanced budget. Most of us are willing to vote for a clean, short-term extension. Now, why are the Republicans not proposing it? Why is this layered with all of these additional proposals?

There are two reasons, Mr. Speaker. First of all, leverage on the President. Now, look, I am in favor of pressure. But this goes beyond pressure to try to create a pistol, and I suggest it will not work, it will backfire. The second reason there is not a clean extension is to satisfy some internal pressures within the Republican House Caucus. So they have added a provision on the Department of Commerce and one on regulatory language, a huge bill that few, if any, have read. Why are they doing this?

The Senate Republican leadership has made clear that they will not buy the Commerce Department provision, so you are doing this to have some satisfaction internally within the Republican House Caucus.

The Senate is working on regulatory reform. So what the Republicans are really doing here today is to play games, but going beyond it and playing with fire. What they are going to do through this, if it were ever to succeed, is to limit the management ability of the President to manage, to manage this situation, to manage this debt.

Secretary Rubin has said very clearly, this legislation severely limits options the Secretary has under current law to relieve pressure and to avert default.

Let us stop playing with fire with the debt. It would increase the interest rates. It would increase the interest rates for people with variable mortgages, with credit card debt. Look, what you are doing through this kind of proposal is linking chaos in this House with crassness. It will not work.

What you should be doing here today is joining on a bipartisan basis to pass a short-term extension of the debt period. That is going to happen sooner or later; let us do it now. I urge defeat of this. Let us get to our senses and work on a bipartisan basis.

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

Mr. Speaker, just in response to the gentleman's comments, it might be good to know that the day after the Committee on Ways and Means took the action to bring this bill to the floor, the stock market went up some 55 points and interest rates went down. So I think the fact that we have established a drop-dead date for negotiations to take place between the executive and legislative branches has, in fact, had a salutary effect on the markets and we hope to continue this.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime of the Committee on the Judiciary.

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

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

Mr. Speaker, I want to talk about one of those extra things that are on this bill, that really is not controversial in the broad sense, because it has passed the House a number of times, including this Congress, by overwhelming margins. It is something that really should be enacted into law, and we have an opportunity on this debt ceiling bill to get it down to the President in a timely fashion, which we have not had before, and that is the reform of what is known as habeas corpus laws to try to end the seemingly endless appeals that death row inmates have.

Mr. Speaker, I can assure anybody who has paid attention to the death row situation, where people have committed heinous crimes and have been convicted and sentenced to death, that that is an abomination that people can carry out the sentence for as much as 15 or 20 years by procedural gimmicks.

What happens, of course, is that they get convicted, they go through a State court appeal posture after they get sentenced to death, they go all the way to the Supreme Court of the United States, and a court says, the conviction is fine, the sentence is fine. They come back and they have an opportunity to go into Federal district court and file what is known as a habeas corpus petition and seek to get out on a procedural matter; for example, they did not have a lawyer who represented them properly at trial.

They then take that appeal and go all the way back to the Supreme Court, which takes a considerable amount of time, and after the Supreme Court denies that appeal, they can go back into Federal district court again on some other procedural ground and appeal that, and it could go on and on and on.

What we do in this and what the House did earlier this year, and what is part of this bill, if we pass it today and send it to the President and maybe get it enacted into law, we say that after your finish your Federal appeal you can go into Federal court only one time. You have to put all of your apples in that basket, all of your procedural complaints and issues, and let it be decided and get on with the carrying out of the sentence if you do not have any grounds for those. Obviously, anybody who can provide that they are really innocent of the crime, they are not going to have the death penalty carried out.

We have been waiting for a long, long time, years battling over this issue. This is a perfect bill, one the President

really has to face and sign, a short-term debt extension, to finally get it enacted into law, the reform of habeas corpus, to end this process of staying and keeping staying, again and again and again, the death penalties in the State courts of this Nation. It is time to act now, and I urge the adoption of this bill.

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

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

Mrs. KENNELLY. Mr. Speaker, I rise in opposition to H.R. 2586. As a Member who has consistently been responsible and voted to increase the debt ceiling, it saddens me to stand here in opposition.

We have heard all sorts of obfuscation from the majority. But let there be no mistake, raising the debt ceiling has nothing to do with the current level of government spending, and everything to do with financing our prior obligations—living up to our commitments. There is no doubt that the debt ceiling will be raised in the long run. What we should be doing here today is passing a clean temporary debt ceiling as an interim measure to prevent default while a balanced budget agreement can be hammered out.

The bill before us today purports to protect trust funds but it has the practical effect of ensuring that Medicare claims won't be paid, tax refund checks can't be cashed and our Armed Forces won't be paid. It also strips the Secretary of the Treasury of all cash management tools—tools that were provided Republican Secretaries of the Treasury by Democratic Congresses. It is nothing more than an attempt to blackmail the President and to ultimately push us closer to default. It is irresponsible and unacceptable.

We stand here today and listen to the majority try to blame the President for delay. But, let's look at the facts. It is November 9th, 5 weeks after the start of the fiscal year and congressional Republicans have yet to even send their plan to the President. In 1993, the Clinton budget plan was enacted by August. The majority talks about getting their budget done on time, yet, they've only sent the President 3 of the 13 required appropriations bills. So let us be clear now who is responsible for delay.

When all is said and done, the debt ceiling will be increased. We shouldn't hold the economy or average American families hostage to a partisan debate on a balanced budget. We should enact a clean extension in the debt ceiling immediately.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I rise in support of H.R. 2586 as chairman of the Subcommittee on Civil Service. This bill provides important protections for active and retired Federal workers. It protects the integrity of the civil service retirement and disability fund and the government securities investment fund.

Under this bill, the administration will not be able to raid these funds in order to pretend that our national debt does not exceed the debt limit. The civil service retirement and disability fund provides authority to fund annuities paid under the Civil Service Retirement System and the Federal Employees Retirement System. It is a tempting target for the administration to raid, Mr. Speaker. In fact, it contains about 374 billion dollars' worth of special nonmarketable government securities that are subject to the debt limit.

Many current Federal employees invest their money in the government securities investment fund. This is one of the three funds in which employees can invest under the thrift savings plan. Their money is also invested in special nonmarketable government securities subject to the debt limit. In the past, Mr. Speaker, administrations have raided the civil service retirement and disability fund in order to stay under the debt limit. They have refused to invest the dollars coming into the fund. The administration could even just tear up existing nonmarketable securities in the fund. It has been done before.

It is also clear, Mr. Speaker, that the administration intends to raid the civil service retirement and disability fund. I have here a set of administration talking points that make that clear.

Mr. Speaker, the civil service retirement disability fund is already woefully underfunded to the tune of $540 billion. Yes, Mr. Speaker, there is already an unfunded liability of half a trillion dollars. Our learned colleagues on the other side of the aisle screamed and hollered when the private employers asked to be able to withdraw their excess contributions from their employee retirement funds that were more than 125 percent funded. Yes, Mr. Speaker, they did not even want private employers to reach into expensively funded plans. These same people now have the gall to give the administration a free reign to raid the retirement fund that is so woefully underfunded.

Mr. Speaker, we need to manage our public debt and to work hard to reduce it, but allowing the administration to dip into these funds would just be a gimmick. It is a charade. It is time to inject some fiscal responsibility in managing the Government accounts.

I support H.R. 2586, Mr. Speaker, because it prevents the administration from raiding the funds behind our employee retirement systems and behind their backs, and it makes sure their annuities are paid.

Mr. Speaker, I insert the following information in support of my statement.

EXCERPT FROM DEPARTMENT OF TREASURY TALKING POINTS, NOV. 7, 1995

Finally, by repealing the debt management features of the law relating to the Civil Service Retirement and Disability Fund, the bill would increase the risk of default by severely limiting the ability of the Secretary of the Treasury to assure that crucial government payments—including benefit payments such as Social Security, as well as payments on the public debt—could be made in a time of debt limit crisis. These provisions were enacted in a Republican Administration and reflect the widely held view that the Secretary should have options to relieve pressure and avert default.

Mr. GIBBONS. Mr. Speaker, before this debate gets too rough, I yield 1 minute to the gentleman from Virginia [Mr. MORAN] who knows something about the subject that was just discussed.

Mr. MORAN. Mr. Speaker, in fact, I have my money in that very retirement fund.

Mr. Speaker, first of all, it must be said that this legislation plays politics with people's lives. It is deliberately designed to force a default of Federal debt obligations, and specifically ties the President's hands from being able to avert a debt ceiling crisis under the excuse that this is supposed to save Civil Service retirees. That provision was put in during the Reagan administration precisely to protect the Civil Service Retirement Trust Fund. That is why it was put there. Now it is being repealed.

Mr. Speaker, I have a letter from the Federal Retirement Thrift Investment Board, dated today. This is a nonpartisan board designed to oversee the Federal Thrift Savings Plan. This letter says that this provision, if this bill is passed, will cost Federal retirees' $3.5 million per day, an amount that once lost, will never be recaptured. Do not do this to Federal retirees, do not do it to Social Security retirees. I urge defeat of this legislation.

Mr. Speaker, the letter referred to follows:

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD,
Washington, DC, November 9, 1995.

Hon. JAMES P. MORAN, Jr.,
Ranking Member, Subcommittee on Civil Service, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MORAN: I have reviewed H.R. 2586 which provides for a temporary extension of the Federal debt limit. The proposed legislation provides for the repeal, inter alia, of 5 U.S.C. §8438(g), which was enacted on May 22, 1987, to prevent harming Federal employees with investments in the Thrift Savings Plan's G Fund. It was foreseen at that time that, during periods of constraint on the issuance of Treasury securities brought about by the debt limit, the moneys of Federal employees in the G Fund would irretrievably lose interest (since they could not be invested) but for this carefully drafted, bipartisan ''make-whole'' provision. (The enclosed letter from former Executive Director Francis Cavanaugh forwarded the proposed legislation (not included) to Congress in April 1987, and it was quickly enacted.)

A repeal of this provision at this time would cost Federal employees invested in the G Fund more than $3.5 million per day of debt limit constraint, an amount that, once lost, will never be recaptured. That Federal employees' retirement funds might be thus diminished is a matter of great concern to

me and my fellow fiduciaries, as I am sure it is to you.

All of the provisions of the proposed legislation can be enacted without harm to Federal employee' retirement funds except for the repeal of §8438(g) (and its administrative concomitant, §8438(h). That is, the purpose of the proposed draft legislation can be fully met, as set forth in its accompanying two-page explanation, with the deletion of the words '', and subsections (g) and (h) of section 8438 of such title'' on page 6, lines 7 and 8. (The other provisions to be repealed pertain to the Civil Service Trust fund; because that fund is not owned by employees directly, their ultimate benefit levels as derived therefrom are unaffected.)

If the bill were passed in its present form, the fiduciaries of the Thrift Savings Plan would be obligated to point out the needless and costly removal by Congress of a protection for Federal employees intended to prevent debt limit politics from impairing the integrity of their retirement funds. (The ''make-whole'' provision of §8438(g) has been employed on four separate occasions in the past to restore interest otherwise lost to Federal employees from debt limit hiatuses.)

I have sent a similar letter to Congressman John Mica. I am asking your and his cooperation in preventing any repeal of §8438(g) in order to safeguard Federal employees' retirement moneys and ensure their confidence in the G Fund, which, at $21.5 billion currently, comprises approximately ⅔ of total Thrift Savings Plan investments.

Sincerely,

ROGER W. MEHLE,
Executive Director.

Enclosure.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD,
Washington, DC, April 30, 1987.

Hon. JIM WRIGHT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The Federal Retirement Thrift Investment Board respectfully submits the enclosed draft bill to prevent the loss of interest earnings to federal employees in the Thrift Savings Plan (Plan) which would otherwise result from a temporary suspension of the authority of the Secretary of the Treasury to issue public debt obligations to the Plan.

The Federal Employees' Retirement System Act of 1986 (5 U.S.C. 8401–8479) established a tax-deferred Thrift Savings Plan for federal employees. Effective April 1, 1987, all government and employee contributions to the Plan must be invested in Treasury securities issued to the Government Securities Investment Fund (GSIF) of the Plan. Since such securities, like other Treasury debt issues, are subject to the statutory limit on the amount of public debt outstanding, the Secretary will be unable to issue such securities to the GSIF after May 15 unless Congress acts on debt limit legislation by that date.

The present temporary public debt limit of $2.3 trillion is due to expire on May 15, 1987, on which date the debt limit will revert to the permanent statutory ceiling of $2.1 trillion.

We understand that the Treasury Department advised Congress today, in testimony before the House Ways and Means Committee that the Department expects to have sufficient cash on May 15 so that an increase in the debt ceiling would not be necessary until May 28. Nevertheless, beginning May 16 the Treasury will be unable to issue any securities subject to the debt limit, including securities issued to the GSIF. Thus, if Congress does not act on debt limit legislation prior to May 16, the GSIF will lose interest; there is no authority for the Treasury to pay such interest at a later date to make up for such losses.

The proposed legislation would provide the same treatment to the Thrift Savings Plan as is now provided by law (P.L. 99–509) to the Civil Service Retirement Fund. This treatment requires the Treasury to make up any loss of earnings to the Fund created by a suspension of Treasury borrowing authority.

Although the bill seeks parity of treatment with the Civil Service Retirement Fund, it is important to note that the Thrift Savings Plan is different from the Civil Service Retirement System (CSRS) in that the Thrift Savings Plan is a wholly voluntary, defined contribution plan; whereas CSRS is a mandatory, defined benefit plan. CSRS plan benefits do not depend directly on the amount of the Fund's interest earnings. The employer-employee contributions to the Thrift Savings Plan, although held

in the custody of the Treasury Department, actually belong to the individual employees. Accordingly, Congress intended that the Thrift Investment Board be a financially independent agency and exempted the Board from the appropriations process, the budget, and the controls of the Executive Office of the President which apply to other federal agencies. Yet, perhaps inadvertently, Congress did not insulate the Board or the Plan from the constraints of the public debt limit.

The Board believes that obligations issued to the GSIF should clearly be exempt from the public debt limit constraints. Yet, in view of the urgent need for timely legislative action before May 15, we are requesting only that the Plan be accorded the same treatment as the Civil Service Retirement Fund.

Federal employees have been urged to deposit their funds in the Thrift Savings Plan upon the representation that such funds will be safely invested in government securities with a guaranteed rate of return based on a prescribed statutory interest rate formula. The Board has an obligation to federal employees to make every effort to see that this commitment is honored. Now, at the very beginning of the Plan, it is especially important that there be no question as to the integrity of the government's representation as to such investments. In order to prevent unnecessary fear and confusion on this point, we urge Congress to act on the enclosed bill as soon as possible and before any suspension of Treasury borrowing authority occurs.

We are sending a similar letter to the President of the Senate. Copies have been sent to the Director of the Office of Management and Budget.

Sincerely,

FRANCIS X. CAVANAUGH,
Executive Director.

Enclosure.

SUMMARY OF THE BILL

The purpose of the bill is to ensure that the federal employees' Thrift Savings Plan (Plan) does not suffer a loss of earnings in its Government Securities Investment Fund in the event of a temporary suspension of borrowing authority of the United States Treasury Department, due to the statutory public debt limit.

The bill provides that, in the event the Secretary of the Treasury suspends additional issuance of Treasury securities to the Government Securities Investment Fund because such issuance would exceed the debt limit, immediately upon lifting of the borrowing suspension, the Secretary of the Treasury shall issue securities to the Plan at interest rates and maturities which will replicate the obligations that would have been held by the Plan if the suspension had not occurred. This ''make-whole'' relief will include the payment of any interest the Plan loses as a result of the suspension. Both the obligations and the interest will be determined in accordance with the daily investment decisions made by the Federal Retirement Thrift Investment Board during the suspension period which would have been effective were it not for the suspension.

The treatment accorded to the Plan by the bill is similar to that accorded to the Civil Service Retirement and Disability Fund in Section 6002 of the Omnibus Budget Reconciliation Act of 1986, except that the bill recognizes the statutory responsibility of the Executive Director (5 U.S.C. 8438(f)(2)(A)), rather than the Secretary of the Treasury, to determine the amounts and maturities of the investments in the Government Securities Investment Fund.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise today in support of this bill, but obviously, like many, I do so with some reluctance. While I have often opposed raising the debt ceiling, because of our efforts this bill includes a pledge to achieve a CBO-scored balanced budget in 7 years. I call attention to my colleagues on both sides of the aisle, this pledge is in the rule committing the President and Congress to enact in the year 1995, the calendar year, legislation for a balanced budget by the year 2002. It affirms the intent of Congress and the President to do so, and it is in black and white, and it is part of this package that we are voting on.

This, my friends, is the crux of our Contract With America. This is why we have the responsibility today to be responsible. Do I like raising the debt? Obviously I do not. But, for this reason, and for this language, I intend to vote for this raising of the debt to ultimately balance the budget. However, Mr. Speaker, what is also a concern of mine is that without certain provisions in this bill, that Chairman ARCHER made sure were in this bill, the Clinton administration could dip into supposedly safe trust funds such as the Social Security trust fund, the Medicare trust fund, and the Federal retiree trust fund.

☐ 1430

I find this totally unacceptable and, frankly, so do the American taxpayers. Yet the President is threatening to veto this bill because we refuse to let the administration raid the Social Security, Medicare, and Federal retiree trust funds. That is what the people on the other side are saying. These trust funds should not see their assets reduced even temporarily. It sets a bad precedent of encouraging the Treasury Department to raid these funds. Without this amendment in the bill, the money paid into these funds would be diverted to pay for other services.

Mr. Speaker, this is not the American way, and this should not be done. The American people have placed their trust in us to manage their funds, to protect their investments. We cannot let them down.

I urge my colleagues, it is time to be responsible to pass this bill and to pass

a balanced budget amendment that will eliminate the need after almost 40 years of Democrat control for such legislation in the future.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO].

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

Mr. SABO. Mr. Speaker, I thank the ranking member for yielding me the time.

Mr. Speaker, we should vote this bill down. We should be passing a clean continuing resolution or a clean debt limit extension for a reasonable time.

Why are we here today? We are here because this is the most mismanaged legislative session I have seen in 35 years serving in legislative office. It is November 9. The fiscal year began October 1. I fully expected we would need a continuing resolution because the majority would have passed appropriation bills, they would have been vetoed in some cases, and the Congress and administration would be negotiating. Instead, 9 of 13 bills have not passed the Congress. So we need a continuing resolution.

Why do we need this bill on the debt ceiling? Because it is now November. The Congress is doing what it should have been doing in July, should have been passing its budget bill, sending it to the President, probably vetoed, then serious negotiations occurring.

Instead, we have drifted along all session doing what was not crucial; and here, a month and a half into the fiscal year, the House and Senate is still dealing with the conference report. Shame on us. If we had done our work, this bill would have been on the President's desk before the August recess as it was 2 years ago, negotiations could have occurred in September, maybe into mid-October, and had a solution. Instead, total mismanagement. Mid-November, no budget bill, most of the appropriation bills still hung up in the Congress. Instead, we find ourselves with a debt ceiling extension, with habeas corpus and Commerce and I do not know what all else is in here.

Mr. Speaker, we should defeat this bill.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me the time.

Mr. Speaker, I said yesterday that we started this Congress with the Contract With America. There were 10 items essentially. Two out of the first three talked about responsibility. The first item talked about responsibility. The third item talked about personal responsibility. I tell my friends on the Republican side of the aisle that this bill is neither fiscally responsible nor it is personally responsible; and, yes, we ought to be ashamed of playing with the credit of the United States of America as we are doing.

This is not a serious attempt at responsible Government. It contains extraneous matters unrelated to the critical issue of making sure America pays it bills. Every American thinks its Government ought to do that.

But that's not what we're doing today. This bill is loaded down with unrelated provisions that have nothing to do with the problem before us and will cause the President to veto this legislation.

Just like yesterday's continuing resolution, which the President has also indicated he will veto, this is not a serious attempt at responsible Government.

I am afraid that the message to Federal employees is: Don't consider this a holiday weekend because you may not have a job next week.

The Republican leadership seems determined to close down Government operations.

They are taking the CR and the debt limit extension down the path to the same fate as many of the appropriations bills—stuck in the mud of political partisanship.

This Government is not put at risk by this irresponsibility with which we are confronted today. They want to up Social Security and Medicare payments by $151 per recipient in this bill. That ought to be debated fully. Habeas corpus, that may be a good bill, but it is not subject to having an impact on the debt of the United States. Eliminate the Commerce Department, a 200-page bill that the President disagrees with. You put at risk the credit of the United States.

This debt limit extension measure also limits the Secretary of the Treasury's ability to manage Federal employee investments in the thrift savings plan as well as their retirement fund.

These provisions have nothing to do with allowing the Treasury Department to continue to borrow money.

Auctions have already been canceled because of the Republican leadership's failure to act.

I am gravely concerned about the impact of not passing a CR and debt limit extension on Federal employees. They have been attacked again and again in this Congress and now the leadership is threatening to send them home on furlough.

Those in the Congress who claim to be Federal employee advocates and then vote for these extreme measures are, in my opinion, undermining the security of those Federal employees whom they claim to represent.

This is not a rhetorical issue. This is real fear for civil servants who have families to feed and mortgages to pay. The lives of Federal employees are once again being thrown into chaos as the Republicans pursue their extreme agenda.

Ladies and gentlemen of this House, ladies and gentlemen of America, this bill is a patently petty political terrorist tactic. That is what it is. An attempt to force the President of the United States to adopt things that you cannot get through your own Senate, not just the Congress. This bill adopts tactics that put America as a hostage to an extremist agenda.

Mr. HASTERT. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. HOBSON). The Clerk will report the words.

□ 1445

Mr. HOYER. I would be glad to repeat them if you would like just so they are clear on the RECORD.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman shall refrain from speaking.

The Clerk will report the words.

The Clerk read as follows:

Ladies and gentlemen of this House, ladies and gentlemen of America, this bill is a patently petty political terrorist tactic, that is what it is, an attempt to force the President of the United States to adopt things that you cannot get through your own Senate, not just the Congress. This bill adopts tactics that put America as a hostage to an extremist agenda.

The SPEAKER pro tempore. The Chair rules that since this is not a reference to an individual Member, that the remarks are in order.

However, the Chair would observe that there is a civility within the House in addressing bills and Members that should be observed, and it would be hoped that in the future that would be observed by all Members.

Mr. HOYER. I thank the Speaker for his ruling.

The SPEAKER. The time of the gentleman from Maryland [Mr. HOYER] has expired.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Speaker, I believe that there is a legitimate concern about the use of trust funds that has been mentioned earlier, and that the reason why some who are coming to the floor are suggesting that they want to give the administration total latitude on these issues is because, I think, they are probably aware that the administration intends to use the civil service retirement trust funds, the Government securities investment fund, other cash, and perhaps even the Social Security trust fund as the way of financing our debt into the future.

Now, we have heard discussion on the floor about the fact that we do not want to default for the first time in history. The fact is we have never used the Social Security trust fund for anything other than Social Security payments at any time in history, either, and yet what we are being told by this administration and by those defending the administration on the floor, they are prepared, in pursuit of their political agenda, to allow the Social Security trust fund to at some point in the future be invaded for the purposes of paying the bills.

Now, our direction has been to try to balance the budget. We realize that that takes a lot of hard work. We realize it has been an uphill fight, with those who are opposed to that agenda fighting us every step of the way to see

to it these bills do not get passed. We realize there has been a concerted effort to try to stop bills in other places in the Capitol Building so that, in fact, the work cannot get completed, and now we come down to the point where there is no longer an ability to pay the debts that have been incurred over the last several years.

Now we are being told that the Social Security trust fund should be put in jeopardy in the future. I would suggest that we ought to pass the bill that is before us. Yes, it does contain a number of items in it that we think are good for the country, such as regulatory reform, we hope, after that amendment is adopted, habeas corpus reform, and a number of other things. Fundamentally, what it does is allow the President to borrow temporarily, and does so in a way that assures protection of the trust funds.

Why do I say that we believe all this is happening? We have heard it directly from the Department of the Treasury.

I have before me materials that indicate that the Department of the Treasury is prepared in fact to begin using the civil service retirement and disability fund. At a press briefing yesterday, they outlined about $28 billion of money they are going to use, first out of the Government securities investment fund, then out of civil service retirement, then out of other petty cash amounts, and the next step down the line, my friends, is the Social Security trust fund.

That is, I think, a very grave danger for us all. the way that you can prevent that kind of problem from occurring is to vote for the bill brought to you by the gentleman from Texas [Mr. ARCHER], assure that we do protect the Social Security trust fund now and into the future, assure we do have the ability to raise the debt limit enough to pay our bills and, oh, by the way, get a couple of things done good for America, such as eliminating a Cabinet department and giving this Nation regulatory reform.

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

Mr. Speaker, I am placing in the RECORD at this point a statement made by the Secretary of the Treasury on the subject matter under debate.

The referenced material is as follows:

STATEMENT OF TREASURY SECRETARY ROBERT E. RUBIN AND SOCIAL SECURITY COMMISSIONER SHIRLEY S. CHATER

As Trustees of the Social Security Trust Funds we want to assure the American people that the resources of the Funds are preserved and protected for the benefit of every American who is now, or will in the future become, entitled to receive Social Security benefits.

Questions have arisen recently whether, because of the failure by Congress to increase the national debt limit, the resources of the Funds might be used to provide funds for governmental purposes unrelated to the payment of Social Security benefits. This is our reply: The Social Security Trust Funds will not be used for any purpose other than to assure the payment of benefits to Social Security recipients. We will continue to protect Social Security.

Furthermore, Congress should increase the statutory debt limit in a manner so all of the government's obligations will be paid on time. The Ways and Means Committee's bill, however, leaves Medicare, Medicaid, Food Stamps, Supplemental Security Income, veterans and military personnel, and obligations such as the principal and interest on the public debt all at risk. This is simply not acceptable.

In sum: this Administration will not use Social Security Trust Funds for any purpose other than to assure the payment of benefits to Social Security recipients.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I rise in opposition to the resolution, and in particular the provision involving death row appeals.

Mr. Speaker, the provisions in this bill are different from the provisions in the House-passed bill, and these provisions have been sprung on us in the last 24 hours.

Mr. Speaker, the provisions of this will do nothing to reduce crime. Death row inmates are not the ones out there robbing, raping and murdering in the streets. There is not even anecdotal evidence these inmates are the cause of crime in our community.

Mr. Speaker, we have not addressed the problem of innocent people being put to death. It was reported in the New York Times this Sunday that a man who had been on death row for 11 years in Illinois was released after being acquitted when a subsequent trial disclosed that a police officer had lied in the first trial.

What have we done about the police officer lying? Yesterday we had a hearing on a bill that would limit the civil liability of the police officer who lied, and today we consider legislation that will put the defendant to death quicker so it will be less likely we ever could have found out the truth.

Mr. Speaker, if we are going to do something about crime, we need to do something different than what we have done so far this year, such as cut funding for attorneys and death row appeals, which will create more complications and more appeals. We have cut funding for crime prevention and cops on the beat; cut funding for summer jobs, putting more youth out on the streets; cut funding for college scholarships and Head Start. All of that will increase crime.

If we really wanted to do something about crime, we would increase the money for Head Start, summer jobs, college scholarships, crime prevention and cops on the beat, and not insert these useless sound bites in essential legislation.

Mr. Speaker, we should focus on the financial crisis before us and not sneak provisions such as this through a debt ceiling resolution.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. COLLINS], a member of the Committee on Ways and Means.

Mr. COLLINS of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the resolution by the chairman to increase the debt limit, but I do so with some reluctance.

I hate to see us increase the debt that the taxpayers of this country owe and that I know that our children will someday have to pay. But I also know that if we are going to reach a balanced budget over the 7 years, as we have planned and as we have passed in both bodies, that we will have to extend that debt limit. I understand that there is a lot of confusion and controversy about how we are going to do that, and it will take a couple, 2, 3 more weeks to really rectify those differences.

So, therefore, we must increase the funding and the borrowing power of our Government.

The thing that I like about this bill or this proposal is it will restrict the use of trust funds. But, Mr. Speaker, you have heard the old saying, ''A day late and a dollar short.'' Well, sir, I think we are years late and several billon dollars short, because out of the $4.9 trillion that we currently owe as the debt, the debt that is owed by the taxpayers that has been created by the Congress, $1.25 trillion of it is actually owed to trust funds, trust funds that people have contributed to that they expect someday to receive in return.

Let me give you some of those amounts, Mr. Speaker. The Federal employee's trust fund, some $375 billion owed by Treasury to that trust fund; the Medicare part A trust fund, $130 billion owed by Treasury to that trust fund; VA retirement, over $112 billion owed to that trust fund by the Treasury; and Social Security, Mr. Speaker, some $483 billion of old age pension, part of my old age pension, owed to the trust fund by the Treasury.

Mr. Speaker, I am including at this point in the RECORD a table concerning the trust fund impact on budget results and investment holdings as of September 30, 1995:

TABLE 8.—TRUST FUND IMPACT ON BUDGET RESULTS AND INVESTMENT HOLDINGS AS OF SEPT. 30, 1995

[In millions of dollars]

Classification	This month			Fiscal year to date			Securities held as investments, current fiscal year		
	Receipts	Outlays	Excess	Receipts	Outlays	Excess	Beginning of This year	Beginning of This month	Close of this month
Trust receipts, outlays, and investments held:									
Airport	333	777	−445	6,125	7,242	−1,117	12,206	11,547	11,145
Black lung disability	416	426	−46	987	987	(**)	(*)	(*)	(*)
Federal disability insurance	4,749	3,606	1,143	70,215	41,380	28,835	6,100	34,146	35,225
Federal employees life and health	(*)	−145	145	(*)	−1,240	1,240	22,503	23,601	23,729
Federal employees retirement	24,375	3,268	21,108	66,821	38,899	27,923	346,317	353,081	374,219
Federal hospital insurance	9,150	10,271	−1,121	114,847	114,883	−36	128,716	180,931	129,864
Federal old-age and survivors insurance	26,560	24,569	1,991	326,084	294,474	31,611	403,425	445,944	147,947
Federal supplementary medical insurance	1,746	5,903	−4,157	58,169	65,213	−7,044	21,489	17,675	13,513
Highways	2,115	2,340	−226	23,613	22,688	925	17,694	8,846	8,531
Military advances	967	1,314	−347	12,469	13,417	−948	(*)	(*)	(*)
Railroad retirement	451	675	−224	9,093	7,924	1,169	12,203	14,063	14,440
Military retirement	918	2,386	−1,468	34,624	27,797	6,827	105,367	114,320	112,963
Unemployment	336	1,801	−1,465	32,820	25,282	7,539	39,788	48,660	47,141
Veterans life insurance	23	110	−86	1,356	1,231	126	13,477	13,690	13,606
All other trust	525	555	−30	6,056	4,346	1,710	12,317	14,180	14,060
Total trust fund receipts and outlays and investments held from Table 6–D	72,665	57,893	14,772	763,281	664,521	98,760	1,151,601	1,240,682	1,256,385
Less Interfund transactions	27,150	27,150	.....	212,849	212,849	(*)	.....	.....	.....
Trust fund receipts and outlays on the basis of Tables 4 and 5	45,515	30,742	14,772	550,432	451,671	98,760	.....	.....	.....
Total Federal fund receipts and outlays	100,994	108,480	−7,486	835,221	1,097,794	262,573	.....	.....	.....
Less Interfund transactions	443	443	(*)	975	975	(*)	.....	.....	.....
Federal fund receipts and outlays on the basis of Tables 4 and 5	100,551	108,037	−7,486	834,245	1,096,819	−262,573	.....	.....	.....
Less: Offsetting proprietary receipts	2,846	2,846	(*)	34,101	34,101	(*)	.....	.....	.....
Net budget receipts and outlays	143,219	135,933	7,286	1,350,576	1,514,389	−163,813	.....	.....	.....

*No transactions.

Note: Interfund receipts and outlays are transactions between Federal funds and trust funds such as Federal payments and contributions, and interest and profits on investments in Federal securities. They have no net effect on overall budget receipts and outlays since the receipts side of such transactions is offset against budget outlays. In this table, Interfund receipts are shown as an adjustment to arrive at total receipts and outlays of trust funds respectively. Details may not add to totals due to rounding.

Source: U.S. Treasury, final monthly Treasury statement of receipts and outlays, September 1995.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS].

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

Mr. CONYERS. Mr. Speaker, first, my thanks to the gentleman from Florida [Mr. GIBBONS] for his courtesies and tenacity in this debate.

Members of the committee, it is pathetic that in a several hundred page bill that was delivered to the Democrats on the Judiciary at 10:45 a.m. this morning, 27 pages of habeas corpus reform of the Senate's that we have never seen, never read, never discussed, never debated, never.

Why? This is the short-term debt ceiling limitation bill. What in God's name is habeas corpus doing in this provision? You can pass it, Republicans, anyway separately, I guess. You have been rolling all the votes here for 10 months. But why stick it in overnight? Is there some logic that this could be happening here in the most democratic forum, the most democratic, fairest parliamentary system that we have in the Federal Government?

But worse than that, this provision limits review in other habeas cases. And my colleagues who have been so concerned about civil rights violations by Federal law enforcement, read Ruby Ridge and Waco, that now they want to leave Federal law enforcement and judges with no way to protect against overzealous Federal law officers who may not have acted lawfully.

It is pathetic that habeas reform has been tucked away in the debt ceiling package. Habeas reform has absolutely nothing to do with short-term debt and I cannot help but wonder why the Republicans, who control both Houses of Congress need to attempt to pass habeas reform in this underhanded manner.

My colleagues should make no mistake, this so-called habeas reform bill does not reform habeas corpus law, it all but eliminates Federal appeals in death penalty cases.

This bill will also limit review in other habeas cases. My colleagues on the right who have been so concerned about civil rights violations by Federal law enforcement officers may find that they are left with no remedy when a lower court judge finds that those overzealous Federal officers acted lawfully.

There are some particularly egregious elements in this habeas bill. The worst provision is that all condemned inmates will be limited to only one appeal in Federal court and this appeal must be within 1 year of conviction. In addition, if a State agrees to compensate attorneys who represent defendants in habeas cases, that time period is reduced to 6 months with Federal courts directed to review habeas cases with undue haste.

The bill also says that no Federal court may grant habeas corpus to a State prisoner if State courts had decided his or her claim on the merits—unless the State decision was ''contrary to, or involved an unreasonable application of'' Federal constitutional law as determined by the Supreme Court.

This means that Federal judges must overlook even incorrect State rulings on constitutional law claims so long as they are not ''unreasonably'' incorrect. It is a new and remarkable concept that mere wrongness in a constitutional decision is to be ignored.

The habeas bill has numerous other provisions, all designed to further the goal of reaching finality in death penalty cases. It includes a ''rule of deference'' to State court determinations of Federal constitutional law. This means that contrary to logic and precedence, State courts, not Federal courts, are the final arbiters of Federal constitutional law.

The bill also places new restrictions upon the availability of hearings by allowing hearings only when there is new, retroactive law or facts that could not have been presented earlier. Moreover, those facts must establish by clear and convincing evidence that the petitioner would not be found guilty of the underlying offense.

Finally, the bill provides that claims litigated, even constitutional violations are barred from second or successive applications and new claims can be heard on their merits only if they rely upon a new retroactive Supreme Court decision or upon facts that could not have previously been discovered, but only if the petitioner shows by clear and convincing evidence that but for the constitutional error, no reasonable jury would have voted to convict.

These provisions make clear that the desire to ensure finality has not been counterweighted by any provisions designed to ensure fairness or correct decisions.

The terrible legal representation that many death row prisoners receive in their initial trials is a key cause of delays, appeals, and reversals in capital cases. Federal courts have found constitutional errors warranting reversal or retrial in about 40 percent of death row cases since the reinstatement of capital punishment. Yet this bill does nothing to address the critical problem. It provides no standards for lawyers who represent habeas defendants.

This habeas reform proposal will leave habeas corpus in a shambles and leave Federal judges confused and overworked. If my colleagues are not persuaded solely by the substantive arguments against his bill, they should at least consider why the Republicans—who control both the House and the Senate—have

bypassed the standard procedures and instead included this provision in the totally unrelated debt ceiling package.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, through you to the chairman and the ranking member of the Committee on Ways and Means, would not it be interesting if the President decides to go into these trust funds for disinvestment, and the people of the United States find out that there is no money in these trust funds, that they are void of the kind of cash that a lot of people imagine, and it is only a bookkeeping, an accounting entry?

You know, I think if all the people of the United States knew that in these trust funds there was little, if any, money, they would say, ''Hey, Congress, enough is enough. Get on the ball. Balance the budget, do not wait 7 years, do it in much less time, because our future is at stake.''

You know, we hear comments about all of the add-ons on this bill. I for one do not think those add-ons should be on this bill. But is it not interesting, for the last 12 years the Democrats have had the Gephardt rule, rule 41, so they did not have to vote directly on increasing the debt ceiling and said, ''Look, we are just going to automatically increase that every time we pass a budget resolution that is greater than the amount that we have coming in in revenues; therefore it goes up automatically.''

I am concerned that we do not have a reconciliation bill before the President. Let us get that reconciliation bill to the President as quickly as we can. Let us work this weekend, but I took to the Committee on Rules last night language that says let us stop borrowing marketable debt after 2002. We owe it to future generations, our kids and our grandkids.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, the resolution that is brought before us today again tries to carry out the extreme ideology of the new majority in this Congress; not enough to attack education and the ability of young people to get a college education, not enough to go after Medicare and Medicaid, but an attempt to cripple our economy by undermining the Commerce Department.

Yes, ideology says we have to shrink Government, so that every other nation has a leading cabinet level, powerful individual to deal with commerce that keeps the economy alive. But, no, this extreme ideology says we are getting rid of that.

The United States spends 3 cents out of every $1,000 of GDP on export promotion. Japan spends 12 cents, France, 18, and England, 25.

American workers are going to be left behind. American workers are going to be left behind if we shut down the Commerce Department, not to save money in the process, no; this is simply an ideological drill to test if you are willing to follow every dictum of this new extreme ideology: Get rid of the Commerce Department, cripple our export policy, take away the ability of American corporations to compete, more unemployment at the end of the day and a higher deficit.

Yes, let us not have a debate on this issue. Let us just sneak it through when we are doing the debt limit. This is the wrong kind of policy. It is the wrong kind of politics. It is a long-term damage to the American worker, and we ought to oppose it for that alone.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Speaker, I appreciate this opportunity.

I have sat and listened to an awful lot of this debate. I have listened about the bad Government that is happening here. I think the only bad Government that happened is the 40 years before I got here.

The President, you know, has supported all or parts of this package in whatever speech he was giving on that particular day over the last 10 months.

When it comes to, you know, worrying about this media-manufactured train wreck, we hear from market people all over this country, and they say do not blink. The most important thing that this Congress can do is to balance the budget, and part of that balancing of the budget is dismantling the Department of Commerce.

□ 1500

The Commerce Department is the Government's attic. It is where you throw everything when you do not have any place else to put it. In fact, 60 percent of the Department of Commerce has absolutely nothing to do with commerce at all. It is the Weather Service, it is the Census Bureau and the Patents and Trademarks.

If the Department of Commerce was in fact the voice for business that the previous speaker just talked about, then it would be supporting a balanced budget, it would be supporting a capital gains tax cut, it would be supporting tort reform, and it would be supporting regulatory reform. In fact, it is diametrically opposed to all of those things. In fact, in a Business Week magazine poll that was taken just a few months ago, two out of the three business executives in that poll were in favor of dismantling the Department of Commerce.

We have taken a very logical and methodical plan forward that takes about 30 months. We said we are going to eliminate the programs that are unnecessary, we are going to privatize the programs that can be better done by the private sector, and we are going to streamline the beneficial programs, the ones we need to keep, and we are going to consolidate the duplicative programs.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I thank the ranking Member for yielding me time.

Mr. Speaker, this bill makes draconian cuts in NOAA's budget which would effectively shut down crucial operations in many areas of the country. The cuts made in this bill jeopardize NOAA's ability to provide accurate and timely weather prediction, thereby putting all our lives in danger. If these cuts are enacted we will not be giving NOAA the money it needs to function properly and hundreds of lives and billions of dollars will be needlessly lost.

Floridians, having survived some of the most brutal storms in the world, are dependent on weather information and strongly support efforts to improve operational weather and forecast services. I do not understand why this Congress wants to endanger the lives of people in my home State by closing 62 of the 118 weather forecast offices, such as those in Miami, Melbourne, Tampa, Jacksonville, and Tallahassee, FL.

In addition to fewer offices, NOAA will lose one-half of its satellite capability, thus increasing the chance of a total satellite blackout. This bill would also decrease the number of storm surge models, resulting in chaotic evacuation procedures in large areas and a greater risk of fatalities. To make matters worse, the bill terminates funding for NOAA's P–3 hurricane aircraft, thereby reducing the accuracy of hurricane landfall predictions.

It is ludicrous that the majority would advocate an arbitrary reduction in funding for NOAA in the name of change. Mr. Speaker, some things, like the Government's responsibility for the health and safety of its citizens, should not be subject to political posturing. Change is good if it helps. But these cuts do not serve the public interest. And after all, is that not why we are here?

Mr. Speaker, let me ask the gentleman from Texas [Mr. ARCHER], for example, are the provisions in this bill we are considering today the same as the provisions considered 2 weeks ago in the reconciliation bill? Is it not true that 2 weeks ago the House approved 25-percent reductions in this Nation's weather programs, and in this bill, in section 2206, you have upped the ante to 35 percent? What is the impact of an additional 10-percent reduction in severe weather forecasting for this country? All of this is absurd.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, let me just say as a member of the Florida delegation who has had two hurricanes tear through my area in the past few months and devastate the beaches and the homes there, the last thing I would ever do is vote for anything that would have an impact, a

negative impact, on NOAA. I have looked over the bill. I have worked with DICK CHRYSLER on the Commerce bill. That simply is not the case.

Also, I hear people coming up, beating their chests in self-righteous indignation, saying how we are going to hurt the American worker and the American people because we have the courage to say no to the last great bastion of corporate welfare in America and that is the Commerce Department. The Democrats come to us and say, ''Yes, we want to be part of a balanced budget process, but we do not even have the courage, we do not have the courage to say no to runaway corporate welfare. We do not even have the courage to reinvent government.''

We always hear this talk about reinventing Government. CHRYSLER has a good idea. Let us go ahead and consolidate and have all science-related agencies put together. We do not do away with it; we truly do reinvent it. We have the courage to make a difference.

We are not trying to make political points. It makes sense. If you want to help the American worker, you do it by getting the Federal Government out of the way.

We also have language in this bill that says we will balance the budget in 7 years. More importantly than that, we have language that may be added, and this is not terrorism. This makes good sense. We have language that is going to be added that will bring about true regulatory reform.

You want to talk about money? You want to talk about real dollars? Regulatory burdens on American businesses, small businesses, cost over $500 billion a year, and we are doing something today to make a difference.

I am very proud to be part of that process. I am proud to say no to the Commerce Department corporate welfare plan that Ron Brown has been supporting, I am proud to say yes to real regulatory reform, and I am proud to say for the first time in a generation we are going to balance this budget.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York [Mr. SCHUMER].

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

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

Mr. Speaker, this debate is not about the Commerce Department. It is not about habeas corpus. It is not about any of the other dangles that have been suspended from the debt ceiling bill. This is about a game of chicken, a very dangerous game of chicken, where irresponsible people are saying, ''We are going to put what we want on here, and we hope that you will blink so this country doesn't default.''

That is like playing with fire. The markets are waking up to this irresponsible game. Today, bonds are down half a point because of news that the other side is playing with the issue of default. Now, this not only affects the bond markets and the bondholders, it affects all Americans.

I called up five leading economists. They estimated that permanently interest rates would go up a quarter to a half a percent if we defaulted. That says to the average homeowner on an ARM, you pay more than $600 a year. That says to the average student loan holder, you pay $850 more a year. That says to the U.S. Government, your debt is increased more than $90 billion a year.

The budget game that Republicans are playing, this game of chicken, could well hurt seniors, students, and homeowners. Let us separate the budget debate from the debt ceiling debate and be responsible and stop playing games.

Mr. ARCHER. Mr. Speaker, I yield 30 seconds to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I have to address the issue that my colleague from Florida brought up about the dismantling and how it would affect NOAA, the Weather Bureau. There are 36,000 employees in the Department of Commerce, of which 17,000 are in the Weather Service, 17,000 employees. Get some handle on that. In addition, with FAA that has a Weather Bureau, we have DOD with a Weather Bureau. We are recommending some consolidation.

This is not the day when you stick your finger out and get the weather with 17,000 people around the country. You get it from satellites and new technology and savings.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, the clock is ticking and we still have not increased the debt ceiling. It is time to act responsibly. We should not play chicken with our financial markets and more importantly the good name of our country. We do not want to remember November 15, 1995, or December 13, 1995, as the day the United States defaults. Instead we want to remember November 9, 1995, as the day the 104th Congress came together and acted for the best of the country.

We can end this game of chicken today. We can end the threat of default. This is very simple. All we need to do is pass a clean short-term extension of the debt ceiling. Better yet, we could take the most responsible choice and increase the debt limit to $5.5 trillion and this should keep the Government running well into 1997. Almost every House Republican has improved increasing the debt ceiling to $5.5 trillion three times.

We have no choice but to increase the debt limit. Even if this short term extension passes, we will still need a long-term increase. Mr. Speaker, why don't we enact a long-term increase now? What are you waiting for?

If we fail to increase the debt limit, the Social Security trust funds will not be used for any purpose other than to assure the payment of benefits to Social Security recipients. Social Security has been protected and will continue to be protected. No additional legislation is needed to protect Social Security payments.

The legislation before us adopts a payment priority system for benefits due to various Government trust funds. This type of scheme would not be made effective for many months. Any such prioritization scheme would cause other obligations to be defaulted.

This type of scheme would put Medicare at risk. We would no longer have the funds to make Medicare payments.

Repeatedly, we have heard the debt ceiling should not be increased until we have a balanced budget in place. We all agree deficit reduction is a number one priority. However, we differ on how to do it.

Increasing the debt ceiling should not be held hostage to the budget. Raising the debt ceiling does not increase the deficit. Raising the debt ceiling allows the United States to pay obligations that are due. The debt ceiling is unrelated to the current budget debate. No good comes from failing to increase the debt ceiling.

Let us get over the hurdle of the debt ceiling and pass a clean extension. Then, we can work on a budget to decrease the deficit.

I just do not understand why we want to risk the good name of our country just so we can play a game of political blackmail. Congress should not resort to these types of tactics. This is serious business. We need to stop the rhetoric. We must act responsibly.

Mr. ARCHER. Mr. Speaker, I yield 10 seconds to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, my good colleague from West Springfield should realize under the Reagan-Bush years, his party shut the Government down nine times, and his party had 17 continuing resolutions. So for him to go on and on like this is something new, it is not true.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BROWN].

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

Mr. BROWN of California. Mr. Speaker, I thank the gentleman from Florida for the time.

Mr. Speaker, I am going to speak very briefly about the process involved here, at least as it involves the Walker amendment.

Last night, the gentleman from Pennsylvania [Mr. WALKER] appeared before the Committee on Rules late in the evening and offered his amendment in one version. A different version is printed in the RECORD today. I was not notified that he was proposing to do that, nor was any of the minority staff.

The gentleman from Pennsylvania [Mr. WALKER] represented at that time, and I think I have his statement before

me, that he asked on behalf of the House leadership for this amendment, which is a good-faith combination of the House and Senate bills. Based upon that, the chairman of the Committee on Rules this morning said, describing the amendment, a compromise between the House and Senate already passed regulatory reform.

The fact is, the Senate has not passed any bills. They do not know about this compromise language. They have assured me they are not about to pass it. The 58 votes referred to was a vote on cloture, not on the bill.

I would suggest that in addition to the slight involved to the minority, the procedural slight, that the statement made by Mr. WALKER before the Committee on Rules would at the best be described as a lack of truth in advertising when he describes a procedural vote as implying that it actually passed the Senate by that number of votes and apparently convinced the chairman of the Committee on Rules that that was the case.

Now, this is not the way to conduct business in this institution. We are not engaged in obstructionism, as Mr. WALKER charged. We are asking for our rights as the minority, and I think we are entitled to receive those rights.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time to close.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, let me say, to begin with, I cannot speak for the last 40 years. I was not around 40 years ago, and I cannot speak for the time that my ranking member has been in the House or even the time that my good colleague from Texas has been in the House, who I recall first got elected when I was in grade school.

What I can speak to is experience that I brought to this House from the private sector. What we are doing here today is playing a dangerous game of blackmail for legislation, for votes which you do not have.

We are endangering America's credibility in the financial markets which could render us as uncreditworthy as Orange County, CA.

If we default, the markets will never forget. The markets will never forget, but the people of this country will pay forever and ever. If we were a city, a county or a State, this legislation would cause us to be downgraded, which would raise the cost to every citizen of those interests.

This is bad legislation. It is a bad way to do business. It is bad practice. Put this other legislation aside. Bring it to the floor separately. If you do not have the votes, you cannot pass it. But do not blackmail America's credibility and its creditworthiness. That is bad business. It is bad for the country.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

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

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Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from Florida [Mr. GIBBONS] for yielding me time.

Ladies and gentlemen, let us stop the crocodile tears over the Social Security trust fund. The fact of the matter is and everyover knows it here, there will not be a balanced budget in 2002. The balanced budget that is being put forward very simply steals $636 billion from the Social Security trust fund, a so-called surplus. If it really was a surplus then give it back.

I understand that is the program of the majority party. Give back the $636 billion. If nothing went wrong, if nothing went wrong with the budget proposals coming from the Republican Party, in the year 2002 they could announce that there was a budget surplus paid for by $636 billion in Social Security funds.

The young people of this country are saying they do not believe Social Security is going to be there when they need it, and it will not be. The day that this comes out, the Republicans are going to own $636 billion, and now they cry crocodile tears in this debt extension about the trust fund and what the Democrats are doing.

I defy anyone on the other side to deny my allegations. They should read their own budget bill, and they will see that they are going to take the $636 billion out of a so-called surplus.

Finally, may I add, Mr. Speaker, for those who seem confused as to why the habeas corpus bill has been attached to this particular legislation, it is a message. I do not see how the gentleman from Michigan, [Mr. CONYERS] and other people can fail to get it. General Powell is getting a message about his ability to broaden the text in the context of the Republican Party with the habeas corpus attachment to this bill. A message has been sent to the General.

Mr. GIBBONS. Mr. Speaker, may I inquire how much time is remaining on this side?

Mr. SPEAKER pro tempore (Mr. HOBSON). The gentleman from Florida [Mr. GIBBONS] has 1½ minutes remaining.

Mr. GIBBONS. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, we are here today because of mismanagement by the Speaker of the House of Representatives and by the Republican Party. We are conducting business that should have been conducted in a routine manner back in July, but today it is being used as an attempt to blackmail the President into signing something that he is not going to sign and it is being used as an attempt to get enough votes together, arm twist.

We have heard the Republicans, Mr. Speaker, explain to their constituents why this is such a wonderful bill. Well, this is a debt ceiling bill and they want to disguise their vote so they put all this other material in here, about 400 pages of garbage, just so they can explain to their voters why they are going to vote for a $67 billion increase in the debt.

Now, every one of them on that side has voted three times this year on the record to increase the debt to $5.5 trillion. Why do they need to get up and hoodwink their voters about why they are going to vote for this with all this other garbage? They know that that is never going to become law.

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

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 6 minutes.

Mr. ARCHER. Mr. Speaker, let us see if we can clear the air about this bill. Next week, on November 15, if there is not settlement on a new issue of Treasury securities, this country will not be able to pay its bills. If we do not pass this measure today, the Treasury will be put in a position to where it cannot pay our bills.

If we pass this measure today, the Treasury will be able to orderly manage our debt and the payment of our bills until December 12. That is what the core of this legislation is all about. It is not about default. If it were about default, the Democrats in our committee on Tuesday evening put all of that issue before the American public. They attempted to scare the markets and to scare the people. And what happened yesterday? The stock market had a booming day, to set an all-time new record, and bonds went up, not down, immediately on the heels of the reporting out of this bill by the Committee on Ways and Means.

Again, they are here today, Mr. Speaker, to try to scare the markets, to try to scare the American people, but it will not work because it is not reality. What is reality, and what has brought down interests rates this year on home mortgages by almost 2 percent, the equivalent of over $2,000 savings for every hundred thousand dollar mortgage, has been because this new Congress has stated to the American people that we will get to a balanced budget.

It is the balanced budget that drives interest rates. The credibility of that effort. And this bill is a downpayment on the effort to balance this budget. When we balance the budget, I say to my colleagues, then we will truly see another decline in the long-term interest rates and more affordable homes for Americans who want to have their dream realized, to get into their own home.

That is what this debate is about. It is about a future for our children. My grandson, who was born last week, came into this world with a debt on his shoulders, a responsibility to pay $187,000 during his lifetime, just for the interest on the debt that has already been accumulated. Not for the increased debt that the Democrats and the President would like to put on his shoulders. We must stop that.

Yes, this bill draws the line on December 12 and says to the President and to the Congress that there will be no more manipulation, there will be no more game playing. We must go to the bargaining table. Both sides must feel the pressure to get to a balanced budget.

My colleagues, I say to the President of the United States, come forward, be a leader, come and meet with the Congress and agree with us before December 12 that we will get to a balanced budget in 7 years by Congressional Budget Office numbers. And we say to the President again, he said CBO was the proper vehicle for us to settle our differences when he stood in this Chamber on February 17, 1993, and to a standing ovation said no longer would OMB numbers be the standard, but the realistic CBO numbers would be the standard. The President sent his first budget to this Congress based on CBO numbers. But they are not a rosy enough scenario for him today, and so he has put Rosy Scenario back on the stage and refused to respect the realistic CBO numbers.

We are ready to negotiate with the President, and we must negotiate, because December 12 will be a drop-dead date. It is that important to force the leverage for a balanced budget. These are not easy decisions, and that is why it is essential that that tool be in this short-term extension.

Now, let me also speak to the question of the trust funds that are vital to the retirement of so many Americans, Social Security recipients, Federal military retirees, Federal civilian retirees, railroad retirees. Their benefits need to be paid and their trust funds need to be protected. That is why we have written into this bill legal protections of those trust funds so that they cannot be disinvested or invaded.

The administration says it has no intention of using the assets of Social Security funds to help the Government to operate during this debt limit interruption, yet Democrats in the Committee on Ways and Means offered amendment, after amendment, endorsed by the Treasury, to strike our trust fund protections. We need these protections to assure the Social Security recipients and Federal retirees that they will not be manipulated by this administration, which intends to do so when it vetoes this debt ceiling bill.

Vote for this debt ceiling bill.

Mr. ORTON. Mr. Speaker, I rise in opposition to the House version of a debt limit extension.

There is not a more serious issue facing this country than a possible default on the full faith and credit of the U.S. Treasury. Our economy and the entire world economy relies on international confidence that we can conduct our fiscal affairs in a responsible manner. The long-term borrowing costs on Treasury securities are directly impacted by investors' confidence that principal and interest will always be paid on time. The stability of our financial markets, interest rates, international exchange rates, and stock markets are all connected to the stability of Treasury securities.

I strongly support a clean extension of the debt limit, which will expire in the next week. During debate on this bill, I will support the motion to recommit, to be offered by Rep. L.F. PAYNE of Virginia. This recommit motion would amend the bill to remove extraneous provisions and simply extend the debt limit temporarily in a manner that accomplishes everything that the majority in the House claims it wants. This motion would extend the debt ceiling for a full 30 days after the Congress presents a balanced budget reconciliation bill to the President. This would provide a fair opportunity for a bipartisan budget agreement, without unnecessarily risking default on U.S. Treasury obligations.

However, I must oppose this badly drafted debt limit extension being offered today, and I call on the House leadership to send back a clean bill.

It is improper to politicize the credit of the United States by including unrelated provisions, which obviously are being attached because they cannot be passed separately through the normal legislative process. The debt extension is too important to condition its passage on support of extraneous measures.

However, the most egregious provisions of this particular resolution are those which would tie the hands of the Secretary of the Treasury, and thereby increase the risk of default. If we were to pass this resolution, we would remove the ability of the President to use cash management techniques to avoid default in the event of short-term debt limit problems. These are the same cash management techniques that have been used by previous Presidents, including Ronald Reagan.

If we pass this resolution, and Congress and the President are unable to reach accommodation next month, the removal of these management techniques would mean almost certain default of the United States of America. This would be a tragedy that would cost the taxpayers billions of dollars over the next decade, and would permanently damage the credit of the United States. We cannot take this risk. We should be doing everything possible to prevent default, not playing this political game of chicken which actually increases the likelihood of default.

Finally, some of my colleagues have attempted to make the case that limitations on our debt limit are critically tied to deficit reduction and balancing our budget. This is simply not the case. The bipartisan Congressional Budget Office's ''Economic and Budget Outlook'' from August 1995, states that, ''Limiting the Treasury's borrowing authority is not a productive method of achieving deficit reduction. Significant deficit reduction can only be accomplished by legislative decisions that reduce outlays or increase revenues.''

I agree with CBO. That is why I have consistently supported and voted for a constitutional amendment to balance the budget. That is why I recently offered a comprehensive budget reconciliation alternative on the House floor which would have made real spending cuts sufficient to balance the budget by 2002.

We should not play partisan games with an explosive issue like the extension of the debt limit. We should not pass a resolution which makes it more likely that we will default on our debt in early December. Instead, we should focus our legislative energies on working together to pass a bipartisan budget reconciliation bill that reaches balance in 7 years.

I urge my colleagues to vote down this convoluted resolution, and immediately bring back a clean debt limit extension which the President stands ready to sign. I urge my colleagues to put the interests of our country ahead of partisan consideration.

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition to H.R. 2586 because it includes legislation to dismantle the Commerce Department. This bill is extremely shortsighted. Frankly, I'm surprised that my colleagues are so willing to throw the baby out with the bath water.

Commerce has a proven track record of providing the maximum bang for the buck. Although Commerce has the smallest budget of any Cabinet department, its services have contributed enormously to our Nation's economic well-being.

For example, for an investment of $250 million in trade promotion programs, Commerce advocated successfully in 1994 for foreign contracts with U.S. export content of almost $20 billion. In addition, our economy is getting a return of 8 to 1 from Commerce's manufacturing extension centers. Similar examples can be found in other programs, from facilitating exports by reducing export control burdens, to spurring investments in telecommunications infrastructure and economic development through matching grants.

This proposal would also eliminate Commerce's minority business development agency [MBDA], the only Federal agency created specifically to foster the establishment and growth of minority owned businesses in America. MBDA provides funding for approximately 100 minority business development centers [MBDC's] located throughout the country in areas with the largest minority populations including Jacksonville and Orlando.

The centers provide minority entrepreneurs with management and technical assistance services to start, expand, or manage a business. They are staffed by business specialists who have the knowledge and practical experience needed to run successful, profitable business. Minority business development centers are making a difference, they should not be eliminated.

While the Republicans propose to terminate a few agencies that are making a difference, the bulk of Commerce's programs would continue but be dispersed to the President, other agencies, and be re-created as Commissions at considerable cost to the taxpayer. Rather than diluted through dispersal, these functions important for American businesses should remain unified at the Commerce Department.

We should not destroy the Commerce Department and all the good that it does for our businesses. That's why the Commerce Department is supported by the U.S. Chamber of Commerce. Let's use common sense. Vote against this antibusiness bill.

Mr. DELAY. Mr. Speaker, I rise in strong support of the Walker amendment,

Earlier this year, the House passed a number of bills which made much needed fundamental changes to the way the Federal Government promulgates regulations. We passed unfunded mandates reform, the Paperwork Reduction Act, and an improved Reg Flex Act so that agencies can be taken to court if they don't take into account the impact of regulations on small businesses, among other reforms.

All of these bills passed with strong bipartisan majorities, and two of these—unfunded mandates and paperwork reduction—have even been signed into law.

The biggest and most fundamental reform the House passed, however, is a requirement that agencies conduct risk assessment and cost-benefit analysis based on sound science prior to promulgating regulations.

Too often regulatory decisions are made without any consideration for the impact they will have or even for whether they will address the problem effectively. The Federal Government must set priorities on how to spend its limited resources. Risk assessment and cost-benefit analysis will both help us focus on those areas that are the greatest threat to the public, and provide the data needed to make those tough budgetary choices.

Unfortunately, the other body has yet to act on these key provisions. That is why we are including this package in this bill—the provisions that make up this package are widely supported by a majority of both Houses, and signify a return to common sense, sound science, regulatory flexibility, and a more effective regulatory system.

Because this regulatory reform package restores balance to our Federal regulatory system, it is being considered a key vote by a large number of organizations. They include: National Federation of Independent Business; U.S. Chamber of Commerce; National Restaurant Association; Americans for Tax Reform; National Association of Home Builders; and National American Wholesale Grocers Association.

The Walker amendment is also strongly supported by Project Relief, the Alliance for Reasonable Regulation Citizens for a Sound Economy, the American Farm Bureau Federation, the Grocery Manufacturers of America, and the National Mining Association, among many others. These groups represent tens of thousands of businesses and individuals that have become involved at the grassroots level to achieve regulatory reform.

Regulatory reform will improve the average American's life in measurable ways—greater consumer choice, lower prices of goods and services, additional job opportunities, along with better economic growth.

I urge my colleagues to help relieve some of the burden placed on the American family by the Federal Government. Support the Walker amendment.

Mr. POMEROY. Mr. Speaker, I rise today to oppose the way this bill is being handled. This is truly a perversion of the process. Rather than bring to the floor a clean debt limit extension, the majority is playing games with the full faith and credit of the U.S. Government. If we don't act quickly, the United States is in danger of default.

Legislation to extend the debt limit should not be a Christmas tree for items that can't make it through the normal legislative process. While I strongly believe the American people could use a good dose of regulatory relief, and my votes on that issue have shown that I support providing that, this is neither the time nor the place for the Walker amendment. Further, the Walker amendment was being drafted this morning and I have not had the opportunity to review the text. While I may be in conceptual agreement with some of the provisions, this is not an appropriate vehicle.

Passage of a clean debt limit extension bill is critical to the American people. It should not be weighed down with extraneous provisions, no matter what the subject. Speaker GINGRICH may think he's playing this game with President Clinton, but he is really playing it with ordinary Americans. Working Americans are the one who will suffer if the Nation defaults on its debt.

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

Pursuant to House Resolution 258, the amendment recommended by the Committee on Ways and Means printed in the bill and the amendments specified in House Report 104–328 are adopted.

The text of H.R. 2586, as amended, is as follows:

H.R. 2586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by adding at the end the following new sentence: ''During the period after the date of the enactment of this sentence, the preceding sentence shall be applied by substituting for the dollar amount contained therein—

''(1) '$4,967,000,000,000' for the portion of such period before December 13, 1995, and

''(2) '$4,800,000,000,000' after December 12, 1995.''

SEC. 2. APPLICABILITY OF PUBLIC DEBT LIMIT TO FEDERAL TRUST FUNDS AND OTHER FEDERAL ACCOUNTS.

(a) PROTECTION OF FEDERAL FUNDS.—Notwithstanding any other provision of law—

(1) no officer or employee of the United States may—

(A) delay the deposit of any amount into (or delay the credit of any amount to) any Federal fund or otherwise vary from the normal terms, procedures, or timing for making such deposits or credits, or

(B) refrain from the investment in public debt obligations of amounts in any Federal fund,

if a purpose of such action or inaction is to not increase the amount of outstanding public debt obligations, and

(2) no officer or employee of the United States may disinvest amounts in any Federal fund which are invested in public debt obligations if a purpose of the disinvestment is to reduce the amount of outstanding public debt obligations.

(b) PROTECTION OF BENEFITS AND EXPENDITURES FOR ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Notwithstanding subsection (a), during any period for which cash benefits or administrative expenses would not otherwise be payable from a covered benefits fund by reason of an inability to issue further public debt obligations because of the applicable public debt limit, public debt obligations held by such covered benefits fund shall be sold or redeemed only for the purpose of making payment of such benefits or administrative expenses and only to the extent cash assets of the covered benefits fund are not available from month to month for making payment of such benefits or administrative expenses.

(2) ISSUANCE OF CORRESPONDING DEBT.—For purposes of undertaking the sale or redemption of public debt obligations held by a covered benefits fund pursuant to paragraph (1), the Secretary of the Treasury may issue corresponding public debt obligations to the public, in order to obtain the cash necessary for payment of benefits or administrative expenses from such covered benefits fund, notwithstanding the public debt limit.

(3) ADVANCE NOTICE OF SALE OR REDEMPTION.—Not less than 3 days prior to the date on which, by reason of the public debt limit, the Secretary of the Treasury expects to undertake a sale or redemption authorized under paragraph (1), the Secretary of the Treasury shall report to each House of the Congress and to the Comptroller General of the United States regarding the expected sale or redemption. Upon receipt of such report, the Comptroller General shall review the extent of compliance with subsection (a) and paragraphs (1) and (2) of this subsection and shall issue such findings and recommendations to each House of the Congress as the Comptroller General considers necessary and appropriate.

(c) PUBLIC DEBT OBLIGATION.—For purposes of this section, the term ''public debt obligation'' means any obligation subject to the public debt limit established under section 3101 of title 31, United States Code.

(d) FEDERAL FUND.—For purposes of this section, the term ''Federal fund'' means any Federal trust fund or Government account established pursuant to Federal law to which the Secretary of the Treasury has issued or is expressly authorized by law directly to issue obligations under chapter 31 of title 31, United States Code, in respect of public money, money otherwise required to be deposited in the Treasury, or amounts appropriated.

(e) COVERED BENEFITS FUND.—For purposes of subsection (b), the term ''covered benefits fund'' means any Federal fund from which cash benefits are payable by law in the form of retirement benefits, separation payments, life or disability insurance benefits, or dependent's or survivor's benefits, including (but not limited to) the following:

(1) the Federal Old-Age and Survivors Insurance Trust Fund;

(2) the Federal Disability Insurance Trust Fund;

(3) the Civil Service Retirement and Disability Fund;

(4) the Government Securities Investment Fund;

(5) the Department of Defense Military Retirement Fund;

(6) the Unemployment Trust Fund;

(7) each of the railroad retirement funds and accounts;

(8) the Department of Defense Education Benefits Fund and the Post-Vietnam Era Veterans Education Fund; and

(9) the Black Lung Disability Trust Fund.

SEC. 3. CONFORMING AMENDMENTS.

Subsections (j), (k), and (l) of section 8348 of title 5, United States Code, and subsections (g) and (h) of section 8438 of such title are hereby repealed.

SEC. 4. COMMITMENT TO A SEVEN–YEAR BALANCED BUDGET.

(a) With the enactment of this Act the President and the Congress commit to enacting legislation in calendar year 1995 to achieve a balanced budget, as scored by the non-partisan Congressional Budget Office, not later than the fiscal year 2002.

(b) The Congress affirms that it will not enact legislation providing for a further increase in the permanent statutory limit on the public debt unless the President signs into law the balanced budget legislation referred to in subsection (a).

SEC. 5. MEDICARE COVERAGE OF CERTAIN ANTICANCER DRUG TREATMENTS.

(a) COVERAGE OF CERTAIN SELF-ADMINISTERED ANTICANCER DRUGS.—Section 1861(s)(2)(Q) of the Social Security Act (42 U.S.C. 1395x(s)(2)(Q)) is amended—

(1) by striking ''(Q)'' and inserting ''(Q)(i)''; and

(2) by striking the semicolon at the end and inserting '', and''; and

(3) by adding at the end the following:

''(ii) an oral drug (which is approved by the Federal Food and Drug Administration) prescribed for use as an anticancer nonsteroidal antiestrogen for the treatment of breast cancer or nonsteroidal antiandrogen agent for the treatment of prostate cancer;''.

(b) UNIFORM COVERAGE OF ANTICANCER DRUGS IN ALL SETTINGS.—Section 1861(t)(2)(A) of such Act (42 U.S.C. 1395x(t)(2)(A)) is amended by adding ''(including a nonsteroidal antiestrogen or nonsteroidal antiandrogen regimen)'' after ''regimen''.

(c) CONFORMING AMENDMENT.—Section 1834(j)(5)(F)(iv) of such Act (42 U.S.C. 1395m(j)(5)(F)(iv)) is amended by striking ''prescribed for use'' and all that follows through ''1861(s)(2)(Q))'' and inserting ''described in section 1861(s)(2)(Q))''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of the enactment of this section.

TITLE I—HABEAS CORPUS REFORM

SEC. 101. FILING DEADLINES.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

''(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

''(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

''(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

''(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

''(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim shall not be counted toward any period of limitation under this subsection.''.

SEC. 102. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

''§ 2253. Appeal

''(a) In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

''(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

''(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

''(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

''(B) the final order in a proceeding under section 2255.

''(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

''(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).''.

SEC. 103. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

''Rule 22. Habeas corpus and section 2255 proceedings

''(a) APPLICATION FOR THE ORIGINAL WRIT.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The applicant may, pursuant to section 2253 of title 28, United States Code, appeal to the appropriate court of appeals from the order of the district court denying the writ.

''(b) CERTIFICATE OF APPEALABILITY.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of appealability pursuant to section 2253(c) of title 28, United States Code. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or its representative, a certificate of appealability is not required.''.

SEC. 104. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

''(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

''(A) the applicant has exhausted the remedies available in the courts of the State; or

''(B)(i) there is an absence of available State corrective process; or

''(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

''(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

''(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.'';

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

''(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

''(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

''(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.'';

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

''(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

''(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

''(A) the claim relies on—

''(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

''(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

''(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.''; and

(5) by adding at the end the following new subsections:

''(h) Except as provided in title 21, United States Code, section 848, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

''(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.''.

SEC. 105. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

''A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

''(1) the date on which the judgment of conviction becomes final;

''(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

''(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

''(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

''Except as provided in title 21, United States Code, section 848, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

''A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

''(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

''(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.''.

SEC. 106. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking ''and the petition'' and all that follows through ''by such inquiry.'' and inserting '', except as provided in section 2255.''.

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

''(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

''(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

''(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

''(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

''(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

''(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

''(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

''(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

''(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

''(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

''(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.''.

SEC. 107. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

''CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

''Sec.
''2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
''2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
''2263. Filing of habeas corpus application; time requirements; tolling rules.
''2264. Scope of Federal review; district court adjudications.
''2265. Application to State unitary review procedure.
''2266. Limitation periods for determining applications and motions.

''§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

''(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

''(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

''(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

''(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

''(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

''(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

''(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

''(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

''§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

''(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

''(b) A stay of execution granted pursuant to subsection (a) shall expire if—

''(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

''(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

''(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

''(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

''§ 2263. Filing of habeas corpus application; time requirements; tolling rules

''(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

''(b) The time requirements established by subsection (a) shall be tolled—

''(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

''(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

''(3) during an additional period not to exceed 30 days, if—

''(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

''(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

''§ 2264. Scope of Federal review; district court adjudications

''(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the

district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

''(1) the result of State action in violation of the Constitution or laws of the United States;

''(2) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

''(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

''(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

''§ 2265. Application to State unitary review procedure

''(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

''(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

''(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

''§ 2266. Limitation periods for determining applications and motions

''(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

''(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

''(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

''(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

''(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

''(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

''(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

''(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

''(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

''(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

''(2) The time limitations under paragraph (1) shall apply to—

''(A) an initial application for a writ of habeas corpus;

''(B) any second or successive application for a writ of habeas corpus; and

''(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

''(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

''(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

''(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

''(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

''(5)(A) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

''(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

''(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

''(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

''(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

''(2) The time limitations under paragraph (1) shall apply to—

''(A) an initial application for a writ of habeas corpus;

''(B) any second or successive application for a writ of habeas corpus; and

''(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

''(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

''(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

''(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

''(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.''.

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

''154. Special habeas corpus procedures in capital cases ..... 2261.''.

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

SEC. 108. TECHNICAL AMENDMENT.

Section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) is amended by amending paragraph (9) to read as follows:

''(9) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant's attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under paragraph (10). No ex parte proceeding, communication, or request may be considered

pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.''.

SEC. 109. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstances shall not be affected thereby.

TITLE II—ABOLISHMENT OF DEPARTMENT OF COMMERCE

SEC. 2001. SHORT TITLE.

This title may be cited as the ''Department of Commerce Dismantling Act''.

SEC. 2002. TABLE OF CONTENTS.

The table of contents for this title is as follows:

TITLE II—ABOLISHMENT OF DEPARTMENT OF COMMERCE

Sec. 2001. Short title.
Sec. 2002. Table of contents.

Subtitle A—Abolishment of Department of Commerce

Sec. 2101. Abolishment of Department of Commerce.
Sec. 2102. Resolution and termination of Department functions.
Sec. 2103. Responsibilities of the Director of the Office of Management and Budget.
Sec. 2104. Personnel.
Sec. 2105. Plans and reports.
Sec. 2106. GAO audit and access to records.
Sec. 2107. Conforming amendments.
Sec. 2108. Privatization framework.
Sec. 2109. Priority placement programs for Federal employees affected by a reduction in force attributable to this title.
Sec. 2110. Funding reductions for transferred functions.
Sec. 2111. Definitions.

Subtitle B—Disposition of Various Programs, Functions, and Agencies of Department of Commerce

Sec. 2201. Abolishment of Economic Development Administration and transfer of functions.
Sec. 2202. Technology Administration.
Sec. 2203. Reorganization of the Bureau of the Census and the Bureau of Economic Analysis.
Sec. 2204. Terminated functions of NTIA.
Sec. 2205. National Oceanic and Atmospheric Administration.
Sec. 2206. National Scientific, Oceanic, and Atmospheric Administration.
Sec. 2207. Miscellaneous terminations; moratorium on program activities.
Sec. 2208. Effective date.

Subtitle C—Office of United States Trade Representative

CHAPTER 1—GENERAL PROVISIONS

Sec. 2301. Definitions.

CHAPTER 2—OFFICE OF UNITED STATES TRADE REPRESENTATIVE

SUBCHAPTER A—ESTABLISHMENT

Sec. 2311. Establishment of the Office.
Sec. 2312. Functions of the USTR.

SUBCHAPTER B—OFFICERS

Sec. 2321. Deputy Administrator of the Office.
Sec. 2322. Deputy United States Trade Representatives.
Sec. 2323. Assistant administrators.
Sec. 2324. Director General for Export Promotion.
Sec. 2325. General Counsel.
Sec. 2326. Inspector General.
Sec. 2327. Chief Financial Officer.

SUBCHAPTER C—TRANSFERS TO THE OFFICE

Sec. 2331. Office of the United States Trade Representative.
Sec. 2332. Transfers from the Department of Commerce.
Sec. 2333. Trade and Development Agency.
Sec. 2334. Export-Import Bank.
Sec. 2335. Overseas Private Investment Corporation.
Sec. 2336. Consolidation of export promotion and financing activities.
Sec. 2337. Additional trade functions.

SUBCHAPTER D—ADMINISTRATIVE PROVISIONS

Sec. 2341. Personnel provisions.
Sec. 2342. Delegation and assignment.
Sec. 2343. Succession.
Sec. 2344. Reorganization.
Sec. 2345. Rules.
Sec. 2346. Funds transfer.
Sec. 2347. Contracts, grants, and cooperative agreements.
Sec. 2348. Use of facilities.
Sec. 2349. Gifts and bequests.
Sec. 2350. Working capital fund.
Sec. 2351. Service charges.
Sec. 2352. Seal of office.

SUBCHAPTER E—RELATED AGENCIES

Sec. 2361. Interagency Trade Organization.
Sec. 2362. National Security Council.
Sec. 2363. International Monetary Fund.

SUBCHAPTER F—CONFORMING AMENDMENTS

Sec. 2371. Amendments to general provisions.
Sec. 2372. Repeals.
Sec. 2373. Conforming amendments relating to Executive Schedule positions.

SUBCHAPTER G—MISCELLANEOUS

Sec. 2381. Effective date.
Sec. 2382. Interim appointments.
Sec. 2383. Funding reductions resulting from reorganization.

Subtitle D—Patent and Trademark Office Corporation

Sec. 2401. Short title.

CHAPTER 1—PATENT AND TRADEMARK OFFICE

Sec. 2411. Establishment of Patent and Trademark Office as a Corporation.
Sec. 2412. Powers and duties.
Sec. 2413. Organization and management.
Sec. 2414. Management Advisory Board.
Sec. 2415. Independence from Department of Commerce.
Sec. 2416. Trademark Trial and Appeal Board.
Sec. 2417. Board of Patent Appeals and Interferences.
Sec. 2418. Suits by and against the Corporation.
Sec. 2419. Annual report of Commissioner.
Sec. 2420. Suspension or exclusion from practice.
Sec. 2421. Funding.
Sec. 2422. Audits.
Sec. 2423. Transfers.

CHAPTER 2—EFFECTIVE DATE; TECHNICAL AMENDMENTS

Sec. 2431. Effective date.
Sec. 2432. Technical and conforming amendments.

Subtitle E—Miscellaneous Provisions

Sec. 2501. References.
Sec. 2502. Exercise of authorities.
Sec. 2503. Savings provisions.
Sec. 2504. Transfer of assets.
Sec. 2505. Delegation and assignment.
Sec. 2506. Authority of Director of the Office of Management and Budget with respect to functions transferred.
Sec. 2507. Certain vesting of functions considered transfers.
Sec. 2508. Availability of existing funds.
Sec. 2509. Definitions.

Subtitle F—Citizens Commission on 21st Century Government

Sec. 2601. Short title and purpose.
Sec. 2602. Citizens Commission on 21st Century Government.
Sec. 2603. Department and agency cooperation.
Sec. 2604. Hearings.
Sec. 2605. Commission procedures.
Sec. 2606. Framework for the Federal Government in the 21st century.
Sec. 2607. Proposal for reorganizing the executive branch.
Sec. 2608. Procedures for making recommendations.
Sec. 2609. Congressional consideration of reform proposals.
Sec. 2610. Distribution of assets.
Sec. 2611. Agency defined.

Subtitle A—Abolishment of Department of Commerce

SEC. 2101. ABOLISHMENT OF DEPARTMENT OF COMMERCE.

(a) ABOLISHMENT OF DEPARTMENT.—The Department of Commerce is abolished effective on the abolishment date specified in subsection (c).

(b) TRANSFER OF DEPARTMENT FUNCTIONS TO OMB.—Except as otherwise provided in this title, all functions that immediately before the abolishment date specified in subsection (c) are authorized to be performed by the Secretary of Commerce, any other officer or employee of the Department acting in that capacity, or any agency or office of the Department, are transferred to the Director of the Office of Management and Budget effective on that abolishment date.

(c) ABOLISHMENT DATE.—The abolishment date referred to in subsections (a) and (b) is the earlier of—

(1) the last day of the 6-month period beginning on the date of the enactment of this Act; or

(2) September 30, 1996.

SEC. 2102. RESOLUTION AND TERMINATION OF DEPARTMENT FUNCTIONS.

(a) RESOLUTION OF FUNCTIONS.—During the period beginning on the date of enactment of this Act and ending on the functions termination date specified in subsection (c)—

(1) the disposition and resolution of functions of the Department of Commerce shall be completed in accordance with this title; and

(2) the Director shall resolve all functions that are transferred to the Director under section 2101(b) and are not otherwise continued under this title.

(b) TERMINATION OF FUNCTIONS.—All functions that are transferred to the Director under section 2101(b) that are not otherwise continued by this title shall terminate on the functions termination date specified in subsection (c).

(c) FUNCTIONS TERMINATION DATE.—The functions termination date referred to in subsections (a) and (b) is the last day of the 3-year period beginning on the date of the enactment of this Act.

SEC. 2103. RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

(a) IN GENERAL.—The Director of the Office of Management and Budget shall be responsible for the implementation of this subtitle, including—

(1) the administration and wind-up, during the wind-up period, of all functions transferred to the Director under section 2101(b);

(2) the administration and wind-up, during the wind-up period, of any outstanding obligations of the Federal Government under any programs terminated by this title; and

(3) taking such other actions as may be necessary to wind-up any outstanding affairs of the Department of Commerce before the end of the wind-up period.

(b) DELEGATION OF FUNCTIONS.—The Director may delegate to any officer of the Office of Management and Budget or to any other Federal department or agency head the performance of the Director's functions under this subtitle, except the Director's planning and reporting responsibilities under section 2105, to the extent that the Director determines that such delegation would further the purposes of this subtitle.

(c) TRANSFER OF ASSETS AND PERSONNEL.—In connection with any delegation of functions under subsection (b), the Director may transfer within the Office or to the department or agency concerned such assets, funds, personnel, records, and other property relating to the delegated function as the Director determines to be appropriate.

(d) AUTHORITIES OF THE DIRECTOR.—For purposes of performing the functions of the Director under this subtitle and subject to the availability of appropriations, the Director may—

(1) enter into contracts;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule; and

(3) utilize, on a reimbursable basis, the services, facilities, and personnel of other Federal agencies.

SEC. 2104. PERSONNEL.

Effective on the abolishment date specified in section 2101(c), there are transferred to the Office all individuals who—

(1) immediately before the abolishment date, were officers or employees of the Department of Commerce; and

(2) in their capacity as such an officer or employee, performed functions that are transferred to the Director under section 2101(b).

SEC. 2105. PLANS AND REPORTS.

(a) INITIAL IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director shall submit a report, through the President, to the Congress specifying those actions taken and necessary to be taken—

(A) to resolve those programs and functions terminated on the date of enactment of this Act; and

(B) to implement the additional transfers and other program dispositions provided for in this title.

(2) CONTENTS.—The report shall include—

(A) recommendations for additional legislation, if any, needed to reflect or otherwise to implement the abolishments, transfers, terminations, and other dispositions of programs and functions under this title; and

(B) a description of actions planned and taken to comply with limitations imposed by this Act on future spending for continued functions.

(b) ANNUAL STATUS REPORTS.—At the end of each of the first, second, and third years following the date of enactment of this Act, the Director shall submit a report, through the President, to the Congress which—

(1) specifies the status and progress of actions taken to implement this title and to wind-up the affairs of the Department of Commerce by the functions termination date specified in section 2102(c);

(2) includes any recommendations the Director may have for additional legislation; and

(3) describes actions taken to comply with limitations imposed by this Act on future spending for continued functions.

(c) GAO REPORTS.—Not later than 60 days after issuance of each report under subsections (a) and (b), the Comptroller General of the United States shall submit to the Congress a report which—

(1) evaluates the report under that subsection; and

(2) includes any recommendations the Comptroller General considers appropriate.

SEC. 2106. GAO AUDIT AND ACCESS TO RECORDS.

(a) AUDIT OF PERSONS PERFORMING FUNCTIONS PURSUANT TO THIS ACT.—All agencies, corporations, organizations, and other persons of any description which under the authority of the United States perform any function or activity pursuant to this title shall be subject to audit by the Comptroller General of the United States with respect to such function or activity.

(b) AUDIT OF PERSONS PROVIDING CERTAIN GOODS OR SERVICES.—All persons and organizations which, by contract, grant, or otherwise, provide goods or services to, or receive financial assistance from, any agency or other person performing functions or activities under or referred to by this title shall be subject to audit by the Comptroller General of the United States with respect to such provision of goods or services or receipt of financial assistance.

(c) PROVISIONS APPLICABLE TO AUDITS UNDER THIS SECTION.—

(1) NATURE AND SCOPE OF AUDIT.—The Comptroller General of the United States shall determine the nature, scope, terms, and conditions of audits conducted under this section.

(2) COORDINATION WITH OTHER PROVISIONS OF LAW.—The authority of the Comptroller General of the United States under this section shall be in addition to any audit authority available to the Comptroller General under other provisions of this title or any other law.

(3) RIGHTS OF ACCESS, EXAMINATION, AND COPYING.—The Comptroller General of the United States, and any duly authorized representative of the Comptroller General, shall have access to, and the right to examine and copy, all records and other recorded information in any form, and to examine any property within the possession or control of any agency or person which is subject to audit under this section, which the Comptroller General considers relevant to an audit conducted under this section.

(4) ENFORCEMENT OF RIGHT OF ACCESS.—The right of access of the Comptroller General of the United States to information under this section shall be enforceable under section 716 of title 31, United States Code.

(5) MAINTENANCE OF CONFIDENTIAL RECORDS.—Section 716(e) of title 31, United States Code, shall apply to information obtained by the Comptroller General under this section.

SEC. 2107. CONFORMING AMENDMENTS.

(a) PRESIDENTIAL SUCCESSION.—Section 19(d)(1) of title 3, United States Code, is amended by striking ''Secretary of Commerce,''.

(b) EXECUTIVE DEPARTMENTS.—Section 101 of title 5, United States Code, is amended by striking the following item: ''The Department of Commerce.''.

(c) SECRETARY'S COMPENSATION.—Section 5312 of title 5, United States Code, is amended by striking the following item: ''Secretary of Commerce.''.

(d) COMPENSATION FOR POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended—

(1) by striking the following item:

''Under Secretary of Commerce, Under Secretary of Commerce for Economic Affairs, Under Secretary of Commerce for Export Administration and Under Secretary of Commerce for Travel and Tourism.'';

(2) by striking the following item:

''Under Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Administrator of the National Oceanic and Atmospheric Administration.''; and

(3) by striking the following item:

''Under Secretary of Commerce for Technology.''.

(e) COMPENSATION FOR POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the following item:

''Assistant Secretaries of Commerce (11).'';

(2) by striking the following item:

''General Counsel of the Department of Commerce.'';

(3) by striking the following item:

''Assistant Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Deputy Administrator of the National Oceanic and Atmospheric Administration.'';

(4) by striking the following item:

''Director, National Institute of Standards and Technology, Department of Commerce.'';

(5) by striking the following item:

''Inspector General, Department of Commerce.'';

(6) by striking the following item:

''Chief Financial Officer, Department of Commerce.''; and

(7) in the item relating to the Bureau of the Census, by striking '', Department of Commerce''.

(f) COMPENSATION FOR POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended—

(1) by striking the following item:

''Director, United States Travel Service, Department of Commerce.''; and

(2) by striking the following item:

''National Export Expansion Coordinator, Department of Commerce.''.

(g) INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 9(a)(1), by striking subparagraph (B);

(2) in section 11(1), by striking ''Commerce,''; and

(3) in section 11(2), by striking ''Commerce,''.

(h) EFFECTIVE DATE.—The amendments made by this section shall be effective on the abolishment date specified in section 2101(c).

SEC. 2108. PRIVATIZATION FRAMEWORK.

(a) IN GENERAL.—The Office of Management and Budget shall privatize each function designated for privatization under subtitle B within 18 months of the date of the transfer of such function to the Office. The Office shall pursue such forms of privatization arrangements as the Office considers appropriate to best serve the interests of the United States. If the Office is unable to privatize a function within 18 months, the Office shall report its inability to the Congress with its recommendations as to the appropriate disposition of the function and its assets.

(b) ROLE OF THE FEDERAL GOVERNMENT.—No privatization arrangement made under subsection (a) shall include any future role for, or accountability to, the Federal Government unless it is necessary to assure the continued accomplishment of a specific Federal objective. The Federal role should be the minimum necessary to accomplish Federal objectives.

(c) ASSETS.—In privatizing a function, the Office of Management and Budget shall take any action necessary to preserve the value of the assets of a function during the period the Office holds such assets and to continue the performance of the function to the extent necessary to preserve the value of the assets or to accomplish core Federal objectives.

SEC. 2109. PRIORITY PLACEMENT PROGRAMS FOR FEDERAL EMPLOYEES AFFECTED BY A REDUCTION IN FORCE ATTRIBUTABLE TO THIS TITLE.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3329b. Priority placement programs for employees affected by a reduction in force attributable to the Department of Commerce Dismantling Act

''(a)(1) For the purpose of this section, the term 'affected agency'—

''(A) except as provided in subparagraph (B), means an Executive agency to which personnel are transferred in connection with a transfer of function under the Department of Commerce Dismantling Act, and

''(B) with respect to employees of the Department of Commerce in general administration, the Inspector General's office, or the General Counsel's office, or who provided overhead support to other components of the Department on a reimbursable basis, means all agencies to which functions of those employees are transferred under the Department of Commerce Dismantling Act.

''(2) This section applies with respect to any reduction in force that—

''(A) occurs within 12 months after the date of the enactment of this section; and

''(B) is due to—

''(i) the termination of any function of the Department of Commerce; or

''(ii) the agency's having excess personnel as a result of a transfer of function described in paragraph (1), as determined by—

''(I) the Director of the Office of Management and Budget, in the case of a function transferred to the Office of Management and Budget; or

''(II) the head of the agency, in the case of any other function.

''(b) As soon as practicable after the date of the enactment of this section, each affected agency shall establish an agencywide priority placement program to facilitate employment placement for employees who—

''(1) are scheduled to be separated from service due to a reduction in force described in subsection (a)(2); or

''(2) are separated from service due to such a reduction in force.

''(c)(1) Each agencywide priority placement program shall include provisions under which a vacant position shall not be filled by the appointment or transfer of any individual from outside of that agency if—

''(A) there is then available any individual described in paragraph (2) who is qualified for the position; and

''(B) the position—

''(i) is at the same grade (or pay level) or not more than 1 grade (or pay level) below that of the position last held by such individual before placement in the new position; and

''(ii) is within the same commuting area as the individual's last-held position (as referred to in clause (i)) or residence.

''(2) For purposes of an agencywide priority placement program, an individual shall be considered to be described in this paragraph if such individual's most recent performance evaluation was at least fully successful (or the equivalent), and such individual is either—

''(A) an employee of such agency who is scheduled to be separated, as described in subsection (b)(1); or

''(B) an individual who became a former employee of such agency as a result of a separation, as described in subsection (b)(2).

''(d)(1) Nothing in this section shall affect any priority placement program of the Department of Defense which is in operation as of the date of the enactment of this section.

''(2) Nothing in this section shall impair placement programs within agencies subject to reductions in force resulting from causes other than the Department of Commerce Dismantling Act.

''(e) An individual shall cease to be eligible to participate in a program under this section on the earlier of—

''(1) the conclusion of the 12-month period beginning on the date on which that individual first became eligible to participate under subsection (c)(2); or

''(2) the date on which the individual declines a bona fide offer (or if the individual does not act on the offer, the last day for accepting such offer) from the affected agency of a position described in subsection (c)(1)(B).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Title 5, United States Code, is amended by redesignating the second section which is designated as section 3329 as section 3329a.

(2) The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to the second section which is designated as section 3329 and inserting the following:

''3329a. Government-wide list of vacant positions.

''3329b. Priority placement programs for employees affected by a reduction in force attributable to the Department of Commerce Dismantling Act.''.

SEC. 2110. FUNDING REDUCTIONS FOR TRANSFERRED FUNCTIONS.

(a) FUNDING REDUCTIONS.—Except as provided in subsection (b), the total amount obligated or expended by the United States in performing functions transferred under this title to the Director or to the Office from the Department of Commerce, or any of its officers or components, shall not exceed—

(1) for the first fiscal year that begins after the abolishment date specified in section 2101(c), 75 percent of the total amount appropriated to the Department of Commerce for the performance of such functions in fiscal year 1995; and

(2) for the second fiscal year that begins after the abolishment date specified in section 2101(c) and for each fiscal year thereafter, 65 percent of the total amount appropriated to the Department of Commerce for the performance of such functions in fiscal year 1995.

(b) EXCEPTION.—Subsection (a) shall not apply to obligations or expenditures incurred as a direct consequence of the termination, transfer, or other disposition of functions described in subsection (a) pursuant to this title.

(c) RULE OF CONSTRUCTION.—This section shall take precedence over any other provision of law unless such provision explicitly refers to this section and makes an exception to it.

(d) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall—

(1) ensure compliance with the requirements of this section; and

(2) include in each report under sections 2105(a) and (b) a description of actions taken to comply with such requirements.

SEC. 2111. DEFINITIONS.

For purposes of this subtitle, the following definitions apply:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(2) OFFICE.—The term ''Office'' means the Office of Management and Budget.

(3) WIND-UP PERIOD.—The term ''wind-up period'' means the period beginning on the date of the enactment of this Act and ending on the functions termination date specified in section 2102(c).

Subtitle B—Disposition of Various Programs, Functions, and Agencies of Department of Commerce

SEC. 2201. ABOLISHMENT OF ECONOMIC DEVELOPMENT ADMINISTRATION AND TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—The Public Works and Economic Development Act of 1965 (40 U.S.C. 3131 et seq.) is amended by striking all after the first section and inserting the following:

"SEC. 2. ADMINISTRATOR DEFINED.

''In this Act, the term 'Administrator' means the Administrator of the Small Business Administration.

"TITLE I—STATEMENT OF PURPOSE

"SEC. 101. FINDINGS AND DECLARATION.

''(a) FINDINGS.—Congress finds that—

''(1) the maintenance of the national economy at a high level is vital to the best interests of the United States, but that some of our regions, counties, and communities are suffering substantial and persistent unemployment and underemployment that cause hardship to many individuals and their families, and waste invaluable human resources;

''(2) to overcome this problem the Federal Government, in cooperation with the States, should help areas and regions of substantial and persistent unemployment and underemployment to take effective steps in planning and financing their public works and economic development;

''(3) Federal financial assistance, including grants for public works and development facilities to communities, industries, enterprises, and individuals in areas needing development should enable such areas to help themselves achieve lasting improvement and enhance the domestic prosperity by the establishment of stable and diversified local economies and improved local conditions, if such assistance is preceded by and consistent with sound, long-range economic planning; and

''(4) under the provisions of this Act, new employment opportunities should be created by developing and expanding new and existing public works and other facilities and resources rather than by merely transferring jobs from one area of the United States to another.

''(b) DECLARATION.—Congress declares that, in furtherance of maintaining the national economy at a high level—

''(1) the assistance authorized by this Act should be made available to both rural and urban areas;

''(2) such assistance should be made available for planning for economic development prior to the actual occurrences of economic distress in order to avoid such condition; and

''(3) such assistance should be used for long-term economic rehabilitation in areas where long-term economic deterioration has occurred or is taking place.

"TITLE II—GRANTS FOR PUBLIC WORKS AND DEVELOPMENT FACILITIES

"SEC. 201. DIRECT AND SUPPLEMENTARY GRANTS.

''(a) IN GENERAL.—Upon the application of any eligible recipient, the Administrator may—

''(1) make direct grants for the acquisition or development of land and improvements for public works, public service, or development facility usage, and the acquisition, design and engineering, construction, rehabilitation, alteration, expansion, or improvement of such facilities, including related machinery and equipment, within an area described in section 502(a), if the Administrator finds that—

''(A) the project for which financial assistance is sought will directly or indirectly—

''(i) tend to improve the opportunities, in the area where such project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities;

''(ii) otherwise assist in the creation of additional long-term employment opportunities for such area; or

''(iii) primarily benefit the long-term unemployed and members of low-income families;

''(B) the project for which a grant is requested will fulfill a pressing need of the area, or part thereof, in which it is, or will be, located; and

''(C) the area for which a project is to be undertaken has an approved investment strategy as provided by section 503 and such project is consistent with such strategy;

''(2) make supplementary grants in order to enable the States and other entities within areas described in section 502(a) to take maximum advantage of designated Federal grant-in-aid programs (as defined in subsection (c)(4)), direct grants-in-aid authorized under this section, and Federal grant-in-aid programs authorized by the Watershed Protection and Flood Prevention Act (68 Stat. 666), and the 11 watersheds authorized by the Flood Control Act of December 22, 1944 (58 Stat. 887), for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share.

''(b) COST SHARING.—Subject to subsection (c), the amount of any direct grant under this subsection for any project shall not exceed 50 percent of the cost of such project.

''(c) REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—

''(1) AMOUNT OF SUPPLEMENTARY GRANTS.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), the amount of any supplementary grant under this section for any project shall not exceed the applicable percentage established by regulations promulgated by the Administrator, but in no event shall the non-Federal share of the aggregate cost of any such project (including assumptions of debt) be less than 20 percent of such cost.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), in the case of an Indian tribe, a State (or a political subdivision of the State), or a community development corporation which the Administrator determines has exhausted its effective taxing and borrowing capacity, the Administrator shall reduce the non-Federal share below the percentage specified in subparagraph (A) or shall waive the non-Federal share in the case of such a grant for a project in an area described in section 502(a)(4).

''(2) FORM OF SUPPLEMENTARY GRANTS.—Supplementary grants shall be made by the Administrator, in accordance with such regulations as the Administrator may prescribe, by increasing the amounts of direct grants authorized under this section or by the payment of funds appropriated under this Act to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the administration of the applicable Federal programs.

''(3) FEDERAL SHARE LIMITATIONS SPECIFIED IN OTHER LAWS.—Notwithstanding any requirement as to the amount or sources of non-Federal funds that may otherwise be applicable to the Federal program involved, funds provided under this subsection shall be used for the sole purpose of increasing the Federal contribution to specific projects in areas described in section 502(a) under such programs above the fixed maximum portion of the cost of such project otherwise authorized by the applicable law.

''(4) DESIGNATED FEDERAL GRANT-IN-AID PROGRAMS DEFINED.—In this subsection, the term 'designated Federal grant-in-aid programs' means such existing or future Federal grant-in-aid programs assisting in the construction or equipping of facilities as the Administrator may, in furtherance of the purposes of this Act, designate as eligible for allocation of funds under this section.

''(5) CONSIDERATION OF RELATIVE NEED IN DETERMINING AMOUNT.—In determining the amount of any supplementary grant available to any project under this section, the Administrator shall take into consideration the relative needs of the area and the nature of the projects to be assisted.

''(d) REGULATIONS.—The Administrator shall prescribe rules, regulations, and procedures to carry out this section which will assure that adequate consideration is given to the relative needs of eligible areas. In prescribing such rules, regulations, and procedures the Administrator shall consider among other relevant factors—

''(1) the severity of the rates of unemployment in the eligible areas and the duration of such unemployment; and

''(2) the income levels of families and the extent of underemployment in eligible areas.

''(e) REVIEW AND COMMENT UPON PROJECTS BY LOCAL GOVERNMENTAL AUTHORITIES.—The Administrator shall prescribe regulations which will assure that appropriate local governmental authorities have been given a reasonable opportunity to review and comment upon proposed projects under this section.

''SEC. 202. CONSTRUCTION COST INCREASES.

''In any case where a grant (including a supplemental grant) has been made by the Administrator under this title for a project and after such grant has been made but before completion of the project, the cost of such project based upon the designs and specifications which were the basis of the grant has been increased because of increases in costs, the amount of such grant may be increased by an amount equal to the percentage increase, as determined by the Administrator, in such costs, but in no event shall the percentage of the Federal share of such project exceed that originally provided for in such grant.

''SEC. 203. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

''In any case where a grant (including a supplemental grant) has been made by the Administrator under this title for a project, and after such grant has been made but before completion of the project, the cost of such project based upon the designs and specifications which were the basis of the grant has decreased because of decreases in costs, such underrun funds may be used to improve the project either directly or indirectly as determined by the Administrator.

''SEC. 204. CHANGED PROJECT CIRCUMSTANCES.

''In any case where a grant (including a supplemental grant) has been made by the Administrator under this title for a project, and after such grant has been made but before completion of the project, the purpose or scope of such project based upon the designs and specifications which were the basis of the grant has changed, the Administrator may approve the use of grant funds on such changed project if the Administrator determines that such changed project meets the requirements of this title and that such changes are necessary to enhance economic development in the area.

''TITLE III—SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE

''SEC. 301. STATEMENT OF PURPOSE.

''The purpose of this title to provide special economic development and adjustment assistance programs to help State and local areas meet special needs arising from actual or threatened severe unemployment arising from economic dislocation (including unemployment arising from actions of the Federal Government, from defense base closures and realignments, and from compliance with environmental requirements which remove economic activities from a locality) and economic adjustment problems resulting from severe changes in economic conditions (including long-term economic deterioration), and to encourage cooperative intergovernmental action to prevent or solve economic adjustment problems. Nothing in this title is intended to replace the efforts of the economic adjustment program of the Department of Defense.

''SEC. 302. SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE.

''(a) IN GENERAL.—The Administrator is authorized to make grants directly to any eligible recipient in an area which the Administrator determines, in accordance with criteria to be established by the Administrator by regulation—

''(1) has experienced, or may reasonably be foreseen to be about to experience, a special need to meet an expected rise in unemployment, or other economic adjustment problems (including those caused by any action or decision of the Federal Government); or

''(2) has demonstrated long-term economic deterioration.

''(b) PURPOSES.—Amounts from grants under subsection (a) shall be used by an eligible recipient to carry out or develop an investment strategy which—

''(1) meets the requirements of section 503; and

''(2) is approved by the Administrator.

''(c) TYPES OF ASSISTANCE.—In carrying out an investment strategy using amounts from grants under subsection (a), an eligible recipient may provide assistance for any of the following:

''(1) Public facilities.

''(2) Public services.

''(3) Business development.

''(4) Planning.

''(5) Research and technical assistance.

''(6) Administrative expenses.

''(7) Training.

''(8) Relocation of individuals and businesses.

''(9) Other assistance which demonstrably furthers the economic adjustment objectives of this title.

''(d) DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.—Amounts from grants under subsection (a) may be used in direct expenditures by the eligible recipient or through redistribution by the eligible recipient to public and private entities in grants, loans, loan guarantees, payments to reduce interest on loan guarantees, or other appropriate assistance, but no grant shall be made by an eligible recipient to a private profit-making entity.

''(e) COORDINATION.—The Administrator to the extent practicable shall coordinate the activities relating to the requirements for investment strategies and making grants and loans under this title with other Federal programs, States, economic development districts, and other appropriate planning and development organizations.

''(f) BASE CLOSINGS AND REALIGNMENTS.—

''(1) LOCATION OF PROJECTS.—In any case in which the Administrator determines a need for assistance under subsection (a) due to the closure or realignment of a military installation, the Administrator may make such assistance available for projects to be carried out on the military installation and for projects to be carried out in communities adversely affected by the closure or realignment.

''(2) INTEREST IN PROPERTY.—Notwithstanding any other provision of law, the Administrator may provide to an eligible recipient any assistance available under this Act for a project to be carried out on a military installation that is closed or scheduled for closure or realignment without requiring that the eligible recipient have title to the property or a leasehold interest in the property for any specified term.

''SEC. 303. ANNUAL REPORTS BY RECIPIENT.

''Each eligible recipient which receives assistance under this title from the Administrator shall annually during the period such assistance continue to make a full and complete report to the Administrator, in such manner as the Administrator shall prescribe, and such report shall contain an evaluation of the effectiveness of the economic assistance provided under this title in meeting the need it was designed to alleviate and the purposes of this title.

''SEC. 304. SALE OF FINANCIAL INSTRUMENTS IN REVOLVING LOAN FUNDS.

''Any loan, loan guarantee, equity, or other financial instrument in the portfolio of a revolving loan fund, including any financial instrument made available using amounts from a grant made before the effective date specified in section 802, may be sold, encumbered, or pledged at the discretion of the grantee of the Fund, to a third party provided that the net proceeds of the transaction—

''(1) shall be deposited into the Fund and may only be used for activities which are consistent with the purposes of this title; and

''(2) shall be subject to the financial management, accounting, reporting, and auditing standards which were originally applicable to the grant.

''SEC. 305. TREATMENT OF REVOLVING LOAN FUNDS.

''(a) IN GENERAL.—Amounts from grants made under this title which are used by an eligible recipient to establish a revolving loan fund shall not be treated, except as provided by subsection (b), as amounts derived from Federal funds for the purposes of any Federal law after such amounts are loaned from the fund to a borrower and repaid to the fund.

''(b) EXCEPTIONS.—Amounts described in subsection (a) which are loaned from a revolving loan fund to a borrower and repaid to the fund—

''(1) may only be used for activities which are consistent with the purposes of this title; and

''(2) shall be subject to the financial management, accounting, reporting, and auditing standards which were originally applicable to the grant.

''(c) REGULATIONS.—Not later than 30 days after the effective date specified in section 802, the Administrator shall issue regulations to carry out subsection (a).

''(d) PUBLIC REVIEW AND COMMENT.—Before issuing any final guidelines or administrative manuals governing the operation of revolving loan funds established using amounts from grants under this title, the Administrator shall provide reasonable opportunity for public review of and comment on such guidelines and administrative manuals.

''(e) APPLICABILITY TO PAST GRANTS.—The requirements of this section applicable to amounts from grants made under this title shall also apply to amounts from grants made, before the effective date specified in section 802, under title I of this Act, as in effect on the day before such effective date.

''TITLE IV—TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION

''SEC. 401. TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—In carrying out its duties under this Act, the Administrator may provide technical assistance which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment to areas which the Administrator finds have substantial need for such assistance. Such assistance shall include project planning and feasibility studies, management and operational assistance, establishment of business outreach centers, and studies evaluating the needs of, and development potentialities for, economic growth of such areas.

''(b) PROCEDURES AND TERMS.—

''(1) MANNER OF PROVIDING ASSISTANCE.—Assistance may be provided by the Administrator through—

''(A) members of the Administrator's staff;

''(B) the payment of funds authorized for this section to departments or agencies of the Federal Government;

''(C) the employment of private individuals, partnerships, firms, corporations, or suitable institutions under contracts entered into for such purposes; or

''(D) grants-in-aid to appropriate public or private nonprofit State, area, district, or local organizations.

''(2) REPAYMENT TERMS.—The Administrator, in the Administrator's discretion, may require the repayment of assistance provided under this subsection and prescribe the terms and conditions of such repayment.

''(c) GRANTS COVERING ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—The Administrator may make grants to defray not to exceed 50 percent of the administrative expenses of organizations which the Administrator determines to be qualified to receive grants-in-aid under subsections (a) and (b); except that in the case of a grant under this subsection to an Indian tribe, the Administrator is authorized to defray up to 100 percent of such expenses.

''(2) DETERMINATION OF NON-FEDERAL SHARE.—In determining the amount of the non-Federal share of such costs or expenses, the Administrator shall give due consideration to all contributions both in cash and in kind, fairly evaluated, including contributions of space, equipment, and services.

''(3) USE OF GRANTS WITH PLANNING GRANTS.—Where practicable, grants-in-aid authorized under this subsection shall be used in conjunction with other available planning grants to assure adequate and effective planning and economical use of funds.

''(d) AVAILABILITY OF TECHNICAL INFORMATION; FEDERAL PROCUREMENT.—The Administrator shall aid areas described in section 502(a) and other areas by furnishing to interested individuals, communities, industries, and enterprises within such areas any assistance, technical information, market research, or other forms of assistance, information, or advice which would be useful in alleviating or preventing conditions of excessive unemployment or underemployment within such areas. The Administrator may furnish the procurement divisions of the various departments, agencies, and other instrumentalities of the Federal Government with a list containing the names and addresses of business firms which are located in areas described in section 502(a) and which are desirous of obtaining Government contracts for the furnishing of supplies or services, and designating the supplies and services such firms are engaged in providing.

''SEC. 402. ECONOMIC DEVELOPMENT PLANNING.

''(a) DIRECT GRANTS.—

''(1) IN GENERAL.—The Administrator may make, upon application of any State, or city, or other political subdivision of a State, or sub-State planning and development organization (including an area described in section 502(a) or an economic development district), direct grants to such State, city, or other political subdivision, or organization to pay up to 50 percent of the cost for economic development planning.

''(2) PLANNING PROJECTS SPECIFICALLY INCLUDED.—The planning for cities, other political subdivisions, and sub-State planning and development organizations (including areas described in section 502(a) and economic development districts) assisted under this section shall include systematic efforts to reduce unemployment and increase incomes.

''(3) PLANNING PROCESS.—The planning shall be a continuous process involving public officials and private citizens in analyzing local economies, defining development goals, determining project opportunities, and formulating and implementing a development program.

''(4) COORDINATION OF ASSISTANCE UNDER SECTION 401(c).—The assistance available under this section may be provided in addition to assistance available under section 401(c) but shall not supplant such assistance.

''(b) COMPLIANCE WITH REVIEW PROCEDURE.—The planning assistance authorized under this title shall be used in conjunction with any other available Federal planning assistance to assure adequate and effective planning and economical use of funds.

''TITLE V—ELIGIBILITY AND INVESTMENT STRATEGIES

''PART A—ELIGIBILITY

''SEC. 501. ELIGIBLE RECIPIENT DEFINED.

''In this Act, the term 'eligible recipient' means an area described in section 502(a), an economic development district designated under section 510, an Indian tribe, a State, a city or other political subdivision of a State, or a consortium of such political subdivisions, or a public or private nonprofit organization or association acting in cooperation with officials of such political subdivisions.

''SEC. 502. AREA ELIGIBILITY.

''(a) CERTIFICATION.—In order to be eligible for assistance under title II, an applicant seeking assistance to undertake a project in an area shall certify, as part of an application for such assistance, that the area on the date of submission of such application meets 1 or more of the following criteria:

''(1) The area has a per capita income of 80 percent or less of the national average.

''(2) The area has an unemployment rate 1 percent above the national average percentage for the most recent 24-month period for which statistics are available.

''(3) The area has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area.

''(4) The area is a community or neighborhood (defined without regard to political or other subdivisions or boundaries) which the Administrator determines has one or more of the following conditions:

''(A) A large concentration of low-income persons.

''(B) Rural areas having substantial outmigration.

''(C) Substantial unemployment.

''(b) DOCUMENTATION.—A certification made under subsection (a) shall be supported by Federal data, when available, and in other cases by data available through the State government. Such documentation shall be accepted by the Administrator unless it is determined to be inaccurate. The most recent statistics available shall be used.

''(c) PRIOR DESIGNATIONS.—Any designation of a redevelopment area made before the effective date specified in section 802 shall not be effective after such effective date.

''SEC. 503. INVESTMENT STRATEGY.

''The Administrator may provide assistance under titles II and III to an applicant for a project only if the applicant submits to the Administrator, as part of an application for such assistance, and the Administrator approves an investment strategy which—

''(1) identifies the economic development problems to be addressed using such assistance;

''(2) identifies past, present, and projected future economic development investments in the area receiving such assistance and public and private participants and sources of funding for such investments;

''(3) sets forth a strategy for addressing the economic problems identified pursuant to paragraph (1) and describes how the strategy will solve such problems;

''(4) provides a description of the project necessary to implement the strategy, estimates of costs, and timetables; and

''(5) provides a summary of public and private resources expected to be available for the project.

''SEC. 504. APPROVAL OF PROJECTS.

''Only applications for grants or other assistance under this Act for specific projects shall be approved which are certified by the State representing such applicant and determined by the Administrator—

''(1) to be included in a State investment strategy;

''(2) to have adequate assurance that the project will be properly administered, operated, and maintained; and

''(3) to otherwise meet the requirements for assistance under this Act.

''PART B—ECONOMIC DEVELOPMENT DISTRICTS

''SEC. 510. DESIGNATION OF ECONOMIC DEVELOPMENT DISTRICTS AND ECONOMIC DEVELOPMENT CENTERS.

''(a) IN GENERAL.—In order that economic development projects of broader geographic significance may be planned and carried out, the Administrator may—

''(1) designate appropriate 'economic development districts' within the United States with the concurrence of the States in which such districts will be wholly or partially located, if—

''(A) the proposed district is of sufficient size or population, and contains sufficient resources, to foster economic development on a scale involving more than a single area described in section 502(a);

''(B) the proposed district contains at least 1 area described in section 502(a);

''(C) the proposed district contains 1 or more areas described in section 502(a) or economic development centers identified in an approved district investment strategy as having sufficient size and potential to foster the economic growth activities necessary to alleviate the distress of the areas described in section 502(a) within the district; and

''(D) the proposed district has a district investment strategy which includes adequate land use and transportation planning and contains a specific program for district cooperation, self-help, and public investment and is approved by the State or States affected and by the Administrator;

''(2) designate as 'economic development centers', in accordance with such regulations as the Administrator shall prescribe, such areas as the Administrator may deem appropriate, if—

''(A) the proposed center has been identified and included in an approved district investment strategy and recommended by the State or States affected for such special designation;

''(B) the proposed center is geographically and economically so related to the district that its economic growth may reasonably be expected to contribute significantly to the alleviation of distress in the areas described in section 502(a) of the district; and

''(C) the proposed center does not have a population in excess of 250,000 according to the most recent Federal census.

''(3) provide financial assistance in accordance with the criteria of this Act, except as may be herein otherwise provided, for projects in economic development centers designated under subsection (a)(2), if—

''(A) the project will further the objectives of the investment strategy of the district in which it is to be located;

''(B) the project will enhance the economic growth potential of the district or result in additional long-term employment opportunities commensurate with the amount of Federal financial assistance requested; and

''(C) the amount of Federal financial assistance requested is reasonably related to the size, population, and economic needs of the district;

''(4) subject to the 50 percent non-Federal share required for any project by section 201(c), increase the amount of grant assistance authorized by section 201 for projects within areas described in section 502(a), by an amount not to exceed 10 percent of the aggregate cost of any such project, in accordance with such regulations as the Administrator shall prescribe if—

''(A) the area described in section 502(a) is situated within a designated economic development district and is actively participating in the economic development activities of the district; and

''(B) the project is consistent with an approved investment strategy.

''(b) AUTHORITIES.—In designating economic development districts and approving district investment strategies under subsection (a), the Administrator may, under regulations prescribed by the Administrator—

''(1) invite the several States to draw up proposed district boundaries and to identify potential economic development centers;

''(2) cooperate with the several States—

''(A) in sponsoring and assisting district economic planning and development groups; and

''(B) in assisting such district groups to formulate district investment strategies; and

''(3) encourage participation by appropriate local governmental authorities in such economic development districts.

''(c) TERMINATION OR MODIFICATION OF DESIGNATIONS.—The Administrator shall by regulation prescribe standards for the termination or modification of economic development districts and economic development centers designated under the authority of this section.

''(d) DEFINITIONS.—In this Act, the following definitions apply:

''(1) ECONOMIC DEVELOPMENT DISTRICT.—The term 'economic development district' refers to any area within the United States composed of cooperating areas described in section 502(a) and, where appropriate, designated economic development centers and neighboring counties or communities, which has been designated by the Administrator as an economic development district. Such term includes any economic development district designated under section 403 of this Act, as in effect on the day before the effective date specified in section 802.

''(2) ECONOMIC DEVELOPMENT CENTER.—The term 'economic development center' refers to any area within the United States which has been identified as an economic development center in an approved investment strategy and which has been designated by the Administrator as eligible for financial assistance under this Act in accordance with the provisions of this section.

''(3) LOCAL GOVERNMENT.—The term 'local government' means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

''(e) PARTS OF ECONOMIC DEVELOPMENT DISTRICTS NOT WITHIN AREAS DESCRIBED IN SECTION 502(a).—The Administrator is authorized to provide the financial assistance which is available to an area described in section 502(a) under this Act to those parts of an economic development district which are not within an area described in section 502(a), when such assistance will be of a substantial direct benefit to an area described in section 502(a) within such district. Such financial assistance shall be provided in the same manner and to the same extent as is provided in this Act for an area described in section 502(a); except that nothing in this subsection shall be construed to permit such parts to receive the increase in the amount of grant assistance authorized in subsection (a)(4).

''TITLE VI—ADMINISTRATION

''SEC. 601. APPOINTMENT OF ASSOCIATE ADMINISTRATOR; FULL TIME EQUIVALENT EMPLOYEES.

''(a) APPOINTMENT.—The Administrator shall carry out the duties vested in the Administrator by this Act acting through an Associate Administrator of the Small Business Administration, who shall be appointed by the President by and with the advice and consent of the Senate.

''(b) PAY.—The Associate Administrator shall be compensated by the Federal Government at the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(c) FULL TIME EQUIVALENT EMPLOYEES.—The Administrator shall assign not to exceed 25 full time equivalent employees of the Small Business Administration (excluding the Associate Administrator) to assist the Administrator in the carrying out the duties vested in the Administrator by this Act.

''SEC. 602. REGIONAL COOPERATIVE AGREEMENTS.

''(a) IN GENERAL.—The Administrator shall make grants and carry out such other functions under this Act as the Administrator considers appropriate by entering into cooperative agreements with 1 or more States on a regional basis. Each State entering into such an agreement shall be represented by the chief executive officer of the State.

''(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall include such terms and conditions as the Administrator determines are necessary to carry out the provisions of this Act. Such terms and conditions at a minimum shall provide that no decision concerning regional policies or approval of project or grant applications may be made without the consent of the Administrator and a majority of the States participating in the cooperative agreement.

''(c) PARTICIPATION NOT REQUIRED.—No State shall be required to enter into a cooperative agreement under this section or to participate in any program established by this Act.

''SEC. 603. ADMINISTRATIVE EXPENSES.

''(a) PAYMENT BY STATES.—Fifty percent of the administrative expenses incurred by States in participating in a cooperative agreement entered into under section 602 shall be paid by such States and the remaining 50 percent of such expenses shall be paid by the Federal Government.

''(b) DETERMINATION OF STATE SHARE.—The share of the administrative expenses to be paid by each State participating in a cooperative agreement shall be determined by a

majority vote of such States. The Administrator may not participate or vote in such determination.

''(c) DELINQUENT PAYMENTS.—No assistance authorized by this Act shall be furnished to any State or to any political subdivision or resident of a State, nor shall the State participate or vote in any decision described in section 602(b), while such State is delinquent in the payment of such State's share of the administrative expenses described in subsection (a).

''SEC. 604. FEDERAL SHARE.

''Except as otherwise expressly provided by this Act, the Federal share of the cost of any project funded with amounts made available under this Act shall not exceed 50 percent of such cost.

''SEC. 605. COOPERATION OF FEDERAL AGENCIES.

''Each Federal department and agency, in accordance with applicable laws and within the limits of available funds, shall cooperate with the Administrator in order to assist the Administrator in carrying out the functions of the Administrator.

''SEC. 606. CONSULTATION WITH OTHER PERSONS AND AGENCIES.

''(a) CONSULTATION ON PROBLEMS RELATING TO EMPLOYMENT.—The Administrator is authorized from time to time to call together and confer with any persons, including representatives of labor, management, agriculture, and government, who can assist in meeting the problems of area and regional unemployment or underemployment.

''(b) CONSULTATION ON ADMINISTRATION OF ACT.—The Administrator may make provisions for such consultation with interested departments and agencies as the Administrator may deem appropriate in the performance of the functions vested in the Administrator by this Act.

''SEC. 607. ADMINISTRATION, OPERATION, AND MAINTENANCE.

''No Federal assistance shall be approved under this Act unless the Administrator is satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.

''TITLE VII—MISCELLANEOUS

''SEC. 701. POWERS OF ADMINISTRATOR.

''(a) IN GENERAL.—In performing the Administrator's duties under this Act, the Administrator is authorized to—

''(1) adopt, alter, and use a seal, which shall be judicially noticed;

''(2) subject to the civil-service and classification laws, select, employ, appoint, and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

''(3) hold such hearings, sit and act at such times and places, and take such testimony, as the Administrator may deem advisable;

''(4) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Administrator;

''(5) under regulations prescribed by the Administrator, assign or sell at public or private sale, or otherwise dispose of for cash or credit, in the Administrator's discretion and upon such terms and conditions and for such consideration as the Administrator determines to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by the Administrator in connection with assistance extended under this Act, and collect or compromise all obligations assigned to or held by the Administrator in connection with such assistance until such time as such obligations may be referred to the Attorney General for suit or collection;

''(6) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, upon such terms and conditions and for such consideration as the Administrator determines to be reasonable, any real or personal property conveyed to, or otherwise acquired by the Administrator in connection with assistance extended under this Act;

''(7) pursue to final collection, by way of compromise or other administrative action, prior to reference to the Attorney General, all claims against third parties assigned to the Administrator in connection with assistance extended this Act;

''(8) acquire, in any lawful manner and in accordance with the requirements of the Federal Property and Administrative Services Act of 1949, any property (real, personal, or mixed, tangible or intangible), whenever necessary or appropriate to the conduct of the activities authorized under this Act;

''(9) in addition to any powers, functions, privileges, and immunities otherwise vested in the Administrator, take any action, including the procurement of the services of attorneys by contract, determined by the Administrator to be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with assets held in connection with financial assistance extended under this Act;

''(10) employ experts and consultants or organizations as authorized by section 3109 of title 5, United States Code, compensate individuals so employed at rates not in excess of $100 per diem, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed, except that contracts for such employment may be renewed annually;

''(11) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Administrator or the Administrator's property;

''(12) make discretionary grants, pursuant to authorities otherwise available to the Administrator under this Act and without regard to the requirements of section 504, to implement significant regional initiatives, to take advantage of special development opportunities, or to respond to emergency economic distress in a region from the funds withheld from distribution by the Administrator; except that the aggregate amount of such discretionary grants in any fiscal year may not exceed 10 percent of the amounts appropriated under title VIII for such fiscal year;

''(13) allow a State to use not to exceed 5 percent of the total of amounts received by the State in a fiscal year in grants under this Act for reasonable expenses incurred by the State in administering such amounts; and

''(14) establish such rules, regulations, and procedures as the Administrator considers appropriate in carrying out the provisions of this Act.

''(b) DEFICIENCY JUDGMENTS.—The authority under subsection (a)(7) to pursue claims shall include the authority to obtain deficiency judgments or otherwise in the case of mortgages assigned to the Administrator.

''(c) INAPPLICABILITY OF CERTAIN OTHER REQUIREMENTS.—Section 3709 of the Revised Statutes of the United States shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Administrator as a result of assistance extended under this Act if the premium for the insurance or the amount of the insurance does not exceed $1,000.

''(d) POWERS OF CONVEYANCE AND EXECUTION.—The power to convey and to execute, in the name of the Administrator, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein acquired by the Administrator pursuant to the provisions of this Act may be exercised by the Administrator, or by any officer or agent appointed by the Administrator for such purpose, without the execution of any express delegation of power or power of attorney.

''SEC. 702. ESTABLISHMENT OF CLEARINGHOUSE.

''In carrying out the Administrator's duties under this Act, the Administrator shall ensure that the Small Business Administration—

''(1) serves as a central information clearinghouse on matters relating to economic development, economic adjustment, disaster recovery, and defense conversion programs and activities of the Federal and State governments, including political subdivisions of the States; and

''(2) helps potential and actual applicants for economic development, economic adjustment, disaster recovery, and defense conversion assistance under Federal, State, and local laws in locating and applying for such assistance, including financial and technical assistance.

''SEC. 703. PERFORMANCE MEASURES.

''The Administrator shall establish performance measures for grants and other assistance provided under this Act. Such performance measures shall be used to evaluate project proposals and conduct evaluations of projects receiving such assistance.

''SEC. 704. MAINTENANCE OF STANDARDS.

''The Administrator shall continue to implement and enforce the provisions of section 712 of this Act, as in effect on the day before the effective date specified in section 802.

''SEC. 705. TRANSFER OF FUNCTIONS.

''The functions, powers, duties, and authorities and the assets, funds, contracts, loans, liabilities, commitments, authorizations, allocations, and records which are vested in or authorized to be transferred to the Secretary of the Treasury under section 29(b) of the Area Redevelopment Act, and all functions, powers, duties, and authorities under section 29(c) of such Act are hereby vested in the Administrator.

''SEC. 706. DEFINITION OF STATE.

''In this Act, the terms 'State', 'States', and 'United States' include the several States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, the Marshall Islands, Micronesia, and the Northern Mariana Islands.

''SEC. 707. ANNUAL REPORT TO CONGRESS.

''The Administrator shall transmit to Congress a comprehensive and detailed annual report of the Administrator's operations under this Act for each fiscal year beginning with the fiscal year ending September 30, 1996. Such report shall be printed and shall be transmitted to Congress not later than April 1 of the year following the fiscal year with respect to which such report is made.

"SEC. 708. USE OF OTHER FACILITIES.

''(a) DELEGATION OF FUNCTIONS TO OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Administrator may delegate to the heads of other departments and agencies of the Federal Government any of the Administrator's functions, powers, and duties under this Act as the Administrator may deem appropriate, and to authorize the redelegation of such functions, powers, and duties by the heads of such departments and agencies.

''(b) DEPARTMENT AND AGENCY EXECUTION OF DELEGATED AUTHORITY.—Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this Act.

''(c) TRANSFER BETWEEN DEPARTMENTS.—Funds authorized to be appropriated under this Act may be transferred between departments and agencies of the Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

''(d) FUNDS TRANSFERRED FROM OTHER DEPARTMENTS AND AGENCIES.—In order to carry out the objectives of this Act, the Administrator may accept transfers of funds from other departments and agencies of the Federal Government if the funds are used for the purposes for which (and in accordance with the terms under which) the funds are specifically authorized and appropriated. Such transferred funds shall remain available until expended, and may be transferred to and merged with the appropriations under the heading 'salaries and expenses' by the Administrator to the extent necessary to administer the program.

"SEC. 709. EMPLOYMENT OF EXPEDITERS AND ADMINISTRATIVE EMPLOYEES.

''No financial assistance shall be extended by the Administrator under this Act to any business enterprise unless the owners, partners, or officers of such business enterprise—

''(1) certify to the Administrator the names of any attorneys, agents, and other persons engaged by or on behalf of such business enterprise for the purpose of expediting applications made to the Administrator for assistance of any sort, under this Act, and the fees paid or to be paid to any such person; and

''(2) execute an agreement binding such business enterprise, for a period of 2 years after such assistance is rendered by the Administrator to such business enterprise, to refrain from employing, tendering any office or employment to, or retaining for professional services, any person who, on the date such assistance or any part thereof was rendered, or within the 1-year period ending on such date, shall have served as an officer, attorney, agent, or employee, occupying a position or engaging in activities which the Administrator determines involves discretion with respect to the granting of assistance under this Act.

"SEC. 710. MAINTENANCE OF RECORDS OF APPROVED APPLICATIONS FOR FINANCIAL ASSISTANCE; PUBLIC INSPECTION.

''(a) MAINTENANCE OF RECORD REQUIRED.—The Administrator shall maintain as a permanent part of the records of the Small Business Administration a list of applications approved for financial assistance under this Act, which shall be kept available for public inspection during the regular business hours of the Small Business Administration.

''(b) POSTING TO LIST.—The following information shall be posted in such list as soon as each application is approved:

''(1) The name of the applicant and, in the case of corporate applications, the names of the officers and directors thereof.

''(2) The amount and duration of the financial assistance for which application is made.

''(3) The purposes for which the proceeds of the financial assistance are to be used.

"SEC. 711. RECORDS AND AUDIT.

''(a) RECORDKEEPING AND DISCLOSURE REQUIREMENTS.—Each recipient of assistance under this Act shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

''(b) ACCESS TO BOOKS FOR EXAMINATION AND AUDIT.—The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

"SEC. 712. PROHIBITION AGAINST A STATUTORY CONSTRUCTION WHICH MIGHT CAUSE DIMINUTION IN OTHER FEDERAL ASSISTANCE.

''All financial and technical assistance authorized under this Act shall be in addition to any Federal assistance previously authorized, and no provision of this Act shall be construed as authorizing or permitting any reduction or diminution in the proportional amount of Federal assistance to which any State or other entity eligible under this Act would otherwise be entitled under the provisions of any other Act.

"SEC. 713. ACCEPTANCE OF APPLICANTS' CERTIFICATIONS.

''The Administrator may accept, when deemed appropriate, the applicants' certifications to meet the requirements of this Act.

"TITLE VIII—FUNDING; EFFECTIVE DATE

"SEC. 801. AUTHORIZATION OF APPROPRIATIONS

''There is authorized to be appropriated to carry out this Act $340,000,000 per fiscal year for each of fiscal years 1996, 1997, 1998, 1999, and 2000. Such sums shall remain available until expended.

"SEC. 802. EFFECTIVE DATE.

''The effective date specified in this section is the abolishment date specified in section 2101(c) of the Department of Commerce Dismantling Act.''.

(b) CONFORMING AMENDMENTS TO TITLE 5.—Section 5316 of title 5, United States Code, is amended—

(1) by striking ''Associate Administrators of the Small Business Administration (4)'' and inserting ''Associate Administrators of the Small Business Administration (5)''; and

(2) by striking ''Administrator for Economic Development.''.

(c) GAO STUDY.—On or before December 30, 1996, the Comptroller General shall submit to Congress a plan or plans for consolidating economic development programs throughout the Federal Government. The plan or plans shall focus on, but not be limited to, consolidating programs included in the Catalogue of Federal Domestic Assistance with similar purposes and target populations. The plan or plans shall detail how consolidation can lead to improved grant or program management, improvements in achieving program goals, and reduced costs.

SEC. 2202. TECHNOLOGY ADMINISTRATION.

(a) TECHNOLOGY ADMINISTRATION.—

(1) GENERAL RULE.—Except as otherwise provided in this section, the Technology Administration is terminated.

(2) OFFICE OF TECHNOLOGY POLICY.—The Office of Technology Policy is terminated.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) REDESIGNATION.—The National Institute of Standards and Technology is hereby redesignated as the National Bureau of Standards, and all references to the National Institute of Standards and Technology in Federal law or regulations are deemed to be references to the National Bureau of Standards.

(2) GENERAL RULE.—The National Bureau of Standards (in this subsection referred to as the ''Bureau'') is transferred to the National Scientific, Oceanic, and Atmospheric Administration, established under section 2206.

(3) FUNCTIONS OF DIRECTOR.—Except as otherwise provided in this section or section 2207, upon the transfer under paragraph (2), the Director of the Bureau shall perform all functions relating to the Bureau that, immediately before the effective date specified in section 2208(a), were functions of the Secretary of Commerce or the Under Secretary of Commerce for Technology.

(c) NATIONAL TECHNICAL INFORMATION SERVICE.—

(1) PRIVATIZATION.—All functions of the National Technical Information Service are transferred to the Director of Office of Management and Budget for privatization in accordance with section 2108 before the end of the 18-month period beginning on the date of the enactment of this Act.

(2) TRANSFER TO NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.—If an appropriate arrangement for the privatization of functions of the National Technical Information Service under paragraph (1) has not been made before the end of the period described in that paragraph, the National Technical Information Service shall be transferred as of the end of such period to the National Scientific, Oceanic, and Atmospheric Administration established by section 2206.

(3) GOVERNMENT CORPORATION.—If an appropriate arrangement for the privatization of functions of the National Technical Information Service under paragraph (1) has not been made before the end of the period described in that paragraph, the Director of the Office of Management and Budget shall, within 6 months after the end of such period, submit to Congress a proposal for legislation to establish the National Technical Information Service as a wholly owned Government corporation. The proposal should provide for the corporation to perform substantially the same functions that, as of the date of enactment of this Act, are performed by the National Technical Information Service.

(4) FUNDING.—No funds are authorized to be appropriated for the National Technical Information Service or any successor corporation established pursuant to a proposal under paragraph (3).

(d) AMENDMENTS.—

(1) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(A) in section 2(b), by striking paragraph (1) and redesignating paragraphs (2) through (11) as paragraphs (1) through (10), respectively;

(B) in section 2(d), by striking '', including the programs established under sections 25, 26, and 28 of this Act'';

(C) in section 10, by striking ''Advanced'' in both the section heading and subsection (a), and inserting in lieu thereof ''Standards and''; and

(D) by striking sections 24, 25, 26, and 28.

(2) STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended—

(A) in section 3, by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(B) in section 4, by striking paragraphs (1), (4), and (13) and redesignating paragraphs (2), (3), (5), (6), (7), (8), (9), (10), (11), and (12) as paragraphs (1) through (10), respectively;

(C) by striking sections 5, 6, 7, 8, 9, and 10;

(D) in section 11—

(i) by striking '', the Federal Laboratory Consortium for Technology Transfer,'' in subsection (c)(3);

(ii) by striking ''and the Federal Laboratory Consortium for Technology Transfer'' in subsection (d)(2);

(iii) by striking '', and refer such requests'' and all that follows through ''available to the Service'' in subsection (d)(3); and

(iv) by striking subsection (e); and

(E) in section 17—

(i) by striking ''Subject to paragraph (2), separate'' in subsection (c)(1) and inserting in lieu thereof ''Separate'';

(ii) by striking paragraph (2) of subsection (c) and redesignating paragraph (3) as paragraph (2);

(iii) by striking ''funds to carry out'' in subsection (f), and inserting in lieu thereof ''funds only to pay the salary of the Director of the Office of Quality Programs, who shall be responsible for carrying out''; and

(iv) by adding at the end the following new subsection:

''(h) VOLUNTARY AND UNCOMPENSATED SERVICES.—The Director of the Office of Quality Programs may accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.''.

(3) MISCELLANEOUS AMENDMENTS.—Section 3 of Public Law 94–168 (15 U.S.C. 205b) is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) in paragraph (3), as so redesignated by subparagraph (B) of this paragraph, by striking ''in nonbusiness activities''.

SEC. 2203. REORGANIZATION OF THE BUREAU OF THE CENSUS AND THE BUREAU OF ECONOMIC ANALYSIS.

(a) TRANSFER OF FUNCTIONS.—All functions of the Secretary of Commerce relating to the Bureau of the Census and the Bureau of Economic Analysis of the Department of Commerce are transferred to the Secretary of Labor.

(b) TRANSFER OF BUREAUS.—The Bureau of the Census and Bureau of Economic Analysis of the Department of Commerce are transferred to the Department of Labor.

(c) CONSOLIDATION WITH THE BUREAU OF LABOR STATISTICS.—The Secretary of Labor shall consolidate the Bureaus transferred under subsection (b) with the Bureau of Labor Statistics within the Department of Labor.

(d) REFERENCES TO SECRETARY.—Section 1(2) of the title 13, United States Code, is amended by striking out ''Secretary of Commerce'' and inserting in lieu thereof ''Secretary of Labor''.

(e) REFERENCES TO DEPARTMENT.—Section 2 of title 13, United States Code, is amended by striking out ''Department of Commerce'' and inserting in lieu thereof ''Department of Labor''.

(f) GENERAL REFERENCES TO SECRETARY AND DEPARTMENT.—The provisions of title 13, United States Code, are further amended—

(1) by striking out ''Secretary of Commerce'' each place such term appears and insert in lieu thereof ''Secretary of Labor''; and

(2) by striking out ''Department of Commerce'' each place such term appears and inserting in lieu thereof ''Department of Labor''.

(g) SUBMISSION OF PLAN.—Within 180 days after the date of enactment of this Act, the President shall transmit to the Congress—

(1) a determination of the feasibility and potential savings resulting from the further consolidation of statistical functions throughout the Government into a single agency; and

(2) draft legislation under which the provisions of title 13, United States Code, relating to confidentiality (including offenses and penalties) shall be applied after the consolidation under subsection (c) has been effected.

(h) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Bureau of the Census or the agency established as a result of the consolidation under subsection (c) should—

(1) make appropriate use of any authority afforded to it by the Census Address List Improvement Act of 1994 (Public Law 103–430; 108 Stat. 4393), and take measures to ensure the timely implementation of such Act; and

(2) streamline census questionnaires to promote savings in the collection and tabulation of data.

SEC. 2204. TERMINATED FUNCTIONS OF NTIA.

(a) REPEALS.—The following provisions of law are repealed:

(1) Subpart A of part IV of title III of the Communications Act of 1934 (47 U.S.C. 390 et seq.), relating to assistance for public telecommunications facilities.

(2) Subpart B of part IV of title III of the Communications Act of 1934 (47 U.S.C. 394 et seq.), relating to the Endowment for Children's Educational Television.

(3) Subpart C of part IV of title III of the Communications Act of 1934 (47 U.S.C. 395 et seq.), relating to Telecommunications Demonstration grants.

(b) DISPOSAL OF NTIA LABORATORIES.—

(1) PRIVATIZATION.—All laboratories of the National Telecommunications and Information Administration are transferred to the Director of the Office of Management and Budget for privatization in accordance with section 2108 before the end of the 18-month period beginning on the date of the enactment of this Act.

(2) TRANSFER TO NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.—If an appropriate arrangement for the privatization of functions of the laboratories of the National Telecommunications and Information Administration under paragraph (1) has not been made before the end of the period described in that paragraph, the laboratories of the National Telecommunications and Information Administration shall be transferred as of the end of such period to the National Scientific, Oceanic, and Atmospheric Administration established by section 2206.

(3) TRANSFER OF FUNCTIONS.—The functions of the National Telecommunications and Information Administration concerning research and analysis of the electromagnetic spectrum described in section 5112(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 1532) are transferred to the Director of the National Bureau of Standards.

(c) TRANSFER OF NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION FUNCTIONS.—

(1) TRANSFER TO USTR.—Except as provided in subsection (b)(2), the functions of the National Telecommunications and Information Administration, and of the Secretary of Commerce and the Assistant Secretary for Communications and Information of the Department of Commerce with respect to the National Telecommunications and Information Administration, are transferred to the United States Trade Representative. The functions transferred by this paragraph shall be placed in an organizational component that is independent from all USTR functions directly related to the negotiation of trade agreements. Such functions shall be supervised by an individual whose principal professional expertise is in the area of telecommunications. The position to which such individual is appointed shall be graded at a level sufficiently high to attract a highly qualified individual, while ensuring autonomy in the conduct of such functions from all activities and influences associated with trade negotiations.

(2) REFERENCES.—References in any provision of law (including the National Telecommunications and Information Administration Organization Act) to the Secretary of Commerce or the Assistant Secretary for Communications and Information of the Department of Commerce—

(A) with respect to a function vested pursuant to this section in the United States Trade Representative shall be deemed to refer to the United States Trade Representative; and

(B) with respect to a function vested pursuant to this section in the Director of the National Bureau of Standards shall be deemed to refer to the Director of the National Bureau of Standards.

(3) TERMINATION OF NTIA.—Effective on the abolishment date specified in section 2101(c), the National Telecommunications and Information Administration is abolished.

SEC. 2205. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) TERMINATION OF MISCELLANEOUS RESEARCH PROGRAMS AND ACCOUNTS.—

(1) IN GENERAL.—No funds may be appropriated in any fiscal year for the following programs and accounts of the National Scientific, Oceanic, and Atmospheric Administration:

(A) The National Undersea Research Program.

(B) The Fleet Modernization Program.

(C) The Charleston, South Carolina, Special Management Plan.

(D) Chesapeake Bay Observation Buoys (as of September 30, 1996).

(E) Federal/State Weather Modification Grants.

(F) The Southeast Storm Research Account.

(G) The Southeast United States Caribbean Fisheries Oceanographic Coordinated Investigations Program.

(H) National Institute for Environmental Renewal.

(I) The Lake Champlain Study.

(J) The Maine Marine Research Center.

(K) The South Carolina Cooperative Geodetic Survey Account.

(L) Pacific Island Technical Assistance.

(M) Sea Grant Oyster Disease Account.

(N) Sea Grant Zebra Mussel Account.

(O) VENTS program.

(P) National Weather Service non-Federal, non-wildfire Weather Service.

(Q) National Weather Service Regional Climate Centers.

(R) National Weather Service Samoa Weather Forecast Office Repair and Upgrade Account.

(S) Dissemination of Weather Charts (Marine Facsimile Service).

(T) The Climate and Global Change Account.

(U) The Global Learning and Observations to Benefit the Environment Program.

(V) Great Lakes nearshore research.

(W) Mussel watch.

(2) REPEALS.—The following provisions of law are repealed:

(A) The Ocean Thermal Conversion Act of 1980 (42 U.S.C. 9101 et seq.).

(B) Title IV of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1447 et seq.).

(C) Title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.).

(D) The Great Lakes Shoreline Mapping Act of 1987 (33 U.S.C. 883a note).

(E) The Great Lakes Fish and Wildlife Tissue Bank Act (16 U.S.C. 943 et seq.).

(F) The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), except for those provisions affecting the Assistant Secretary of the Army (civil works) and the Secretary of the department in which the Coast Guard is operating.

(G) Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a).

(H) Section 208(c) of the National Sea Grant College Program Act (33 U.S.C. 1127(c)).

(I) Section 305 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454) is repealed effective October 1, 1998.

(J) The NOAA Fleet Modernization Act (33 U.S.C. 891 et seq.).

(K) Public Law 85–342 (72 Stat. 35; 16 U.S.C. 778 et seq.), relating to fish research and experimentation.

(L) The first section of the Act of August 8, 1956 (70 Stat. 1126; 16 U.S.C. 760d), relating to grants for commercial fishing education.

(M) Public Law 86–359 (16 U.S.C. 760e et seq.), relating to the study of migratory marine gamefish.

(N) The Act of August 15, 1914 (Chapter 253; 38 Stat. 692; 16 U.S.C. 781 et seq.), prohibiting the taking of sponges in the Gulf of Mexico and the Straits of Florida.

(b) AERONAUTICAL MAPPING AND CHARTING.—

(1) IN GENERAL.—The aeronautical mapping and charting functions of the National Oceanic and Atmospheric Administration are transferred to the Defense Mapping Agency.

(2) TERMINATION OF CERTAIN FUNCTIONS.—The Defense Mapping Agency shall terminate any functions transferred under paragraph (1) that are performed by the private sector.

(3) FUNCTIONS REQUESTED BY FEDERAL AVIATION ADMINISTRATION.—(A) Notwithstanding paragraph (2), the Director of the Defense Mapping Agency shall carry out such aeronautical charting functions as may be requested by the Administrator of the Federal Aviation Administration.

(B) In carrying out aeronautical mapping functions requested by the Administrator under subparagraph (A), the Director shall—

(i) publish and distribute to the public and to the Administrator any aeronautical charts requested by the Administrator; and

(ii) provide to the Administrator such other air traffic control products and services as may be requested by the Administrator,

in such manner and including such information as the Administrator determines is necessary for, or will promote, the safe and efficient movement of aircraft in air commerce.

(4) CONTINUING APPLICABILITY.—The requirements of section 1307 of title 44, United States Code, shall continue to apply with respect to all aeronautical products created or published by the Director of the Defense Mapping Agency in carrying out the functions transferred to the Director under this paragraph; except that the prices for such products shall be established jointly by the Director and the Secretary of Transportation on an annual basis.

(c) TRANSFER OF MAPPING, CHARTING, AND GEODESY FUNCTIONS TO THE UNITED STATES GEOLOGICAL SURVEY.—

(1) IN GENERAL.—Except as provided in subsection (b), there are hereby transferred to the Director of the United States Geological Survey the functions relating to mapping, charting, and geodesy authorized under the Act of August 7, 1947 (61 Stat. 787; 33 U.S.C. 883a).

(2) TERMINATION OF CERTAIN FUNCTIONS.—The Director of the United States Geological Survey shall terminate any functions transferred under paragraph (1) that are performed by the private sector.

(d) NESDIS.—There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration that on the date immediately before the effective date of this section were authorized to be performed by the National Environmental Satellite, Data, and Information System.

(e) OAR.—There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration (including global programs) that on the date immediately before the effective date of this section were authorized to be performed by the Office of Oceanic and Atmospheric Research.

(f) NWS.—

(1) IN GENERAL.—There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration that on the date immediately before the effective date of this section were authorized to be performed by the National Weather Service.

(2) DUTIES.—To protect life and property and enhance the national economy, the Administrator of Science, Oceans, and the Atmosphere, through the National Weather Service, except as outlined in paragraph (3), shall be responsible for the following:

(A) Forecasts. The Administrator of Science, Oceans, and the Atmosphere, through the National Weather Service, shall serve as the sole official source of severe weather warnings.

(B) Issuance of storm warnings.

(C) The collection, exchange, and distribution of meteorological, hydrological, climatic, and oceanographic data and information.

(D) The preparation of hydro-meteorological guidance and core forecast information.

(3) LIMITATIONS ON COMPETITION.—The National Weather Service may not compete, or assist other entities to compete, with the private sector to provide a service when that service is currently provided or can be provided by a commercial enterprise unless—

(A) the Administrator of Science, Oceans, and the Atmosphere finds that the private sector is unwilling or unable to provide the service; or

(B) the Administrator of Science, Oceans, and the Atmosphere finds that the service provides vital weather warnings and forecasts for the protection of lives and property of the general public.

(4) ORGANIC ACT AMENDMENTS.—

(A) AMENDMENTS.—The Act of 1890 is amended—

(i) by striking section 3 (15 U.S.C. 313); and

(ii) in section 9 (15 U.S.C. 317), by striking ''Department of'' and all that follows thereafter and inserting ''National Scientific, Oceanic, and Atmospheric Administration.''.

(B) DEFINITION.—For purposes of this paragraph, the term ''Act of 1890'' means the Act entitled ''An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture'', approved October 1, 1890 (26 Stat. 653).

(5) REPEAL.—Sections 706 and 707 of the Weather Service Modernization Act (15 U.S.C. 313 note) are repealed.

(6) CONFORMING AMENDMENTS.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(A) in section 702, by striking paragraph (3) and redesignating paragraphs (4) through (10) as paragraphs (3) through (9), respectively; and

(B) in section 703—

(i) by striking ''(a) NATIONAL IMPLEMENTATION PLAN.—'';

(ii) by striking paragraph (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively; and

(iii) by striking subsections (b) and (c).

(g) TERMINATION OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION CORPS OF COMMISSIONED OFFICERS.—

(1) NUMBER OF OFFICERS.—Notwithstanding section 8 of the Act of June 3, 1948 (33 U.S.C. 853g), the total number of commissioned officers on the active list of the National Scientific, Oceanic, and Atmospheric Administration shall not exceed—

(A) 358 as of September 30, 1996;

(B) 180 as of September 30, 1997; and

(C) 0 for any fiscal year beginning after September 30, 1998.

(2) SEPARATION PAY.—(A) Commissioned officers may be separated from the active list of the National Scientific, Oceanic, and Atmospheric Administration. Any officer so separated because of paragraph (1) shall, subject to subparagraph (B) and the availability of appropriations, be eligible for separation pay under section 9 of the Act of June 3, 1948 (33 U.S.C. 853h) to the same extent as if such officer had been separated under section 8 of such Act (33 U.S.C. 853g).

(B) Any officer who, under paragraph (4), transfers to another of the uniformed services or becomes employed in a civil service position shall not be eligible for separation pay under this paragraph.

(C)(i) Any officer who receives separation pay under this paragraph shall be required to repay the amount received if, within 1 year after the date of the separation on which the payment is based, such officer is reemployed in a civil service position in the National Scientific, Oceanic, and Atmospheric Administration, the duties of which position would formerly have been performed by a commissioned officer, as determined by the Administrator of Science, Oceans, and the Atmosphere.

(ii) A repayment under this subparagraph shall be made in a lump sum or in such installments as the Administrator may specify.

(D) In the case of any officer who makes a repayment under subparagraph (C)—

(i) the National Scientific, Oceanic, and Atmospheric Administration shall pay into the Civil Service Retirement and Disability Fund, on such officer's behalf, any deposit required under section 8422(e)(1) of title 5, United States Code, with respect to any prior service performed by that individual as such an officer; and

(ii) if the amount paid under clause (i) is less than the amount of the repayment under subparagraph (C), the National Scientific, Oceanic, and Atmospheric Administration shall pay into the Government Securities Investment Fund (established under section 8438(b)(1)(A) of title 5, United States Code), on such individual's behalf, an amount equal to the difference.

The provisions of paragraph (5)(C)(iv) shall apply with respect to any contribution to the Thrift Savings Plan made under clause (ii).

(3) PRIORITY PLACEMENT PROGRAM.—A priority placement program similar to the programs described in section 3329b of title 5, United States Code, as amended by section 2109, shall be established by the National Scientific, Oceanic, and Atmospheric Administration to assist commissioned officers who are separated from the active list of the National Scientific, Oceanic, and Atmospheric Administration because of paragraph (1).

(4) TRANSFER.—(A) Subject to the approval of the Secretary of Defense and under terms

and conditions specified by the Secretary, commissioned officers subject to paragraph (1) may transfer to the Armed Forces under section 716 of title 10, United States Code.

(B) Subject to the approval of the Secretary of Transportation and under terms and conditions specified by the Secretary, commissioned officers subject to paragraph (1) may transfer to the United States Coast Guard under section 716 of title 10, United States Code.

(C) Subject to the approval of the Administrator of Science, Oceans, and the Atmosphere and under terms and conditions specified by that Administrator, commissioned officers subject to paragraph (1) may be employed by the National Scientific, Oceanic, and Atmospheric Administration as members of the civil service.

(5) RETIREMENT PROVISIONS.—(A) For commissioned officers who transfer under paragraph (4)(A) to the Armed Forces, the National Scientific, Oceanic, and Atmospheric Administration shall pay into the Department of Defense Military Retirement Fund an amount, to be calculated by the Secretary of Defense in consultation with the Secretary of the Treasury, equal to the actuarial present value of any retired or retainer pay they will draw upon retirement, including full credit for service in the NOAA Corps. Any payment under this subparagraph shall, for purposes of paragraph (2) of section 2206(g), be considered to be an expenditure described in such paragraph.

(B) For commissioned officers who transfer under paragraph (4)(B) to the United States Coast Guard, full credit for service in the NOAA Corps shall be given for purposes of any annuity or other similar benefit under the retirement system for members of the United States Coast Guard, entitlement to which is based on the separation of such officer.

(C)(i) For a commissioned officer who becomes employed in a civil service position pursuant to paragraph (4)(C) and thereupon becomes subject to the Federal Employees' Retirement System, the National Scientific, Oceanic, and Atmospheric Administration shall pay, on such officer's behalf—

(I) into the Civil Service Retirement and Disability Fund, the amounts required under clause (ii); and

(II) into the Government Securities Investment Fund, the amount required under clause (iii).

(ii)(I) The amount required under this subclause is the amount of any deposit required under section 8422(e)(1) of such title 5 with respect to any prior service performed by the individual as a commissioned officer of the National Oceanic and Atmospheric Administration.

(II) To determine the amount required under this subclause, first determine, for each year of service with respect to which the deposit under subclause (I) relates, the product of the normal-cost percentage for such year (as determined under the last sentence of this subclause) multiplied by basic pay received by the individual for any such service performed in such year. Second, take the sum of the amounts determined for the respective years under the first sentence. Finally, subtract from such sum the amount of the deposit under subclause (I). For purposes of the first sentence, the normal-cost percentage for any year shall be as determined for such year under the provisions of section 8423(a)(1) of title 5, United States Code, except that, in the case of any year before the first year for which any normal-cost percentage was determined under such provisions, the normal-cost percentage for such first year shall be used.

(iii) The amount required under this clause is the amount by which the separation pay to which the officer would have been entitled under the second sentence of paragraph (2)(A) (assuming the conditions for receiving such separation pay have been met) exceeds the amount of the deposit under clause (ii)(I), if at all.

(iv)(I) Any contribution made under this subparagraph to the Thrift Savings Plan shall not be subject to any otherwise applicable limitation on contributions contained in the Internal Revenue Code of 1986, and shall not be taken into account in applying any such limitation to other contributions or benefits under the Thrift Savings Plan, with respect to the year in which the contribution is made.

(II) Such plan shall not be treated as failing to meet any nondiscrimination requirement by reason of the making of such contribution.

(6) REPEALS.—(A) The following provisions of law are repealed:

(i) The Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a–853o, 853p–853u).

(ii) The Act of February 16, 1929 (Chapter 221, section 5; 45 Stat. 1187; 33 U.S.C. 852a).

(iii) The Act of January 19, 1942 (Chapter 6; 56 Stat. 6).

(iv) Section 9 of Public Law 87–649 (76 Stat. 495).

(v) The Act of May 22, 1917 (Chapter 20, section 16; 40 Stat. 87; 33 U.S.C. 854 et seq.).

(vi) The Act of December 3, 1942 (Chapter 670; 56 Stat. 1038.

(vii) Sections 1 through 5 of Public Law 91–621 (84 Stat. 1863; 33 U.S.C. 857–1 et seq.).

(viii) The Act of August 10, 1956 (Chapter 1041, section 3; 70A Stat. 619; 33 U.S.C. 857a).

(ix) The Act of May 18, 1920 (Chapter 190, section 11; 41 Stat. 603; 33 U.S.C. 864).

(x) The Act of July 22, 1947 (Chapter 286; 61 Stat. 400; 33 U.S.C. 873, 874).

(xi) The Act of August 3, 1956 (Chapter 932; 70 Stat. 988; 33 U.S.C. 875, 876).

(xii) All other Acts inconsistent with this subsection.

No repeal under this subparagraph shall affect any annuity or other similar benefit payable, under any provision of law so repealed, based on the separation of any individual from the NOAA Corps or its successor on or before September 30, 1998. Any authority exercised by the Secretary of Commerce or his designee with respect to any such benefits shall be exercised by the Administrator of Science, Oceans, and the Atmosphere, and any authorization of appropriations relating to those benefits, which is in effect as of September 30, 1998, shall be considered to have remained in effect.

(B) The effective date of the repeals under subparagraph (A) shall be October 1, 1998.

(C)(i) All laws relating to the retirement of commissioned officers of the Navy shall apply to commissioned officers of the former Commissioned Officers Corps of the National Oceanic and Atmospheric Administration and its predecessors.

(ii) Active service of officers of the former Commissioned Officers Corps of the National Oceanic and Atmospheric Administration and its predecessors who have retired from the Commissioned Officers Corps shall be deemed to be active military service in the United States Navy for purposes of all rights, privileges, immunities, and benefits provided to retired commissioned officers of the Navy by the laws and regulations of the United States and any agency thereof. In the Administration of those laws and regulations with respect to retired officers of the former Commissioned Officers Corps of the National Oceanic and Atmospheric Administration and its predecessors, the authority of the Secretary of the Navy shall be exercised by the Administrator of Science, Oceans, and the Atmosphere.

(iii) For purposes of this subparagraph, the term ''its predecessors'' means the former Commissioned Officers Corps of the Environmental Science Services Administration and the former Commissioned Officers Corps of the Coast and Geodetic Survey.

(7) CREDITABILITY OF NOAA SERVICE FOR PURPOSES RELATING TO REDUCTIONS IN FORCE.—A commissioned officer who is separated from the active list of the National Oceanic and Atmospheric Administration or its successor because of paragraph (1) shall, for purposes of any subsequent reduction in force, receive credit for any period of service performed as such an officer before separation from such list to the same extent and in the same manner as if it had been a period of active service in the Armed Forces.

(8) ABOLITION.—The Office of the National Oceanic and Atmospheric Administration Corps of Operations or its successor and the Commissioned Personnel Center are abolished effective September 30, 1998.

(h) NOAA FLEET.—

(1) SERVICE CONTRACTS.—Notwithstanding any other provision of law and subject to the availability of appropriations, the Administrator of Science, Oceans, and the Atmosphere shall enter into contracts, including multiyear contracts, subject to paragraph (3), for the use of vessels to conduct oceanographic research and fisheries research, monitoring, enforcement, and management, and to acquire other data necessary to carry out the missions of the National Scientific, Oceanic, and Atmospheric Administration. The Administrator of Science, Oceans, and the Atmosphere shall enter into these contracts unless—

(A) the cost of the contract is more than the cost (including the cost of vessel operation, maintenance, and all personnel) to the National Scientific, Oceanic, and Atmospheric Administration of obtaining those services on vessels of the National Scientific, Oceanic, and Atmospheric Administration;

(B) the contract is for more than 7 years; or

(C) the data is acquired through a vessel agreement pursuant to paragraph (4).

(2) VESSELS.—The Administrator of Science, Oceans, and the Atmosphere may not enter into any contract for the construction, lease-purchase, upgrade, or service life extension of any vessel.

(3) MULTIYEAR CONTRACTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), and notwithstanding section 1341 of title 31, United States Code, and section 11 of title 41, United States Code, the Administrator of Science, Oceans, and the Atmosphere may acquire data under multiyear contracts.

(B) REQUIRED FINDINGS.—The Administrator of Science, Oceans, and the Atmosphere may not enter into a contract pursuant to this paragraph unless such Administrator finds with respect to that contract that there is a reasonable expectation that throughout the contemplated contract period the Administrator will request from Congress funding for the contract at the level required to avoid contract termination.

(C) REQUIRED PROVISIONS.—The Administrator of Science, Oceans, and the Atmosphere may not enter into a contract pursuant to this paragraph unless the contract includes—

(i) a provision under which the obligation of the United States to make payments under the contract for any fiscal year is subject to the availability of appropriations provided in advance for those payments;

(ii) a provision that specifies the term of effectiveness of the contract; and

(iii) appropriate provisions under which, in case of any termination of the contract before the end of the term specified pursuant

to clause (ii), the United States shall only be liable for the lesser of—

(I) an amount specified in the contract for such a termination; or

(II) amounts that were appropriated before the date of the termination for the performance of the contract or for procurement of the type of acquisition covered by the contract and are unobligated on the date of the termination.

(4) VESSEL AGREEMENTS.—The Administrator of Science, Oceans, and the Atmosphere shall use excess capacity of University National Oceanographic Laboratory System vessels where appropriate and may enter into memoranda of agreement with the operators of these vessels to carry out this requirement.

(5) TRANSFER OF EXCESS VESSELS.—The Administrator of Science, Oceans, and the Atmosphere shall transfer any vessels over 1,500 gross tons that are excess to the needs of the National Scientific, Oceanic, and Atmospheric Administration to the National Defense Reserve Fleet. Notwithstanding any other provision of law, these vessels may be scrapped in accordance with section 510(i) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1160(i)).

(i) NATIONAL MARINE FISHERIES SERVICE.—(1) There are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions that on the day before the effective date of this section were authorized by law to be performed by the National Marine Fisheries Service.

(2) Notwithstanding any other provision of law, the National Marine Fisheries Service may not affect on-land activities under the Endangered Species Act of 1973 for salmon recovery in the State of Idaho (16 U.S.C. 1531 et seq.).

(j) NATIONAL OCEAN SERVICE.—Except as otherwise provided in this title, there are transferred to the National Scientific, Oceanic, and Atmospheric Administration all functions and assets of the National Oceanic and Atmospheric Administration that on the date immediately before the effective date of this section were authorized to be performed by the National Ocean Service (including the Coastal Ocean Program).

(k) TRANSFER OF COASTAL NONPOINT POLLUTION CONTROL FUNCTIONS.—There are transferred to the Administrator of the Environmental Protection Agency the functions under section 6217 of the Omnibus Budget Reconciliation Act of 1990 (16 U.S.C. 1455b) that on the day before the effective date of this section were vested in the Secretary of Commerce.

SEC. 2206. NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.

(a) ESTABLISHMENT.—There is established as an independent agency in the Executive Branch the National Scientific, Oceanic, and Atmospheric Administration (in this section referred to as the ''NSOAA''). The NSOAA, and all functions and offices transferred to it under this title, shall be administered under the supervision and direction of an Administrator of Science, Oceans, and the Atmosphere. The Administrator of Science, Oceans, and the Atmosphere shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive basic pay at the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code. The Administrator of Science, Oceans, and the Atmosphere shall additionally perform the functions previously performed by the Administrator of the National Oceanic and Atmospheric Administration.

(b) PRINCIPAL OFFICER.—There shall be in the NSOAA, on the transfer of functions and offices under this title, a Director of the National Bureau of Standards, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) ADDITIONAL OFFICERS.—There shall be in the NSOAA—

(1) a Chief Financial Officer of the NSOAA, to be appointed by the President, by and with the advice and consent of the Senate;

(2) a Chief of External Affairs, to be appointed by the President, by and with the advice and consent of the Senate;

(3) a General Counsel, to be appointed by the President, by and with the advice and consent of the Senate; and

(4) an Inspector General, to be appointed in accordance with the Inspector General Act of 1978.

Each Officer appointed under this subsection shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) TRANSFER OF FUNCTIONS AND OFFICES.—Except as otherwise provided in this title, there are transferred to the NSOAA—

(1) the functions and offices of the National Oceanic and Atmospheric Administration, as provided in section 2205;

(2) the National Bureau of Standards, along with its functions and offices, as provided in section 2202; and

(3) the Office of Space Commerce, along with its functions and offices.

(e) ELIMINATION OF POSITIONS.—The Administrator of Science, Oceans, and the Atmosphere may eliminate positions that are no longer necessary because of the termination of functions under this section, section 2202, and section 2205.

(f) AGENCY TERMINATIONS.—

(1) TERMINATIONS.—On the date specified in section 2208(a), the following shall terminate:

(A) The Office of the Deputy Administrator and Assistant Secretary of the National Oceanic and Atmospheric Administration.

(B) The Office of the Deputy Under Secretary of the National Oceanic and Atmospheric Administration.

(C) The Office of the Chief Scientist of the National Oceanic and Atmospheric Administration.

(D) The position of Deputy Assistant Secretary for Oceans and Atmosphere.

(E) The position of Deputy Assistant Secretary for International Affairs.

(F) Any office of the National Oceanic and Atmospheric Administration or the National Bureau of Standards whose primary purpose is to perform high performance computing communications, legislative, personnel, public relations, budget, constituent, intergovernmental, international, policy and strategic planning, sustainable development, administrative, financial, educational, legal and coordination functions. These functions shall, as necessary, be performed only by officers described in subsection (c).

(G) The position of Associate Director of the National Institute of Standards and Technology.

(2) TERMINATION OF EXECUTIVE SCHEDULE POSITIONS.—Each position which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for levels I through V of the Executive Schedule under sections 5312 through 5315 of title 5, United States Code, in an office terminated pursuant to this section, section 2202, and section 2205 shall also terminate.

(g) FUNDING REDUCTIONS RESULTING FROM REORGANIZATION.—

(1) FUNDING REDUCTIONS.—Notwithstanding the transfer of functions under this subtitle, the total amount obligated or expended by the United States in performing all functions vested in the National Scientific, Oceanic, and Atmospheric Administration pursuant to this subtitle shall not exceed—

(A) for the first fiscal year that begins after the abolishment date specified in section 2101(c), 75 percent of the total amount appropriated for fiscal year 1995 for the performance of all functions vested in the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the Office of Space Commerce, except for those functions transferred under section 2205 to agencies or departments other than the National Scientific, Oceanic, and Atmospheric Administration; and

(B) for the second fiscal year that begins after the abolishment date specified in section 2101(c) and for each fiscal year thereafter, 65 percent of the total amount appropriated for fiscal year 1995 for the performance of all functions vested in the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, and the Office of Space Commerce, except for those functions transferred under section 22045 to agencies or departments other than the National Scientific, Oceanic, and Atmospheric Administration.

(2) EXCEPTION.—Paragraph (1) shall not apply to obligations or expenditures incurred as a direct consequence of the termination, transfer, or other disposition of functions described in paragraph (1) pursuant to this subtitle.

(3) RULE OF CONSTRUCTION.—This subsection shall take precedence over any other provision of law unless such provision explicitly refers to this section and makes an exception to it.

(4) RESPONSIBILITY OF NATIONAL SCIENTIFIC, OCEANIC, AND ATMOSPHERIC ADMINISTRATION.—The National Scientific, Oceanic, and Atmospheric Administration, in consultation with the Director of the Office of Management and Budget, shall make such modifications in programs as are necessary to carry out the reductions in appropriations set forth in subparagraphs (A) and (B) of paragraph (1).

(5) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall include in each report under sections 2105(a) and (b) a description of actions taken to comply with the requirements of this subsection.

SEC. 2207. MISCELLANEOUS TERMINATIONS; MORATORIUM ON PROGRAM ACTIVITIES.

(a) TERMINATIONS.—The following agencies and programs of the Department of Commerce are terminated:

(1) The Minority Business Development Administration.

(2) The United States Travel and Tourism Administration.

(3) The programs and activities of the National Telecommunications and Information Administration referred to in section 2204(a).

(4) The Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n).

(5) The Manufacturing Extension Programs under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

(6) The National Institute of Standards and Technology METRIC Program.

(b) MORATORIUM ON PROGRAM ACTIVITIES.—The authority to make grants, enter into contracts, provide assistance, incur obligations, or provide commitments (including any enlargement of existing obligations or commitments, except if required by law) with respect to the agencies and programs

described in subsection (a) is terminated effective on the date of the enactment of this title.

SEC. 2208. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle shall take effect on the abolishment date specified in section 2101(c).

(b) PROVISIONS EFFECTIVE ON DATE OF ENACTMENT.—The following provisions of this subtitle shall take effect on the date of the enactment of this Act:

(1) Section 2201.

(2) Section 2205(g), except as otherwise provided in that section.

(3) Section 2207(b).

(4) This section.

Subtitle C—Office of United States Trade Representative

CHAPTER 1—GENERAL PROVISIONS

SEC. 2301. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''Office'' means the Office of the United States Trade Representative;

(2) the term ''Federal agency'' has the meaning given to the term ''agency'' by section 551(1) of title 5, United States Code; and

(3) the term ''USTR'' means the United States Trade Representative as provided for under section 2311.

CHAPTER 2—OFFICE OF UNITED STATES TRADE REPRESENTATIVE

Subchapter A—Establishment

SEC. 2311. ESTABLISHMENT OF THE OFFICE.

(a) IN GENERAL.—The Office of the United States Trade Representative is established as an independent establishment in the executive branch of Government as defined under section 104 of title 5, United States Code. The United States Trade Representative shall be the head of the Office and shall be appointed by the President, by and with the advice and consent of the Senate.

(b) AMBASSADOR STATUS.—The USTR shall have the rank and status of Ambassador and shall represent the United States in all trade negotiations conducted by the Office.

(c) CONTINUED SERVICE OF CURRENT USTR.—The individual serving as United States Trade Representative on the date immediately preceding the effective date of this subtitle may continue to serve as USTR under subsection (a).

(d) SUCCESSOR TO THE DEPARTMENT OF COMMERCE.—The Office shall be the successor to the Department of Commerce for purposes of protocol.

SEC. 2312. FUNCTIONS OF THE USTR.

(a) IN GENERAL.—In addition to the functions transferred to the USTR by this subtitle, such other functions as the President may assign or delegate to the USTR, and such other functions as the USTR may, after the effective date of this subtitle, be required to carry out by law, the USTR shall—

(1) serve as the principal advisor to the President on international trade policy and advise the President on the impact of other policies of the United States Government on international trade;

(2) exercise primary responsibility, with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, for developing and implementing international trade policy, including commodity matters and, to the extent related to international trade policy, direct investment matters and, in exercising such responsibility, advance and implement, as the primary mandate of the Office, the goals of the United States to—

(A) maintain United States leadership in international trade liberalization and expansion efforts;

(B) reinvigorate the ability of the United States economy to compete in international markets and to respond flexibly to changes in international competition; and

(C) expand United States participation in international trade through aggressive promotion and marketing of goods and services that are products of the United States;

(3) exercise lead responsibility for the conduct of international trade negotiations, including negotiations relating to commodity matters and, to the extent that such negotiations are related to international trade, direct investment negotiations;

(4) exercise lead responsibility for the establishment of a national export strategy, including policies designed to implement such strategy;

(5) with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, issue policy guidance to other Federal agencies on international trade, commodity, and direct investment functions to the extent necessary to assure the coordination of international trade policy;

(6) seek and promote new opportunities for United States products and services to compete in the world marketplace;

(7) assist small businesses in developing export markets;

(8) enforce the laws of the United States relating to trade;

(9) analyze economic trends and developments;

(10) report directly to the Congress—

(A) on the administration of, and matters pertaining to, the trade agreements program under the Omnibus Trade and Competitiveness Act of 1988, the Trade Act of 1974, the Trade Expansion Act of 1962, section 350 of the Tariff Act of 1930, and any other provision of law enacted after this Act; and

(B) with respect to other important issues pertaining to international trade;

(11) keep each official adviser to the United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements who is appointed from the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives under section 161 of the Trade Act of 1974 currently informed on United States negotiating objectives with respect to trade agreements, the status of negotiations in progress with respect to such agreements, and the nature of any changes in domestic law or the administration thereof which the USTR may recommend to the Congress to carry out any trade agreement;

(12) consult and cooperate with State and local governments and other interested parties on international trade matters of interest to such governments and parties, and to the extent related to international trade matters, on investment matters, and, when appropriate, hold informal public hearings;

(13) serve as the principal advisor to the President on Government policies designed to contribute to enhancing the ability of United States industry and services to compete in international markets;

(14) develop recommendations for national strategies and specific policies intended to enhance the productivity and international competitiveness of United States industries;

(15) serve as the principal advisor to the President in identifying and assessing the consequences of any Government policies that adversely affect, or have the potential to adversely affect, the international competitiveness of United States industries and services;

(16) promote cooperation between business, labor, and Government to improve industrial performance and the ability of United States industries to compete in international markets and to facilitate consultation and communication between the Government and the private sector about domestic industrial performance and prospects and the performance and prospects of foreign competitors; and

(17) monitor and enforce foreign government compliance with international trade agreements to protect United States interests.

(b) INTERAGENCY ORGANIZATION.—The USTR shall be the chairperson of the interagency organization established under section 242 of the Trade Expansion Act of 1962.

(c) NATIONAL SECURITY COUNCIL.—The USTR shall be a member of the National Security Council.

(d) ADVISORY COUNCIL.—The USTR shall be Deputy Chairman of the National Advisory Council on International Monetary and Financial Policies established under Executive Order 11269, issued February 14, 1966.

(e) AGRICULTURE.—(1) The USTR shall consult with the Secretary of Agriculture or the designee of the Secretary of Agriculture on all matters that potentially involve international trade in agricultural products.

(2) If an international meeting for negotiation or consultation includes discussion of international trade in agricultural products, the USTR or the designee of the USTR shall be Chairman of the United States delegation to such meeting and the Secretary of Agriculture or the designee of such Secretary shall be Vice Chairman. The provisions of this paragraph shall not limit the authority of the USTR under subsection (h) to assign to the Secretary of Agriculture responsibility for the conduct of, or participation in, any trade negotiation or meeting.

(f) TRADE PROMOTION.—The USTR shall be the chairperson of the Trade Promotion Coordinating Committee.

(g) NATIONAL ECONOMIC COUNCIL.—The USTR shall be a member of the National Economic Council established under Executive Order No. 12835, issued January 25, 1993.

(h) INTERNATIONAL TRADE NEGOTIATIONS.—Except where expressly prohibited by law, the USTR, at the request or with the concurrence of the head of any other Federal agency, may assign the responsibility for conducting or participating in any specific international trade negotiation or meeting to the head of such agency whenever the USTR determines that the subject matter of such international trade negotiation is related to the functions carried out by such agency.

Subchapter B—Officers

SEC. 2321. DEPUTY ADMINISTRATOR OF THE OFFICE.

(a) ESTABLISHMENT.—There shall be in the Office the Deputy Administrator of the Office of the United States Trade Representative, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) ABSENCE, DISABILITY, OR VACANCY OF USTR.—The Deputy Administrator of the Office of the United States Trade Representative shall act for and exercise the functions of the USTR during the absence or disability of the USTR or in the event the office of the USTR becomes vacant. The Deputy Administrator shall act for and exercise the functions of the USTR until the absence or disability of the USTR no longer exists or a successor to the USTR has been appointed by the President and confirmed by the Senate.

(c) FUNCTIONS OF DEPUTY ADMINISTRATOR.—The Deputy Administrator of the Office of the United States Trade Representative shall exercise all functions, under the direction of the USTR, transferred to or established in the Office, except those functions exercised by the Deputy United States Trade Representatives, the Director General for Export Promotion, the Inspector General, and the General Counsel of the Office, as provided by this subtitle.

SEC. 2322. DEPUTY UNITED STATES TRADE REPRESENTATIVES.

(a) ESTABLISHMENT.—There shall be in the Office 2 Deputy United States Trade Representatives, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy United States Trade Representatives shall exercise all functions under the direction of the USTR, and shall include—

(1) the Deputy United States Trade Representative for Negotiations; and

(2) the Deputy United States Trade Representative to the World Trade Organization.

(b) FUNCTIONS OF DEPUTY UNITED STATES TRADE REPRESENTATIVES.—(1) The Deputy United States Trade Representative for Negotiations shall exercise all functions transferred under section 2331 and shall have the rank and status of Ambassador.

(2) The Deputy United States Trade Representative to the World Trade Organization shall exercise all functions relating to representation to the World Trade Organization and shall have the rank and status of Ambassador.

SEC. 2323. ASSISTANT ADMINISTRATORS.

(a) ESTABLISHMENT.—There shall be in the Office 3 Assistant Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Administrators shall exercise all functions under the direction of the Deputy Administrator of the Office of the United States Trade Representative and include—

(1) the Assistant Administrator for Export Administration;

(2) the Assistant Administrator for Import Administration; and

(3) the Assistant Administrator for Trade and Policy Analysis.

(b) FUNCTIONS OF ASSISTANT ADMINISTRATORS.—(1) The Assistant Administrator for Export Administration shall exercise all functions transferred under section 2332(1)(C).

(2) The Assistant Administrator for Import Administration shall exercise all functions transferred under section 2332(1)(D).

(3) The Assistant Administrator for Trade and Policy Analysis shall exercise all functions transferred under section 2332(1)(B) and all functions transferred under section 2332(2).

SEC. 2324. DIRECTOR GENERAL FOR EXPORT PROMOTION.

(a) ESTABLISHMENT.—There shall be a Director General for Export Promotion, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) FUNCTIONS.—The Director General for Export Promotion shall exercise, under the direction of the USTR, all functions transferred under sections 2332(1)(A) (relating to functions of the United States and Foreign Commercial Service) and 2333 and shall have the rank and status of Ambassador.

SEC. 2325. GENERAL COUNSEL.

There shall be in the Office a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall provide legal assistance to the USTR concerning the activities, programs, and policies of the Office.

SEC. 2326. INSPECTOR GENERAL.

There shall be in the Office an Inspector General who shall be appointed in accordance with the Inspector General Act of 1978, as amended by section 2371(b) of this Act.

SEC. 2327. CHIEF FINANCIAL OFFICER.

There shall be in the Office a Chief Financial Officer who shall be appointed in accordance with section 901 of title 31, United States Code, as amended by section 2371(e) of this Act. The Chief Financial Officer shall perform all functions prescribed by the Deputy Administrator of the Office of the United States Trade Representative, under the direction of the Deputy Administrator.

Subchapter C—Transfers to the Office

SEC. 2331. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

There are transferred to the USTR all functions of the United States Trade Representative and the Office of the United States Trade Representative in the Executive Office of the President and all functions of any officer or employee of such Office.

SEC. 2332. TRANSFERS FROM THE DEPARTMENT OF COMMERCE.

There are transferred to the USTR the following functions:

(1) All functions of, and all functions performed under the direction of, the following officers and employees of the Department of Commerce:

(A) The Under Secretary of Commerce for International Trade, and the Director General of the United States and Foreign Commercial Service, relating to all functions exercised by the Service.

(B) The Assistant Secretary of Commerce for International Economic Policy and the Assistant Secretary of Commerce for Trade Development.

(C) The Under Secretary of Commerce for Export Administration.

(D) The Assistant Secretary of Commerce for Import Administration.

(2) All functions of the Secretary of Commerce relating to the National Trade Data Bank.

(3) All functions of the Secretary of Commerce under the Tariff Act of 1930, the Uruguay Round Agreements Act, the Trade Act of 1974, and other trade-related Acts for which responsibility is not otherwise assigned under this subtitle.

SEC. 2333. TRADE AND DEVELOPMENT AGENCY.

There are transferred to the Director General for Export Promotion all functions of the Director of the Trade and Development Agency. There are transferred to the Office of the Director General for Export Promotion all functions of the Trade and Development Agency.

SEC. 2334. EXPORT-IMPORT BANK.

(a) IN GENERAL.—(1) There are transferred to the USTR all functions of the Secretary of Commerce relating to the Export-Import Bank of the United States.

(2) Section 3(c)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(1)) is amended to read as follows:

''(c)(1) There shall be a Board of Directors of the Bank consisting of the United States Trade Representative (who shall serve as Chairman), the President of the Export-Import Bank of the United States (who shall serve as Vice Chairman), the first Vice President, and 2 additional persons appointed by the President of the United States, by and with the advice and consent of the Senate.''.

(b) EX OFFICIO MEMBER OF EXPORT-IMPORT BANK BOARD OF DIRECTORS.—The Director General for Export Promotion shall serve as an ex officio nonvoting member of the Board of Directors of the Export-Import Bank.

(c) AMENDMENTS TO RELATED BANKING AND TRADE ACTS.—Section 2301(h) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(h)) is amended to read as follows:

''(h) ASSISTANCE TO EXPORT-IMPORT BANK.—The Commercial Service shall provide such services as the Director General for Export Promotion of the Office of the United States Trade Representative determines necessary to assist the Export-Import Bank of the United States to carry out the lending, loan guarantee, insurance, and other activities of the Bank.''.

SEC. 2335. OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) BOARD OF DIRECTORS.—The second and third sentences of section 233(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) are amended to read as follows: ''The United States Trade Representative shall be the Chairman of the Board. The Administrator of the Agency for International Development (who shall serve as Vice Chairman) shall serve on the Board.''.

(b) EX OFFICIO MEMBER OF OVERSEAS PRIVATE INVESTMENT CORPORATION BOARD OF DIRECTORS.—The Director General for Export Promotion shall serve as an ex officio nonvoting member of the Board of Directors of the Overseas Private Investment Corporation.

SEC. 2336. CONSOLIDATION OF EXPORT PROMOTION AND FINANCING ACTIVITIES.

(a) SUBMISSION OF PLAN.—Within 180 days after the date of the enactment of this Act, the President shall transmit to the Congress a comprehensive plan to consolidate Federal nonagricultural export promotion activities and export financing activities and to transfer those functions to the Office. The plan shall provide for—

(1) the elimination of the overlap and duplication among all Federal nonagricultural export promotion activities and export financing activities;

(2) a unified budget for Federal nonagricultural export promotion activities which eliminates funding for the areas of overlap and duplication identified under paragraph (1); and

(3) a long-term agenda for developing better cooperation between local, State and Federal programs and activities designed to stimulate or assist United States businesses in exporting nonagricultural goods or services that are products of the United States, including sharing of facilities, costs, and export market research data.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall—

(1) place all Federal nonagricultural export promotion activities and export financing activities within the Office;

(2) provide clear authority for the USTR to use the expertise and assistance of other United States Government agencies;

(3) achieve an overall 25 percent reduction in the amount of funding for all Federal nonagricultural export promotion activities within 2 years after the enactment of this Act;

(4) include any functions of the Department of Commerce not transferred by this subtitle, or of other Federal departments the transfer of which to the Office would be necessary to the competitiveness of the United States in international trade; and

(5) assess the feasibility and potential savings resulting from—

(A) the consolidation of the Export-Import Bank of the United States and the Overseas Private Investment Corporation;

(B) the consolidation of the Boards of Directors of the Export-Import Bank and the Overseas Private Investment Corporation; and

(C) the consolidation of the Trade and Development Agency with the consolidations under subparagraphs (A) and (B).

(c) DEFINITION.—As used in this section, the term ''Federal nonagricultural export promotion activities'' means all programs or activities of any department or agency of the Federal Government (including, but not limited to, departments and agencies with representatives on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727)) that are designed to stimulate or assist United States businesses in exporting nonagricultural goods or services

that are products of the United States, including trade missions.

SEC. 2337. ADDITIONAL TRADE FUNCTIONS.

(a) TERMINATION OF AUTHORIZATIONS OF APPROPRIATIONS.—

(1) NAFTA SECRETARIAT.—Section 105(b) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3315(b)) is amended by striking ''each fiscal year after fiscal year 1993'' and inserting ''each of fiscal years 1994 and 1995''.

(2) BORDER ENVIRONMENT COOPERATION COMMISSION.—Section 533(a)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3473(a)(2)) is amended by striking ''and each fiscal year thereafter'' and inserting ''fiscal year 1995''.

(b) FUNCTIONS RELATED TO TEXTILE AGREEMENTS.—

(1) FUNCTIONS OF CITA.—(A) Subject to subparagraph (B), those functions delegated to the Committee for the Implementation of Textile Agreements established under Executive Order 11651 (7 U.S.C. 1854 note) (hereafter in this subsection referred to as ''CITA'') are transferred to the USTR.

(B) Those functions delegated to CITA that relate to the assessment of the impact of textile imports on domestic industry are transferred to the International Trade Commission. The International Trade Commission shall make a determination pursuant to the preceding sentence within 60 days after receiving a complaint or request for an investigation.

(2) ABOLITION OF CITA.—CITA is abolished.

Subchapter D—Administrative Provisions

SEC. 2341. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The USTR may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the functions of the USTR and the Office. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) POSITIONS ABOVE GS–15.—(1) At the request of the USTR, the Director of the Office of Personnel Management shall, under section 5108 of title 5, United States Code, provide for the establishment in a grade level above GS–15 of the General Service, and in the Senior Executive Service, of a number of positions in the Office equal to the number of positions in that grade level which were used primarily for the performance of functions and offices transferred by this subtitle and which were assigned and filled on the day before the effective date of this subtitle.

(2) Appointments to positions provided for under this subsection may be made without regard to the provisions of section 3324 of title 5, United States Code, if the individual appointed in such position is an individual who is transferred in connection with the transfer of functions and offices under this subtitle and, on the day before the effective date of this subtitle, holds a position and has duties comparable to those of the position to which appointed under this subsection.

(3) The authority under this subsection with respect to any position established at a grade level above GS–15 shall terminate when the person first appointed to fill such position ceases to hold such position.

(4) For purposes of section 414(a)(3)(A) of the Civil Service Reform Act of 1978, an individual appointed under this subsection shall be deemed to occupy the same position as the individual occupied on the day before the effective date of this subtitle.

(c) EXPERTS AND CONSULTANTS.—The USTR may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the maximum rate of pay for a position above GS–15 of the General Schedule under section 5332 of such title. The USTR may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(d) VOLUNTARY SERVICES.—(1)(A) The USTR is authorized to accept voluntary and uncompensated services without regard to the provisions of section 1342 of title 31, United States Code, if such services will not be used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

(B) The USTR is authorized to accept volunteer service in accordance with the provisions of section 3111 of title 5, United States Code.

(2) The USTR is authorized to provide for incidental expenses, including but not limited to transportation, lodging, and subsistence for individuals who provide voluntary services under subparagraph (A) or (B) of paragraph (1).

(3) An individual who provides voluntary services under paragraph (1)(A) shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

(e) FOREIGN SERVICE POSITIONS.—In order to assure United States representation in trade matters at a level commensurate with the level of representation maintained by industrial nations which are major trade competitors of the United States, the Secretary of State shall classify certain positions at Foreign Service posts as commercial minister positions and shall assign members of the Foreign Service performing functions of the Office, with the concurrence of the USTR, to such positions in nations which are major trade competitors of the United States. The Secretary of State shall obtain and use the recommendations of the USTR with respect to the number of positions to be so classified under this subsection.

SEC. 2342. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this subtitle, the USTR may delegate any of the functions transferred to the USTR by this subtitle and any function transferred or granted to the USTR after the effective date of this subtitle to such officers and employees of the Office as the USTR may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the USTR under this section or under any other provision of this subtitle shall relieve the USTR of responsibility for the administration of such functions.

SEC. 2343. SUCCESSION.

(a) ORDER OF SUCCESSION.—Subject to the authority of the President, and except as provided in section 2321(b), the USTR shall prescribe the order by which officers of the Office who are appointed by the President, by and with the advice and consent of the Senate, shall act for, and perform the functions of, the USTR or any other officer of the Office appointed by the President, by and with the advice and consent of the Senate, during the absence or disability of the USTR or such other officer, or in the event of a vacancy in the office of the USTR or such other officer.

(b) CONTINUATION.—Notwithstanding any other provision of law, and unless the President directs otherwise, an individual acting for the USTR or another officer of the Office pursuant to subsection (a) shall continue to serve in that capacity until the absence or disability of the USTR or such other officer no longer exists or a successor to the USTR or such other officer has been appointed by the President and confirmed by the Senate.

SEC. 2344. REORGANIZATION.

(a) IN GENERAL.—Subject to subsection (b), the USTR is authorized to allocate or reallocate functions among the officers of the Office, and to establish, consolidate, alter, or discontinue such organizational entities in the Office as may be necessary or appropriate.

(b) EXCEPTION.—The USTR may not exercise the authority under subsection (a) to establish, consolidate, alter, or discontinue any organizational entity in the Office or allocate or reallocate any function of an officer or employee of the Office that is inconsistent with any specific provision of this subtitle.

SEC. 2345. RULES.

The USTR is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the USTR determines necessary or appropriate to administer and manage the functions of the USTR or the Office.

SEC. 2346. FUNDS TRANSFER.

The USTR may, when authorized in an appropriation Act in any fiscal year, transfer funds from one appropriation to another within the Office, except that no appropriation for any fiscal year shall be either increased or decreased by more than 10 percent and no such transfer shall result in increasing any such appropriation above the amount authorized to be appropriated therefor.

SEC. 2347. CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—Subject to the provisions of the Federal Property and Administrative Services Act of 1949, the USTR may make, enter into, and perform such contracts, leases, cooperative agreements, grants, or other similar transactions with public agencies, private organizations, and persons, and make payments (in lump sum or installments, and by way of advance or reimbursement, and, in the case of any grant, with necessary adjustments on account of overpayments and underpayments) as the USTR considers necessary or appropriate to carry out the functions of the USTR or the Office.

(b) EXCEPTION.—Notwithstanding any other provision of this subtitle, the authority to enter into contracts or to make payments under this subchapter shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts. This subsection does not apply with respect to the authority granted under section 2349.

SEC. 2348. USE OF FACILITIES.

(a) USE BY USTR.—With their consent, the USTR, with or without reimbursement, may use the research, services, equipment, and facilities of—

(1) an individual,

(2) any public or private nonprofit agency or organization, including any agency or instrumentality of the United States or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States,

(3) any political subdivision of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or

(4) any foreign government,

in carrying out any function of the USTR or the Office.

(b) USE OF USTR FACILITIES.—The USTR, under terms, at rates, and for periods that the USTR considers to be in the public interest, may permit the use by public and private agencies, corporations, associations or other organizations, or individuals, of any real property, or any facility, structure or other improvement thereon, under the custody of the USTR. The USTR may require permittees under this section to maintain or recondition, at their own expense, the real property, facilities, structures, and improvements used by such permittees.

SEC. 2349. GIFTS AND BEQUESTS.

(a) IN GENERAL.—The USTR is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Office. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the United States Treasury in a separate fund and shall be disbursed on order of the USTR. Property accepted pursuant to this subsection, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(b) TAX TREATMENT.—For the purpose of Federal income, estate, and gift taxes, and State taxes, property accepted under subsection (a) shall be considered a gift or bequest to or for the use of the United States.

(c) INVESTMENT.—Upon the request of the USTR, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in subsection (a). Income accruing from such securities, and from any other property held by the USTR pursuant to subsection (a), shall be deposited to the credit of the fund, and shall be disbursed upon order of the USTR.

SEC. 2350. WORKING CAPITAL FUND.

(a) ESTABLISHMENT.—The USTR is authorized to establish for the Office a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the USTR shall find to be desirable in the interest of economy and efficiency, including—

(1) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Office and its components;

(2) central messenger, mail, and telephone service and other communications services;

(3) office space and central services for document reproduction and for graphics and visual aids;

(4) a central library service; and

(5) such other services as may be approved by the Director of the Office of Management and Budget.

(b) OPERATION OF FUND.—The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the USTR may transfer to the fund, less the related liabilities and unpaid obligations. The fund shall be reimbursed in advance from available funds of agencies and offices in the Office, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain the fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to those services which the USTR determines will be performed.

SEC. 2351. SERVICE CHARGES.

(a) AUTHORITY.—Notwithstanding any other provision of law, the USTR may establish reasonable fees and commissions with respect to applications, documents, awards, loans, grants, research data, services, and assistance administered by the Office, and the USTR may change and abolish such fees and commissions. Before establishing, changing, or abolishing any schedule of fees or commissions under this section, the USTR may submit such schedule to the Congress.

(b) DEPOSITS.—The USTR is authorized to require a deposit before the USTR provides any item, information, service, or assistance for which a fee or commission is required under this section.

(c) DEPOSIT OF MONEYS.—Moneys received under this section shall be deposited in the Treasury in a special account for use by the USTR and are authorized to be appropriated and made available until expended.

(d) FACTORS IN ESTABLISHING FEES AND COMMISSIONS.—In establishing reasonable fees or commissions under this section, the USTR may take into account—

(1) the actual costs which will be incurred in providing the items, information, services, or assistance concerned;

(2) the efficiency of the Government in providing such items, information, services, or assistance;

(3) the portion of the cost that will be incurred in providing such items, information, services, or assistance which may be attributed to benefits for the general public rather than exclusively for the person to whom the items, information, services, or assistance is provided;

(4) any public service which occurs through the provision of such items, information, services, or assistance; and

(5) such other factors as the USTR considers appropriate.

(e) REFUNDS OF EXCESS PAYMENTS.—In any case in which the USTR determines that any person has made a payment which is not required under this section or has made a payment which is in excess of the amount required under this section, the USTR, upon application or otherwise, may cause a refund to be made from applicable funds.

SEC. 2352. SEAL OF OFFICE.

The USTR shall cause a seal of office to be made for the Office of such design as the USTR shall approve. Judicial notice shall be taken of such seal.

Subchapter E—Related Agencies

SEC. 2361. INTERAGENCY TRADE ORGANIZATION.

Section 242(a)(3) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a)(3)) is amended to read as follows:

''(3)(A) The interagency organization established under subsection (a) shall be composed of—

''(i) the United States Trade Representative, who shall be the chairperson,

''(ii) the Secretary of Agriculture,

''(iii) the Secretary of the Treasury,

''(iv) the Secretary of Labor,

''(v) the Secretary of State, and

''(vi) the representatives of such other departments and agencies as the United States Trade Representative shall designate.

''(B) The United States Trade Representative may invite representatives from other agencies, as appropriate, to attend particular meetings if subject matters of specific functional interest to such agencies are under consideration. It shall meet at such times and with respect to such matters as the President or the chairperson shall direct.''.

SEC. 2362. NATIONAL SECURITY COUNCIL.

The fourth paragraph of section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating clauses (5), (6), and (7) as clauses (6), (7), and (8), respectively; and

(2) by inserting after clause (4) the following new clause:

''(5) the United States Trade Representative;''.

SEC. 2363. INTERNATIONAL MONETARY FUND.

Section 3 of the Bretton Woods Agreement Act is amended by adding at the end the following new subsection:

''(e) The United States executive director of the Fund shall consult with the United States Trade Representative with respect to matters under consideration by the Fund which relate to trade.''.

Subchapter F—Conforming Amendments

SEC. 2371. AMENDMENTS TO GENERAL PROVISIONS.

(a) INSPECTOR GENERAL.—The Inspector General Act of 1978 is amended—

(1) in subsection 9(a)(1) by inserting after subparagraph (W) the following:

''(X) of the United States Trade Representative, all functions of the Inspector General of the Department of Commerce and the Office of the Inspector General of the Department of Commerce relating to the functions transferred to the United States Trade Representative by section 2332 of the Department of Commerce Dismantling Act; and''; and

(2) in section 11—

(A) in paragraph (1) by inserting ''the United States Trade Representative;'' after ''the Attorney General;''; and

(B) in paragraph (2) by inserting ''the Office of the United States Trade Representative,'' after ''Treasury;''.

(b) AMENDMENT TO THE TRADE ACT OF 1974.—(1) Chapter 4 of title I of the Trade Act of 1974 is amended to read as follows:

''CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

''SEC. 141. FUNCTIONS OF THE UNITED STATES TRADE REPRESENTATIVE.

''The United States Trade Representative established under section 2311 of the Department of Commerce Dismantling Act shall—

''(1) be the chief representative of the United States for each trade negotiation under this title or chapter 1 of title III of this Act, or subtitle A of title I of the Omnibus Trade and Competitiveness Act of 1988, or any other provision of law enacted after the Department of Commerce Dismantling Act;

''(2) report directly to the President and the Congress, and be responsible to the President and the Congress for the administration of trade agreements programs under this Act, the Omnibus Trade and Competitiveness Act of 1988, the Trade Expansion Act of 1962, section 350 of the Tariff Act of 1930, and any other provision of law enacted after the Department of Commerce Dismantling Act;

''(3) advise the President and the Congress with respect to nontariff barriers to international trade, international commodity agreements, and other matters which are related to the trade agreements programs; and

''(4) be responsible for making reports to Congress with respect to the matters set forth in paragraphs (1) and (2).''.

(2) The table of contents in the first section of the Trade Act of 1974 is amended by striking the items relating to chapter 4 and section 141 and inserting the following:

''CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

''Sec. 141. Functions of the United States Trade Representative.''.

(d) FOREIGN SERVICE PERSONNEL.—The Foreign Service Act of 1980 is amended by striking paragraph (3) of section 202(a) (22 U.S.C. 3922(a)) and inserting the following:

''(3) The United States Trade Representative may utilize the Foreign Service personnel system in accordance with this Act—

''(A) with respect to the personnel performing functions—

''(i) which were transferred to the Department of Commerce from the Department of State by Reorganization Plan No. 3 of 1979; and

''(ii) which were subsequently transferred to the United States Trade Representative by section 2332 of the Department of Commerce Dismantling Act; and

''(B) with respect to other personnel of the Office of United States Trade Representative to the extent the President determines to be necessary in order to enable the Office of the United States Trade Representative to carry out functions which require service abroad.''.

(e) CHIEF FINANCIAL OFFICERS.—Section 901(b)(1) of title 31, United States Code, is amended by adding at the end the following:

''(Q) The Office of the United States Trade Representative.''.

SEC. 2372. REPEALS.

Sections 1 and 2 of the Act of June 5, 1939 (15 U.S.C. 1502 and 1503; 53 Stat. 808), relating to the Under Secretary of Commerce, are repealed.

SEC. 2373. CONFORMING AMENDMENTS RELATING TO EXECUTIVE SCHEDULE POSITIONS.

(a) POSITIONS AT LEVEL I.—Section 5312 of title 5, United States Code, is amended by amending the item relating to the United States Trade Representative to read as follows:

''United States Trade Representative, Office of the United States Trade Representative.''.

(b) POSITIONS AT LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Deputy Administrator of the Office of the United States Trade Representative.

''Deputy United States Trade Representatives, Office of the United States Trade Representative (2).''.

(c) POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Assistant Administrators, Office of the United States Trade Representative (3).

''Director General for Export Promotion, Office of the United States Trade Representative.''.

(d) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking the item relating to the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service; and

(2) by adding at the end the following:

''General Counsel, Office of the United States Trade Representative.

''Inspector General, Office of the United States Trade Representative.

''Chief Financial Officer, Office of the United States Trade Representative.''.

Subchapter G—Miscellaneous

SEC. 2381. EFFECTIVE DATE.

(a) IN GENERAL.—This subtitle shall take effect on the effective date specified in section 2208(a), except that—

(1) section 2336 shall take effect on the date of the enactment of this Act; and

(2) at any time after the date of the enactment of this Act the officers provided for in subchapter B may be nominated and appointed, as provided in such subchapter.

(b) INTERIM COMPENSATION AND EXPENSES.—Funds available to the Department of Commerce or the Office of the United States Trade Representative (or any official or component thereof), with respect to the functions transferred by this subtitle, may be used, with approval of the Director of the Office of Management and Budget, to pay the compensation and expenses of an officer appointed under subsection (a) who will carry out such functions until funds for that purpose are otherwise available.

SEC. 2382. INTERIM APPOINTMENTS.

(a) IN GENERAL.—If one or more officers required by this subtitle to be appointed by and with the advice and consent of the Senate have not entered upon office on the effective date of this subtitle and notwithstanding any other provision of law, the President may designate any officer who was appointed by and with the advice and consent of the Senate, and who was such an officer on the day before the effective date of this subtitle, to act in the office until it is filled as provided by this subtitle.

(b) COMPENSATION.—Any officer acting in an office pursuant to subsection (a) shall receive compensation at the rate prescribed by this subtitle for such office.

SEC. 2383. FUNDING REDUCTIONS RESULTING FROM REORGANIZATION.

(a) FUNDING REDUCTIONS.—Notwithstanding the transfer of functions under this subtitle, and except as provided in subsection (b), the total amount appropriated by the United States in performing all functions vested in the USTR and the Office pursuant to this subtitle shall not exceed—

(1) for the first fiscal year that begins after the abolishment date specified in section 2101(c), 75 percent of the total amount appropriated in fiscal year 1995 for the performance of all such functions; and

(2) for the second fiscal year that begins after the abolishment date specified in section 2101(c) and for each fiscal year thereafter, 65 percent of the total amount appropriated in fiscal year 1995 for the performance of all such functions.

(b) EXCEPTION.—Subsection (a) shall not apply to obligations or expenditures incurred as a direct consequence of the termination, transfer, or other disposition of functions described in subsection (a) pursuant to this title.

(c) RULE OF CONSTRUCTION.—This section shall take precedence over any other provision of law unless such provision explicitly refers to this section and makes an exception to it.

(d) RESPONSIBILITY OF USTR.—The USTR, in consultation with the Director of the Office of Management and Budget, shall make such modifications in programs as are necessary to carry out the reductions in appropriations set forth in paragraph (1) and (2) of subsection (a).

(e) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall include in each report under sections 2105(a) and (b) a description of actions taken to comply with the requirements of this section.

Subtitle D—Patent and Trademark Office Corporation

SEC. 2401. SHORT TITLE.

This subtitle may be cited as the ''Patent and Trademark Office Corporation Act of 1995''.

CHAPTER 1—PATENT AND TRADEMARK OFFICE

SEC. 2411. ESTABLISHMENT OF PATENT AND TRADEMARK OFFICE AS A CORPORATION.

Section 1 of title 35, United States Code, is amended to read as follows:

''§ 1. Establishment

''(a) ESTABLISHMENT.—The Patent and Trademark Office is established as a wholly owned Government corporation subject to chapter 91 of title 31, except as otherwise provided in this title.

''(b) OFFICES.—The Patent and Trademark Office shall maintain an office in the District of Columbia, or the metropolitan area thereof, for the service of process and papers and shall be deemed, for purposes of venue in civil actions, to be a resident of the district in which its principal office is located. The Patent and Trademark Office may establish offices in such other places as it considers necessary or appropriate in the conduct of its business.

''(c) REFERENCE.—For purposes of this title, the Patent and Trademark Office shall also be referred to as the 'Office'.''.

SEC. 2412. POWERS AND DUTIES.

Section 2 of title 35, United States Code, is amended to read as follows:

''§ 2. Powers and Duties

''(a) IN GENERAL.—The Patent and Trademark Office shall be responsible for—

''(1) the granting and issuing of patents and the registration of trademarks;

''(2) conducting studies, programs, or exchanges of items or services regarding domestic and international patent and trademark law or the administration of the Office, including programs to recognize, identify, assess, and forecast the technology of patented inventions and their utility to industry;

''(3) authorizing or conducting studies and programs cooperatively with foreign patent and trademark offices and international organizations, in connection with the granting and issuing of patents and the registration of trademarks; and

''(4) disseminating to the public information with respect to patents and trademarks.

''(b) SPECIFIC POWERS.—The Office—

''(1) shall have perpetual succession;

''(2) shall adopt and use a corporate seal, which shall be judicially noticed and with which letters patent, certificates of trademark registrations, and papers issued by the Office shall be authenticated;

''(3) may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings, subject to the provisions of section 8 of this title;

''(4) may indemnify the Commissioner of Patents and Trademarks, and other officers, attorneys, agents, and employees (including members of the Management Advisory Board established in section 5) of the Office for liabilities and expenses incurred within the scope of their employment;

''(5) may adopt, amend, and repeal bylaws, rules, and regulations, governing the manner in which its business will be conducted and the powers granted to it by law will be exercised;

''(6) may acquire, construct, purchase, lease, hold, manage, operate, improve, alter, and renovate any real, personal, or mixed property, or any interest therein, as it considers necessary to carry out its functions;

''(7)(A) may make such purchases, contracts for the construction, maintenance, or management and operation of facilities, and contracts for supplies or services, without regard to section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759); and

''(B) may enter into and perform such purchases and contracts for printing services, including the process of composition, platemaking, presswork, silk screen processes, binding, microform, and the products of such processes, as it considers necessary to carry out the functions of the Office, without regard to sections 501 through 517 and 1101 through 1123 of title 44;

''(8) may use, with their consent, services, equipment, personnel, and facilities of other departments, agencies, and instrumentalities of the Federal Government, on a reimbursable basis, and cooperate with such other departments, agencies, and instrumentalities in the establishment and use of services, equipment, and facilities of the Office;

''(9) may obtain from the Administrator of General Services such services as the Administrator is authorized to provide to other agencies of the United States, on the same basis as those services are provided to other agencies of the United States;

''(10) may use, with the consent of the United States and the agency, government, or international organization concerned, the services, records, facilities, or personnel of any State or local government agency or instrumentality or foreign government or international organization to perform functions on its behalf;

''(11) may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946');

''(12) may retain and use all of its revenues and receipts, including revenues from the sale, lease, or disposal of any real, personal, or mixed property, or any interest therein, of the Office, in carrying out the functions of the Office, including for research and development and capital investment, subject to the provisions of section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. 41 note);

''(13) shall have the priority of the United States with respect to the payment of debts from bankrupt, insolvent, and decedents' estates;

''(14) may accept monetary gifts or donations of services, or of real, personal, or mixed property, in order to carry out the functions of the Office;

''(15) may execute, in accordance with its bylaws, rules, and regulations, all instruments necessary and appropriate in the exercise of any of its powers;

''(16) may provide for liability insurance and insurance against any loss in connection with its property, other assets, or operations either by contract or by self-insurance; and

''(17) shall pay any settlement or judgment entered against it from the funds of the Office and not from amounts available under section 1304 of title 31.''.

SEC. 2413. ORGANIZATION AND MANAGEMENT.

Section 3 of title 35, United States Code, is amended to read as follows:

''§ 3. Officers and employees

''(a) COMMISSIONER.—

''(1) IN GENERAL.—The management of the Patent and Trademark Office shall be vested in a Commissioner of Patents and Trademarks (hereafter in this title referred to as the 'Commissioner'), who shall be a citizen of the United States and who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioner shall be a person who, by reason of professional background and experience in patent and trademark law, is especially qualified to manage the Office.

''(2) DUTIES.—

''(A) IN GENERAL.—The Commissioner shall be responsible for the management and direction of the Office, including the issuance of patents and the registration of trademarks.

''(B) ADVISING THE PRESIDENT.—The Commissioner shall advise the President of all activities of the Patent and Trademark Office undertaken in response to obligations of the United States under treaties and executive agreements, or which relate to cooperative programs with those authorities of foreign governments that are responsible for granting patents or registering trademarks. The Commissioner shall also recommend to the President changes in law or policy which may improve the ability of United States citizens to secure and enforce patent rights or trademark rights in the United States or in foreign countries.

''(C) CONSULTING WITH THE MANAGEMENT ADVISORY BOARD.—The Commissioner shall consult with the Management Advisory Board established in section 5 on a regular basis on matters relating to the operation of the Patent and Trademark Office, and shall consult with the Board before submitting budgetary proposals to the Office of Management and Budget or changing or proposing to change patent or trademark user fees or patent or trademark regulations.

''(D) SECURITY CLEARANCES.—The Commissioner, in consultation with the Director of the Office of Personnel Management, shall maintain a program for identifying national security positions and providing for appropriate security clearances.

''(3) TERM.—The Commissioner shall serve a term of 5 years, and may continue to serve after the expiration of the Commissioner's term until a successor is appointed and assumes office. The Commissioner may be reappointed to subsequent terms.

''(4) OATH.—The Commissioner shall, before taking office, take an oath to discharge faithfully the duties of the Office.

''(5) COMPENSATION.—The Commissioner shall receive compensation at the rate of pay in effect for Level III of the Executive Schedule under section 5314 of title 5.

''(6) REMOVAL.—The Commissioner may be removed from office by the President only for cause.

''(7) DESIGNEE OF COMMISSIONER.—The Commissioner shall designate an officer of the Office who shall be vested with the authority to act in the capacity of the Commissioner in the event of the absence or incapacity of the Commissioner.

''(b) OFFICERS AND EMPLOYEES OF THE OFFICE.—

''(1) DEPUTY COMMISSIONERS.—The Commissioner shall appoint a Deputy Commissioner for Patents and a Deputy Commissioner for Trademarks for terms that shall expire on the date on which the Commissioner's term expires. The Deputy Commissioner for Patents shall be a person with demonstrated experience in patent law and the Deputy Commissioner for Trademarks shall be a person with demonstrated experience in trademark law. The Deputy Commissioner for Patents and the Deputy Commissioner for Trademarks shall be the principal policy advisors to the Commissioner on all aspects of the activities of the Office that affect the administration of patent and trademark operations, respectively.

''(2) OTHER OFFICERS AND EMPLOYEES.—The Commissioner shall—

''(A) appoint an Inspector General and such other officers, employees (including attorneys), and agents of the Office as the Commissioner considers necessary to carry out its functions;

''(B) fix the compensation of such officers and employees; and

''(C) define the authority and duties of such officers and employees and delegate to them such of the powers vested in the Office as the Commissioner may determine.

The Office shall not be subject to any administratively or statutorily imposed limitation on positions or personnel, and no positions or personnel of the Office shall be taken into account for purposes of applying any such limitation, except to the extent otherwise specifically provided by statute with respect to the Office.

''(c) LIMITS ON COMPENSATION.—Except as otherwise provided in this title or any other provision of law, the basic pay of an officer or employee of the Office for any calendar year may not exceed the annual rate of basic pay in effect for level IV of the Executive Schedule under section 5315 of title 5. The Commissioner shall by regulation establish a limitation on the total compensation payable to officers or employees of the Office, which may not exceed the annual rate of basic pay in effect for level I of the Executive Schedule under section 5312 of title 5.

''(d) INAPPLICABILITY OF TITLE 5 GENERALLY.—Except as otherwise provided in this section, officers and employees of the Office shall not be subject to the provisions of title 5 relating to Federal employees.

''(e) CONTINUED APPLICABILITY OF CERTAIN PROVISION OF TITLE 5.—The following provisions of title 5 shall apply to the Office and its officers and employees:

''(1) Section 3110 (relating to employment of relatives; restrictions).

''(2) Subchapter II of chapter 55 (relating to withholding pay).

''(3) Subchapter II of chapter 73 (relating to employment limitations).

''(f) PROVISIONS OF TITLE 5 RELATING TO CERTAIN BENEFITS.—

''(1) RETIREMENT.—(A)(i) Any individual who becomes an officer or employee of the Office pursuant to subsection (h) shall, if such individual has at least 3 years of creditable service (within the meaning of section 8332 or 8411 of title 5) as of the effective date of the Patent and Trademark Office Corporation Act of 1995, remain subject to subchapter III of chapter 83 or chapter 84 of such title, as the case may be, so long as such individual continues to hold an office or position in or under the Office without a break in service.

''(ii)(I) Except as provided in subclause (II), with respect to an individual described in clause (i), the Office shall make the appropriate withholding from pay and shall pay the contributions required of an employing agency into the Civil Service Retirement and Disability Fund and, if applicable, the Thrift Savings Fund in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, as the case may be.

''(II) In the case of an officer or employee who remains subject to subchapter III of chapter 83 of such title by virtue of this subparagraph, the Office shall, instead of the amount which would otherwise be required under the second sentence of section 8334(a)(1) of title 5, contribute an amount equal to the normal-cost percentage (determined with respect to officers and employees of the Office using dynamic assumptions, as defined by section 8401(9) of such title) of the individual's basic pay, minus the amount required to be withheld from such pay under such section 8334(a)(1).

''(B)(i) Notwithstanding subsection (d), the provisions of subchapter III of chapter 83 or chapter 84 of title 5 (as applicable) which relate to disability shall be considered to remain in effect, with respect to an individual who becomes an officer or employee of the Office pursuant to subsection (h), until the

end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995 or, if earlier, until such individual satisfies the prerequisites for coverage under any program offered by the Office to replace the disability retirement program under chapter 83 or 84 of title 5.

''(ii) This clause applies with respect to any officer or employee of the Office who is receiving disability coverage under this subparagraph and has completed the service requirement specified in the first sentence of section 8337(a) or 8451(a)(1)(A) of title 5 (as applicable), but who is not described in subparagraph (A)(i). In the case of any individual to whom this clause applies, the Office shall pay into the Civil Service Retirement and Disability Fund an amount equal to that portion of the normal-cost percentage (determined in the same manner as under subparagraph (A)(ii)(II)) of the basic pay of such individual (for service performed during the period during which such individual is receiving such coverage) allocable to such coverage. Any amounts payable under this clause shall be paid at such time and in such manner as mutually agreed to by the Office and the Office of Personnel Management, and shall be in lieu of any individual or agency contributions otherwise required.

''(2) HEALTH BENEFITS.—(A) Officers and employees of the Office shall not become ineligible to participate in the health benefits program under chapter 89 of title 5 by reason of subsection (d) until the effective date of elections made during the first election period (under section 8905(f) of title 5) beginning after the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995.

''(B)(i) With respect to any individual who becomes an officer or employee of the Office pursuant to subsection (h), the eligibility of such individual to participate in such program as an annuitant (or of any other person to participate in such program as an annuitant based on the death of such individual) shall be determined disregarding the requirements of section 8905(b) of title 5. The preceding sentence shall not apply if the individual ceases to be an officer or employee of the Office for any period of time after becoming an officer or employee of the Office pursuant to subsection (h) and before separation.

''(ii) The Government contributions authorized by section 8906 for health benefits for anyone participating in the health benefits program pursuant to this subparagraph shall be made by the Office in the same manner as provided under section 8906(g)(2) of title 5 with respect to the United States Postal Service for individuals associated therewith.

''(iii) For purposes of this subparagraph, the term 'annuitant' has the meaning given such term by section 8901(3) of title 5.

''(3) LIFE INSURANCE.—(A) Officers and employees of the Office shall not become ineligible to participate in the life insurance program under chapter 87 of title 5 by reason of subsection (d) until the first day after the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995.

''(B)(i) Eligibility for life insurance coverage after retirement or while in receipt of compensation under subchapter I of chapter 81 of title 5 shall be determined, in the case of any individual who becomes an officer or employee of the Office pursuant to subsection (h), without regard to the requirements of section 8706(b) (1) or (2), but subject to the condition specified in the last sentence of paragraph (2)(B)(i) of this subsection.

''(ii) Government contributions under section 8708(d) on behalf of any such individual shall be made by the Office in the same manner as provided under paragraph (3) thereof with respect to the United States Postal Service for individuals associated therewith.

''(4) EMPLOYEES' COMPENSATION FUND.—The Office shall remain responsible for reimbursing the Employees' Compensation Fund, pursuant to section 8147 of title 5, for compensation paid or payable after the effective date of the Patent and Trademark Office Corporation Act of 1995 in accordance with chapter 81 of title 5 with regard to any injury, disability, or death due to events arising before such date, whether or not a claim has been filed or is final on such date.

''(5) REQUIREMENT THAT THE OFFICE OFFER CERTAIN MINIMUM NUMBER OF LIFE AND HEALTH INSURANCE POLICIES.—The Office shall offer at least 1 life insurance policy and at least 3 health insurance policies to its officers and employees, comparable to existing Federal benefits, beginning on the first day after the end of the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995.

''(g) LABOR-MANAGEMENT RELATIONS.—

''(1) LABOR RELATIONS AND EMPLOYEE RELATIONS PROGRAMS.—The Office shall develop labor relations and employee relations programs with the objective of improving productivity and efficiency, incorporating the following principles:

''(A) Such programs shall be consistent with the merit principles in section 2301(b) of title 5.

''(B) Such programs shall provide veterans preference protections equivalent to those established by sections 2801, 3308–3318, and 3320 of title 5.

''(C)(i) In order to maximize individual freedom of choice in the pursuit of employment and to encourage an economic climate conducive to economic growth, the right to work shall not be subject to undue restraint or coercion. The right to work shall not be infringed or restricted in any way based on membership in, affiliation with, or financial support of a labor organization.

''(ii) No person shall be required, as a condition of employment or continuation of employment:

''(I) To resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization.

''(II) To become or remain a member of a labor organization.

''(III) To pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization.

''(IV) To pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization.

''(V) To be recommended, approved, referred, or cleared by or through a labor organization.

''(iii) This subparagraph shall not apply to a person described in section 7103(a)(2)(v) of title 5 or a 'supervisor', 'management official', or 'confidential employee' as those terms are defined in 7103(a)(10), (11), and (13) of such title.

''(iv) Any labor organization recognized by the Office as the exclusive representative of a unit of employees of the Office shall represent the interests of all employees in that unit without discrimination and without regard to labor organization membership.

''(2) ADOPTION OF EXISTING LABOR AGREEMENTS.—The Office shall adopt all labor agreements which are in effect, as of the day before the effective date of the Patent and Trademark Office Corporation Act of 1995, with respect to such Office (as then in effect). Each such agreement shall remain in effect for the 2-year period commencing on such date, unless the agreement provides for a shorter duration or the parties agree otherwise before such period ends.

''(h) CARRYOVER OF PERSONNEL.—

''(1) FROM PTO.—Effective as of the effective date of the Patent and Trademark Office Corporation Act of 1995, all officers and employees of the Patent and Trademark Office on the day before such effective date shall become officers and employees of the Office, without a break in service.

''(2) OTHER PERSONNEL.—Any individual who, on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995, is an officer or employee of the Department of Commerce (other than an officer or employee under paragraph (1)) shall be transferred to the Office if—

''(A) such individual serves in a position for which a major function is the performance of work reimbursed by the Patent and Trademark Office, as determined by the Secretary of Commerce;

''(B) such individual serves in a position that performed work in support of the Patent and Trademark Office during at least half of the incumbent's work time, as determined by the Secretary of Commerce; or

''(C) such transfer would be in the interest of the Office, as determined by the Secretary of Commerce in consultation with the Commissioner of Patents and Trademarks.

Any transfer under this paragraph shall be effective as of the same effective date as referred to in paragraph (1), and shall be made without a break in service.

''(3) ACCUMULATED LEAVE.—The amount of sick and annual leave and compensatory time accumulated under title 5 before the effective date described in paragraph (1), by officers or employees of the Patent and Trademark Office who so become officers or employees of the Office, are obligations of the Office.

''(4) TERMINATION RIGHTS.—Any employee referred to in paragraph (1) or (2) of this subsection whose employment with the Office is terminated during the 2-year period beginning on the effective date of the Patent and Trademark Office Corporation Act of 1995 shall be entitled to rights and benefits, to be afforded by the Office, similar to those such employee would have had under Federal law if termination had occurred immediately before such date. An employee who would have been entitled to appeal any such termination to the Merit Systems Protection Board, if such termination had occurred immediately before such effective date, may appeal any such termination occurring within this 2-year period to the Board under such procedures as it may prescribe.

''(5) CONTINUATION IN OFFICE OF CERTAIN OFFICERS.—(A) The individual serving as the Commissioner of Patents and Trademarks on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995 may serve as the Commissioner until the earlier of 1 year after the effective date of that Act or the date on which a Commissioner is appointed under subsection (a).

''(B) The individual serving as the Assistant Commissioner for Patents on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995 may serve as the Deputy Commissioner for Patents until the earlier of 1 year after the effective date of that Act or the date on which a Deputy Commissioner for Patents is appointed under subsection (b).

''(C) The individual serving as the Assistant Commissioner for Trademarks on the day before the effective date of the Patent and Trademark Office Corporation Act of 1995 may serve as the Deputy Commissioner

for Trademarks until the earlier of 1 year after the effective date of that Act or the date on which a Deputy Commissioner for Trademarks is appointed under subsection (b).

''(i) COMPETITIVE STATUS.—For purposes of appointment to a position in the competitive service for which an officer or employee of the Office is qualified, such officer or employee shall not forfeit any competitive status, acquired by such officer or employee before the effective date of the Patent and Trademark Office Corporation Act of 1995, by reason of becoming an officer or employee of the Office pursuant to subsection (h).

''(j) SAVINGS PROVISIONS.—All orders, determinations, rules, and regulations regarding compensation and benefits and other terms and conditions of employment, in effect for the Office and its officers and employees immediately before the effective date of the Patent and Trademark Office Corporation Act of 1995, shall continue in effect with respect to the Office and its officers and employees until modified, superseded, or set aside by the Office or a court of appropriate jurisdiction or by operation of law.''.

SEC. 2414. MANAGEMENT ADVISORY BOARD.

Chapter 1 of part I of title 35, United States Code, is amended by inserting after section 4 the following:

''§ 5. Patent and Trademark Office Management Advisory Board

''(a) ESTABLISHMENT OF MANAGEMENT ADVISORY BOARD.—

''(1) APPOINTMENT.—The Patent and Trademark Office shall have a Management Advisory Board (hereafter in this title referred to as the 'Board') of 12 members, 4 of whom shall be appointed by the President, 4 of whom shall be appointed by the Speaker of the House of Representatives, and 4 of whom shall be appointed by the President pro tempore of the Senate. Not more than 3 of the 4 members appointed by each appointing authority shall be members of the same political party.

''(2) TERMS.—Members of the Board shall be appointed for a term of 4 years each, except that of the members first appointed by each appointing authority, 1 shall be for a term of 1 year, 1 shall be for a term of 2 years, and 1 shall be for a term of 3 years. No member may serve more than 1 term.

''(3) CHAIR.—The President shall designate the chair of the Board, whose term as chair shall be for 3 years.

''(4) TIMING OF APPOINTMENTS.—Initial appointments to the Board shall be made within 3 months after the effective date of the Patent and Trademark Office Corporation Act of 1995, and vacancies shall be filled within 3 months after they occur.

''(5) VACANCIES.—Vacancies shall be filled in the manner in which the original appointment was made under this subsection. Members appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor is appointed.

''(b) BASIS FOR APPOINTMENTS.—Members of the Board shall be citizens of the United States who shall be chosen so as to represent the interests of diverse users of the Patent and Trademark Office, and shall include individuals with substantial background and achievement in corporate finance and management.

''(c) APPLICABILITY OF CERTAIN ETHICS LAWS.—Members of the Board shall be special Government employees within the meaning of section 202 of title 18.

''(d) MEETINGS.—The Board shall meet at the call of the chair to consider an agenda set by the chair.

''(e) DUTIES.—The Board shall—

''(1) review the policies, goals, performance, budget, and user fees of the Patent and Trademark Office, and advise the Commissioner on these matters; and

''(2) within 60 days after the end of each fiscal year, prepare an annual report on the matters referred to in paragraph (1), transmit the report to the President and the Committees on the Judiciary of the Senate and the House of Representatives, and publish the report in the Patent and Trademark Office Official Gazette.

''(f) STAFF.—The Board shall employ a staff of not more than 10 members and shall procure support services for the staff adequate to enable the Board to carry out its functions, using funds available to the Commissioner under section 42 of this title. The Board shall ensure that members of the staff, other than clerical staff, are especially qualified in the areas of patents, trademarks, or management of public agencies. Persons employed by the Board shall receive compensation as determined by the Board, which may not exceed the limitations set forth in section 3(c) of this title, shall serve in accordance with terms and conditions of employment established by the Board, and shall be subject solely to the direction of the Board, notwithstanding any other provision of law.

''(g) COMPENSATION.—Members of the Board shall be compensated for each day (including travel time) during which they are attending meetings or conferences of the Board or otherwise engaged in the business of the Board, at the rate which is the daily equivalent of the annual rate of basic pay in effect for level III of the Executive Schedule under section 5314 of title 5, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

''(h) ACCESS TO INFORMATION.—Members of the Board shall be provided access to records and information in the Patent and Trademark Office, except for personnel or other privileged information and information concerning patent applications required to be kept in confidence by section 122 of this title.''.

SEC. 2415. INDEPENDENCE FROM DEPARTMENT OF COMMERCE.

(a) DUTIES OF COMMISSIONER.—Section 6 of title 35, United States Code, is amended—

(1) by striking '', under the direction of the Secretary of Commerce,'' each place it appears; and

(2) by striking '', subject to the approval of the Secretary of Commerce,''.

(b) REGULATIONS FOR AGENTS AND ATTORNEYS.—Section 31 of title 35, United States Code, is amended by striking '', subject to the approval of the Secretary of Commerce,''.

SEC. 2416. TRADEMARK TRIAL AND APPEAL BOARD.

Section 17 of the Act of July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'') (15 U.S.C. 1067) is amended to read as follows:

''SEC. 17. (a) In every case of interference, opposition to registration, application to register as a lawful concurrent user, or application to cancel the registration of a mark, the Commissioner shall give notice to all parties and shall direct a Trademark Trial and Appeal Board to determine and decide the respective rights of registration.

''(b) The Trademark Trial and Appeal Board shall include the Commissioner, the Deputy Commissioner for Patents, the Deputy Commissioner for Trademarks, and members competent in trademark law who are appointed by the Commissioner.''.

SEC. 2417. BOARD OF PATENT APPEALS AND INTERFERENCES.

Section 7 of title 35, United States Code, is amended to read as follows:

''§ 7. Board of Patent Appeals and Interferences

''(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the Patent and Trademark Office a Board of Patent Appeals and Interferences. The Commissioner, the Deputy Commissioner for Patents, the Deputy Commissioner for Trademarks, and the examiners-in-chief shall constitute the Board. The examiners-in-chief shall be persons of competent legal knowledge and scientific ability.

''(b) DUTIES.—The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences declared under section 135(a) of this title. Each appeal and interference shall be heard by at least 3 members of the Board, who shall be designated by the Commissioner. Only the Board of Patent Appeals and Interferences may grant rehearings.''.

SEC. 2418. SUITS BY AND AGAINST THE CORPORATION.

Chapter 1 of part I of title 35, United States Code, is amended—

(1) by redesignating sections 8 through 14 as sections 9 through 15; and

(2) by inserting after section 7 the following new section:

''§ 8. Suits by and against the Corporation

''(a) IN GENERAL.—

''(1) ACTIONS UNDER UNITED STATES LAW.—Any civil action or proceeding to which the Patent and Trademark Office is a party is deemed to arise under the laws of the United States. The Federal courts shall have exclusive jurisdiction over all civil actions by or against the Office.

''(2) CONTRACT CLAIMS.—Any action or proceeding against the Office in which any claim is cognizable under the Contract Disputes Act of 1978 (41 U.S.C. 601 and following) shall be subject to that Act. For purposes of that Act, the Commissioner shall be deemed to be the agency head with respect to contract claims arising with respect to the Office. Any other action or proceeding against the Office founded upon contract may be brought in an appropriate district court, notwithstanding any provision of title 28.

''(3) TORT CLAIMS.—(A) Any action or proceeding against the Office in which any claim is cognizable under the provisions of section 1346(b) and chapter 171 of title 28, shall be governed by those provisions.

''(B) Any other action or proceeding against the Office founded upon tort may be brought in an appropriate district court without regard to the provisions of section 1346(b) and chapter 171 of title 28.

''(4) PROHIBITION ON ATTACHMENT, LIENS, ETC.—No attachment, garnishment, lien, or similar process, intermediate or final, in law or equity, may be issued against property of the Office.

''(5) SUBSTITUTION OF OFFICE AS PARTY.—The Office shall be substituted as defendant in any civil action or proceeding against an officer or employee of the Office, if the Office determines that the officer or employee was acting within the scope of his or her employment with the Office. If the Office refuses to certify scope of employment, the officer or employee may at any time before trial petition the court to find and certify that the officer or employee was acting within the scope of his or her employment. Upon certification by the court, the Office shall be substituted as the party defendant. A copy of the petition shall be served upon the Office. In any such civil action or proceeding to

which paragraph (3)(A) applies, the provisions of section 1346(b) and chapter 171 of title 28 shall apply in lieu of this paragraph.

''(b) RELATIONSHIP WITH JUSTICE DEPARTMENT.—

''(1) EXERCISE BY OFFICE OF ATTORNEY GENERAL'S AUTHORITIES.—Except as provided in this section, with respect to any action or proceeding in which the Office is a party or an officer or employee thereof is a party in his or her official capacity, the Office, officer, or employee may exercise, without prior authorization from the Attorney General, the authorities and duties that otherwise would be exercised by the Attorney General on behalf of the Office, officer, or employee under title 28 and other laws.

''(2) APPEARANCES BY ATTORNEY GENERAL.—Notwithstanding paragraph (1), at any time the Attorney General may, in any action or proceeding described in paragraph (1), file an appearance on behalf of the Office or the officer or employee involved, without the consent of the Office or the officer or employee. Upon such filing, the Attorney General shall represent the Office or such officer or employee with exclusive authority in the conduct, settlement, or compromise of that action or proceeding.

''(3) CONSULTATIONS WITH AND ASSISTANCE BY ATTORNEY GENERAL.—The Office may consult with the Attorney General concerning any legal matter, and the Attorney General shall provide advice and assistance to the Office, including representing the Office in litigation, if requested by the Office.

''(4) REPRESENTATION BEFORE SUPREME COURT.—The Attorney General shall represent the Office in all cases before the United States Supreme Court.

''(5) QUALIFICATIONS OF ATTORNEYS.—An attorney admitted to practice to the bar of the highest court of at least one State in the United States or the District of Columbia and employed by the Office may represent the Office in any legal proceeding in which the Office or an officer or employee of the Office is a party or interested, regardless of whether the attorney is a resident of the jurisdiction in which the proceeding is held and notwithstanding any other prerequisites of qualification or appearance required by the court or administrative body before which the proceeding is conducted.''.

SEC. 2419. ANNUAL REPORT OF COMMISSIONER.

Section 15 of title 35, United States Code, as redesignated by section 2418 of this Act, is amended to read as follows:

''§ 15. Annual report to Congress

''The Commissioner shall report to the Congress, not later than 180 days after the end of each fiscal year, the moneys received and expended by the Office, the purposes for which the moneys were spent, the quality and quantity of the work of the Office, and other information relating to the Office. The report under this section shall also meet the requirements of section 9106 of title 31, to the extent that such requirements are not inconsistent with the preceding sentence. The report required under this section shall be deemed to be the report of the Patent and Trademark Office under section 9106 of title 31, and the Commissioner shall not file a separate report under such section.''.

SEC. 2420. SUSPENSION OR EXCLUSION FROM PRACTICE.

Section 32 of title 35, United States Code, is amended by inserting before the last sentence the following: ''The Commissioner shall have the discretion to designate any attorney who is an officer or employee of the Patent and Trademark Office to conduct the hearing required by this section.''.

SEC. 2421. FUNDING.

Section 42 of title 35, United States Code, is amended to read as follows:

''§ 42. Patent and Trademark Office funding

''(a) FEES PAYABLE TO THE OFFICE.—All fees for services performed by or materials furnished by the Patent and Trademark Office shall be payable to the Office.

''(b) USE OF MONEYS.—Moneys of the Patent and Trademark Office not otherwise used to carry out the functions of the Office shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed by the United States, or in obligations or other instruments which are lawful investments for fiduciary, trust, or public funds. Fees available to the Commissioner under this title shall be used exclusively for the processing of patent applications and for other services and materials relating to patents. Fees available to the Commissioner under section 31 of the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946'; 15 U.S.C. 1113), shall be used exclusively for the processing of trademark registrations and for other services and materials relating to trademarks.

''(c) BORROWING AUTHORITY.—The Patent and Trademark Office is authorized to issue from time to time for purchase by the Secretary of the Treasury its debentures, bonds, notes, and other evidences of indebtedness (hereafter in this subsection referred to as 'obligations') to assist in financing its activities. Borrowing under this subsection shall be subject to prior approval in appropriation Acts. Such borrowing shall not exceed amounts approved in appropriation Acts. Any such borrowing shall be repaid only from fees paid to the Office and surcharges appropriated by the Congress. Such obligations shall be redeemable at the option of the Office before maturity in the manner stipulated in such obligations and shall have such maturity as is determined by the Office with the approval of the Secretary of the Treasury. Each such obligation issued to the Treasury shall bear interest at a rate not less than the current yield on outstanding marketable obligations of the United States of comparable maturity during the month preceding the issuance of the obligation as determined by the Secretary of the Treasury. The Secretary of the Treasury shall purchase any obligations of the Office issued under this subsection and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of any securities issued under chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include such purpose. Payment under this subsection of the purchase price of such obligations of the Patent and Trademark Office shall be treated as public debt transactions of the United States.''.

SEC. 2422. AUDITS.

Chapter 4 of part I of title 35, United States Code, is amended by adding at the end the following new section:

''§ 43. Audits

''(a) IN GENERAL.—Financial statements of the Patent and Trademark Office shall be prepared on an annual basis in accordance with generally accepted accounting principles. Such statements shall be audited by an independent certified public accountant chosen by the Commissioner. The audit shall be conducted in accordance with standards that are consistent with generally accepted Government auditing standards and other standards established by the Comptroller General, and with the generally accepted auditing standards of the private sector, to the extent feasible. The Commissioner shall transmit to the Committees on the Judiciary of the House of Representatives and the Senate the results of each audit under this subsection.

''(b) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General may review any audit of the financial statement of the Patent and Trademark Office that is conducted under subsection (a). The Comptroller General shall report to the Congress and the Office the results of any such review and shall include in such report appropriate recommendations.

''(c) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General may audit the financial statements of the Office and such audit shall be in lieu of the audit required by subsection (a). The Office shall reimburse the Comptroller General for the cost of any audit conducted under this subsection.

''(d) ACCESS TO OFFICE RECORDS.—All books, financial records, report files, memoranda, and other property that the Comptroller General deems necessary for the performance of any audit shall be made available to the Comptroller General.

''(e) APPLICABILITY IN LIEU OF TITLE 31 PROVISIONS.—This section applies to the Office in lieu of the provisions of section 9105 of title 31.''.

SEC. 2423. TRANSFERS.

(a) TRANSFER OF FUNCTIONS.—Except as otherwise provided in this Act, there are transferred to, and vested in, the Patent and Trademark Office all functions, powers, and duties vested by law in the Secretary of Commerce or the Department of Commerce or in the officers or components in the Department of Commerce with respect to the authority to grant patents and register trademarks, and in the Patent and Trademark Office, as in effect on the day before the effective date of this subtitle, and in the officers and components of such Office.

(b) TRANSFER OF FUNDS AND PROPERTY.—The Secretary of Commerce shall transfer to the Patent and Trademark Office, on the effective date of this subtitle, so much of the assets, liabilities, contracts, property, records, and unexpended and unobligated balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Commerce, including funds set aside for accounts receivable which are related to functions, powers, and duties which are vested in the Patent and Trademark Office by this subtitle.

CHAPTER 2—EFFECTIVE DATE; TECHNICAL AMENDMENTS

SEC. 2431. EFFECTIVE DATE.

This subtitle shall take effect 6 months after the date of the enactment of this Act.

SEC. 2432. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 35.—

(1) The table of contents for part I of title 35, United States Code, is amended by amending the item relating to chapter 1 to read as follows:

''1. Establishment, Officers and Employees, Functions ..... 1.''

(2) The table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

''CHAPTER 1—ESTABLISHMENT, OFFICERS AND EMPLOYEES, FUNCTIONS

''Sec.
''1. Establishment.
''2. Powers and duties.
''3. Officers and employees.
''4. Restrictions on officers and employees as to interest in patents.
''5. Patent and Trademark Office Management Advisory Board.
''6. Duties of Commissioner.
''7. Board of Patent Appeals and Interferences.
''8. Suits by and against the Corporation.
''9. Library.
''10. Classification of patents.

''11. Certified copies of records.
''12. Publications.
''13. Exchange of copies of patents with foreign countries.
''14. Copies of patents for public libraries.
''15. Annual report to Congress.''.

(3) The table of contents for chapter 4 of part I of title 35, United States Code, is amended by adding at the end the following new item:

''43. Audits.''.

(b) OTHER PROVISIONS OF LAW.—

(1) Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

''(O) the Patent and Trademark Office.''.

(2) Section 500(e) of title 5, United States Code, is amended by striking ''Patent Office'' and inserting ''Patent and Trademark Office''.

(3) Section 5102(c)(23) of title 5, United States Code, is amended by striking '', Department of Commerce''.

(4) Section 5316 of title 5, United States Code, is amended by striking ''Commissioner of Patents, Department of Commerce.'', ''Deputy Commissioner of Patents and Trademarks.'', ''Assistant Commissioner for Patents.'', and ''Assistant Commissioner for Trademarks.''.

(5) Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended by striking ''(d) Patent and Trademark Office;'' and redesignating subsections (a) through (g) as paragraphs (1) through (6), respectively.

(6) The Act of April 12, 1892 (27 Stat. 395; 20 U.S.C. 91) is amended by striking ''Patent Office'' and inserting ''Patent and Trademark Office''.

(7) Sections 505(m) and 512(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(m) and 360b(o)) are each amended by striking ''of the Department of Commerce''.

(8) Section 105(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) is amended by striking ''Patent Office'' and inserting ''Patent and Trademark Office''.

(9) Section 1744 of title 28, United States Code is amended—

(A) by striking ''Patent Office'' each place it appears and inserting ''Patent and Trademark Office''; and

(B) by striking ''Commissioner of Patents'' and inserting ''Commissioner of Patents and Trademarks''.

(10) Section 1745 of title 28, United States Code, is amended by striking ''United States Patent Office'' and inserting ''Patent and Trademark Office''.

(11) Section 1928 of title 28, United States Code, is amended by striking ''Patent Office'' and inserting ''Patent and Trademark Office''.

(12) Section 160 of the Atomic Energy Act of 1954 (42 U.S.C. 2190) is amended—

(A) by striking ''United States Patent Office'' and inserting ''Patent and Trademark Office''; and

(B) by striking ''Commissioner of Patents'' and inserting ''Commissioner of Patents and Trademarks''.

(13) Section 305(c) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(c)) is amended by striking ''Commissioner of Patents'' and inserting ''Commissioner of Patents and Trademarks''.

(14) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)) is amended by striking ''Commissioner of the Patent Office'' and inserting ''Commissioner of Patents and Trademarks''.

(15) Section 1111 of title 44, United States Code, is amended by striking ''the Commissioner of Patents,''.

(16) Section 1114 of title 44, United States Code, is amended by striking ''the Commissioner of Patents,''.

(17) Section 1123 of title 44, United States Code, is amended by striking ''the Patent Office,''.

(18) Sections 1337 and 1338 of title 44, United States Code, and the items relating to those sections in the table of contents for chapter 13 of such title, are repealed.

(19) Section 10(i) of the Trading With the Enemy Act (50 U.S.C. App. 10(i)) is amended by striking ''Commissioner of Patents'' and inserting ''Commissioner of Patents and Trademarks''.

(20) Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting ''the Patent and Trademark Office,'', after ''the Panama Canal Commission,''.

Subtitle E—Miscellaneous Provisions

SEC. 2501. REFERENCES.

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department or office from which a function is transferred by this title—

(1) to the head of such department or office is deemed to refer to the head of the department or office to which such function is transferred; or

(2) to such department or office is deemed to refer to the department or office to which such function is transferred.

SEC. 2502. EXERCISE OF AUTHORITIES.

Except as otherwise provided by law, a Federal official to whom a function is transferred by this title may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this title.

SEC. 2503. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Secretary of Commerce, the United States Trade Representative, any officer or employee of any office transferred by this title, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this title, and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(b) PROCEEDINGS.—This title shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the date of the enactment of this Act before an office transferred by this title, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS.—This title shall not affect suits commenced before the date of the enactment of this Act, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Commerce or the Secretary of Commerce, or by or against any individual in the official capacity of such individual as an officer or employee of an office transferred by this title, shall abate by reason of the enactment of this title.

(e) CONTINUANCE OF SUITS.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and under this title such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this title shall apply to the exercise of such function by the head of the Federal agency, and other officers of the agency, to which such function is transferred by this title.

SEC. 2504. TRANSFER OF ASSETS.

Except as otherwise provided in this title, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to an official or agency by this title shall be available to the official or the head of that agency, respectively, at such time or times as the Director of the Office of Management and Budget directs for use in connection with the functions transferred.

SEC. 2505. DELEGATION AND ASSIGNMENT.

Except as otherwise expressly prohibited by law or otherwise provided in this title, an official to whom functions are transferred under this title (including the head of any office to which functions are transferred under this title) may delegate any of the functions so transferred to such officers and employees of the office of the official as the official may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this section or under any other provision of this title shall relieve the official to whom a function is transferred under this title of responsibility for the administration of the function.

SEC. 2506. AUTHORITY OF DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FUNCTIONS TRANSFERRED.

(a) DETERMINATIONS.—If necessary, the Director shall make any determination of the functions that are transferred under this title.

(b) INCIDENTAL TRANSFERS.—The Director, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions

of this title. The Director shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 2507. CERTAIN VESTING OF FUNCTIONS CONSIDERED TRANSFERS.

For purposes of this title, the vesting of a function in a department or office pursuant to reestablishment of an office shall be considered to be the transfer of the function.

SEC. 2508. AVAILABILITY OF EXISTING FUNDS.

Existing appropriations and funds available for the performance of functions, programs, and activities terminated pursuant to this title shall remain available, for the duration of their period of availability, for necessary expenses in connection with the termination and resolution of such functions, programs, and activities.

SEC. 2509. DEFINITIONS.

For purposes of this title—

(1) the term ''function'' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(2) the term 'office' includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

Subtitle F—Citizens Commission on 21st Century Government

SEC. 2601. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This subtitle may be cited as the ''21st Century Government Act''.

(b) PURPOSE.—The purpose of this subtitle is to establish a bipartisan commission to—

(1) identify and analyze the current functions and missions of the Federal Government; and

(2) based on that analysis, develop recommendations to restructure the executive branch of the Federal Government, in order to—

(A) focus Federal efforts on those core functions and missions that the Federal Government must perform in the 21st Century;

(B) ensure that the Federal Government performs those functions as effectively and efficiently as possible;

(C) consolidate executive organizations around clear, specific missions reflecting current national priorities;

(D) eliminate functions that do not advance current national priorities;

(E) eliminate duplication of functions and activities within and among departments and agencies;

(F) streamline organizational hierarchy so as to reduce costs and increase accountability for performance; and

(G) provide a basis for—

(i) the subsequent implementation of operational reforms for Federal agencies, including administrative consolidation and the provision of 1-stop services for citizens; and

(ii) more detailed structural improvements within each agency.

SEC. 2602. CITIZENS COMMISSION ON 21ST CENTURY GOVERNMENT.

(a) ESTABLISHMENT.—There is established in the legislative branch an independent commission to be known as the Citizens Commission on 21st Century Government (in this subtitle referred to as the ''Commission'').

(b) APPOINTMENT OF COMMISSIONERS.—

(1) COMPOSITION.—The Commission shall be a bipartisan body composed of 11 members, who shall be appointed as follows:

(A) Three members shall be appointed by the Speaker of the House of Representatives.

(B) Three members shall be appointed by the majority leader of the Senate.

(C) Two members shall be appointed by the minority leader of the House of Representatives.

(D) Two members shall be appointed by the minority leader of the Senate.

(E) One member appointed jointly by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the minority leaders of the House of Representatives and the Senate, who shall be the Chairman of the Commission.

(2) MEMBERSHIP QUALIFICATIONS.—Any citizen of the United States is eligible to be appointed as a member of the Commission, except an individual serving as a Member of Congress or an elected or appointed official of the executive branch of the Federal Government.

(3) CONFLICT OF INTERESTS.—For purposes of chapter 11 of title 18, United States Code, a member of the Commission shall be a special Government employee.

(4) DATE OF APPOINTMENTS.—All members of the Commission shall be appointed no later than 30 days after the date of the enactment of this Act.

(c) TERMS.—Each member of the Commission shall serve until the termination of the Commission.

(d) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as was the original appointment.

(e) MEETINGS.—The Commission shall meet as necessary to carry out its responsibilities.

(f) TRAVEL EXPENSES.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) DIRECTOR.—

(1) APPOINTMENT.—The Chairman, in consultation with the other members of the Commission, shall appoint a Director of the Commission.

(2) PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(h) STAFF.—

(1) APPOINTMENT.—The Director may, with the approval of the Chairman, appoint and fix the pay of employees of the Commission without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and any Commission employee may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that a Commission employee may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) DETAIL.—(A) Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission in carrying out its duties under this subtitle. Such details may be made with or without reimbursement, and shall be without interruption or loss of civil service status or privilege.

(B) Upon request of the Director, a Member of Congress or an officer who is the head of an office or committee of the Senate or House of Representatives or of an agency within the legislative branch may detail an employee of the office or committee of which such Member or officer is the head to the Commission to assist the Commission in carrying out its duties under this subtitle.

(i) SUPPORT SERVICES.—The Comptroller General of the United States shall provide support services to the Commission in accordance with an agreement entered into with the Commission.

(j) OTHER AUTHORITIES.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code. The Commission shall give public notice of any such contract before entering into such contract.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission $1,250,000 for fiscal year 1996 to carry out its responsibilities under this subtitle, to remain available until December 31, 1996.

(l) TERMINATION.—The Commission shall terminate December 31, 1996.

SEC. 2603. DEPARTMENT AND AGENCY COOPERATION.

All Federal agencies and employees of all Federal agencies shall cooperate fully with all requests for information from the Commission and shall respond to any such request for information within 30 days or such other time as is agreed upon by the requesting and requested persons.

SEC. 2604. HEARINGS.

The Commission shall hold such hearings as it considers appropriate. The Chairman of the Commission shall designate a member of the Commission to preside at any hearing in the absence of the Chairman.

SEC. 2605. COMMISSION PROCEDURES.

(a) STARTUP.—The Commission may conduct business at any time after at least 6 of its members have been appointed in accordance with section 2602.

(b) VOTING.—A majority of those members of the Commission who have been appointed in accordance with section 2602 shall constitute a quorum for purposes of conducting Commission business. Any recommendation of the Commission shall require an affirmative vote of a majority of Commission members who have been appointed in accordance with section 2602. Members of the Commission may not vote by proxy.

SEC. 2606. FRAMEWORK FOR THE FEDERAL GOVERNMENT IN THE 21ST CENTURY.

(a) ANALYSIS OF CURRENT FEDERAL FUNCTIONS.—The Commission shall conduct a comprehensive review of the functions currently performed by the Federal Government, and shall analyze each such function under the following criteria:

(1) Does the function have clearly defined missions and objectives.

(2) Do those missions and objectives serve a currently valid and important Federal role, including analysis of whether—

(A) there is a need for governmental action;

(B) the Federal Government has exclusive constitutional authority to perform the function;

(C) the Federal Government is otherwise uniquely positioned to perform the function; and

(D) there is a clear need for or advantage to performing the function at the Federal level versus at the State or local level.

(3) Does the current Federal role constitute the most effective and efficient means of achieving the objectives of the function.

(4) Does the current Federal role constitute the least intrusive means of achieving the objectives with respect to individual liberty and principles of Federalism.

(5) Is there a need to enhance Federal performance of the function, including analysis of whether—

(A) the Federal Government requires greater resources or authority to perform that function;

(B) there are other ways of consolidating Federal resources and activities directed to the function; and

(C) there are opportunities for participation by the private sector or other levels of government.

(b) COMMISSION REPORTS AND RECOMMENDATIONS.—

(1) IN GENERAL.—The Commission shall prepare and submit to the Congress a report or reports on the results of its analysis. Each report shall be made public and shall include—

(A) the Commission's findings and conclusions;

(B) the Commission's recommendations for the restructuring or termination of current functions;

(C) the reasons for such findings, conclusions, and recommendations; and

(D) a complete description of the Commission's deliberations, including a discussion of any major points on which the members had significant disagreements.

(2) REPORT ON MATTERS OF HIGHEST PRIORITY.—Not later than July 31, 1996, the Commission shall submit a report containing those findings, conclusions, and recommendations that the Commission considers to be of highest priority.

(3) ADDITIONAL REPORTS.—The Commission may submit such additional reports under this section as it considers appropriate, and at such times on or before December 31, 1996, as it considers appropriate.

SEC. 2607. PROPOSAL FOR REORGANIZING THE EXECUTIVE BRANCH.

(a) IN GENERAL.—The Commission shall—

(1) examine all significant issues related to the organization of the executive branch of the Federal Government; and

(2) develop organizational recommendations to eliminate duplication, reduce costs, streamline operations, and improve performance and accountability in Federal departments and agencies.

(b) LEGISLATIVE PROPOSAL.—The recommendations of the Commission under this section shall be encompassed in a single legislative proposal under section 2608 which implements a comprehensive reorganization and restructuring plan for the executive branch and which addresses, among other issues, the following:

(1) Whether the Federal Government should include fewer departments, each with clear, specific missions and goals, and if so, what those departments should be.

(2) Whether and how to ensure that similar functions of Government, such as statistical, science, or trade functions, are consolidated within a single department or agency.

(3) Whether and how significant common administrative functions should be consolidated within one executive organization.

(4) Whether a single department-level office should be designated with responsibility for representation and oversight within the White House of all independent agencies of the executive branch.

(5) Whether and how a streamlined hierarchical structure can be provided within each department and agency.

(c) OTHER RECOMMENDATIONS.—The Commission may also make additional recommendations which it determines will enhance the operational effectiveness of the organizational recommendations. Such recommendations shall not be included in any draft implementation bill to be considered under section 2609, but may be submitted separately to the Congress.

SEC. 2608. PROCEDURES FOR MAKING RECOMMENDATIONS.

(a) COMMISSION REPORT.—No later than December 31, 1996, the Commission shall prepare and submit to the Congress a single report, which shall be made public, and which shall include—

(1) a description of the Commission's findings and recommendations pursuant to section 2607;

(2) the reasons for such recommendations; and

(3) a single proposal consisting of draft legislation to implement those recommendations for which legislation is appropriate.

(b) REVIEW AND COMMENT BY THE PRESIDENT.—No later than March 31, 1997, the President shall submit to the Congress an evaluation of the Commission's report under this section, together with any recommendations that the President considers appropriate.

SEC. 2609. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''implementation bill'' means only a bill which is introduced as provided under subsection (b), and consists of the draft legislation contained in the report submitted to Congress under section 2608; and

(2) the term ''calendar day of session'' means a calendar day other than one on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) INTRODUCTION, REFERRAL, AND REPORT OR DISCHARGE.—

(1) INTRODUCTION.—On the first calendar day of session on which both Houses are in session immediately following April 15, 1997, a bill consisting of the draft legislation contained in the report submitted to Congress under section 2608 shall be introduced (by request)—

(A) in the Senate by the majority leader or by any Member designated by the majority leader; and

(B) in the House of Representatives by the majority leader or by any Member designated by the majority.

If such a bill is not introduced in either House as provided in the preceding session within 3 calendar days of session after such first calendar day of session, then any Member of that House may introduce such a bill.

(2) REFERRAL.—The implementation bill introduced in the Senate under paragraph (1) shall be referred concurrently to the Committee on Governmental Affairs of the Senate and other committees with jurisdiction.

(3) REPORT OR DISCHARGE.—If any committee to which an implementation bill is referred has not reported such bill by the end of the 15th calendar day of session after the date of introduction of such bill, such committee shall be immediately discharged from further consideration of such bill, and upon being reported or discharged from all committees, such bill shall be placed on the appropriate calendar of the House involved.

(c) PROCEDURES FOR CONSIDERATION BY THE SENATE.—

(1) IN GENERAL.—On or after the second calendar day of session after the date on which an implementation bill is placed on the Senate calendar, it is in order (even though a previous motion to the same effect has been disagreed to) for any Senator to move to proceed to the consideration of the implementation bill (but only on the day after the calendar day of session on which such Senator announces on the floor of the Senate the Senator's intention to do so). All points of order against the implementation bill (and against consideration of the implementation bill) are waived. The motion is privileged and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the Senate shall immediately proceed to consideration of the implementation bill without intervening motion, order, or other business, and the implementation bill shall remain the unfinished business of the Senate until disposed of.

(2) DEBATE.—Debate on the implementation bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority leader and the minority leader or their designees. An amendment to the implementation bill is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(3) MOTION TO SUSPEND OR WAIVE APPLICATION.—No motion to suspend or waive the application of this subsection shall be in order, except by unanimous consent.

(4) APPEALS FROM CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to an implementation bill shall be decided without debate.

(5) FINAL PASSAGE.—Immediately following the conclusion of the debate on an implementation bill and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the implementation bill shall occur.

(d) CONSIDERATION BY OTHER HOUSE.—

(1) IN GENERAL.—If, before the passage by the Senate of an implementation bill, the Senate receives from the House of Representatives an implementation bill, then the following procedures shall apply:

(A) The implementation bill of the House of Representatives shall not be referred to a committee and may not be considered in the Senate except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to an implementation bill of the Senate—

(i) the procedure in the Senate shall be the same as if no implementation bill had been received from the House of Representatives; but

(ii) the vote on final passage shall be on the implementation bill of the House of Representatives.

(2) FINAL DISPOSITION.—Upon disposition of the implementation bill received from the House of Representatives, it shall no longer be in order to consider the implementation bill that originated in the Senate.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change its rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 2610. DISTRIBUTION OF ASSETS.

Any proceeds from the sale of assets of any department or agency resulting from the enactment of an implementation bill under section 2609 shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

SEC. 2611. AGENCY DEFINED.

For purposes of this subtitle, the term ''agency'' means each authority of the Federal Government, including all departments, independent agencies, government-sponsored enterprises, and Government corporations, except the legislative branch, judicial branch, the governments of the territories or possessions of the United States, or the District of Columbia.

The SPEAKER pro tempore. Pursuant to the rule, it shall be in order for the chairman of the Committee on Ways and Means or his designee to offer one motion to amend, which shall be considered read and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

Further, it shall be in order to consider one motion to amend by the gentleman from Pennsylvania [Mr. WALKER], or his designee, which shall be considered read and shall be debatable for 40 minutes, equally divided and controlled by the proponent and an opponent.

The Chair understands that the gentleman from Texas will not offer an amendment.

Mr. ARCHER. The Speaker is correct and the gentleman from Pennsylvania [Mr. WALKER], will offer that amendment.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer an amendment made in order under the rule.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WALKER:

At the appropriate place in the bill, add the following:

TITLE III-REGULATORY REFORM

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Comprehensive Regulatory Reform Act of 1995''.

SEC. 3002. ANALYSIS OF AGENCY RULES.

(a) IN GENERAL.—(1) Section 551 of title 5, United States Code, is amended by striking ''and'' at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting a semicolon, and by adding at the end the following:

''(15) 'major rule' means any rule subject to section 553(c) that is likely to result in—

''(A) an annual effect on the economy of $100,000,000 or more;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

''(16) 'Director' means the Director of the Office of Management and Budget;

''(17) 'cost' means the reasonably identifiable significant adverse effects, quantifiable and nonquantifiable, including social, environmental, health, and economic effects that are expected to result directly or indirectly from implementation of a rule or other agency action;

''(18) 'cost-benefit analysis' means an evaluation of the costs and benefits of a rule, quantified to the extent feasible and appropriate and otherwise qualitatively described, that is prepared in accordance with the requirements of this subchapter at the level of detail appropriate and practicable for reasoned decision making on the matter involved, taking into consideration the significance and complexity of the decision and any need for expedition; and

''(19) 'reasonable alternatives' means the range of reasonable regulatory options that the agency has authority to consider under the statute granting rulemaking authority, including flexible regulatory options, unless precluded by the statute granting the rulemaking authority.''.

(2) Section 553 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) Each agency shall for a proposed major rule publish in the Federal Register, at least 90 days before the date of publication of the general notice required under subsection (b), a notice of intent to engage in rulemaking.

''(2) A notice under paragraph (1) for a proposed major rule shall include, to the extent possible, the information required to be included in a regulatory impact analysis for the rule under subsection (i)(4)(B) and (D).

''(3) For a major rule proposed by an agency, the head of the agency shall include in a general notice under subsection (b), a preliminary regulatory impact analysis for the rule prepared in accordance with subsection (i).

''(4) For a final major rule, the agency shall include with the statement of basis and purpose—

''(A) a summary of a final regulatory impact analysis of the rule in accordance with subsection (i); and

''(B) a clear delineation of all changes in the information included in the final regulatory impact analysis under subsection (i) from any such information that was included in the notice for the rule under subsection (b).

The agency shall provide the complete text of a final regulatory impact analysis upon request.

''(5) The issuance of a notice of intent to engage in rulemaking under paragraph (1) and the issuance of a preliminary regulatory impact analysis under paragraph (3) shall not be considered final agency action for purposes of section 704.

''(6) In a rulemaking involving a major rule, the agency conducting the rulemaking shall make a written record describing the subject of all contacts the agency made with persons outside the agency relating to such rulemaking. If the contact was made with a non-governmental person, the written record of such contact shall be made available, upon request to the public.''.

(3)(A) HEARING REQUIREMENT.—Section 553 of title 5, United States Code, is further amended by adding after subsection (f) the following:

''(g) If more than 100 interested persons acting individually submit requests for a hearing to an agency regarding any major rule proposed by the agency, the agency shall hold such a hearing on the proposed rule.''.

(B) EXTENSION OF COMMENT PERIOD.—Section 553 of title 5, United States Code is further amended by adding after subsection (g) the following:

''(h) If during the 90-day period beginning on the date of publication of a notice under subsection (f) for a proposed major rule, or if during the period beginning on the date of publication or service of notice required by subsection (b) for a proposed major rule, more than 100 persons individually contact the agency to request an extension of the period for making submissions under subsection (c) pursuant to the notice, the agency—

''(1) shall provide an additional 30-day period for making those submissions; and

''(2) may not adopt the rule until after the additional period.''.

(C) RESPONSE TO COMMENTS.—Section 553(c) of title 5, United States Code, is amended—

(i) by inserting ''(1)'' after ''(c)''; and

(ii) by adding at the end the following:

''(2) Each agency shall publish in the Federal Register, with each rule published under section 552(a)(1)(D), responses to the substance of the comments received by the agency regarding the rule.''.

(4) Section 553 of title 5, United States Code, is further amended by adding after subsection (h) the following:

''(i)(1) Each agency shall, in connection with every major rule, prepare, and, to the extent permitted by law, consider, a regulatory impact analysis. Such analysis may be combined with any regulatory flexibility analysis performed under sections 603 and 604.

''(2) Each agency shall initially determine whether a rule it intends to propose or issue is a major rule. The Director shall have authority to order a rule to be treated as a major rule and to require any set of related rules to be considered together as a major rule.

''(3) Except as provided in subsection (j), agencies shall prepare—

''(A) a preliminary regulatory impact analysis, which shall be transmitted, along with a notice of proposed rulemaking, to the Director at least 60 days prior to the publication of notice of proposed rulemaking, and

''(B) a final regulatory impact analysis, which shall be transmitted along with the final rule at least 30 days prior to the publication of a major rule.

''(4) Each preliminary and final regulatory impact analysis shall contain the following information:

''(A) A description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of those likely to receive the benefits.

''(B) An explanation of the necessity, legal authority, and reasonableness of the rule and a description of the condition that the rule is to address.

''(C) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms, and the identification of those likely to bear the costs.

''(D) An analysis of alternative approaches, including market based mechanisms or other flexible regulatory options that could substantially achieve the same regulatory goal at a lower cost and an explanation of the reasons why such alternative approaches were not adopted, together with a demonstration that the rule provides for the least costly approach.

''(E) A statement that the rule does not conflict with, or duplicate, any other rule or a statement of the reasons why such a conflict or duplication exists.

''(F) A statement of whether the rule will require on-site inspections or whether persons will be required by the rule to maintain any records which will be subject to inspection, and a statement of whether the rule will require persons to obtain licenses, permits, or other certifications, including specification of any associated fees or fines.

''(G) An estimate of the costs to the agency for implementation and enforcement of the rule and of whether the agency can be reasonably expected to implement the rule with the current level of appropriations.

''(5)(A) the Director is authorized to review and prepare comments on any preliminary or

final regulatory impact analysis, notice of proposed rulemaking, or final rule based on the requirements of this subsection.

''(B) Upon the request of the Director, an agency shall consult with the Director concerning the review of a preliminary impact analysis or notice of proposed rulemaking and shall refrain from publishing its preliminary regulatory impact analysis or notice of proposed rulemaking until such review is concluded. The Director's review may not take longer than 90 days after the date of the request of the Director.

''(6)(A) An agency may not adopt a major rule unless the final regulatory impact analysis for the rule is approved or commented upon in writing by the Director or by an individual designated by the Director for that purpose.

''(B) Upon receiving notice that the Director intends to comment in writing with respect to any final regulatory impact analysis or final rule, the agency shall refrain from publishing its final regulatory impact analysis or final rule until the agency has responded to the Director's comments and incorporated those comments in the agency's response in the rulemaking file.

''(7)(A) Except as provided in subparagrph (B), no final major rule subject to this section shall be promulgated unless the agency head publishes in the Federal Register a finding that—

''(i) the benefits of the rule justify the costs of the rule; and

''(ii) the rule employs to the extent practicable flexible alternatives as set forth in paragraph (4)(D) and adopts the reasonable alternative which has the greater net benefits and achieves the objectives of the statute.

''(B) If, applying the statutory requirements upon which the rule is based, a rule cannot satisfy the criteria of subparagraph (A), the agency head may promulgate the rule if the agency head finds that—

''(i) the rule employs to the extent practicable flexible reasonable alternatives of the type described in paragraph (4)(D); and

''(ii) the rule adopts the alternative with the least net cost of the reasonable alternatives that achieve the objectives of the statute.

''(8) Notwithstanding section 551(16), for purposes of this subsection with regard to any rule proposed or issued by an appropriate Federal banking agency (as that term is defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the National Credit Union Administration, or the Office of Federal Housing Enterprise Oversight, the term 'Director' means the head of such agency, Administration, or Office.''.

(5) Section 553 of title 5, United States Code, is further amended by adding after subsection (i) the following:

''(j) To the extent practicable, the head of an agency shall seek to ensure that any proposed major rule or regulatory impact analysis of such a rule is written in a reasonably simple and understandable manner and provides adequate notice of the content of the rule to affected persons.''.

(6) Section 553 of title 5, United States Code, is further amended by adding after subsection (j) the following:

''(k)(1) The provisions of this section regarding major rules shall not apply if—

''(A) the agency for good cause finds that conducting cost-benefit analysis is impracticable due to an emergency, or health or safety threat, or a food safety threat that is likely to result in significant harm to the public or natural resources; and

''(B) the agency publishes in the Federal Register, together with such finding, a succinct statement of the basis for the finding.

''(2) Not later than one year after the promulgation of a final major rule to which paragraph (1) applies, the agency shall comply with the provisions of this subchapter and, as thereafter necessary, revise the rule.

(7) Section 553 of title 5, United States Code, is further amended by adding after subsection (k) the following:

''(l) The provisions of this section regarding major rules shall not apply to—

''(1) any regulation proposed or issued in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such institution, credit unions, or government sponsored housing enterprises regulated by the Office of Federal Housing Enterprise Oversight;

''(2) any agency action that the head of the agency certifies is limited to interpreting, implementing, or administering the internal revenue laws of the United States, including any regulation proposed or issued in connection with ensuring the collection of taxes from a subsidiary of a foreign company doing business in the United States; and

''(3) any regulation proposed or issued pursuant to section 553 of title 5, United States Code, in connection with imposing trade sanctions against any country that engages in illegal trade activities against the United States that are injurious to American technology, jobs, pensions, or general economic well-being.''.

(8) The Director of the Office of Management and Budget shall submit a report to the Congress no later than 24 months after the date of the enactment of this Act containing an analysis of rulemaking procedures of Federal agencies and an analysis of the impact of those rulemaking procedures on the regulated public and regulatory process.

(9) The amendments made by this subsection shall apply only to final agency rules issued after rulemaking begun after the date of enactment of this Act.

SEC. 3003. RISK ASSESSMENT.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER III—RISK ASSESSMENTS

''§ 631. Short title

''This subchapter may be cited as the 'Risk Assessment and Communication Act of 1995'.

''§ 632. Purposes

''The purposes of this subchapter are—

''(1) to present the public and executive branch with the most scientifically objective and unbiased information concerning the nature and magnitude of health, safety, and environmental risks in order to provide for sound regulatory decisions and public education;

''(2) to provide for full consideration and discussion of relevant data and potential methodologies;

''(3) to require explanation of significant choices in the risk assessment process which will allow for better peer review and public understanding; and

''(4) to improve consistency within the executive branch in preparing risk assessments and risk characterizations.

''§ 633. Effective date; applicability; savings provisions

''(a) EFFECTIVE DATE.—Except as otherwise specifically provided in this subchapter, the provisions of this subchapter shall take effect 18 months after the date of enactment of this subchapter.

''(b) APPLICABILITY.—

''(1) IN GENERAL.—Except as provided in paragraph (3), this subchapter applies to all significant risk assessment documents and significant risk characterization documents, as defined in paragraph (2).

''(2) SIGNIFICANT RISK ASSESSMENT DOCUMENT OR SIGNIFICANT RISK CHARACTERIZATION DOCUMENT.—(A) As used in this subchapter, the terms 'significant risk assessment document' and 'significant risk characterization document' include, at a minimum, risk assessment documents or risk characterization documents prepared by or on behalf of a covered Federal agency in the implementation of a regulatory program designed to protect human health, safety, or the environment, used as a basis for one of the items referred to in subparagraph (B), and—

''(i) included by the agency in that item; or

''(ii) inserted by the agency in the administrative record for that item.

''(B) The items referred to in subparagraph (A) are the following:

''(i) Any proposed or final major rule, including any analysis or certification under subchapter II, promulgated as part of any Federal regulatory program designed to protect human health, safety, or the environment.

''(ii) Any proposed or final environmental clean-up plan for a facility or Federal guidelines for the issuance of any such plan. As used in this clause, the term 'environmental clean-up' means a corrective action under the Solid Waste Disposal Act, a removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and any other environmental restoration and waste management carried out by or on behalf of a covered Federal agency with respect to any substance other than municipal waste.

''(iii) Any proposed or final permit condition placing a restriction on facility siting or operation under Federal laws administered by the Environmental Protection Agency or the Department of the Interior. Nothing in this section (iii) shall apply to the requirements of section 404 of the Clean Water Act.

''(iv) Any report to Congress.

''(v) Any regulatory action to place a substance on any official list of carcinogens or toxic or hazardous substances or to place a new health effects value on such list, including the Integrated Risk Information System Database maintained by the Environmental Protection Agency.

''(vi) Any guidance, including protocols of general applicability, establishing policy regarding risk assessment or risk characterization.

''(C) The terms 'significant risk assessment document' and 'significant risk characterization document' shall also include the following:

''(i) Any such risk assessment and risk characterization documents provided by a covered Federal agency to the public and which are likely to result in an annual effect on the economy of $75,000,000 or more.

''(ii) Environmental restoration and waste management carried out by or on behalf of the Department of Defense with respect to any substance other than municipal waste.

''(D) Within 15 months after the date of the enactment of this subchapter, each covered Federal agency administering a regulatory program designed to protect human health, safety, or the environment shall promulgate a rule establishing those additional categories, if any, of risk assessment and risk characterization documents prepared by or on behalf of the covered Federal agency that the agency will consider significant risk assessment documents or significant risk characterization documents for purposes of this subchapter. In establishing such categories, the head of the agency shall consider each of the following:

''(i) The benefits of consistent compliance by documents of the covered Federal agency in the categories.

''(ii) The administrative burdens of including documents in the categories.

''(iii) The need to make expeditious administrative decisions regarding documents in the categories.

''(iv) The possible use of a risk assessment or risk characterization in any compilation of risk hazards or health or environmental effects prepared by an agency and commonly made available to, or used by, any Federal, State, or local government agency.

''(v) Such other factors as may be appropriate.

''(E)(i) Not later than 18 months after the date of the enactment of this subchapter, the President, acting through the Director of the Office of Management and Budget, shall determine whether any other Federal agencies should be considered covered Federal agencies for purposes of this subchapter. Such determination, with respect to a particular Federal agency, shall be based on the impact of risk assessment documents and risk characterization documents on—

''(I) regulatory programs administered by that agency; and

''(II) the communication of risk information by that agency to the public.

The effective date of such a determination shall be no later than 6 months after the date of the determination.

''(ii) Not later than 15 months after the President, acting through the Director of the Office of Management and Budget, determines pursuant to clause (i) that a Federal agency should be considered a covered Federal agency for purposes of this subchapter, the head of that agency shall promulgate a rule pursuant to subparagraph (D) to establish additional categories of risk assessment and risk characterization documents described in that subparagraph.

''(3) EXCEPTIONS.—(A) This subchapter does not apply to risk assessment or risk characterization documents containing risk assessments or risk characterizations performed with respect to the following:

''(i) A screening analysis, where appropriately labeled as such, including a screening analysis for purposes of product regulation or premanufacturing notices.

''(ii) Any health, safety, or environmental inspections.

''(iii) The sale or lease of Federal resources or regulatory activities that directly result in the collection of Federal receipts.

''(B) No analysis shall be treated as a screening analysis for purposes of subparagraph (A) if the results of such analysis are used as the basis for imposing restrictions on substances or activities.

''(C) The risk assessment principle set forth in this 634(b)(1) need not apply to any risk assessment or risk characterization document described in clause (iii) of paragraph (2)(B). The risk characterization and communication principle set forth in section 635(4) need not apply to any risk assessment or risk characterization document described in clause (v) or (vi) of paragraph (2)(B).

''(c) SAVINGS PROVISIONS.—The provisions of this subchapter shall be supplemental to any other provisions of law relating to risk assessments and risk characterizations, except that nothing in this subchapter shall be construed to modify any statutory standard or statutory requirement designed to protect health, safety, or the environment. Nothing in this subchapter shall be interpreted to preclude the consideration of any data or the calculation of any estimate to more fully describe risk or provide examples of scientific uncertainty or variability. Nothing in this subchapter shall be construed to require the disclosure of any trade secret or other confidential information.

''§ 634. Principles for risk assessment

''(a) IN GENERAL.—The head of each covered Federal agency shall apply the principles set forth in subsection (b) in order to assure that significant risk assessment documents and all of their components distinguish scientific findings from other considerations and are, to the extent feasible, scientifically objective, unbiased, and inclusive of all relevant data and rely, to the extent available and practicable, on scientific findings. Discussions or explanations required under this section need not be repeated in each risk assessment document as long as there is a reference to the relevant discussion or explanation in another agency document which is available to the public.

''(b) PRINCIPLES.—The principles to be applied are as follows:

''(1) When discussing human health risks, a significant risk assessment document shall contain a discussion of both relevant laboratory and relevant epidemiological data of sufficient quality which finds, or fails to find, a correlation between health risks and a potential toxin or activity. Where conflicts among such data appear to exist, or where animal data is used as a basis to assess human health, the significant risk assessment document shall, to the extent feasible and appropriate, include discussion of possible reconciliation of conflicting information, and as relevant, differences in study designs, comparative physiology, routes of exposure, bioavailability, pharmacokinetics, and any other relevant factor, including the sufficiency of basic data for review. The discussion of possible reconciliation should indicate whether there is a biological basis to assume a resulting harm in humans. Animal data shall be reviewed with regard to its relevancy to humans.

''(2) Where a significant risk assessment document involves selection of any significant assumption, inference, or model, the document shall, to the extent feasible—

''(A) present a representative list and explanation of plausible and alternative assumptions, inferences, or models;

''(B) explain the basis for any choices;

''(C) identify any policy or value judgments;

''(D) fully describe any model used in the risk assessment and make explicit the assumptions incorporated in the model; and

''(E) indicate the extent to which any significant model has been validated by, or conflicts with, empirical data.

''§ 635. Principles for risk characterization and communication

''Each significant risk characterization document shall meet each of the following requirements:

''(1) ESTIMATES OF RISK.—The risk characterization shall describe the populations or natural resources which are the subject of the risk characterization. If a numerical estimate of risk is provided, the agency shall, to the extent feasible, provide—

''(A) the best estimate or estimates for the specific populations or natural resources which are the subject of the characterization (based on the information available to the Federal agency); and

''(B) a statement of the reasonable range of scientific uncertainties.

In addition to such best estimate or estimates, the risk characterization document may present plausible upper-bound or conservative estimates in conjunction with plausible lower bound estimates. Where appropriate, the risk characterization document may present, in lieu of a single best estimate, multiple best estimates based on assumptions, inferences, or models which are equally plausible, given current scientific understanding. To the extent practical and appropriate, the document shall provide descriptions of the distribution and probability of risk estimates to reflect differences in exposure variability or sensitivity in populations and attendant uncertainties. Sensitive subpopulations or highly exposed subpopulations include, where relevant and appropriate, children, the elderly, pregnant women, and disabled persons.

''(2) EXPOSURE SCENARIOS.—The risk characterization document shall explain the exposure scenarios used in any risk assessment, and, to the extent feasible, provide a statement of the size of the corresponding population at risk and the likelihood of such exposure scenarios.

''(3) COMPARISONS.—The document shall contain a statement that places the nature and magnitude of risks to human health, safety, or the environment in context. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Federal agency resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

''(4) SUBSTITUTION RISKS.—Each significant risk assessment or risk characterization document shall include a statement of any significant substitution risks to human health, where information on such risks has been provided to the agency.

''(5) SUMMARIES OF OTHER RISK ESTIMATES.—If—

''(A) a commenter provides a covered Federal agency with a relevant risk assessment document or a risk characterization document, and a summary thereof, during a public comment provided by the agency for a significant risk assessment document or a significant risk characterization document, or, where no comment period is provided but a commenter provides the covered Federal agency with the relevant risk assessment document or risk characterization document, and a summary thereof, in a timely fashion, and

''(B) the risk assessment document or risk characterization document is consistent with the principles and the guidance provided under this subchapter,

the agency shall, to the extent feasible, present such summary in connection with the presentation of the agency's significant risk assessment document or significant risk characterization document. Nothing in this paragraph shall be construed to limit the inclusion of any comments or material supplied by any person to the administrative record of any proceeding.

A document may satisfy the requirements of paragraph (3), (4) or (5) by reference to information or material otherwise available to the public if the document provides a brief summary of such information or material.

''§ 636. Recommendations or classifications by a non-United States-based entity

''No covered Federal agency shall automatically incorporate or adopt any recommendation or classification made by a non-United States-based entity concerning the health effects value of a substance without an opportunity for notice and comment, and any risk assessment document or risk characterization document adopted by a covered Federal agency on the basis of such a recommendation or classification shall comply with the provisions of this subchapter.

For the purposes of this section, the term 'non-United States-based entity' means—

''(1) any foreign government and its agencies;

''(2) the United Nations or any of its subsidiary organizations;

''(3) any other international governmental body or international standards-making organization; or

''(4) any other organization or private entity without a place of business located in the United States or its territories.

''§ 637. Guidelines and report

''(a) GUIDELINES.—Within 15 months after the date of enactment of this subchapter, the President shall issue guidelines for Federal agencies consistent with the risk assessment and characterization principles set forth in sections 634 and 635 and shall provide a format for summarizing risk assessment results. In addition, such guidelines shall include guidance on at least the following subjects: criteria for scaling animal studies to assess risks to human health; use of different types of dose-response models; thresholds; definitions, use, and interpretations of the maximum tolerated dose; weighting of evidence with respect to extrapolating human health risks from sensitive species; evaluation of benign tumors, and evaluation of different human health endpoints.

''(b) REPORT.—Within 3 years after the date of the enactment of this subchapter, each covered Federal agency shall provide a report to the Congress evaluating the categories of policy and value judgments identified under subparagraph (C) of section 634(b)(2).

''(c) PUBLIC COMMENT AND CONSULTATION.—The guidelines and report under this section, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, and such other departments and agencies, offices, organizations, or persons as may be advisable.

''(d) REVIEW.—The President shall review and, where appropriate, revise the guidelines published under this section at least every 4 years.

''§ 638. Research and training in risk assessment

''(a) EVALUATION.—The head of each covered agency shall regularly and systematically evaluate risk assessment research and training needs of the agency, including, where relevant and appropriate, the following:

''(1) Research to reduce generic data gaps, to address modelling needs (including improved model sensitivity), and to validate default options, particularly those common to multiple risk assessments.

''(2) Research leading to improvement of methods to quantify and communicate uncertainty and variability among individuals, species, populations, and, in the case of ecological risk assessment, ecological communities.

''(3) Emerging and future areas of research, including research on comparative risk analysis, exposure to multiple chemicals and other stressors, noncancer endpoints, biological markers of exposure and effect, mechanisms of action in both mammalian and nonmammalian species, dynamics and probabilities of physiological and ecosystem exposures, and prediction of ecosystem-level responses.

''(4) Long-term needs to adequately train individuals in risk assessment and risk assessment application. Evaluations under this paragraph shall include an estimate of the resources needed to provide necessary training.

''(b) STRATEGY AND ACTIONS TO MEET IDENTIFIED NEEDS.—The head of each covered agency shall develop a strategy and schedule for carrying out research and training to meet the needs identified in subsection (a).

''(c) REPORT.—Not later than 6 months after the date of the enactment of this subchapter, the head of each covered agency shall submit to the Congress a report on the evaluations conducted under subsection ''(a) and the strategy and schedule developed under subsection ''(b). The head of each covered agency shall report to the Congress periodically on the evaluations, strategy, and schedule.

''§ 639. Study of comparative risk analysis

''(a) IN GENERAL.—(1) The Director of the Office of Management and Budget, in consultation with the Office of Science and Technology Policy, shall conduct, or provide for the conduct of, a study using comparative risk analysis to rank health, safety, and environmental risks and to provide a common basis for evaluating strategies for reducing or preventing those risks. The goal of the study shall be to improve methods of comparative risk analysis.

''(2) Not later than 90 days after the date of the enactment of this subchapter, the Director, in collaboration with the heads of appropriate Federal agencies, shall enter into a contract with the National Research Council to provide technical guidance on approaches to using comparative risk analysis and other considerations in setting health, safety, and environmental risk reduction priorities.

''(b) SCOPE OF STUDY.—The study shall have sufficient scope and breadth to evaluate comparative risk analysis and to test approaches for improving comparative risk analysis and its use in setting priorities for health, safety, and environmental risk reduction. The study shall compare and evaluate a range of diverse health, safety, and environmental risks.

''(c) STUDY PARTICIPANTS.—In conducting the study, the Director shall provide for the participation of a range of individuals with varying backgrounds and expertise, both technical and nontechnical, comprising broad representation of the public and private sectors.

''(d) DURATION.—The study shall begin within 180 days after the date of the enactment of this subchapter and terminate within 2 years after the date on which it began.

''(e) RECOMMENDATIONS FOR IMPROVING COMPARATIVE RISK ANALYSIS AND ITS USE.—Not later than 90 days after the termination of the study, the Director shall submit to the Congress the report of the National Research Council with recommendations regarding the use of comparative risk analysis and ways to improve the use of comparative risk analysis for decision-making in appropriate Federal agencies.

''§ 639a. Definitions

''For purposes of this subchapter:

''(1) RISK ASSESSMENT DOCUMENT.—The term 'risk assessment document' means a document containing the explanation of how hazards associated with a substance, activity, or condition have been identified, quantified, and assessed. The term also includes a written statement accepting the findings of any such document.

''(2) RISK CHARACTERIZATION DOCUMENT.—The term 'risk characterization document' means a document quantifying or describing the degree of toxicity, exposure, or other risk posed by hazards associated with a substance, activity, or condition to which individuals, populations, or resources are exposed. The term also includes a written statement accepting the findings of any such document.

''(3) BEST ESTIMATE.—The term 'best estimate' means a scientifically appropriate estimate which is based, to the extent feasible, on one of the following:

''(A) Central estimates of risk using the most plausible assumptions.

''(B) An approach which combines multiple estimates based on different scenarios and weighs the probability of each scenario.

''(C) Any other methodology designed to provide the most unbiased representation of the most plausible level of risk, given the current scientific information available to the Federal agency concerned.

''(4) SUBSTITUTION RISK.—The term 'substitution risk' means a potential risk to human health, safety, or the environment from a regulatory alternative designed to decrease other risks.

''(5) COVERED FEDERAL AGENCY.—The term 'covered Federal agency' means each of the following:

''(A) The Environmental Protection Agency.

''(B) The Occupational Safety and Health Administration.

''(C) The Department of Transportation (including the National Highway Transportation Safety Administration).

''(D) The Food and Drug Administration.

''(E) The Department of Energy.

''(F) The Department of the Interior.

''(G) The Department of Agriculture.

''(H) The Consumer Product Safety Commission.

''(I) The National Oceanic and Atmospheric Administration.

''(J) The United States Army Corps of Engineers.

''(K) The Mine Safety and Health Administration.

''(L) The Nuclear Regulatory Commission.

''(M) Any other Federal agency considered a covered Federal agency pursuant to section 413(b)(2)(E).

''(6) FEDERAL AGENCY.—The term 'Federal agency' means an executive department, military department, or independent establishment as defined in part I of title 5 of the United States Code, except that such term also includes the Office of Technology Assessment.

''(7) DOCUMENT.—The term 'document' includes material stored in electronic or digital form.

''§ 639b. Peer review program

''(a) ESTABLISHMENT.—For regulatory programs designed to protect human health, safety, or the environment, the head of each Federal agency shall develop a systematic program for independent and external peer review required by subsection (b). Such program shall be applicable across the agency and—

''(1) shall provide for the creation of peer review panels consisting of experts and shall be broadly representative and balanced and to the extent relevant and appropriate, may include representatives of State, local, and tribal governments, small businesses, other representatives of industry, universities, agriculture, labor, consumers, conservation organizations, or other public interest groups and organizations;

''(2) may provide for differing levels of peer review and differing numbers of experts on peer review panels, depending on the significance or the complexity of the problems or the need for expeditiousness;

''(3) shall not exclude peer reviewers with substantial and relevant expertise merely because they represent entities that may have a potential interest in the outcome, provided that interest is fully disclosed to the agency and in the case of a regulatory decision affecting a single entity, no peer reviewer representing such entity may be included on the panel;

''(4) may provide specific and reasonable deadlines for peer review panels to submit reports under subsection (c); and

''(5) shall provide adequate protections for confidential business information and trade secrets, including requiring peer reviewers to enter into confidentiality agreements.

''(b) REQUIREMENT FOR PEER REVIEW.—In connection with any rule that is likely to result in an annual increase in costs of $100,000,000 or more (other than any rule or other action taken by an agency to authorize or approve any individual substance or product), each Federal agency shall provide for peer review in accordance with this section of any risk assessment or cost analysis which forms the basis for such rule or of any analysis under section 431(a). In addition, the Director of the Office of Management and Budget may order that peer review be provided for any major risk assessment or cost assessment that is likely to have a significant impact on public policy decisions.

''(c) CONTENTS.—Each peer review under this section shall include a report to the Federal agency concerned with respect to the scientific and economic merit of data and methods used for the assessments and analyses.

''(d) RESPONSE TO PEER REVIEW.—The head of the Federal agency shall provide a written response to all significant peer review comments.

''(e) AVAILABILITY TO PUBLIC.—All peer review comments or conclusions and the agency's responses shall be made available to the public and shall be made part of the administrative record.

''(f) PREVIOUSLY REVIEWED DATA AND ANALYSIS.—No peer review shall be required under this section for any data or method which has been previously subjected to peer review or for any component of any analysis or assessment previously subjected to peer review.

''(g) NATIONAL PANELS.—The President shall appoint National Peer Review Panels to annually review the risk assessment and cost assessment practices of each Federal agency for programs designed to protect human health, safety, or the environment. The Panel shall submit a report to the Congress no less frequently than annually containing the results of such review.

''§ 639c. Petition for review of a major free-standing risk assessment

''(a) Any interested person may petition an agency to conduct a scientific review of a risk assessment conducted or adopted by the agency, except for a risk assessment used as the basis for a major rule or a site-specific risk assessment.

''(b) The agency shall utilize external peer review, as appropriate, to evaluate the claims and analyses in the petition, and shall consider such review in making its determination of whether to grant the petition.

''(c) The agency shall grant the petition if the petition establishes that there is a reasonable likelihood that—

''(1)(A) the risk assessment that is the subject of the petition was carried out in a manner substantially inconsistent with the principles in section 633; or

''(B) the risk assessment that is the subject of the petition does not take into account material significant new scientific data and scientific understanding;

''(2) the risk assessment that is the subject of the petition contains significantly different results than if it had been properly conducted pursuant to subchapter III; and

''(3) a revised risk assessment will provide the basis for reevaluating an agency determination of risk, and such determination currently has an effect on the United States economy equivalent to that of major rule.

''(d) A decision to grant, or final action to deny, a petition under this subsection shall be made not later than 180 days after the petition is submitted.

''(e) If the agency grants the petition, it shall complete its review of the risk assessment not later than 1 year after its decision to grant the petition. If the agency revises the risk assessment, in response to its review, it shall do so in accordance with section 633.

''§ 639d. Risk-based priorities

''(a) PURPOSES.—The purposes of this section are to—

''(1) encourage Federal agencies engaged in regulating risks to human health, safety, and the environment to achieve the greatest risk reduction at the least cost practical;

''(2) promote the coordination of policies and programs to reduce risks to human health, safety, and the environment; and

''(3) promote open communication among Federal agencies, the public, the President, and Congress regarding environmental, health, and safety risks, and the prevention and management of those risks.

''(b) DEFINITIONS.—For the purposes of this section:

''(1) COMPARATIVE RISK ANALYSIS.—The term 'comparative risk analysis' means a process to systematically estimate, compare, and rank the size and severity of risks to provide a common basis for evaluating strategies for reducing or preventing those risks.

''(2) COVERED AGENCY.—The term 'covered agency' means each of the following:

''(A) The Environmental Protection Agency.

''(B) The Department of Labor.

''(C) The Department of Transportation.

''(D) The Food and Drug Administration.

''(E) The Department of Energy.

''(F) The Department of the Interior.

''(G) The Department of Agriculture.

''(H) The Consumer Product Safety Commission.

''(I) The National Oceanic and Atmospheric Administration.

''(J) The United States Army Corps of Engineers.

''(K) The Nuclear Regulatory Commission.

''(3) EFFECT.—The term 'effect' means a deleterious change in the condition of—

''(A) a human or other living thing (including death, cancer, or other chronic illness, decreased reproductive capacity, or disfigurement); or

''(B) an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

''(4) IRREVERSIBILITY.—The term 'irreversibility' means the extent to which a return to conditions before the occurrence of an effect are either very slow or will never occur.

''(5) LIKELIHOOD.—The term 'likelihood' means the estimated probability that an effect will occur.

''(6) MAGNITUDE.—The term 'magnitude' means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

''(7) SERIOUSNESS.—The term 'seriousness' means the intensity of effect, the likelihood, the irreversibility, and the magnitude.

''(c) DEPARTMENT AND AGENCY PROGRAM GOALS.—

''(1) SETTING PRIORITIES.—In exercising authority under applicable laws protecting human health, safety, or the environment, the head of each covered agency shall set priorities for the use of resources available under those laws to address those risks to human health, safety, and the environment that—

''(A) the covered agency determines to be most serious; and

''(B) can be addressed in a cost-effective manner, with the goal of achieving the greatest overall net reduction in risks with the public and private sector resources expended.

''(2) DETERMINING THE MOST SERIOUS RISKS.—In identifying the greatest risks under paragraph (1) of this subsection, each covered agency shall consider, at a minimum—

''(A) the likelihood, irreversibility, and severity of the effect; and

''(B) the number and classes of individuals potentially affected,

and shall explicitly take into account the results of the comparative risk analysis conducted under subsection (d) of this section.

''(3) OMB REVIEW.—The covered agency's determinations of the most serious risks for purposes of setting priorities shall be reviewed and approved by the Director of the Office of Management and Budget before submission of the covered agency's annual budget requests to Congress.

''(4) INCORPORATING RISK-BASED PRIORITIES INTO BUDGET AND PLANNING.—The head of each covered agency shall incorporate the priorities identified under paragraph (1) into the agency budget, strategic planning, regulatory agenda, enforcement, and research activities. When submitting its budget request to Congress and when announcing its regulatory agenda in the Federal Register, each covered agency shall identify the risks that the covered agency head has determined are the most serious and can be addressed in a cost-effective manner under paragraph (1), the basis for that determination, and explicitly identify how the covered agency's requested budget and regulatory agenda reflect those priorities.

''(5) EFFECTIVE DATE.—This subsection shall take effect 12 months after the date of enactment of this Act.

''(d) COMPARATIVE RISK ANALYSIS.—

''(1) REQUIREMENT.—

''(A)(i) No later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall enter into appropriate arrangements with a nationally recognized scientific institution or scholarly organization—

''(I) to conduct a study of the methodologies for using comparative risk to rank dissimilar human health, safety, and environmental risks; and

''(II) to conduct a comparative risk analysis.

''(ii) The comparative risk analysis shall compare and rank, to the extent feasible, human health, safety, and environmental risks potentially regulated across the spectrum of programs administered by all covered agencies.

''(B) The Director shall consult with the Office of Science and Technology Policy regarding the scope of the study and the conduct of the comparative risk analysis.

''(C) Nothing in this subsection should be construed to prevent the Director from entering into a sole-source arrangement with a nationally recognized scientific institution or scholarly organization.

''(2) CRITERIA.—The Director shall ensure that the arrangement under paragraph (1) provides that—

''(A) the scope and specificity of the analysis are sufficient to provide the President and agency heads guidance in allocating resources across agencies and among programs in agencies to achieve the greatest degree of risk prevention and reduction for the public and private resources expended;

''(B) the analysis is conducted through an open process, including opportunities for the public to submit views, data, and analyses and to provide public comment on the results before making them final;

''(C) the analysis is conducted by a balanced group of individuals with relevant expertise, including toxicologists, biologists, engineers, and experts in medicine, industrial hygiene, and environmental effects, and the selection of members for such study shall be at the sole discretion of the scientific institution or scholarly organization;

''(D) the analysis is conducted, to the extent feasible and relevant, consistent with the risk assessment and risk characterization principles in section 633 of this subchapter;

''(E) the methodologies and principal scientific determinations made in the analysis are subjected to independent peer review consistent with section 633(g), and the conclusions of the peer review are made publicly available as part of the final report required under subsection (e); and

''(F) the results are presented in a manner that distinguishes between the scientific conclusions and any policy or value judgments embodied in the comparisons.

''(3) COMPLETION AND REVIEW.—No later than 3 years after the effective date of this Act, the comparative risk analysis required under paragraph (1) shall be completed. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release of the first analysis. The Director shall arrange for such review and revision by an accredited scientific body in the same manner as provided under paragraphs (1) and (2).

''(4) STUDY.—The study of methodologies provided under paragraph (1) shall be conducted as part of the first comparative risk analysis and shall be completed no later than 180 days after the completion of that analysis. The goal of the study shall be to develop and rigorously test methods of comparative risk analysis. The study shall have sufficient scope and breadth to test approaches for improving comparative risk analysis and its use in setting priorities for human health, safety, and environmental risk prevention and reduction.

''(5) TECHNICAL GUIDANCE.—No later than 180 days after the effective date of this Act, the Director, in collaboration with other heads of covered agencies shall enter into a contract with the National Research Council to provide technical guidance to agencies on approaches to using comparative risk analysis in setting human health, safety, and environmental priorities to assist agencies in complying with subsection (c) of this section.

''(e) REPORTS AND RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—No later than 24 months after the effective date of this Act, each covered agency shall submit a report to Congress and the President—

''(1) detailing how the agency has complied with subsection (c) and describing the reason for any departure from the requirement to establish priorities to achieve the greatest overall net reduction in risk;

''(2) recommending—

''(A) modification, repeal, or enactment of laws to reform, eliminate, or enhance programs or mandates relating to human health, safety, or the environment; and

''(B) modification or elimination of statutory or judicially mandated deadlines,that would assist the covered agency to set priorities in activities to address the risks to human health, safety, or the environment in a manner consistent with the requirements of subsection (c)(1);

''(3) evaluating the categories of policy and value judgment used in risk assessment, risk characterization, or cost-benefit analysis; and

''(4) discussing risk assessment research and training needs, and the agency's strategy and schedule for meeting those needs.

''(f) SAVINGS PROVISION AND JUDICIAL REVIEW.—

''(1) IN GENERAL.—Nothing in this section shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

''(2) JUDICIAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review.

''(3) AGENCY ANALYSIS.—Any analysis prepared under this section shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.''.

(b) CLERICAL AMENDMENT.—The table of sections appearing at the beginning of chapter 6 of title 5, United States Code, is amended—

(1) by inserting immediately below the chapter heading the following:

''SUBCHAPTER I—REGULATORY ANALYSIS''; and

(2) by adding at the end the following:

''SUBCHAPTER III—RISK ASSESSMENTS

''631. Short title.
''632. Purposes.
''633. Effective date; applicability; savings provisions.
''634. Principles for risk assessment.
''635. Principles for risk characterization and communication.
''636. Recommendations or classifications by a non-United States-based entity.
''637. Guidelines and report.
''638. Research and training in risk assessment.
''639. Study of comparative risk analysis.
''639a. Definitions.
''639b. Peer review program.
''639c. Petition for review of a major free-standing risk assessment.
''639d. Risk-based priorities.''.

SEC. 3004. REGULATORY FLEXIBILITY ANALYSIS.

(a) IN GENERAL.—

(1) JUDICIAL REVIEW.—

(A) AMENDMENT.—Section 611 of title 5, United States Code, is amended to read as follows:

''§ 611. Judicial review

''(a)(1) Not later than one year, notwithstanding any other provision of law, after the effective date of a final rule with respect to which an agency—

''(A) certified, pursuant to section 605(b), that such rule would not have a significant economic impact on a substantial number of small entities; or

''(B) prepared a final regulatory flexibility analysis pursuant to section 604,

an affected small entity may petition for the judicial review of such certification or analysis in accordance with the terms of this subsection. A court having jurisdiction to review such rule for compliance with the provisions of section 553 or under any other provision of law shall have jurisdiction to review such certification or analysis. In the case where an agency delays the issuance of a final regulatory flexibility analysis pursuant to section 608(b), a petition for judicial review under this subsection shall be filed not later than one year, notwithstanding any other provision of law, after the date the analysis is made available to the public.

''(2) For purposes of this subsection, the term 'affected small entity' means a small entity that is or will be adversely affected by the final rule.

''(3) Nothing in this subsection shall be construed to affect the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law.

''(4)(A) In the case where the agency certified that such rule would not have a significant economic impact on a substantial number of small entities, the court may order the agency to prepare a final regulatory flexibility analysis pursuant to section 604 if the court determines, on the basis of the rulemaking record, that the certification was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

''(B) In the case where the agency prepared a final regulatory flexibility analysis, the court may order the agency to take corrective action consistent with the requirements of section 604 if the court determines, on the basis of the rulemaking record, that the final regulatory flexibility analysis was prepared by the agency without observance of procedure required by section 604.

''(5) If, by the end of the 90-day period beginning on the date of the order of the court pursuant to paragraph (4) (or such longer period as the court may provide), the agency fails, as appropriate—

''(A) to prepare the analysis required by section 604; or

''(B) to take corrective action consistent with the requirements of section 604,

the court may stay the rule or grant such other relief as it deems appropriate.

''(6) In making any determination or granting any relief authorized by this subsection, the court shall take due account of the rule of prejudicial error.

''(b) In an action for the judicial review of a rule, any regulatory flexibility analysis for such rule (including an analysis prepared or corrected pursuant to subsection (a)(4)) shall constitute part of the whole record of agency action in connection with such review.

''(c) Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise provided by law.''.

(B) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only to final agency rules issued after the date of enactment of this Act.

(2) RULES COMMENTED ON BY SBA CHIEF COUNSEL FOR ADVOCACY.—

(A) IN GENERAL.—Section 612 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(d) ACTION BY THE SBA CHIEF COUNSEL FOR ADVOCACY.—

''(1) TRANSMITTAL OF PROPOSED RULES AND INITIAL REGULATORY FLEXIBILITY ANALYSIS TO SBA CHIEF COUNSEL FOR ADVOCACY.—On or before the 30th day preceding the date of publication by an agency of general notice of proposed rulemaking for a rule, the agency shall transmit to the Chief Counsel for Advocacy of the Small Business Administration—

''(A) a copy of the proposed rule; and

''(B)(i) a copy of the initial regulatory flexibility analysis for the rule if required under section 603; or

''(ii) a determination by the agency that an initial regulatory flexibility analysis is not required for the proposed rule under section 603 and an explanation for the determination.

''(2) STATEMENT OF EFFECT.—On or before the 15th day following receipt of a proposed rule and initial regulatory flexibility analysis from an agency under paragraph (1), the Chief Counsel for Advocacy may transmit to the agency a written statement of the effect of the proposed rule on small entities.

''(3) RESPONSE.—If the Chief Counsel for Advocacy transmits to an agency a statement of effect on a proposed rule in accordance with paragraph (2), the agency shall publish the statement, together with the response of the agency to the statement, in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule.

''(4) SPECIAL RULE.—Any proposed rules issued by an appropriate Federal banking agency (as that term is defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the National Credit Union Administration, or the Office of Federal Housing Enterprise Oversight, in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an institution, credit unions, or government sponsored housing enterprises or to protect the Federal deposit insurance funds shall not be subject to the requirements of this subsection.''.

(B) CONFORMING AMENDMENT.—Section 603(a) of title 5, United States Code, is amended by inserting ''in accordance with section 612(d)'' before the period at the end of the last sentence.

(3) SENSE OF CONGRESS REGARDING SBA CHIEF COUNSEL FOR ADVOCACY.—It is the sense of Congress that the Chief Counsel for Advocacy of the Small Business Administration should be permitted to appear as amicus curiae in any action or case brought in a court of the United States for the purpose of reviewing a rule.

(b) SUBCHAPTER HEADING.—Chapter 6 of title 5, United States Code, is amended by inserting immediately before section 601, the following subchapter heading:

''SUBCHAPTER I—REGULATORY ANALYSIS''.

SEC. 3005. GUIDANCE FOR JUDICIAL INTERPRETATION.

(a) IN GENERAL.—Chapter 7 of title 5, United States Code, is amended—

(1) by striking section 706; and

(2) by adding at the end the following new sections:

''§ 706. Scope of review

''(a) To the extent necessary to reach a decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

''(1) compel agency action unlawfully withheld or unreasonably delayed; and

''(2) hold unlawful and set aside agency action, findings and conclusions found to be—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

''(B) contrary to constitutional right, power, privilege, or immunity;

''(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

''(D) without observance of procedure required by law;

''(E) unsupported by substantial evidence in a proceeding subject to sections 556 and 557 or otherwise reviewed on the record of an agency hearing provided by statute; or

''(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

''(b) In making the determinations set forth in subsection (a), the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

''§ 707. Consent decrees

''In interpreting any consent decree in effect on or after the date of enactment of this section that imposes on an agency an obligation to initiate, continue, or complete rulemaking proceedings, the court shall not enforce the decree in a way that divests the agency of discretion clearly granted to the agency by statute to respond to changing circumstances, make policy or managerial choices, or protect the rights of third parties.

''§ 708. Affirmative defense

''Notwithstanding any other provision of law, it shall be an affirmative defense in any enforcement action brought by an agency that the regulated person or entity reasonably relied on and is complying with a rule, regulation, adjudication, directive, or order of such agency or any other agency that is incompatible, contradictory, or otherwise cannot be reconciled with the agency rule, regulation, adjudication, directive, or order being enforced.

''§ 709. Agency interpretations in civil and criminal actions

''(a) No civil or criminal penalty shall be imposed by a court, and no civil administrative penalty shall be imposed by an agency, for the violation of a rule—

''(1) if the court or agency, as appropriate, finds that the rule failed to give the defendant fair warning of the conduct that the rule prohibits or requires; or

''(2) if the court or agency, as appropriate, finds that the defendant acted reasonably in good faith based upon the language of the rule as published in the Federal Register.

''(b) Nothing in this section shall be construed to preclude an agency:

''(1) from revising a rule or changing its interpretation of a rule in accordance with sections 552 and 553 of this title, and subject to the provisions of this section, prospectively enforcing the requirements of such rule as revised or reinterpreted and imposing or seeking a civil or criminal penalty for any subsequent violation of such rule as revised or reinterpreted;

''(2) from making a new determination of fact, and based upon such determination, prospectively applying a particular legal requirement.

''(c) This section shall apply to any action filed after the date of the enactment of the Comprehensive Regulatory Reform Act of 1995.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 7 of title 5, United States Code, is amended by striking the item relating to section 706 and inserting the following new items:

''706. Scope of review.
''707. Consent decrees.
''708. Affirmative defense.
''709. Agency interpretations in civil and criminal actions.''.

SEC. 3006. CONGRESSIONAL REVIEW.

(a) FINDING.—The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the implementation of certain major final and proposed rules is imposed in order to provide Congress an opportunity for review.

(b) IN GENERAL.—Title 5, United States Code, is amended by inserting immediately after chapter 7 the following new chapter:''

CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

''Sec.
''801. Congressional review.
''802. Congressional disapproval procedure.
''803. Special rule on statutory, regulatory, and judicial deadlines.
''804. Definitions.
''805. Judicial review.
''806. Applicability; severability.
''807. Exemption for monetary policy.

''§ 801. Congressional review

''(a)(1)(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule; and

''(iii) the proposed effective date of the rule.

''(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request—

''(i) a complete copy of the cost-benefit analysis of the rule, if any;

''(ii) the agency's actions relevant to sections 603, 604, 605, 607, and 609;

''(iii) the agency's actions relevant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

''(iv) any other relevant information or requirements under any other Act and any relevant Executive orders, such as Executive Order No. 12866.

''(C) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction to each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

''(A) the later of the date occurring 60 days (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress) after the date on which—

''(i) the Congress receives the report submitted under paragraph (1); or

''(ii) the rule is published in the Federal Register;

''(B) if the Congress passes a joint resolution of disapproval described under section 802 relating to the rule, and the President signs a veto of such resolution, the earlier date—

''(i) on which either House of Congress votes and fails to override the veto of the President; or

''(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

''(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 802 is enacted).

''(4) Except for a major rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

''(5) Notwithstanding paragraph (3), the effective date of a rule shall not be delayed by operation of this chapter beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 802.

''(b)(1) A rule or proposed rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 802.

''(2) A rule or proposed rule that does not take effect (or does not continue) under paragraph (1) may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule

or proposed rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this chapter may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to a statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802 or the effect of a joint resolution of disapproval under this section.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, section 802 shall apply to such rule in the succeeding session of Congress.

''(2)(A) In applying section 802 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a final rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

''(e)(1) Section 802 shall apply in accordance with its terms to any major rule that was published in the Federal Register (as a rule that shall take effect as a final rule) in the period beginning on November 20, 1994, through the date of enactment of the Comprehensive Regulatory Reform Act of 1995.

''(2) In applying section 802 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

''(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of enactment of the Comprehensive Regulatory Reform Act of 1995; and

''(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(3) The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 802.

''(f) Any rule that takes effect and later is made of no force or effect by enactment of a joint resolution under section 802 shall be treated as though such rule had never taken effect.

''(g) If the Congress does not enact a joint resolution of disapproval under section 802, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

''§ 802. Congressional disapproval procedure

''(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term 'joint resolution' means only—

''(1) a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule submitted by the ___ relating to ___, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in); or

''(2) a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the proposed rule published by the _____ relating to _____, and such proposed rule shall not be issued or take effect as a final rule.' (the blank spaces being appropriately filled in)

''(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(2) For purposes of this section, the term 'submission or publication date' means—

''(A) in the case of a joint resolution described in subsection (a)(1) the later of the date on which—

''(i) the Congress receives the report submitted under section 801(a)(1); or

''(ii) the rule is published in the Federal Register; or

''(B) in the case of a joint resolution described in subsection (a)(2), the date of introduction of the joint resolution.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the appropriate calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''(f) This section is enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''§ 803. Special rule on statutory, regulatory, and judicial deadlines

''(a) In the case of any deadline for, relating to, or involving any rule which does not take effect (or the effectiveness of which is terminated) because of enactment of a joint resolution under section 802, that deadline is extended until the date 1 year after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 801(a).

''(b) The term 'deadline' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

''§ 804. Definitions

''(a) For purposes of this chapter—

''(1) the term 'Federal agency' means any agency as that term is defined in section 551(1) (relating to administrative procedure);

''(2) the term 'major rule' has the same meaning given such term in section 621(5); and

''(3) the term 'final rule' means any final rule or interim final rule.

''(b) As used in subsection (a)(3), the term 'rule' has the meaning given such term in section 551, except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization,

personnel, procedure, practice or any routine matter.

"§ 805. Judicial review

''No determination, finding, action, or omission under this chapter shall be subject to judicial review.

"§ 806. Applicability; severability

''(a) This chapter shall apply notwithstanding any other provision of law.

''(b) If any provision of this chapter or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby.

"§ 807. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect on the date of enactment of this Act.

(d) TECHNICAL AMENDMENT.—The table of chapters for part I of title 5, United States Code, is amended by inserting immediately after the item relating to chapter 7 the following:

"8. Congressional Review of Agency Rulemaking ..... 801".

SEC. 3007. REGULATORY ACCOUNTING STATEMENT.

(a) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) MAJOR RULE.—The term ''major rule'' has the same meaning as defined in section 621(5)(A)(i) of title 5, United States Code. The term shall not include—

(A) administrative actions governed by sections 556 and 557 of title 5, United States Code;

(B) regulations issued with respect to a military or foreign affairs function of the United States or a statute implementing an international trade agreement; or

(C) regulations related to agency organization, management, or personnel.

(2) AGENCY.—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 shall not include—

(A) the General Accounting Office;

(B) the 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.

(b) ACCOUNTING STATEMENT.—

(1) IN GENERAL.—

(A) The President shall be responsible for implementing and administering the requirements of this section.

(B) Not later than June 1, 1997, and each June 1 thereafter, the President shall prepare and submit to Congress an accounting statement that estimates the annual costs of major rules and corresponding benefits in accordance with this subsection.

(2) YEARS COVERED BY ACCOUNTING STATEMENT.—Each accounting statement shall cover, at a minimum, the 5 fiscal years beginning on October 1 of the year in which the report is submitted and may cover any fiscal year preceding such fiscal years for purpose of revising previous estimates.

(3) TIMING AND PROCEDURES.—

(A) The President shall provide notice and opportunity for comment for each accounting statement. The President may delegate to an agency the requirement to provide notice and opportunity to comment for the portion of the accounting statement relating to that agency.

(B) The President shall propose the first accounting statement under this subsection not later than 2 years after the date of enactment of this Act and shall issue the first accounting statement in final form not later than 3 years after such effective date. Such statement shall cover, at a minimum, each of the fiscal years beginning after the date of enactment of this Act.

(4) CONTENT OF ACCOUNTING STATEMENT.—

(A) Each accounting statement shall contain estimates of costs and benefits with respect to each fiscal year covered by the statement in accordance with this paragraph. For each such fiscal year for which estimates were made in a previous accounting statement, the statement shall revise those estimates and state the reasons for the revisions.

(B)(i) An accounting statement shall estimate the costs of major rules by setting forth, for each year covered by the statement—

(I) the annual expenditure of national economic resources for major rules, grouped by regulatory program; and

(II) such other quantitative and qualitative measures of costs as the President considers appropriate.

(ii) For purposes of the estimate of costs in the accounting statement, national economic resources shall include, and shall be listed under, at least the following categories:

(I) Private sector costs.

(II) Federal sector costs.

(III) State and local government administrative costs.

(C) An accounting statement shall estimate the benefits of major rules by setting forth, for each year covered by the statement, such quantitative and qualitative measures of benefits as the President considers appropriate. Any estimates of benefits concerning reduction in health, safety, or environmental risks shall present the most plausible level of risk practical, along with a statement of the reasonable degree of scientific certainty.

(c) ASSOCIATED REPORT TO CONGRESS.—

(1) IN GENERAL.—At the same time as the President submits an accounting statement under subsection (b), the President, acting through the Director of the Office of Management and Budget, shall submit to Congress a report associated with the accounting statement (hereinafter referred to as an ''associated report''). The associated report shall contain, in accordance with this subsection—

(A) analyses of impacts; and

(B) recommendations for reform.

(2) ANALYSES OF IMPACTS.—The President shall include in the associated report the following:

(A) Analyses prepared by the President of the cumulative impact of major rules in Federal regulatory programs covered in the accounting statement on the following:

(i) The ability of State and local governments to provide essential services, including police, fire protection, and education.

(ii) Small business.

(iii) Productivity.

(iv) Wages.

(v) Economic growth.

(vi) Technological innovation.

(vii) Consumer prices for goods and services.

(viii) Such other factors considered appropriate by the President.

(B) A summary of any independent analyses of impacts prepared by persons commenting during the comment period on the accounting statement.

(3) RECOMMENDATIONS FOR REFORM.—The President shall include in the associated report the following:

(A) A summary of recommendations of the President for reform or elimination of any Federal regulatory program or program element that does not represent sound use of national economic resources or otherwise is inefficient.

(B) A summary of any recommendations for such reform or elimination of Federal regulatory programs or program elements prepared by persons commenting during the comment period on the accounting statement.

(d) GUIDANCE FROM OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall, in consultation with the Council of Economic Advisers, provide guidance to agencies—

(1) to standardize measures of costs and benefits in accounting statements prepared pursuant to sections 3 and 7 of this Act, including—

(A) detailed guidance on estimating the costs and benefits of major rules; and

(B) general guidance on estimating the costs and benefits of all other rules that do not meet the thresholds for major rules; and

(2) to standardize the format of the accounting statements.

(e) RECOMMENDATIONS FROM CONGRESSIONAL BUDGET OFFICE.—After each accounting statement and associated report submitted to Congress, the Director of the Congressional Budget Office shall make recommendations to the President—

(1) for improving accounting statements prepared pursuant to this section, including recommendations on level of detail and accuracy; and

(2) for improving associated reports prepared pursuant to this section, including recommendations on the quality of analysis.

(f) JUDICIAL REVIEW.—No requirements under this section shall be subject to judicial review in any manner.

SEC. 3008. STUDIES AND REPORTS.

(a) RISK ASSESSMENTS.—The Administrative Conference of the United States shall—

(1) develop and carry out an ongoing study of the operation of the risk assessment requirements of subchapter III of chapter 6 of title 5, United States Code (as added by section 4 of this Act); and

(2) submit an annual report to the Congress on the findings of the study.

(b) ADMINISTRATIVE PROCEDURE ACT.—Not later than December 31, 1996, the Administrative Conference of the United States shall—

(1) carry out a study of the operation of the Administrative Procedure Act (as amended by section 3 of this Act); and

(2) submit a report to the Congress on the findings of the study, including proposals for revision, if any.

SEC. 3009. MISCELLANEOUS PROVISIONS.

(a) EFFECTIVE DATE.—Except as otherwise provided, this Act and the amendments made by this Act shall take effect on the date of enactment.

(b) SEVERABILITY.—If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Pennsylvania [Mr. WALKER] and a Member opposed each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I include for the RECORD letters from the National Federation of Independent Business, the Chamber of Commerce, and the American Farm Bureau in favor of the amendment.

The information referred to follows:

PENDING VOTE MEMBER'S IMMEDIATE ATTENTION PLEASE

NFIB KEY SMALL-BUSINESS VOTE

Support the Walker Regulatory Reform Amendment.

DEAR REPRESENTATIVE: On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I am writing to express NFIB's strong support for Rep. Walker's regulatory reform amendment to the debt limit extension legislation.

Since regulatory reform legislation was passed in late February, small business owners have been waiting for regulatory relief, but to no avail. NFIB members continue to call and write with their horror stories of regulation that is still strangling their business.

Rep. Walker's amendment would address small business concerns by including provisions dealing with Cost-Benefit Analysis/Risk Assessment; Judicial Review of the Regulatory Flexibility Act; Regulatory Impact Requirements; and, Congressional Review.

NFIB urges a YES VOTE on the Walker Amendment to the debt limit extension legislation. This vote will be considered a Key Small Business Vote for the 104th Congress.

Sincerely,

DONALD A. DANNER,
Vice President,
Federal Governmental Relations.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, November 9, 1995.

MEMBERS OF THE HOUSE OF REPRESENTATIVES: The House of Representatives will consider shortly an amendment to the debt extension bill, H.R. 2586, which provides an opportunity to enact real regulatory reform this year. The U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 75 American Chambers of Commerce abroad urges your support for the Walker amendment on regulatory reform.

The Walker regulatory reform amendment has been carefully crafted to encompass provisions from the House and Senate regulatory reform bills. It includes provisions to require the Federal government to conduct a risk assessment and cost/benefit analysis for major regulations effecting environment, health and safety. These were important components of the Contract With America that received overwhelming support in the House earlier this year.

Now is the time to reform the regulatory system. We need to streamline, modernize, and update our regulatory system and direct limited resources to the most serious problems first. Business supports a clean and healthy environment and a safe workplace for employees, but is also concerned about making sure the money spent by business addresses the most serious problems in the most cost-effective manner.

We urge your support for the Walker amendment which provides an important opportunity to move critically needed regulatory reform legislation forward this year. The U.S. Chamber of Commerce will score this as a key vote in its annual ''How They Voted'' ratings.

Sincerely,

R. BRUCE JOSTEN.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, November 9, 1995.

DEAR CONGRESSMAN: The American Farm Bureau strongly supports an amendment to be offered this afternoon by Rep. Bob Walker (R–PA) to H.R. 2586, the debt ceiling extension bill.

The Walker amendment adds to H.R. 2586 the risk assessment and cost-benefit analysis requirements for federal regulations similar to those approved overwhelmingly by the House last February. This will provide important relief for farmers and ranchers from unnecessary regulatory burdens.

The nation's farmers and ranchers have seen their regulatory burden explode over the past decade. Virtually every activity and aspect of farming is regulated by the Federal government. Many young farmers and ranchers see the burden of unchecked government regulation as a major impediment to continuing in agriculture. To some of the best and brightest in agriculture, the risks and uncertainty now imposed by government rivals that of the markets and the weather.

Of utmost importance to agriculture, the Walker amendment also reforms the zero-tolerance Delaney Clause provision. Under strict interpretation, the Delaney Clause prohibits the presence of food additives in any concentration if they can be shown to cause cancer in laboratory animals. Today, scientists are able to detect these substances in much smaller concentrations than were detectable 37 years ago, when the Delaney Clause was written. Although there is a consensus among regulators, health experts and scientists that these small concentrations may present no real risk to health, many crop protection products are now scheduled to be canceled because they are detectable, not because they are unsafe. Important crops in virtually every state will be affected.

We strongly urge your support for the Walker amendment to H.R. 2586.

RICHARD W. NEWPHER,
Executive Director, Washington Office.

Mr. Speaker, the amendment I am now offering on behalf of myself, Commerce Chairman BLILEY and the House leadership is a good-faith compromise between the House and Senate regulatory reform bills.

The Walker-Bliley amendment uses S. 343, the Dole-Johnston bill, as its base text. That version garnered 58 votes in the Senate in July. The House version received 277 votes as H.R. 9 of the Contract With America.

Mr. Speaker, the most important thing this Congress can do is to balance the budget so we can stop having to keep heaping even more Federal debt on our children. To accomplish this paramount goal, we have to cut unnecessary spending and costs. This goes for the private sector as well, which is what this amendment addresses.

Mr. Speaker, in an era of tough budget realities which the bill before us brings home to roost, policymakers need to make choices and set priorities—to concentrate scarce dollars where they will do the most good, and analyze alternatives to achieve the goal of public safety at the lowest possible cost. At this critical point in our effort to change the way Washington works, we believe that we have a unique opportunity to move this consensus reform now. After 10 years of lipservice by the Democrat Congress to U.S. competitiveness, but no action except for even more Federal spending in the form of industrial policy subsidies, we now have the chance to do something really big.

President Clinton says he has to raise the debt ceiling. Well, at the same time we can give him the opportunity to remove the need for so much wasteful Federal corporate welfare spending which combats the unnecessary costs of unjustified regulations. This landmark competitiveness initiative, perhaps the most important we can enact, is worth 100 advanced technology programs.

Mr. Speaker, the purpose of this amendment is to provide uniform guidance for all Federal agencies to conduct scientifically objective and unbiased risk assessments in an economically sensible way. The amendment includes the following:

It raises the threshold of regulations requiring the new cost-benefit analysis to $75 million of economic cost per year. This is a softening amendment—the House threshold was $25 million.

It uses the House-passed risk-assessment title which passed by a veto proof 286 to 141 with 226 Republicans and 60 Democrats voting in favor. It provides the public and the Government with the most reasonable, realistic information by requiring the most plausible level of risk or best estimates instead of worst case scenario or upper bound estimates. This section also changes the face of risk assessment by requiring the nature and magnitude of risks to human health, safety, or the environment be put into context for the public with realistic comparisons to everyday risks commonly experienced and understood. In cases where one or more hazards results because of reduction of a targeted risk, the risk of the substitution must be communicated clearly to the public.

It requires that new regulations not be issued unless the costs are reasonably related to the benefits. If current law calls for a regulation which cannot be justified by cost-benefit analysis, that statutory standard is superseded—the so-called super mandate. This also passed by that same 286 to 141 with all but 2 Republicans and 60 Democrats voting in favor.

It creates a systematic program for peer review. For regulations which have an economic impact of $100 million or more, groups of experts would be brought together to independently evaluate the manner in which the risk assessments are conducted. This language is verbatim the House bill.

This amendment exempts certain activities such as military readiness and emergencies. This allows Federal agencies to continue to use their emergency authority, which is consistent with current law.

This reform is prospective. It does not include the petition process for retroactive review of existing regulations, which was rejected by this House.

Judicial review of compliance with the requirements of this bill is available under the Administrative Procedures Act for final agency actions. There is no two bites of the apple possible allowing for increased litigation. This is fully consistent with the House-passed bill.

It includes a top priority of the small business community and the National Federation of Independent Businesses. This reg flex provision allows small business the right of judicial review to enforce the Regulatory Flexibility Act. The Regulatory Flexibility Act calls for small business to be exempted from onerous agency regulations. There is virtual unanimous support for this legislation in both Houses.

The amendment updates the 1950's Delaney clause to prohibit all but ''negligible threat to human health'' amounts of chemicals in food.

The bill includes the House-passed regulatory impact analysis requirement. Like environment impact statements, this requires agencies to estimate the economic impact of their regulations before issuing them.

The amendment requires the President to issue a biennial regulatory budget. This is a 2-year accounting of the total regulatory costs on the economy and people's lives. The so-called Nickles amendment is included instead of the regulatory moratorium that passed the House. This is a softening amendment. Nickles allows Congress 60 days to disapprove any regulation issued after November 20, 1994, if the President signs such disapproval or his veto is overridden.

Mr. Speaker, as you can see this is a reasonable merging of what's best, most reasonable and workable in the House and Senate bills. It is not as tough as the House bill, nor as loose as the Senate bill—in short, a good compromise. Every Member who voted for the House bill earlier this year can and should support this amendment today. Doing so will make it reality.

□ 1530

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

The SPEAKER pro tempore (Mr. HOBSON). Is the gentleman from Virginia [Mr. SCOTT] opposed to the bill?

Mr. SCOTT. Mr. Speaker, I am opposed to the bill and am representing the Committee on the Judiciary.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. SCOTT] is recognized for 10 minutes.

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

Mr. Speaker, this is a complex legislation and has no place in the debt ceiling resolution. It has been sprung on the minority party at 9:30 this morning. I understand there have been three different versions, so it is unclear exactly what is being presented to us at this time. It is unfair to have such complex legislation even being considered in this format.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BROWN], the ranking member on the Committee on Science.

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

Mr. BROWN of California. Mr. Chairman, I am in very strong objection to the content of this bill, but as I said earlier during general debate, I think I will spend most of my time speaking with regard to the process involved in this bill.

Mr. Speaker, I want to commend the gentleman from Pennsylvania [Mr. WALKER] for the many years that he has spent working with me in most cases on this type of legislation. We do badly need to improve the processes by which we make risk assessments, do regulatory impact analysis and cost-benefit studies, and this bill does contain a response to that need.

Mr. Speaker, I did not support the bill in the House when it was originally passed because I did not like the content or the form of the response that the bill contained, but that is not to belittle the need for constructive change.

This position is one that the Democratic administration shared when the bill was originally on the floor. They indicated in a letter than they were strongly opposed and that, while the recognized the need to improve risk assessment and cost-benefit legislation, they did not feel that this bill met that criteria.

The bill was passed, nevertheless, and went over to the Senate, and it remains in the Senate and has not been passed. I said during general debate that the statement of the gentleman from Pennsylvania to the Committee on Rules last night, which implied that it had received 58 votes in the Senate, constituted a falsehood in advertising because there was never a vote taken in the Senate, except on a motion to cloture, which failed because it requires 60 votes and it only had 58.

Mr. Speaker, I am sure the gentleman from Pennsylvania would say that all those 58 who voted for cloture would have voted for the bill and, hence, his statement that implied they had was essentially correct. From long experience, I know how able the gentleman is to defend these kinds of statements and I look forward to whatever defense the gentleman may have.

But, Mr. Speaker, as a matter of fact, this is not a consolidation or compromise or an effort to reach agreement between the House- and Senate-passed bill. To the best of my information, there has been no compromise process with the Senate. The Senate staff and Members that we have spoken to know of no such effort, and that includes Senator CHAFEE and Senator ROBB.

Mr. Speaker, I am at a loss to understand what has taken place that leads the gentleman from Pennsylvania to state that this is a compromise between the House- and the Senate-passed bills.

Now, I know there are a lot of strange things taking place here. The gentleman is a devotee of improved efficiency in almost everything, and I share that with him. I think he has found new shortcuts to reach agreement between the appropriate people in the House and in the Senate. The gentleman has not revealed to me yet what those shortcuts are, and he, I think, would imply that when I raise this issue I am being, in the words that the gentleman used earlier today, engaged in obstruction, obfuscation, and some other words that I did not quite get down here.

Mr. Speaker, let me assure the gentleman that I respect his point of view, because it comes from a master in this field. Anything that I have learned about how to do that, I learned from the gentleman from Pennsylvania in earlier years. I have not become nearly as proficient as the gentleman, but I am trying to improve and, with his help, I am sure that I will.

Mr. Speaker, I would have appreciated it if the gentleman could have let me know that he was going to appear before the Committee on Rules last night and submit a bill, 132 pages, I believe it is, that the gentleman knew I was vitally interested in.

Frankly, I would be glad to work constructively with the gentleman in securing a proper version of that bill, but I was not notified. We received a version of the bill, I think the second version, at about 10 o'clock this morning.

Now, the gentleman from Michigan [Mr. CONYERS] complained that the portions of the bill that he was concerned about, he only received this morning at 11 o'clock. I would say to the gentleman from Michigan, ''Have no fear. You are not being discriminated against. We all are in the same position.''

Mr. Speaker, I think that that is common to all of the Members on our side. We are receiving very little, if any, notice, and if we object to that, we are accused of obfuscating and obstructing the smooth process by which this efficient organization is proceeding.

Mr. Speaker, I think history will record that we are seeing new records in smoothness and efficiency here.

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

Mr. BROWN of California. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, in some quarters we are accused of dialectal materialism as well.

Mr. BROWN of California. Mr. Speaker, reclaiming my time, I heard that remark, too, from a gentleman that I have high respect and admiration for.

Mr. Speaker, to confuse the matter more, I have a version of the bill which I understand was sent to the desk that

is marked as having been received from the counsel's office at 2:23 p.m. today. It is now 3:30, so this third version of the bill which has major changes over the first two which was received after we entered into debate on this amendment.

Now, I indicated earlier that I do not want to discuss content. I cannot discuss content. I have not had a chance to read the content. I do not know what is in the bill. My staff counsel informs me that there were three different versions of the definition of ''major rule.'' The first definition had a $50 million cap; the second one had a $75 million cap; and the one we just received has a $100 million cap. Mr. Speaker, I would be prepared to debate any one of those, if I knew what it is the gentleman from Pennsylvania really wanted to have in the final version. However, having spent all of my time debating those three versions, I would probably not have the time to debate the many other provisions which have been likewise changed in the three different versions of the bill.

That, Mr. Speaker, is a total collapse of reasonable legislative process, and I do not think that the Congress of the United States ought to allow it to happen.

I know that most of us on both sides know that this is a little bit of game playing, and none of this bill is going to be enacted into law and that we are using this time in order to make points. I am using this time in order to make points. I admit it. I am making a point that this system has totally disintegrated.

Mr. Speaker, there is no communication between majority and minority. There is no effort to let us know what is going on. There is a disregard for the truth in telling us what is happening, and I object very strongly to that.

Mr. Speaker, today, we reach the heights of farce in the legislative process. I suppose it is inevitable that all fervent revolutionaries believe that the ends justify the means. Apparently, the Republican leadership believes that the principles in the Contract With America are somehow more important than the democratic process.

Mr. Speaker, in a sweeping gesture of generosity, the Rules Committee has permitted us 40 minutes of debate on a 112 page nongermane amendment which we first saw this morning at 11 a.m. We were not even given the courtesy of being informed that the Rules Committee would be meeting late last night to consider making this amendment in order.

How much debate does the Republican leadership really expect under these circumstances?

The fact is that the rules of this House have been twisted to prevent any intelligent or informed consideration of this amendment. Under the rules of the House, of course, this amendment would ordinarily be entirely out of order as a nongermane amendment to the debt limit extension bill. But by virtue of the orders of the Republican leadership, that rule and all other rules guaranteeing Members adequate notice and an orderly considered process have been brushed aside. Not that it makes any difference, since even if we had an adequate opportunity to understand what we are considering, we are barred from offering amendments in any case.

Where did this amendment come from? According to the majority, it represents a compromise. But with whom? The Senate has never passed its regulatory reform legislation, so it cannot be a compromise with the Senate. So why are we passing this bill again when the problem appears to be in the other body?

The question, of course, is what are the Republicans trying to hide? The regulatory reform bill passed by the House as part of the Contract With America was so extreme that even the Speaker publicly acknowledged that changes would have to be made. As it passed the House, H.R. 9 would not have reformed the regulatory system. Instead, the intention was to kill the regulatory system through a slow strangulation of red tape and needless litigation.

If the majority was serious about improving regulatory reform, they would have supported increased resources for the regulatory agencies to carry out the scientific research, risk assessments, and cost-benefit analysis needed to improve regulatory decisionmaking. Instead, the Republicans have slashed agency budgets.

Mr. Speaker, we have stated on this side of the aisle over and over again that we support reasonable regulatory reform which promotes risk assessment and cost-benefit analysis. But we are talking to ourselves. The other side appears more interested in slogans than in real solutions, as today's actions all too early demonstrate.

I urge a ''no'' vote on the amendment, and reserve the balance of my time.

Mr. WALKER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

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

Mr. CLINGER. Mr. Speaker, I rise in very strong support of my Pennsylvania colleague's amendment. This is a regulatory reform amendment which is based upon legislation passed earlier this year in the House and received very strong bipartisan support. Let's not forget that H.R. 1022, the cost-benefit and risk assessment legislation, passed 286–141.

This amendment combines some of the best features of the House bills, along with some similar provisions considered by the Senate, in order to achieve comprehensive regulatory reform. It includes risk assessment and cost-benefit analysis along with a review process for Congress to look at proposed and final rules. There are several House and Senate Members that should be commended for their hard work in this reform area, but I would specifically like to commend two other House chairmen, Chairmen BLILEY and WALKER, Majority Leader DICK ARMEY, Majority Whip TOM DELAY, Congressmen MCINTOSH, CONDIT, PETERSON, along with Senators DOLE, JOHNSTON, and NICKLES, for their never-ending efforts to try and get regulatory reforms enacted.

Mr. Speaker, a major platform of this Congress is to eliminate as much redtape as possible to help small businesses, and ease the economic burdens on society. We have all heard the horror stories that abound outside the beltway and the cries from our constituents—the homebuilders, consumers, farmers, and small business owners as they plead to be rescued from this sea of redtape. It is incumbent upon us to reassess the size and scope of the impact that the government has in the daily lives of our citizens. And regulatory reform is the key to achieving this goal.

It is no secret that the costs of regulation to our economy are high. According to President Clinton's National Performance Review, it is estimated that the cost of regulation is about $430 billion per year, 9 percent of our gross domestic product, or roughly $6,000 per household. This should make us take pause. We simply cannot expect the economy to grow while trying to withstand this burden.

Federal agencies need to carefully assess their regulatory programs and prioritize very limited Federal resources. Regulatory reform, such as the risk assessment and cost-benefit provisions included in this amendment, require this prioritization. We cannot continue along the path we are on and expect society to continue to shoulder the burdens of overregulation. We must start to reverse the trend of years of overregulation.

Mr. Speaker, we are looking for a balance. No one disagrees that some of these regulations are necessary and even beneficial. We all want clean air, clean water, and safe working environments. But we must balance adequate protection for our citizens and a healthy environment along with a healthy economy and less government intrusion. The pendulum has swung too far the other way. This legislation corrects that circumstance. It is our only hope.

I close by urging my colleagues to support this amendment and the Senate to pass this much needed legislation in an expeditious fashion.

Mr. SCOTT. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Virginia [Mr. SCOTT] has 12 minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 13½ minutes remaining.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. CONYERS], ranking member of the Committee on the Judiciary.

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

Mr. CONYERS. Mr. Speaker, I congratulate the gentleman from Virginia [Mr. SCOTT], my colleague from the Committee on the Judiciary.

Mr. Speaker, I would like to just point out to the gentleman from Pennsylvania [Mr. WALKER] that we have really hit a new low here today. It is an insult to this legislative body to do what we are doing in rewriting the Nation's regulatory laws. Mr. Speaker, I

say to my colleagues on the other side of the aisle, You are the majority. Why do we have to pervert the process so obscenely to arrive at this point?

Mr. Speaker, here is 112 pages, a second version that has just arrived. No notice to the ranking minority member, and what is involved? What is the hidden bottom line in this? Risk assessment and cost-benefit analysis. Face it. That is what it is all about. That is why they cannot debate it. That is why they cannot bring it through the regular committee process. That is why they cannot notify the ranking Democrats on all these committees.

□ 1545

This process that the gentleman from Pennsylvania brings to our attention, adding on to a 300-plus-page bill now, would tie up the regulatory system in hopeless bureaucracy and redtape; the gentleman, of all Members, who has lectured us about redtape and bureaucracy for lo these many years. It sets an absurdly low-limit threshold for applying cost-benefit and regulatory-impact analysis and would tie the courts up in endless litigation.

Congratulations, sir. You really got it over this time. It really worked. We are ramming this baby through 100 miles an hour. What difference that there is a little process trampled on?

I mean, that is the majority and this is the way it is going to be. But history will record.

It is an insult to this legislative body that we are even debating this broad ranging rewrite of the Nation's regulatory laws.

We in minority have gotten use to voting on matters without having had the opportunity to conduct hearings or hold committee markups. But today the Republicans have taken their distortion of the legislative process to new heights. Today we will be forced to vote on a complete rewrite of our regulatory laws without having had a chance to even review the language.

The legislation appears to be some Frankenstein combination of a number of separate bills which have been considered by a number of different committees, including the Judiciary Committee. No one seems to know what is in the final version. None of the Senators who has been working on this issue knows what is in it, the Administration does not know what is in it, and I would doubt a single Member who will vote on this amendment has any detailed knowledge of what is in this amendment. We cannot call it a compromise, because it has not been negotiated with anyone.

If it is anything like some of the previous incantations we have seen this Congress we can be sure it constitutes an unprecedented assault on our regulations. Sure, we all want to streamline the regulatory system, but this would take a meat ax to our environmental protections, our protections against cancer, our airline safety laws and other similar protections.

The amendment would tie up our regulatory system in needless bureaucracy and redtape. It would set an absurdly low-limit threshold for applying cost-benefit and regulatory-impact analyses. It would tie up the courts in endless litigation.

Whether or not one agrees with the goals of the legislation, surely we can agree that the amendment should not be considered under these high-pressure procedures, and should not be attached to a debt limit in an effort to blackmail the President and the American people into accepting the Contract With America.

I urge my colleagues to oppose this amendment, and restore sanity back to the legislative process.

Mr. WALKER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BLILEY] who is a cosponsor.

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

Mr. BLILEY. Mr. Speaker, the Walker-Bliley amendment on regulatory reform is critical to the Nation's economic future. Today we consider yet another increase in the Nation's debt. This Congress must make clear that the decades long growth of taxing, spending and increasing regulatory burdens must change. Economic reality has caught up. For years, many of us have argued the critical need for regulatory reform to ensure our economic future.

As part of the Contract With America, the House of Representatives passed H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995 by a vote of 286 to 141. Sixty Democrats joined House Republicans in supporting this legislation. Chairman WALKER and I introduced H.R. 1022 to ensure Federal regulatory programs are based on sound science and common sense assessment of the cost and benefits of new regulations. The bill was supported by a sweeping array of small businesses, industry groups, States and local governments.

Local governments and American businesses literally spend billions of dollars on often unnecessary or poorly considered Federal regulations. We must take a firm stand that we value the contribution of these groups to our society and must not needlessly add to their burdens. Responsible Government must ensure that regulations are justified and reasonable on the facts.

The Nation's regulatory burden is projected at between $450 and $850 billion a year and growing. Just as we take steps to assure that the rate of growth of the budget is held in check by the year 2002, we must also take steps to ensure that unnecessary regulations do not shackle the economic engine that will be critical to improving the quality of life for ourselves and our children.

A Washington Post editorial this year states:

> The United States has become an over-regulated society. The government too often seems to be battling major and minor risks, widespread and narrow, real and negligible with equal zeal. The underlying statutes are not a coherent body of law but a kind of archaeologic pile, each layer a reflection of headlines and political impulses of the day. Too little attention is paid to the cost of the whole and the relation of cost to benefit.

This amendment would be a solid step for responsible regulatory reform to put our regulatory programs on a more sound footing. The Walker-Bliley amendment includes the House risk assessment and cost-benefit reforms passed overwhelmingly by the House earlier this year. Compromises in some areas have been made. For example, H.R. 1022 defined a major rule as a rule which costs over $25 million in annual compliance costs.

I believe that is the appropriate definition. In a compromise with the Senate effort, however, this amendment defines major rules as those costing $75 million in annual compliance costs.

Despite this compromise, the Walker-Bliley amendment represents strong reform to assure risk assessments are objective, and unbiased and that there is a reasonable relationship between the costs and benefits of the regulations.

In addition, the amendment provides reform under the Regulatory Flexibility Act, and provides for congressional review of regulations. The amendment also contains portions of the Regulatory Accounting Act of 1995, which I introduced along with Mr. MCINTOSH, CONDIT, and STENHOLM. This provision is also a part of the Senate legislation. This provision would, for the first time, require a biennial accounting statement of Federal regulatory costs.

We cannot wait forever for these reforms. Those who continue to resort to fearmongering, mischaracterization, delay, and obstructionism to prevent this reform must understand the resolve of the proponents of real change.

I ask my colleagues to support this amendment and make a real difference for local governments and businesses across the country.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois [Mrs. COLLINS], ranking member of the Committee on Government Reform and Oversight.

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in opposition to the amendment of the gentleman from Pennsylvania.

Mr. Speaker, it is astounding that the gentleman's amendment is portrayed as a compromise between the House and the Senate regulatory reform proposals. We all know that the Senate has yet to vote on regulatory reform. How can the amendment be a compromise when there is no Senate regulatory reform bill with which to compromise?

Furthermore, the gentleman did not make his amendment available to Members on this side of the aisle. The one copy he left at the Rules Committee late last night was copied an hour or so ago and given to us. However, I understand the version of the amendment we are considering now is different from the amendment discussed at Rules Committee and printed in the RECORD today.

This amendment is 112 pages long and while we have started reviewing it, I have no idea even now whether the regulatory reform issues that the Committee on Government Reform and Oversight considered are in it, or not. I do understand, however, that the amendment is very different than the regulatory reform bill that passed this House.

Mr. Speaker, this kind of sneaky action makes a farce out of the legislative process.

The House has already passed its regulatory reform bill. It is now up to the Senate to act. If and when the Senate does act, then and only then can a compromise be reached.

Mr. Speaker, there is a place for the consideration of regulatory reform proposals, but the debt limit bill is not one of them. I strongly urge my colleagues to vote "no" on this Mickey Mouse amendment.

Mr. WALKER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. GEKAS. Mr. Speaker, my role here today is to reemphasize that the provisions of this amendment have been favorably met by the House of Representatives in an overwhelming vote, 415 to 15, in two portions about which we speak. In regulatory flexibility, which is the heart of the legislation that we passed out of the Committee on the Judiciary, we add to it a feature that the business community, small and large, I must tell my colleagues, have been yearning for for years. That is the ability to have judicial review of an adverse impact that visits them in the conduct of their business.

The Regulatory Flexibility Act, with which we have been living for generations now, never had that feature. Here now for the first time we offer all the disaffected entrepreneurs in our country the right to ask for an appeal from, a review of an adverse regulatory decision. That by itself should prompt us to support this amendment. The gentlewoman from Kansas [Mrs. MEYERS] was able to in her subcommittee, as well as in mine, to reach an overwhelming consensus among the membership of those committees which we transferred to in the House here.

The same is true of regulatory impact analysis where we were able to fine tune that portion of the businessman's entanglements in Washington. We produced legislation that, as I say, gained that overwhelming support which we now claim is important enough for Members to support this amendment.

We are going to have, one way or another, we are going to have reform in regulatory flexibility and in regulatory impact analysis. But here is our chance to stick the tongue in the fire and leave it there to make sure that our goals are met.

The SPEAKER pro tempore (Mr. HOBSON). The Chair would inform the gentleman from Virginia [Mr. SCOTT] that he has 7 minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 8½ minutes remaining.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Speaker, I watched this process with interest throughout the afternoon, and I am reminded of one time when I went to the grocery store and I was looking for apples. When I looked at the apples I found that the apples available that day were spoiled. I did not want any. So the next day I went back and I took another look at the apples, and there were more bad apples. So I went home.

The third day I came back and I finally found some good apples. They were perfect for what I wanted them for. Imagine my surprise when the grocer said to me, you can only have the good apples if you will buy all my bad apples. You must take everything that is here, the bad with the good, in order to get what you have come shopping for.

Frankly, Mr. Speaker, that is what we are telling the American people, that they must buy everything that the majority party is selling, including the bad apples. Clearly, the other body, the President and the American people are not interested in what the majority is selling. If they were, moving these issues on freestanding bills would not be a problem.

The American people understand what is going on today. They do not want partisan rancor. They do not want legislative blackmail. They want us to pass a clean bill. They want us to get on with the work of running this Nation, and they do not want us to let the bad apples spoil the barrel.

Mr. WALKER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

(Mrs. MEYERS of Kansas asked and was given permission to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today in strong support of the Walker amendment to H.R. 2586 and urge my colleagues to vote yes on its passage because of its importance to small business rules and regulations have greater economic impact on small business.

Mr. Speaker, one of the most important reasons to vote yes on the Walker amendment is that it contains needed improvements to the Regulatory Flexibility Act. These improvements, which include judicial review of agency compliance with the Regulatory Flexibility Act, are overwhelmingly supported by this Nation's small businesses. At the recently concluded national White House Conference on Small Business, small business representatives from throughout this country made regulatory flexibility judicial review their No. 3 recommendation. That is clear evidence of strong support for this kind of regulatory reform that is contained in the Walker amendment.

Moreover, Mr. Speaker, on March 1 of this year, in this very Chamber, we passed the amendments to the Regulatory Flexibility Act now contained in the Walker amendment by an overwhelmingly bipartisan vote of 415 to 15.

Just last week, the House Committee on Small Business, which I chair, held a joint hearing with the Senate Committee on Small Business which focused on the very issue of the disproportionate burden that small businesses endure because of overregulation.

Providing judicial review for agency compliance with the Regulatory Flexibility Act is something that this Nation's small businesses have worked for for years, and it is something they clearly deserve. Small businesses desperately need regulatory reform now—please vote yes on the Walker amendment.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Mr. Speaker, we are the committee of jurisdiction. Do we have the right to close?

The SPEAKER pro tempore. In the perception of the Chair, there is no reporting committee. Therefore, the proponent, the gentleman from Pennsylvania [Mr. WALKER], has the right to close.

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. SCOTT. Mr. Speaker, we are supporting the printed bill that is before us. Would we not have the ability to close? We are defending the reported bill.

The SPEAKER pro tempore. The prerogative of closing is to the manager of the bill, otherwise to the proponent of the amendment. The prerogative to close only goes to the amendment's opponent if he is a manager of the bill.

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

The SPEAKER pro tempore. So there is no misunderstanding, the gentleman from Virginia [Mr. SCOTT] has 5½ minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 6½ minutes.

Mr. WALKER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

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

Mr. MICA. Mr. Speaker, again, I want to try to bring this debate into perspective. I have my $270 here that I took out of my savings account. What we are going to do today is we are going to extend the debt limit for every man, woman, and child in the United States for a total of $67 billion between today and December 12. That costs every man, woman, and child $269 of their hard-earned money just for that short period of time.

□ 1600

Now we have heard about regulatory reform. The gentleman from Pennsylvania [Mr. WALKER] and I stood on this floor in the past Congress and debated regulatory reform, and we passed regulatory reform by overwhelming margins, but we have not seen regulatory reform.

Now the other side has bought votes for three decades. They have paid for them with IOU's, and they have created a national debt of $1½ trillion, and we are asking today that, if we increase the national debt, we want reforms, we want regulatory reform, we want risk assessment, we want to look

at the cost and benefit of imposition of a new regulation, we want the reorganization of the Department of Commerce, and talk about supporting a trade policy. The United States has he most disorganized trade effort in the world with the highest, we are running the highest, trade deficit that we have ever had in the history of this Nation, and we are asking to reorganize it in this bill.

So these are the downpayments we are asking for as we raise this debt up, as we obligate every citizen in this country for just the next 34 days to $269 per person. By Thanksgiving it will be $118 per person for every person in this country.

Mr. Speaker, I am telling my colleagues the other side will not be happy until every American is dependent on some kind of government program.

Mr. WALKER. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, we saw the gentleman from Florida [Mr. MICA] hold up his dollars. Let us talk about real money though because this has been labeled a Mickey Mouse idea.

Fact of the matter is that the cost of regulations on the American people are estimated anywhere between $500 and $700 billion a year. There is nothing Mickey Mouse about the growing price of regulations and the death of common sense that has swept across America and especially swept across the bureaucracies in Washington, DC. For too long we have had unelected bureaucrats in Washington, DC, passing rules and regulations that have tied the hands of Americans, small American business people and property owners.

Mr. Speaker, this is a good, commonsense first step in moving in that direction, and I certainly look forward to supporting it, and I think the chairman for bringing this bill to the floor.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I must say that I disagree with the gentleman yielding to me and some of my other Democratic colleagues concerning the appropriateness of having habeas corpus and regulatory reform in this debt measure because I cannot think of two more fitting examples of what the Republican Party is doing than with these two measures. See, habeas corpus in Latin means, ''You have the body,'' and when the American people have the body of this Republican Party and what they are doing to America, they are going to see it for all that it is. They are going to know that they can take the stiffest old wire brush, and they cannot scrub the dirtiness and the ugliness of what they are doing to this country out with that wire brush.

And what about regulatory reform? Mr. Speaker, what they believe in is regulatory short circuit. They have got it short-circuited to the point that we do not need a committee system in the Congress, we do not need to involve the America people in the decisions of the Congress. No, we can have regulatory and lawmaking reform; just get a cluster of the strongest, most powerful lobbyists in the country to get together in the closet with the Speaker. He will take a little time out of his campaign to be President of the United States, a campaign based on the theory that the American people want someone meaner than PHIL GRAMM as a candidate, and the Speaker will take a little time away from signing book autographs and running for President, and he will sit down, and he will resolve the lawmaking and the regulation of the United States in exactly the same way that he cut Medicare.

Mr. Speaker, we have what is referred to as a Christmas party offering special deals to various lobby groups to get what they want.

It is appropriate that the gentleman from Pennsylvania would begin the presentation on this amendment by citing letters from two lobby groups. Who else would this group that has contracted out the Contract on America, subcontracted it, if my colleagues will, to the lobby to write the bills, to use the committee computers, to turn to the lobbyists during the committee hearings to provide all the answers? Of course, they start with letters from lobbyists saying that this measure is OK.

But what about the American people? Why do they not have a say in this process? Why shortcut it in this fashion when even the Members of this body do not get to see the bills that are passed?

I am not just talking about the Democrats. We could not find 10 Republicans in this entire body that had the slightest idea what is in this amendment. It is not even the same amendment that was presented in the sneak attack last night.

See, the problem is that our Republican colleagues are so used to having a party that is exclusive, that does not include people in the decision-making process that they decide to use a sneak attack instead of including the people in a process of decision making with committee hearings, with people coming in, hearing what good science is from the experts, instead of relying only on the lobbyists.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOBSON). The Chair would admonish all Members that they are not to make personal references to Members of the other body.

Mr. DOGGETT. Mr. Speaker, we had a chance to look at the specifics of this regulatory reform measure earlier in the year, and one of the things we found is that it required, before any new rule to protect the public health, and welfare, and safety of the people of the United States could be adopted, it had to be peer reviewed, and we were not talking about a peer review of people of science. We were really talking about a peer review that could include lobbyists, the same kind of people that cluster up with the Speaker in the back room to write legislation like this, and they would not accept an amendment to delete the power of lobbyists to review these pieces of legislation and to roadblock them to gum up the process, and that same language, I am advised, is buried somewhere in these pages, is mixed in there at present, so that we will rely on the tobacco companies to decide the future of any regulation concerning tobacco in this country. We will rely on the polluters to decide on any regulation about water and air purity.

Yes, this is in this particular amendment simply a question of whether we want to have unilateral disarmament of the ability to protect the health and welfare of the people of the United States to assure that we have water we can drink and air that we can breathe, whether we want to do that or whether we want to involve the people in a reasonable process that is not some backroom deal to provide in the dead of night one amendment and then come out here on the floor without any hearing, without any input, and do another.

See, I think the problem is basically that some of our Republican colleagues confuse arrogance of power with leadership. They have not given us much of the latter. They have given us little else than arrogance and power.

Mr. WALKER. Mr. Speaker, always good to get the liberal extremist point of view brought to bear.

Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I commend my colleagues for their excellent job, along with the gentleman from Virginia [Mr. BLILEY], in bringing this forward to the House floor and letting us complete one of the promises we made the American people in the Contract With America. Before I mention some of the substantive part of this, I would like to point out to Members that this vote is now a key vote for various organizations who represent working men and women across this country:

The National Federation of Independent Business, the U.S. Chamber of Commerce, the National Restaurant Association, Americans for Tax Reform, National Association of Home Builders, National American Wholesale Grocers Association have all key-voted this very important regulatory relief bill.

When my colleagues stop to think of it, it is particularly appropriate that we have this in the debt-ceiling extension. The average family pays $2,300 in interest on the American debt each year. They pay $6,000 in the costs of Federal regulations, 2½ times what they pay for the interest on the debt.

This bill will help to pull back the regulatory debt that the Federal Government has placed on the American working family for the last 40 years.

Mr. Speaker, this is vitally important for our competitiveness. It will help keep jobs here in America, and it will allow us to go back home and tell workers we have lifted the redtape that has sent their jobs overseas to China, to Mexico, and to around the world because they do not impose that type of regulatory burdens on companies. We are going to be competitive and create good jobs right here at home in America.

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

Mr. Speaker, we previously heard about the deficit. We can remind everyone that most of the national debt was run up during the Reagan and Bush administrations. Congress actually cut most of their budgets.

Mr. Speaker, this is not the House-passed regulatory reform bill. It has not been negotiated by the Senate. The Senate has never passed the regulatory reform bill, and some Senate Republicans will object to its inclusion in the debt bill.

This is a 122-page amendment which was written last night without consultation with the Senate or House Democrats. It overrides existing laws to protect public health, safety, and environment. It will lead to regulatory gridlock and a litigation explosion and will cripple the cleanup efforts at our military bases.

We have had a bad process, it is a bad amendment. Please vote no on this amendment.

Mr. Walker. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have had an interesting debate, and obviously it is very difficult to debate the substance for the other side because all they want to do is talk about process. But that is fine. As my colleagues know, that is the way in which the process goes forward I guess. But the bottom line is that what we ought to be talking about is how we balance the budget and get the burden of regulations off the back of the American people.

Mr. Speaker, the most important thing this Congress can do is to balance the budget so we can stop having to keep heaping even more Federal debt on our children. To accomplish this paramount goal, we have to cut unnecessary spending and costs. This goes for the competitiveness of the private sector as well, which is what this amendment addresses.

Mr. Speaker, in an era of tough budget realities which the bill before us brings home to roost, policy-makers need to make choices and set priorities—to concentrate scarce dollars where they will do the most good, and analyze alternatives to achieve the goal of public safety at the lowest possible cost. At this critical point in our effort to change the way Washington works, we believe that we have a unique opportunity to move this consensus reform right now. After 10 years of lip service by the Democrat congresses before this to the whole question of U.S. competitiveness, but no action except for even more Federal spending in the form of industrial policy subsidies, we now have the chance to do something really big. We now have a chance to speak to the 450 to 800 billion dollars' worth of regulations imposed upon the economy every year.

President Clinton says he has to raise the debt ceiling. Well, at the same time we can give him the opportunity to remove the need for so much wasteful Federal corporate welfare spending which combats the unnecessary costs of unjustified regulations. This landmark competitiveness initiative, will be worth more than about 100 Advanced Technology programs or other Government spending programs.

What we can begin to do is deal with the issue of regulation. Here is that chance. Here is an opportunity to use a consensus approach to begin to wipe out the regulations that so far undermine the economy by asking the Members of this body to do as they have done before, support regulatory reform.

Vote for the Walker-Bliley amendment.

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

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. WALKER. Mr. Chairman, on that demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 257, nays 165, not voting 10, as follows:

[Roll No. 779]

YEAS—257

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Rush
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—165

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer

Scott	Tejeda	Waters
Serrano	Thompson	Watt (NC)
Shays	Torres	Waxman
Skaggs	Torricelli	Williams
Slaughter	Towns	Wilson
Smith (MI)	Velazquez	Wise
Spratt	Vento	Woolsey
Stark	Visclosky	Wyden
Stokes	Volkmer	Wynn
Stupak	Ward	Yates

NOT VOTING—10

Bono	Owens	Tucker
Chapman	Peterson (FL)	Weldon (PA)
Fields (LA)	Studds	
Lewis (CA)	Thornton	

□ 1634

Mr. HILLIARD and Mr. MCNULTY changed their vote from ''yea'' to ''nay.''

Messrs. BAESLER, DOOLEY, and ROSE changed their vote from ''nay'' to ''yea.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BONO. Mr. Speaker, on rollcall No. 779, I was unavoidably detained at a White House meeting.

Had I been present, I would have voted ''yea.''

The SPEAKER pro tempore (Mr. HOBSON). Pursuant to the rule, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2539, THE ICC TERMINATION ACT OF 1995

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–329) on the resolution (H. Res. 259), providing for the consideration of the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING PROVISIONS OF CLAUSE 4(B) OF HOUSE RULE XI AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–330) on the resolution (H. Res. 260), waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

MOTION TO RECOMMIT OFFERED BY MR. PAYNE OF VIRGINIA

Mr. GIBBONS. Mr. Speaker, under the rule, I am the minority leader's designee to present the motion to recommit.

Mr. Speaker, I offer a motion to recommit. I am opposed to the bill and I ask unanimous consent that the gentleman from Virginia [Mr. PAYNE], the author of the amendment, be allowed to present it, and to control all of the time and yield time.

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

There was no objection.

The SPEAKER pro tempore. Is the gentleman from Virginia opposed to the bill?

Mr. PAYNE of Virginia. I am opposed to the bill in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. PAYNE of Virginia moves to recommit the bill H.R. 2586 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with an amendment:

Strile all after the enacting clause and insert the following:

SECTION 1. TEMPORARY INCREASE IN PUBLIC DEBT LIMIT.

During the period beginning on the date of the enactment of this Act and ending on the later of—

(1) December 12, 1995, or

(2) the 30th day after the date on which a budget reconciliation bill is presented to the President for his signature,

the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be temporarily increased to $4,967,000,000,000, or, if greater, the amount reasonably necessary to meet all current spending requirements of the United States (and to ensure full investment of amounts credited to trust funds or similar accounts as required by law) through such period.

Amend the title by striking '', and for other purposes''.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. PAYNE] is recognized for 5 minutes on his motion to recommit.

Mr. PAYNE of Virginia. Mr. Speaker, this motion to recommit is very simple: it alters the debt limit to provide for a 30-day time period from the time a reconciliation bill hits the President's desk until we reach the debt limit. These 30 days will allow us to work in a bipartisan way to develop a plan that will balance the Federal budget as well as avoid a default by the Federal Government.

This is also a clean motion.

This motion raises the debt limit in the same manner we have raised the debt limit in the past, for short periods of time, for both Democratic and Republican Presidents. Without partisan riders. Without putting the country in danger of default. This motion to recommit allows us to continue this bipartisan tradition.

The motion to recommit is identical to the amendment offered at the Rules Committee last night. The Rules Committee rejected this commonsense proposal in favor of one weighed down by partisan distractions. The motion to recommit brings the debate back to where it ought to be: How do we protect the creditworthiness of the United States of America while we work to balance the Federal budget.

A balanced budget is a goal that has bipartisan backing. And the motion to recommit will give us the time we need to do it. This proposal is fair, it is rational, and it is about doing what the American people sent us here to do. Thirty days from the time the reconciliation bill hits the President's desk is not too long when we are talking about a credit record our country has built over 200 years. And it's not too long to consider how best to balance our budget and put our fiscal house in order for ourselves and for future generations.

I urge my colleagues to vote for the motion to recommit.

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

Mr. PAYNE of Virginia. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I wish to commend the gentleman for this motion. It appears to me that unless this motion is adopted, this House, along with the Senate, is headed for a train wreck, deliberately led by Speaker GINGRICH and the Republican majority, to try to force the President to do something when they know the President will not do it. They are not going to be able to shove it down the President's throat, and he, being a reasonable person, is going to request that they do exactly as you propose.

□ 1645

If we want to keep the country on a good course of economy that we need to have through this fall and going into next year, we do not need this type of activity that is envisioned by the original bill. That will lead to the train wreck that is going to occur, the default that is going to occur in the economy of this country.

I want to commend highly the gentleman for his thoughtfulness and willingness in order to work this whole thing out. I know the gentleman strongly believes in a balanced budget, has voted for a balanced budget and wants to get there, just like I do. I want to commend the gentleman for using a little sense in this whole activity.

Mr. PAYNE of Virginia. I thank the gentleman from Missouri.

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

Mr. CARDIN. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, the gentleman's motion is an effort for us to work in a bipartisan manner on dealing with this budget.

Let me explain this. It is the preference of the President, it is my preference, that we have a long-term extension of the debt ceiling. That is not to be the case. The Republicans want to have leverage on the debt ceiling in dealing with the budget.

I think that is wrong. I do not think we should jeopardize the credit of this Nation. I do not think we should jeopardize interest rates that consumers have to pay. But if we are going to

have a short-term extension, it should be one that both Democrats and Republicans can support.

It is not the President's fault that we are here tonight asking for an extension of the debt ceiling. It is the failure of the leadership to pass the appropriation bills, to pass the budget by the October 1 deadline. We are well past that.

Democrats are willing to work with Republicans on a debt extension so we do not jeopardize the credit of the Nation, but let us make it a clean extension. Let us not put these extra issues in there to make it impossible for Democrats to support and guarantee a Presidential veto. It is our fault, the Republican leadership's fault, for not meeting the deadlines. Give us a debt extension that Democrats and Republicans can support so we do not run the risk of the credit of this Nation. That is the choice we have.

The gentleman's motion will extend the debt ceiling until we pass the budget bills and have sent them to the President. It is a clean extension.

I urge my colleagues in a bipartisan manner to support the motion.

Mr. ARCHER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes.

Mr. ARCHER. Mr Speaker, this body has just heard what on the surface appears to be a plausible, responsible colloquy by two members of the Committee on Ways and Means who are, I believe, very genuine, very responsible people

The difficulty with it is that it opens the door for an unlimited period of time for the President to stall, to make excuses and to fail to bargain in a responsible, genuine way for a balanced budget in 7 years, based on CBO numbers, without new taxes. That is what we are about. That is what the American people want by an overwhelming margin, and that is what we have been working to all year, with a President who at first said we do not need a balanced budget, we do not need one at all, and defended that position and then reluctantly came to the dance floor and said, well, maybe 10 years is OK, but not by CBO numbers.

By CBO numbers, his so-called balanced budget never balances. It is $200 billion a year in deficit as far as the eye can see. We have had a whole year for the President to come forward and do what the American people want.

The motion to recommit would create a debt ceiling provision that gives a blank check to the Treasury to increase the debt to whatever level it wishes. That is not what the American people want. It permits the Treasury to raid the retirement trust funds of this country, so vital to beneficiaries who depend upon them, as a means of keeping the Government afloat, instead of letting us go through an orderly management of debt, which our bill permits, until December 12.

We have had excuses, excuses and delays, We cannot wait, to go into January and February and March, to resolve a balanced budget. That is what this motion to recommit would do, because it eliminates the protection of the trust funds from invasion or incursion, and it would most certainly be used by the Treasury because they are right now planning to begin to do it next week when they cannot meet our obligations on November 15 if this bill does not pass.

Our plan will permit the orderly management of the debt next week and until December 12, but, yes, make no question about it, that on December 12 we mean business. It is a drop-dead date, and it is adequate time for the President to come forward with his hand of negotiation.

We all know the pieces of this puzzle. We have talked about them over and over again this year. It is not difficult, knowing the pieces of the puzzle, for the President to come forward and negotiate with us in good faith and resolve this by December 12.

We also know that in every democracy you do not make tough decisions until you face a cliff or a stone wall. It is true in the legislatures. It is true here.

Your motion to recommit, I would say to the gentleman from Virginia, leaves an open door for the President indefinitely to put off the decisionmaking to get to a balanced budget as he raids and invades the trust funds of this Nation.

That is what will begin next week if he vetoes this bill, and they plan to do it, I am told, and it will, under your proposal, continue to be an option beyond December, January, February, March. That is not in the best interests of this country. It is time now to set a date, to stick to it, and to get this balanced budget passed in 7 years, by CBO numbers, without tax increases, and this is the down payment on that. This is the first step.

Vote against the motion to recommit and for the bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 186, nays 235, not voting 11, as follows:

[Roll No. 780]

YEAS—186

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—235

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent

Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Chapman
Dickey
Fields (LA)
Lewis (CA)
Owens
Peterson (FL)
Studds
Thornton
Tucker
Waxman
Weldon (PA)

☐ 1712

The Clerk announced the following pair:

On this vote:

Mr. Chapman for, with Mr. Lewis of California against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HOBSON). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. ARCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 194, not voting 12, as follows:

[Roll No. 781]

AYES—227

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)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
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 (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—194

Abercrombie
Ackerman
Allard
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burr
Cardin
Christensen
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shadegg
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—12

Chapman
Doggett
Fields (LA)
Lewis (CA)
Owens
Peterson (FL)
Studds
Thornton
Torkildsen
Tucker
Waxman
Weldon (PA)

☐ 1730

The Clerk announced the following pair:

On this vote:

Mr. Lewis of California for, with Mr. Chapman against.

Mr. DORNAN changed his vote from ''no'' to ''aye''.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

Mr. BONIOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore (Mr. HOBSON). Without objection, the gentleman is recognized for 1 minute.

There was no objection.

Mr. BONIOR. Mr. Speaker, I rise for purposes of engaging the gentleman from Texas [Mr. ARMEY], the distinguished majority leader, in a colloquy.

I ask my friend from Texas what he foresees for this evening and tomorrow.

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman.

Mr. Speaker, this is the last vote tonight. Hopefully, the Senate will pass both the continuing resolution and the debt ceiling extension tonight. The Committee on Rules will meet tonight to grant rules on both of these measures so that they can be considered on the House floor tomorrow in accordance with the usual House procedures.

I intend in just a moment to ask unanimous consent that we reconvene the House at 9 a.m. tomorrow so that we can take up both these measures, and it would be my hope that, of course depending upon how things go, that we would be able, given that earlier beginning, to adjourn the week's work at 2 o'clock or perhaps even earlier, depending on what we receive back from the Senate and how we must deal with it.

I can state, Mr. Speaker, that we will have no more votes tonight, and that

if, in fact, the unanimous consent request is not objected to, we will reconvene at 9 a.m. in the morning.

Mr. BONIOR. Mr. Speaker, can the gentleman from Texas [Mr. ARMEY], the majority leader, tell us when he expects the first vote on Monday?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, I would tell the gentleman that we should be prepared to be back by 12 noon on Monday for votes.

Mr. BONIOR. Well, Mr. Speaker, I would tell my friend, the gentleman from Texas [Mr. ARMEY] that I hope my colleagues on this side of the aisle do not object to his request for a 9 a.m. start tomorrow, but I must be very frank and honest with my friend from Texas and say that the Democrats are willing to do a clean continuing resolution and a clean debt ceiling. The President is willing to sign it. We could get it all done this evening.

These extraneous measures on these bills that have no place in these bills are putting the financial security of this country at risk and we think it is irresponsible and we need our Republican colleagues to know that and we need to express that this evening. So I would hope my colleagues on this side of the aisle would not object to the unanimous consent request of the gentleman from Texas of going in at 9 o'clock tomorrow.

Mr. ARMEY. Mr. Speaker, I wonder if the gentleman would yield, if he still has the time, because I do appreciate the points he made and I do understand the position of the minority. And if I might make an announcement to the Republicans on the gentleman's time, I should announce to the Republican Members of the House that there will be a conference in HC–5 at 5:45, and the gentleman from Michigan [Mr. BONIOR], of course, is excused from that conference.

Mr. BONIOR. Well, Mr. Speaker, after my last remarks and the reaction I got, I do not think I would want to come anyway.

Mr. ARMEY. Mr. Speaker, I thank the gentleman.

HOUR OF MEETING ON TOMORROW

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at 9 a.m. tomorrow.

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

There was no objection.

PERSONAL EXPLANATION

Mr. FARR. Mr. Speaker, I was unavoidably absent last night during rollcall 774 because I was attending to certain representational duties at an event across town. Consequently, I was unable to cast my vote during rollcall 774, the motion to recommit House Joint Resolution 115. Had I been present, I would have voted ''aye'' on the motion.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

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

Mr. METCALF. Mr. Speaker, pursuant to the provisions of rule XXVIII, clause 1(c), I am announcing that tomorrow I will offer a motion to instruct the House conferees on the bill, H.R. 2126, to insist on sections 8102 and 8111 of the House-passed bill.

ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1994—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform and Oversight.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95–454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Sixteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1994.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

ANNUAL REPORT OF NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND NATIONAL HOUSING PARTNERSHIP FOR FISCAL YEARS 1993 AND 1994—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services.

To the Congress of the United States:

I transmit herewith the annual report of the National Corporation for Housing Partnerships and the National Housing Partnership for fiscal years 1993 and 1994, as required by section 3938(a)(1) of title 42 of the United States Code.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

REPORT OF COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture.

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1995.*

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2586.

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

There was no objection.

VACATION OF SPECIAL ORDER

Mr. KOLBE. Mr. Speaker, I ask unanimous consent to vacate the 5-minute special order granted to the gentleman from California [Mr. RIGGS] today.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HOBSON). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. TATE] is recognized for 5 minutes.

[Mr. TATE 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 New York [Mrs. KELLY] is recognized for 5 minutes.

[Mrs. KELLY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

COMMERCE SUBCOMMITTEE LEGISLATION WILL UNDERMINE SUPERFUND PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to spend 5 minutes today talking about what happened in the Commerce Subcommittee today with regard to the Superfund Program. I was very disturbed by the legislation that has been introduced by the Republican leadership yesterday in markup of the bill, and also today in marking up the bill. Myself and many of the other Democrats on the committee tried to make correcting amendments to the legislation because of the negative impact that we feel the legislation will have on the Superfund Program.

I do not have to tell my colleagues that not only in New Jersey but throughout the Nation a major effort has been made over the last few years in trying to clean up hazardous waste sites because of the Federal program we know as Superfund. Now, it is, of course, true that the program has not worked perfectly, and that while many sites have been cleaned up and many others are in the process of being cleaned up that there are still a lot more that need to cleaned up. But this is not the time for us to backtrack on the Superfund Program. This is the time when we reauthorize this legislation to make it better, not to make it worse, not to undermine the basic underpinnings of the program.

Mr. Speaker, I feel strongly that the legislation that came out of our subcommittee today would significantly undermine the Superfund Program. Let me just give my colleagues some examples.

The legislation says that over the next few years only 125 new Superfund sites can be added to the national priority list. The fact that there would be a cap on the number of Superfund sites unrelated to any scientific analysis is in itself shameful, and during the debate over a proposed amendment to eliminate that cap it was abundantly clear, in my opinion, that the Republican leadership felt strongly that the Superfund Program really should be phased out; that they were trying to cap the program with the hope that over the next few years the program would be phased out and responsibility for the cleanup of hazardous waste sites would go back to the States.

Unfortunately, Mr. Speaker, what they failed to point out is that most States are not in a position to pay to clean up hazardous waste sites, particularly the most severely polluted. My home State of New Jersey is a case in point. We have over 6,000 hazardous waste sites that need to be cleaned up and only about 114 of them, I believe, are on the national priority list under Superfund.

□ 1745

We do not have the money, and there is no way that we can raise the money to clean up all those sites. We need help. We need help from the Federal Government. I would point out that the money that is used on the Federal level to pay for the Superfund cleanup comes from those who generate the pollution, comes from a tax on various companies.

Mr. Speaker, the other thing that is in this legislation that we tried to correct today was the idea of retroactive liability. There is, in the bill, in the Republican leadership bill, a provision that gives discounts, in other words rebates, back to those companies that have cleaned up sites, because they were liable in the past for having polluted the Superfund sites. We had an amendment, which I sponsored, which would have eliminated those rebates which says the polluter has to pay.

The basic tenet of the Superfund Program is that the polluters pay for the cleanup, not the taxpayers. If we are to undermine that concept and say now we are going to pay the polluters in certain circumstances because of liability that occurred in the past, that undermines the whole concept of the Superfund Program that the polluter pays.

Also, this new legislation would no longer provide a preference for permanent treatment of hazardous material at Superfund sites, so that instead of requiring the Environmental Protection Agency to go in and permanently treat the material so that the site is cleaned, instead we would see fences put up, material perhaps carted away. but no effort to necessarily do anything permanently to clean up the site.

Mr. Speaker, I think that is the wrong way to go about the Superfund Program. The idea of the Superfund Program was that there was going to be cleanup that was real and that the sites could be reused again.

There are an incredible number of exemptions for liability and efforts to take out various types of hazardous materials in this legislation that essentially will make for a much weaker Superfund bill.

Mr. Speaker, I would hope that over the next few weeks, as this bill moves through not only the Committee on Commerce but other committees and eventually to the floor, that we could get more and more support for the idea that this reauthorization of Superfund should be done in a way that improves the program rather than gutting it.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

[Mr. KIM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

AN EXPLANATION OF CONGRESS' PREDICAMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

Mr. DURBIN. Mr. Speaker, those who have followed the congressional debate today may be in a quandary trying to figure out exactly what is going on on Capitol Hill. Let me try to set the record straight, so that there is an understanding about the political dynamic and what it means to every American family.

Mr. Speaker, we are in the process now of trying to come up with a budget for this fiscal year for the Federal Government. The fiscal year actually started October 1. There was a failure of the Republican leadership to pass appropriation bills on time to continue the business of the Federal Government. As a consequence, they have passed what is known as a continuing resolution which just basically keeps the agencies in business on a short-term basis.

There is a second item known as a debt ceiling, which basically gives authority to the Federal Treasury to continue to borrow money so that we can extend the full faith and credit of the United States and not default on our obligations. That debt ceiling limit should have been passed for a long period of time several weeks ago, but we have failed under the Republican leadership to do that either, and so now we are at an impasse.

The President of the United States has said that he will sign a bill which will keep the agencies of Government in business. He will sign a debt ceiling bill so that the United States does not default on its debt. But my Republican colleagues have decided to make this more interesting from a political point of view. They will not send the President a simple bill that meets our obligation. Instead they keep loading up every bill with their political favorites.

Mr. Speaker, there are special interest groups roaming all over the corridors on Capitol Hill, each of which wants another ornament for his Christmas tree, and so they find these bills that come along and they stick on a series of amendments, some of them very serious in tone, others just designed to keep special interest groups very happy.

The Republicans are going to send these bills to the President, and he has already told them that he is going to veto them. This leads to the so-called train wreck, the gridlock, the crisis which Speaker GINGRICH is using as part of his strategy to pressure the President of the United States.

Mr. Speaker, what is sad about this is that none of us, Democrats or Republicans, or Independents for that matter, were sent to Washington to engage in gridlock. We were not sent here to fail, to create problems, to close down Government agencies so people

seeking Social Security checks or veterans checks or small business loans will not have anybody to work with.

We were not sent here to default on the debt of the Nation for the first time in our history. We were sent here to meet our obligations on a bipartisan basis and really go back home and meet with our constituents. Instead, we are spending late night hours and long, tortuous debates because of this political tangle.

Part of it has to do with the Republican plan to balance the budget. Most of us favor balancing the budget, but the Republican approach goes far beyond balancing the budget. What they are calling for is a $270 billion cut in Medicare, a cut in a program that is totally unnecessary. They are savaging Medicare far more than they have to in order to come up with extra funds. For what purpose? Not do reduce the national debt, but to create tax breaks. You see the Republican theory from time immemorial is a trickle-down theory. They have always believed that if you make the rich rich enough, it will somehow help working families. Most of us know that is not true. Working families know it for sure.

We are also concerned about cuts in education. I am here today standing on the floor of this hall of the U.S. House of Representatives because this Federal Government, over 30 years ago, loaned me the money to go to college. If they had not loaned it to me, I am not sure what I would be today.

My story is repeated millions of times over, and yet the Republicans believe we need to cut over $10 billion out of college student loans as part of balancing the budget.

Frankly, if we give up on education, if we give up on educating the kids of working families, we are giving up on our future. What we need now is a more responsible, bipartisan, commonsense approach. We have got to stop this massive cut of Medicare to provide a tax break for the wealthy. We have got to stop savaging the education programs that are so important to our children. We have got to stop playing political games with the operations of the Federal Government and with our Nation's national debt.

Unfortunately, the next several days are not going to be very pretty. I wish Members of Congress on both sides of the aisle would adopt my simple proposal: No budget, no pay. If the Members of Congress cannot meet their responsibility to keep the agencies of the Federal Government in operation and not to default on our national obligations and debt, we should not be paid for it. We ought to basically say if we are going to send the Federal employees home without pay, Members of Congress ought do without a pay check.

Mr. Speaker, I have offered it three times and lost three times. I wrote a letter to Speaker GINGRICH and asked him to make it in order. Unfortunately, there must have been a fire in his mailbox. He has not gotten back to me.

The concerns that the American people have about the future are concerns that we share in Congress. We do not shut down Federal Agencies and then keep drawing congressional paychecks. That suggests to me the kind of arrogance which people do not want in their elected representatives.

Mr. Speaker, I hope those who follow this debate will remember the simple challenge that is ahead of us. We can balance the budget if we get rid of the tax cuts and the onerous cuts in Medicare, we can make sure that we have a bright future if we stick with investments in education, and we can make certain that this Government stays in business doing its business if we stop the political shenanigans and get down to the real business of functioning on a bipartisan, commonsense basis.

IN MEMORY OF DAVID TODD HETLAND, MINNESOTA THIRD DISTRICT FIELD DIRECTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. RAMSTAD] is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, this is truly the most difficult speech that I have ever made before this body.

Yesterday, I was a pallbearer at the funeral of my extremely gifted and talented field director, David Hetland. David passed away Saturday at the age of 28 after a courageous struggle with cancer. Dave Hetland was a dear friend, treasured employee, and a committed public servant.

Dave had a vibrant spirit that was there right up to the end as he battled this awful disease. He did not even know he had cancer until 4 short months ago, yet he never got down and he never gave up. Dave will be sorely missed by all of us who knew and loved him.

Dave and Jeanne Broz Hetland, his brave and loving wife, and their wonderful family are in our thoughts and prayers. Jeanne exhibited amazing strength during David's ordeal. Their love for each other was truly a lasting inspiration to each of the 600 mourners who were at the Colonial Church of Edina, MN, yesterday for the funeral.

Pastor Gary Klingsporn, who also officiated at their marriage ceremony just this past August at the same church, said it beautifully in his very moving homily. He talked about the courageous, inspiring way in which Jeanne Hetland lived up to the wedding vows that she had made just 2 months ago. She truly lived the words about being there for Dave in sickness and in health.

In a statement that made each of us in that church nod in unison and wipe our tear-filled eyes, Rev. Klingsporn noted that if the roles had been reversed, that Dave would have been at Jeanne's side, night and day, day and night, just as she was there for him over these last difficult months.

Jeanne was truly the perfect partner for Dave, except when Purdue University played Dave's alma mater, the University of Minnesota. I will never forget when Dave came to me when they first started dating and asked for tickets for that game so they could sit in the middle of the University of Minnesota section. The Gophers lost, but Dave won the heart of one diehard Boilermaker fan. Dave and Jeanne have a wonderful love story that has inspired us all.

Dave has been a key staff member for me since 1991, my first term here. I met Dave through my predecessor and mentor, Congressman Bill Frenzel. Dave served as a college intern for Bill.

Dave came to us energized to pursue the highest standards of public service, and he really represented the absolute best in public service. He had a spirit and motivation that never waned and never left him. That spirit of Dave Hetland will be with me and my staff always, driving us even harder to help people in need and to respond to their problems back in Minnesota.

As my field director in Minnesota, every day Dave Hetland showed up for work performing at the absolute highest level. He was known throughout the district as always being well-prepared and well-versed on the issues before Congress and how they affected the people that we represent.

One of the many accomplishments that Dave will be remembered for is his creation of our ''School of the Month'' program. We recognize one outstanding elementary school each month in our district, based on Dave's research of a lengthy list of applicants each month.

My school visits with Dave would include a short talk to the students and then a presentation of the award. Dave was an expert at making these presentations interesting to the students and understandable to the young people in our district.

Dave Hetland was a wonderful teacher himself. He taught me and everyone in our office a great deal about life and living. He also taught us about death and dying. He never made any excuses when his pain was too much for any mortal to endure. In fact, I remember the last time I saw Dave at the office he could barely walk to his car, but he was there working for the people of our district, putting them above his own needs.

Dave faced death and dying the same courageous, upbeat way that he lived his life. He was a true profile in courage.

Dave remained optimistic to the end and focused on helping constituents and his other work, which he always performed in a first-rate manner. Dave's favorite part of his job, one of his favorite parts of his job, was Service Academy Coordinator. Just recently, the Air Force Academy Associate Athletic Director, Jim Bauman, visited my office in Washington and said that Dave Hetland was personally responsible for bringing enough Minnesotans to the Academy to field their

hockey team and to make them competitive with the best in the land.

Dave's special skills in dealing with constituents and their problems and his deep sense of compassion served the people of the Third District of Minnesota very, very well. His friendly ways and relentless pursuit of solving problems helped literally hundreds and hundreds of Minnesota people.

Another area in which Dave shined was working with people with disabilities. It is a major emphasis in our office, and Dave organized many meetings for people with disabilities to listen to their concerns and to convey those concerns back here to Washington.

Dave also knew every member of the police departments in the Third District by their first name and worked with me on crime legislation. He was always there when I was back in the district, a wonderful adviser and trusted friend.

□ 1800

Mr. Speaker, in one of the most touching eulogies I have ever heard, Dave's father-in-law put it best when he said, ''Dave told me something after his cancer was diagnosed that I will never forget. He turned to me and said, 'You know, Jim, relationships are the most important thing in life.' ''

Dave, speaking for all of us in our office, let me say we could not agree with you more. We will treasure our very special relationship with you forever. We love you, Dave. We are devastated by your passing. We will miss you a lot, but your special spirit will be with us every day for the rest of our lives. We will never forget the lessons you taught us, Dave, nor the inspiration you gave us.

Dave Hetland, you will live forever in our hearts.

The SPEAKER pro tempo (Mr. ALLARD). Our hearts and prayers go out to Dave Hetland and his family and friends.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

[Mr. HANSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

CONTINUING RESOLUTION AND DEBT LIMIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, sometimes it is hard to follow a moving tribute, and certainly one would want to recognize the great service of a very fine individual.

This day, however, brings a great deal of concern to me. It has been a hard day and a long day. Particularly it relates to the responsibilities of the U.S. Congress in making sure that we are responsible to the American people. We are charged now, having not been able to pass under the leadership of the Republican majority, the appropriations bills, we are now faced with the desire and the responsibility to promote and pass a continuing resolution that would, one, lift the debt ceiling but allow, most of all, the proper negotiation in order to provide the correct funding for projects and programs and Government responsibilities.

I am willing to stay here tomorrow on Veterans Day in order to be able to ensure that the documents sent to the U.S. Senate but as well the document that ultimately will go to the President will be one that can be signed. I am well aware, as we are on the eve of Veterans Day, that, if that does not occur, we may have some time around Christmas the biggest nongift to the American public, for we may deny our senior citizens their Medicare benefits. We may deny children who are recently immunized their Medicaid benefits. Veterans, whom we celebrate tomorrow, may not receive their veterans benefits. Hard-working Federal employees throughout this Nation will find the doors locked and the services that they render no more.

Interestingly enough, in terms of the discussion on the debt ceiling, this Republican Congress has raised it many times. Now there is some big debate about how, where, and why and a refusal to extend this process for 30 days after it gets on the President's desk, a motion to recommit that was presented on this floor today, not so much partisan or to get one upsmanship, but simply to allow us in a reasoned but rushed manner, because it is rushed, it is 30 days after the President gets it, to look at these issues of do we really want, as has been proposed by the Republicans, to increase the premiums on Medicare and part B.

Do we want to do that rather than leaving it at the 25-percent portion versus the 31.5-percent portion that is now being proposed in this bill that is not streamlined to deal with the issue at hand but baggaged, if you will, with increasing the premium, with a regulatory bill that is 122 pages tacked on.

Reasoned portions of that bill could be addressed in a bipartisan way by this House. Yet, we have tacked onto this particular legislation dealing with the crisis at hand a bill that the Senate has not even dealt with, never passed a regulatory reform bill. And we have grabbed bits and pieces from that bill, unpassed by the Senate, and tacked it on this legislation now dealing with the crisis that we face, 122 pages, obviously not reviewed in a bipartisan manner by this Congress.

Then we wanted to deal with the habeas corpus matter. Rather than addressing that where it could be heard in a fair presentation of the issue, for no one knows and hopes that they are never incarcerated and never finds themselves in that capacity, but I do believe that Americans applaud the right to seek a redress of grievances. It is important that, if we have the opportunity to seek a redress of grievances, that hasty and frivolous legislation attached to this bill dealing with the debt ceiling and as well the opportunity to continue to pay the Government's bills so that we can do our jobs. How wrong we are to not be focused on the main issue.

I would hope, Mr. Speaker, that we will ultimately get a streamlined bill to the President, sit down at the table of reason and confront ourselves on behalf of the American people to fund appropriately this Government on behalf of all Americans.

NATIONAL SECURITY REVITALIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, I would like to speak for just a moment about the defense authorization conference report which we hope will be reported from the conference this evening. Last year Republicans made a treaty with the American people. In effect, we said that, if Republicans are put in charge of Congress, we would turn things around. We would not let Washington operate as it had in the past, and the Republican Contract With America was a line in the sand saying, enough is enough.

One of the key components of the contract was the National Security Revitalization Act. This act was a commitment to the men and women in uniform that Congress would not allow a return to a hollow military force like we had in the 1970's. The National Security Revitalization Act made a commitment to stop the 10-year slide in defense funding. That is right. Every year for the last 10 years, we spend less in real dollars than we did the year before.

The specific implementation of that commitment is contained in the 1996 defense authorization bill. I am happy to hear that we are nearing final agreement with our Senate colleagues on a final bill. This bill has been a long time in the making. In fact, there are skeptics who thought we may not be able to produce an authorization bill at all.

Those skeptics were wrong. Soon we will be able to bring a bill to the floor which represents a watershed in defense funding.

Contained in the bill, I believe, are some key elements, some things that are very, very important to the new threat that we face today.

For example, with regard to the quality of life of our military men and women, we provide for a pay raise, something that is much needed and overdue. We have also provided for a new housing initiative which adds $450 million, making a total of about $1.5 billion in spending which will go to

modernization and renovation of family quarters and of course bachelor or single person quarters.

Also on the hardware side, we funded eight C–17's for the next fiscal year. I am pleased to hear that the Air Force has decided to request a total buy of 120 C–17's over the next several years. That is important because of the threat we face. It is important because we have brought many of our military people home from overseas. And when regional conflicts occur, it is important to be able to get back there. So this additional capability is something which I believe is much needed.

In addition to that, we continually send carrier groups to sea. The protection, the defense for those carrier groups is a system known as the Aegis system which is incorporated on our destroyers built here in this country, and in the gentleman's district from Mississippi, I might add. And these destroyers, which will be funded this year, will provide for three new Aegis destroyers which I might again say are state-of-the-art ships.

We have also provided for an additional 20 fighter and attack aircraft, 20 new Army helicopters, and we propose to spend $110 million to modernize the M–1 tanks.

I might just say on this last point that it is especially important inasmuch as we saw what tank technology did for the American soldier during the last war in the Middle East The new threat for tanks comes not from the front of the tank, not from the rear of the tank but from new weapons that have been developed to kill tanks from overhead. So it is of vital importance that this goes into place as well.

So, Mr. Speaker, I just wanted to bring these items to the attention of the Members, and hopefully within the next few weeks we will be in a position to vote finally for this defense authorization bill.

EDUCATION FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, if young people are the gateway to the future—and they are—education is the key to gaining access through those gates.

Many young people in America have made a choice—a choice to get an education, to get a job, and to pursue a career—a choice that gives them a chance.

The Republican Party now wants to take that chance from them—to take their choice.

Last year, millions of students held jobs under work study, got low interest loans, did not have the burden of paying interest on their loans while in school, and received grants.

Many will not have those opportunities next year.

In total, over the next 7 years, more than $10 billion will be taken from college students and given to the wealthiest Americans. They call these cuts a savings.

I call it a tragic loss for America's future.

What is education? Education is knowledge. Education is development. Education is knowledge and development acquired through a process.

The process is one that takes time, and it takes a commitment of resources. Since the process of education is a necessary path to good citizenship, then it is clear why, here in Washington, in the Congress, we are making the fight to preserve education.

However, rather than promoting education some have an extreme agenda—obstructing education.

They go too far in cutting Head Start by $137 million—abandoning 180,000 children nationwide and almost 4,000 in North Carolina.

Healthy Start is being cut by 52 percent—exposing infants and children, in the very dawn of their lives, to the perils of infant mortality and other threats.

Children can not learn if they are hungry—yet the Republicans are cutting $10 billion from nutrition programs, including the school lunch program. This is not promoting education.

Title I is being cut by $1.1 billion—denying critical basic and advanced skills assistance to 1.1 million students nationwide and 20,500 students in North Carolina. Twenty-two million dollars of title I funds will be cut from North Carolina next year.

They go too far in cutting Drug Free School funding by 59 percent—this program is currently used by 129 of the 129 school districts—and almost a million children in North Carolina.

The program is designed to keep crime, violence, and drugs away from students and out of our schools. And, the Republican majority wants to gut the program.

The Goals 2000 Program is completely eliminated—381 schools in North Carolina will be denied this vital program.

And, more than 40 States have already signed onto Goals 2000, seeking higher standards for our schools.

Despite the Republicans, we have a chance through education and training to build a better and brighter future through our young people.

Young people are the gateway to the future—education is the key to gaining access through those gates.

□ 1815

TRIBUTE TO GREEN CHIMNEYS

The SPEAKER pro tempore (Mr. ALLARD). Under a previous order of the House, the gentlewoman from New York [Mrs. KELLY] is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, I rise at this time to acknowledge the ongoing commitment of an organization in my community called Green Chimneys.

Green Chimneys is a nonprofit agency that successfully adheres to its mission to provide care and concern for all living things. This center, located on 150 acres of farm land in Brewster, NY, is a treatment center and special education school for emotionally disturbed and learning disabled children. The rural setting provides a therapeutic environment which helps children learn to work out their problems. By incorporating the rehabilitation of orphaned or injured animals into their daily regiment each child can learn to feel needed and gain a sense of purpose and responsibility. As a result, Green Chimneys is teaching both the children and the animals how to survive in their natural habitat.

This fine organization has found a way to reach troubled youths without dipping into the pockets of the taxpayers. Their innovative solutions to address problems in the Hudson River Valley is not only admirable but is extremely commendable.

A perfect example of Green Chimneys' work is Eddie Lugo. Eddie, 14, was sent to Green Chimneys by the Manhattan Family Court because of his threatening and abusive behavior toward his family. Three and a half years later, he is leaving Green Chimneys with the desire to become a police officer or veterinarian because he doesn't like people who mistreat other people or animals. Eddie is only one of hundreds of children who have been helped by Green Chimneys. What better legacy could an organization like this hope for?

At this time I would like to thank all of those involved in Green Chimneys, whether it is a donation of time or money, for ensuring that the future of this country is in good hands. However, I would like to especially single out their director, Dr. Samuel Ross, whose tireless support has been invaluable to our community. It was Dr. Ross who sent me this hat. And I would urge all my colleagues to give Green Chimneys a big tip of the hat to this extremely worthy organization. They are truly the epitome of America civic-mindedness and compassion, and for this I say, ''Thank you'' not only as your Representative but also as your neighbor.

THE TERRIBLE RESULTS OF REPUBLICANS' WELFARE REFORM PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker and Members of the House, today the Executive Office of the President, the Office of Management and Budget, released a report describing the impacts of both the House-passed welfare bill and the Senate-passed welfare bill and, most importantly, its impact upon the children of this Nation. This report notes that those two pieces of legislation can have a very severe

and substantial impact on those children because this legislation threatens to take children who are not now living in poverty and put them into poverty by virtue of the withdrawal of resources that are available to those children in those families, and that we ought not allow to happen.

The report also points out that we have seen the number of people, just recently, who are living in poverty in this Nation decline, that in 1994 there were 1.2 million fewer poor people living in poverty than in 1993. We also see that the changes that this Congress and the administration made on the earned income tax credit for working families where we provide some subsidy to low wages in those families to keep people in the work force as opposed to the welfare rolls, that that has also reduced the number of families that go to work every day but simply work at wages that are insufficient to keep their family out of poverty.

So that is the good news. That is the good news of what this administration has done and changes that Congress has made.

But now the report tells us that, if we were to enact the Senate welfare bill, that we could expect as many as 1.2 million new children, who are currently not in poverty, to be placed in poverty, and God forbid if we were to enact the House-passed welfare bill, we could see as many as 2.1 or 2.3 million children who are not now in poverty being placed in poverty.

Now to understand what this means, Mr. Speaker, if you read the recommendations of this report from the administration, it becomes very clear that within these recommendations we can have historic and dramatic welfare reform that conforms with what our constituents want to see happen, what people on welfare want to see happen, and what we want to see happen, and that is that we put in place a comprehensive and concerted plan to move people from the welfare rolls to the payroll, that people are required to go to work when they have the skills and the talent to do so, and we were willing to help people gain those skills and that talent to move them off of the welfare roll.

We can do all of that and not hurt the 1 or 2 million children that we see will be hurt if the Republican-passed bills are passed, and that currently seems to be the intent of the conferees who are meeting on this matter.

If in fact we do that after receiving this report, we must understand that we are now knowingly, knowingly selecting policy options to place children in poverty that are not now in poverty. That decision reaches a moral dimension, and we ought not, those of us who are fortunate enough to be elected to positions of public policy, who have the trust of our constituents and the trust of this Nation, should not be selecting policy options that knowingly put children into poverty that are not in poverty today.

This is not a contest between the status quo because the status quo with respect to welfare is unacceptable. The President has made it clear that it is unacceptable to him, the Republicans have made it clear that it is unacceptable to them, and the Democrats have made it clear that it is unacceptable to us. This is about whether or not we design policies to put families to work, to make sure that the day care they need is in place, their children will be taken care of and they can move off of the welfare rolls, as this Nation expects those individuals to do. But all of that is threatened by the passage of either the Senate or the House bill and its infliction of terrible, terrible results on the children of this Nation.

Mr. Speaker, those bills should not be passed.

DEFENSE AUTHORIZATION EXCELLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I just wanted, as we wind down the defense authorization conference, and I think we are going to have a bill very shortly for the country, I just wanted to talk a little bit about what we have done with that bill.

You know, our chairman, the gentleman from South Carolina [Mr. SPENCE], who is the first Republican chairman of the Committee on National Security in 40 years, put together an excellent bill this year, and he worked hand in glove with the chairman of the defense appropriation, the gentleman from Florida [Mr. YOUNG], to see to it that we had side-by-side packages that addressed a number of concerns of both the people who were the uniform in the armed services, and of course all Americans who are concerned about national security, and I just wanted to go over a couple of the things that we did.

One thing that we did, and very basically, was we plused up the budget. We added money for equipment in very basic areas that is important to all uniformed people. I call it readiness spending. We spent money on ammunition. In my estimation we have about half the ammo that we need if we are going to fight two regional conflicts, and that means that the Marines, or the Army, or other services who are engaged in land conflict might find themselves running out of ammo about halfway through that fight. So, one thing that we did with this budget under the leadership of the gentleman from South Carolina [Mr. SPENCE] is to put in about $1 billion extra for ammunition, all the way from M–16 rounds to those so-called precision guided munitions that we saw on television during Desert Storm where the world's luckiest Iraqi taxicab driver just made it across the bridge before that one precision guided bomb went in and hit that one strut on the bridge and blew it up. We added those extra dollars for ammo because that is the best service you can do for your uniformed people because that is what keeps them alive in a fight, in a conflict.

Another thing we did was increase sealift and airlift. We do not have enough ships and enough airlift to get our people to the battle in time, and because of that in the last war we had to actually go out and rent a bunch of ships. It is kind of a well-kept secret, but if our allies had not agreed with our purpose in Desert Storm, we might have been very much hurting for sealift, but the gentleman from South Carolina [Mr. SPENCE] saw to it that we plused up sealift, plused up airlift, and we are now on our way to developing an excellent C–17 aircraft that will be able to take big cargo into very short airstrips in troubled spots around the world.

Another area that we involved ourselves in was missile defense, and I think, if there is any hallmark to this chairman's position, his tenure as chairman of the Committee on National Security, his hallmark is that he recognizes that we live in an age of missiles and that this Nation, the people of this Nation, have a right to be defended against incoming ballistic missiles, and our troops in theater should also be defended against some of those slower moving missiles like the Scuds that hit our troops in Desert Storm. So we have undertaken an aggressive program to provide what we call theater missile defenses. Those are short-range defenses against a slower moving ballistic missile so, if our troops are in Saudi Arabia, or on the Korean Peninsula, or other places around the world, and they are shot at by slow-moving ballistic missiles, we will be able to destroy those missiles before they reach our troops. The Republican leadership and the gentleman from South Carolina [Mr. SPENCE] have been the architects of that program.

We also initiated a national missile defense, and the interesting thing is most Americans think we have one already, but, as you know, Mr. Speaker, we do not. We have no defenses against incoming intercontinental ballistic missiles, but we directed this administration to develop and deploy a national missile defense, and I think it is a step we should have taken a long time ago. Under this chairman FLOYD SPENCE, our Republican chairman of the Committee on National Security, for the first time in 40 years we have taken that very important step.

So we have an excellent package, Mr. Speaker, and I wish I had time to tell you about all of the things and the provisions that we have in this particular bill, but I think we can say to the American people that they will be more secure because of the chairmanship of the gentleman from South Carolina [Mr. SPENCE] of the Committee on National Security and because of the extra dollars that we are putting

in defense and that insurance policy for the American people.

□ 1830

THE TIME HAS COME FOR THE SECRETARY OF ENERGY TO RESIGN

The SPEAKER pro tempore (Mr. ALLARD). Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, in order to start off this period of time where we are going to address some issues that have occurred today, some current articles, I yield to the gentleman from Ohio [Mr. HOKE] for an opening statement.

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

Mr. Speaker, I want to say that the revelations brought forth this morning in the Wall Street Journal have caused me, along with many of my colleagues, to believe that the Secretary of Energy has crossed a line that goes far beyond the indiscretion, the mismanagement, and the incompetence which have, unfortunately, all too often been the hallmark of Secretary O'Leary's tenure. The Secretary has moved out of the gray area and leapt into an obvious and indefensible abuse of office. I am speaking of her use of taxpayer money to hire private investigators for the purpose of compiling a media enemies list. It is for this reason that we are sending a letter to the President of the United States asking him to demand Secretary O'Leary's immediate resignation.

It is clear that this specific use of taxpayer money is way beyond the pale.

Mr. TIAHRT. Mr. Speaker, what we have found in some of the earlier period today, we got a lot of calls in my office where people thought this was more than just wasteful spending of taxpayer dollars, but to use taxpayer dollars to hire a private investigative firm to develop information or an enemies list, as was mentioned in the Wall Street Journal article, goes beyond, as the gentleman says, the gray area, and really crosses the line.

I think we have already started the process here on the floor of the House and around the Hill here of talking with different individuals. They have become very upset at what has happened today on revealing this, that the Secretary of Energy has misused these tax dollars. We have a letter that is, as was mentioned by the gentleman from Ohio, going to the President that has almost 70 signature on it now, and it has gained momentum. This is on top of other patterns that have been developing.

Over the last 6 months we have seen several articles in the paper about the travel that has been going on through the Department of Energy. Secretary O'Leary often takes many people with her when she travels. She upgrades to first class, stays at resorts or four-star hotels, and has really been living the good life on taxpayers' money.

Mr. HOKE. If the gentleman will continue to yield on that point, I think it is an ironic footnote that in fact when the White House, finding out about this, tried to determine where the Secretary was today, it turns out that, of course, the Secretary was not in Washington. In fact, the Secretary was in Louisiana raising money for the Democratic candidate for Governor in Louisiana, and had to be asked to come back to the White House to speak, apparently, to Mr. Panetta, the President's Chief of Staff, to explain, and perhaps more than to explain her actions in this regard.

Mr. TIAHRT. Once again, the travel budget seems to be the issue here. I think, again, we are just noting that this is a pattern that has been developing of wasteful management. Even Vice President GORE, in his National Performance Review, looked at the Department of Energy and found that in the environmental management portion, that they were 40 percent inefficient, citing that over the next 70 years it could cost taxpayers up to $30 billion if we do not do something about it.

Also we have found that the Department of Energy was 20 percent behind in their milestones, which means they are behind schedule in one out of five projects. So we have a pattern developing of poor management of the taxpayers' dollars.

Then we come to this morning's article, which says that this private investigative firm that was paid for out of taxpayer dollars was developing an enemies list, and we find out that Senator DOLE is at the top of the list. Other Members of Congress were also involved. I heard from a member of the Department of Energy that I was also on the list, at No. 13. I think that is a very unlucky number for the Secretary.

Mr. HOKE. If the gentleman will yield for a question, what do you suppose would be the reaction of your constituents if you were to spend $100 out of your official account to investigate and rate the media as to how they report on your official proceedings?

Mr. TIAHRT. The gentleman brings up a good point. All of us wonder how we are doing in the media, but none of us that I know of take taxpayer dollars and hire a private investigation firm to go in and do that, act for us. We all read the clips ourselves and make kind of a mental tally, but we do not misuse taxpayer dollars. I think that is the important difference between what goes on in Congress and what is going on in the Department of Energy, with the Secretary of Energy.

Mr. HOKE. I think it speaks for itself. It is just incredible. As the President's own press secretary, Mike McCurie, said today, ''On the face of it, it is simply unacceptable.'' When he was asked if she would be asked to resign, McCurie said, ''I don't want to speculate on that.'' I think the time has come when 68 of our colleagues agree, and counting, that the time has come for the Secretary to resign.

CLARIFYING THE RECORD WITH REGARD TO THE CHAIRMAN OF THE COMMITTEE ON NATIONAL SECURITY

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

Mr. DORNAN. Mr. Speaker, sometimes wild rumors float in the press that just come out of the thin air. The gentleman from South Carolina, FLOYD SPENCE, one of our dearest friends and a Navy captain, retired in the Reserve, I mean an active captain in the Reserve, is the chairman of our Committee on National Security, sometimes referred to as the Committee on Armed Services.

His five subcommittee chairmen, of which I am one, and the gentleman from California, DUNCAN HUNTER, spoke for 5 minutes earlier, we stand behind him foursquare. This is an absolute fantasy that anybody in our conference, all 233 of us, to be 234 tomorrow, and 235 after the 18th of this month, a friend just told me, the 235 of us love FLOYD SPENCE, a great leader. The military men and women across this country in every service, and across this world, think this is one outstanding chairman of our Committee on National Security. Please kill the rumor before the regular tabloid press picks it up.

MISUSE OF TAXPAYERS' MONEY BY HEAD OF THE DEPARTMENT OF ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

PUTTING TO REST RUMORS ABOUT CHAIRMAN OF THE COMMITTEE ON NATIONAL SECURITY

Mr. GRAHAM. Mr. Speaker, along the vein of the gentleman from California [Mr. DORNAN], I am a Congressman from South Carolina, and I am so glad to hear this put to a rest. This is a funny town where rumors can start without any basis. I think that was something that needed to be said. I congratulate the gentleman for saying it, because the gentleman from South Carolina, FLOYD SPENCE, has been a great Member of Congress, he has been a good chairman, and serves his country well.

The reason I really want to share a few minutes with those that are listening tonight is that I live in the Third Congressional District, and the Savannah River site is the largest DOE industrial facility in the chain. I have been told that, and I believe that to be correct. We have lost about 8,900 people due to layoffs in the last few years where we are trying to downsize the

Department of Energy, make it more efficient, get better use of taxpayer dollars. Then to wake up and read the newspaper and find that the Department of Energy chief, Ms. Hazel O'Leary, Cabinet member, has taken $43,500 of public money to go out and investigate the media, rate newspapers, rate reporters, try to coerce those who give bad stories, in her opinion, to give better stories, that is at least two, maybe three jobs at the Savannah River site.

Along with the gentleman from Ohio [Mr. HOKE] who made this amendment, can you imagine what would happen to a Member of Congress if they did such a thing? They should lose their job, and so should Ms. O'Leary. This is really an offensive event. It was one of many events that show there is no leadership over in the Department of Energy. I think it is a good example of what happens when an agency continues to grow with no clear mission or well-defined purpose. All of a sudden, it is more important what people think of you than what you are actually doing.

I would just like to let everyone know that I find it highly inappropriate for the Department of Energy chief to take $43,500 of hard-earned public money and try to recreate her image at a time when we are downsizing the Department and we are making hard decisions throughout the land. The problem with the Department of Energy is not an image problem, it is a substance problem. We need to have a well-defined, clearly-defined energy policy. We need to clean these sites up instead of talking about it. We need to get on and develop our national defense needs, like tritium production, which is within the venue of the Department of Energy.

Mr. HOKE. Mr. Speaker, will the gentleman continue to yield on that?

Mr. GRAHAM. I am glad to yield to the gentleman from Ohio.

Mr. HOKE. Mr. Speaker, we spend a lot of time talking about travel, and now this silliness where the Secretary has actually spent money, she is so paranoid apparently, about the way the Department itself, as well as she, personally, is being perceived in the press that she is spending taxpayer dollars to have reporters investigated.

But what is really at stake here is the fact that the primary responsibility of the Department of Energy is the warehousing and safeguarding of our nuclear weapons stockpile. Think about it. We are talking about bombs that can wipe out this Earth many, many times over.

When we cannot even have a Secretary and a Department that can control its own travel, its own spending, and is so paranoid that it is checking up on reporters in that way, that bodes terribly, terribly poorly for this core mission, which is critically important. We are not talking about muckraking for political benefit, here. What we are talking about is an extraordinarily important responsibility that rests with the Secretary of the Department of Energy.

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

Mr. GRAHAM. I gladly yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Speaker, there has been a bill going forward that says that we are trying to reduce the redundancy in government and eliminate the Department of Energy as a Cabinet level agency. I think this shows that this individual will take any means necessary to prevent the needed cuts to take place in her bureaucracy, even to the point of going and investigating some of the other reporters and Members of Congress, as well as reporters. I think that, as 68 others have, I will join and call for the resignation of the Secretary of Energy.

Mr. GRAHAM. If I may, Mr. Speaker, the article to which we are referring has a unique comment in it. A DOE official responded concerning the spending of $43,500 to go out and investigate media outlets and reporters who report on the Department of Energy, favorable or unfavorable ratings, and made the comment:

> A reporter's unfavorable rating meant we weren't getting our message across, that we needed to work on this person a little.

To me, that is a statement beyond belief, that again, if I as a Member of Congress took taxpayer money entrusted to my care to go out and work on somebody to make me look better, I should lose my job.

A HISTORIC OPPORTUNITY TO BALANCE THE FEDERAL BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, we are in a historic time right now for the House of Representatives and for the Congress generally. We have the opportunity for the first time since 1969 to in fact balance the budget. People say, ''What do you mean by balance the budget? Doesn't the country already do that?'' No, it is an unfortunate tale, but not since 1969 have we balanced the budget. School boards balance their budgets, county governments do, State governments and family budgets as well as corporations make sure they do not spend more than they bring in, but the Federal Government for many years, when they have more money that they have spent than they brought in, it just becomes a tax increase. Now we are up to almost $5 trillion in years of Congresses, House and Senate and prior Congresses, basically spending more than they bring in.

I think the message we have heard from all of our districts, all 435 across the country in all 50 States, is that while we want direct services that the Federal Government can provide that are not already provided by the State government or the private sector, let us make sure we eliminate the fraud, abuse, and waste. That is what this Congress is trying to do.

By balancing the budget, we are going to be able to achieve lower interest payments for those who own a house and are paying a mortgage, we will be able to lower the interest payments for cars, for people who are buying a vehicle over time, we will be able to lower the cost of college education, and, by balancing the budget, we will in fact increase the opportunities for companies to expand, to grow, and to hire. By having more employment and more people contributing to the tax base, we will stabilize the tax base.

We are on the threshold of an historic Congress in that we have passed the balanced budget, we will have passed tax reform, giving young people the opportunity to have an education, to have an elder care tax credit, to have a rollback of the 1993 increase of the Social Security tax, to allow seniors under that same tax reform proposals to be able to in fact earn more than $11,280 without a deduction in their Social Security. They will be able to earn up to $30,000 a year.

That will reduce the capital gains tax to 19 percent for individuals, 25 percent for companies, thus increasing job opportunities, savings, and expansion of businesses, and as well, we will have an adoption tax credit of $5,000 for families who are trying to adopt a child. All of these are pro-business, pro-people ideas to help seniors, to help working class individuals, to help our young people.

We want to make sure that the next generation of children is not born with such a heavy debt, and by having the heavy debt it makes it harder to get a job, it makes it harder to keep a job, it makes it harder to enjoy the quality of life that we want to have that is better than we had. We can make sure that we build upon the American dream by working together in a bipartisan fashion to balance our budget, to make sure that we have businesses that are thriving, and to make sure that services that have to be performed by the Federal Government do not have all the bureaucratic red tape and the unnecessary costs that have occasioned them in previous years.

□ 1845

So I am looking forward to a final reconciliation bill, a final legislation dealing with the House and Senate, working together and hopefully also having the President's assistance as well, to make sure that we do what the American people want, and that is balance the budget, reduce spending that is wasteful, reduce excessive cost, and provide the services that people need without bankrupting the Nation.

JOLTED BY WORLD EVENTS

The SPEAKER pro tempore (Mr. ALLARD). Under the Speaker's announced policy of May 12, 1995, the gentlewoman

from Georgia [Ms. MCKINNEY] is recognized for 60 minutes as the designee of the minority leader.

Ms. MCKINNEY. Mr. Speaker, I rise this evening to provide an update on the redistricting battle that we are continuing to fight in the State of Georgia in an effort to save not just the 11th Congressional District, but also the 2d Congressional District, the two new majority-minority districts that are the equal opportunity districts in the State of Georgia.

Before I talk about what is happening recently with redistricting, I would like to just say a few words about how we have been jolted by world events. The assassination of Prime Minister Yitzhak Rabin. We have had several of our colleagues come down here and tell their stories about what the Prime Minister meant to them. I had an opportunity to meet Prime Minister Rabin, and I would like to share the few moments that I had with him and what it means to me.

We were in an international relations meeting, and some of our colleagues can be so boarish sometimes. One of our colleagues was pointing his finger and becoming rather animated and turning red as he tried to make a very strong point to the Prime Minister. I had seen this particular Member behave the same way toward President Aristide, and I thought that perhaps this particular Member had a problem with race. But when I saw him doing the same thing with Rabin, I knew that it was probably just that ugly Americanism coming out, that ugly American that we are known to be around the world that we need to try and change.

When my colleague finished, I felt compelled to speak up and say to the Prime Minister, well, Mr. Prime Minister, I want you to know that that gentleman does not speak for me and he does not speak for people who think like me, who are very supportive of Israel, who are very supportive of the peace process, and who want America to be a part of your success. Prime Minister Rabin turned to me and he said, I am not the enemy of America's mothers.

So while we struggle with the senseless assassination of Prime Minister Rabin, we all must learn to let go of the hate and to work toward peace.

So even as we fight right now and become even jolted by things that are happening in our domestic policies as well, we still have to learn to let go of the hate. Sometimes it is very difficult. Right-wing, extremist talk does lead to extremist behavior, and right now while we are discussing our Nation's budget, it is perhaps the most important piece of legislation that this Congress will debate.

The budget is a statement of our Nation's priorities, and for the first time in 40 years, the Republicans, who now have a majority in the House and in the Senate, can state what their priorities are to this Nation and to our world.

I remember when I ran for Congress back in 1992. There were a whole lot of people who did not believe. In fact, there were a lot of people who kind of laughed. They said, she wants to be a Congresswoman from Georgia? Who does she think she is, or what does she think she is? It was very difficult for me to find friends. It was very difficult for me to raise money. It was very difficult for me to put together the kind of organization that people readily associate with congressional races, but I got here. After I got here I found out that friends came real easy, and folks were falling all over themselves to become my friend.

So it seems that the new Republican majority is falling all over themselves, and they are falling all over themselves to do what they have not been able to do for the last 40 years, and that is to give special breaks to their rich, wealthy, elite friends, people who have always been able to wind themselves inside the political process and who have been able to find their way inside rooms, halls, for deals. So we should not be surprised that in this budget we see that the rich are super represented and everybody else, well, they have to fend for themselves.

In this bill, there are special breaks. I have four pages of special interest deals for special interest friends, from the oil companies to ski resorts, to large corporations, corporations, with large capital gains, corporations with large pension funds, the banking industry, mining companies, rich ranchers out west who think that our land is their land. Pharmaceutical drug companies, health insurance companies, infant formula companies, doctors, doctors, doctors, nursing home industry, coal companies, gambling interests, even football coaches have been able to find a little special treatment in this Republican budget.

We have seen that some folks are going to have to pay the price. Our seniors pay the price. Medicare funds to Georgia will be cut by $6 billion. Mr. Speaker, 56,000 seniors in the 11th district alone will see their premiums increase. Georgia hospitals will lose $2 billion over the next 7 years. Hospitals in the 11th district alone will lose $138 million. Georgia will lose another $5 billion in Medicaid cuts over the next 7 years. Students, with their student loans will be paying, on average, an additional $600, 3,416 students in the 11th district alone.

The earned income tax credit. Who in the world could be against the earned income tax credit? Well, these folks here want to cut the earned income tax credit. Almost 600,000 working families in Georgia stand to lose the earned income tax credit, 52,000 working poor families in the 11th district alone.

Republicans have definitely defined themselves. On Medicare, GINGRICH said, now, we do not want to get rid of it in round one because we do not think that that is politically smart, and we do not think that is the right way to go through a transition period. But we believe it is going to wither on the vine because we think people are voluntarily going to leave it. Wither on the vine, Medicare.

So the Republicans have done a good job of defining themselves, and now it is up to the Democrats to define themselves.

What is it that the Democrats stand for? Well, one thing we know for sure is that Democrats stand with seniors against these devastating Medicare cuts. Democrats stand with children and the poor against the decimation of Medicaid. Democrats stand with college kids when they are trying to fund their education. Democrats stand with the millions of working families who use the earned income tax credit. Democrats stand with little kids who deserve a healthy start and a head start in life. Democrats stand with the jobless, with the workers who find themselves jobless because their factory has moved in search of low-wage labor. Democrats stand with our lowest-wage workers who are in need of an increase in the minimum wage. Democrats stand with our urban and suburban areas in dire need of infrastructure, and Democrats stand with folks who just want a fair shake from their Government.

Marian Wright Edleman complains in The New York Times article of November 6 that the American people are asleep, sleeping through this revolution. The story reads, ''Marian Wright Edleman was seething. 'I have been so frustrated trying to get the message out', she said. 'It is immoral what is going on in Washington today. The country is sleeping through this revolution. What we are witnessing', she said, 'is an unbelievable budget massacre of the weakest. It is absolutely wrong.'''

Marian Wright Edleman has dedicated her life to the pursuit of civil rights and equal rights and rights for our children.

But as I struggle with the Democratic party, on behalf of Democratic values, to make a Democratic stand, there are some Democrats who do not value me or my participation in this process. The last time I checked, there was no whites-only sign on the Democratic party. The last time I checked, there was no white-only sign for Democratic values.

The Democratic party is a party of diversity. It is a place where women have a place. It is a place where minorities have a place. It is a party where liberals, moderates, middle of the roaders, all have a place and ought to be respected.

Mr. Speaker, something is going on in the south, and that something that is going on in the south is saying, you black folks, you do not have a place in the Democratic party. You get out. Move out of the way, because we do not want you. That is what my State

Democratic party is doing in the State of Georgia.

□ 1900

The Florida plaintiffs were bold enough to say what other folks were thinking. In their brief, the case is Johnson versus Smith, which is an effort to get rid of the congressional district that is represented by Congresswoman BROWN, they write:

In the 103d Congress which met in 1993 and continues to meet through 1994, the legislation which was passed included a budget which enacted substantial increases in taxes and gun control legislation which had been put before the two prior Congresses but which had failed to gain passage. The Congressional Black Caucus, which consists of 37 Democrats and 1 Republican congressman, claims responsibility for those legislative successes. Particularly in the area of gun control, where 37 of the 38 African-American congressmen voted for banning certain gun sales, legislative passage could not have been secured without the votes of 12 African-American congressmen from the South whose congressmen traditionally voted against gun control measures.

Representatives Brown, Hastings, and Meek all voted in favor of the bill. The Congressional Black Caucus has also supported increased power for political action committees $5 million in funding for prevention programs as part of the crime bill, and the granting to death row inmates of the right to challenge their convictions on the basis that those convictions, as shown by a statistical analysis, were racially motivated.

The process of gerrymandering congressional districts has, therefore, had a substantial impact on the political debates concerning issues of our time. However, it has resulted in the passage of legislation which would not otherwise have been passed without gerrymandered districts.

So I think we have it there in black and white, which is kind of literal, that the Florida plaintiffs are upset because the Congressional Black Caucus has a modicum of power for a change, because the Congressional Black Caucus has a seat at the policymaking table, because there are three African-Americans who happen to be able to represent the State of Florida in the U.S. Congress.

I think that is a shame, that folks would actually think and then articulate an idea that black people have no place here and then would act on that idea in an effort to get us out of here.

That is what this redistricting battle is all about. It is an effort to get black people out of elected office. There is no doubt about it in my mind.

Now as a result of the most recent events in the State of Georgia, I can say unequivocally that the Democratic leadership in the State of Georgia feels the same way. Georgia Democrats believe that they should get rid of these black representatives, trade us in, trade me in, so that a white male can come here and represent those people who are already represented.

The reason that I cast my vote in a different way is because I represent people who have not been represented. This is new. But this is representative democracy. I thought that is what we all were fighting for.

Just a reminder, I have got these district maps here. I want to make sure that the American people understand that the judgment about what a beautiful district is, what a pretty district is, what an effective district is, is purely subjective. There have never been perfectly square or perfectly round districts. Districts have always been drawn with special interests in mind. As our Speaker of the House has said in the State of Georgia, ''You can't take the politics out of politics,'' and redistricting is about as raw a form of politics as you can get.

So we can have here a 95-percent white district in the State of Illinois that has a shape that is not perfect and that district can go unchallenged.

We can have a district in the State of Texas that is 91 percent white that can be challenged on a map of all congressional districts from the State of Texas, a district that can look like this. It ain't square, it ain't perfectly round, but it is an effective district. Nobody has denied the Representative of Texas' Sixth District the opportunity to cast his vote here.

Then the three-judge panel in Texas looked at that configuration and said, ''Well, it's OK, but let's go over here and let's find Barbara Jordan's historic district, let's declare that district unconstitutional,'' so they did.

''Let's go over here and find the majority Latino district and declare that district unconstitutional,'' so they did.

''Let's go over here and find a district that is 45 percent black and declare that district unconstitutional,'' so they did.

Obviously, only people of color are under assault in these redistricting cases. If the district is 90-percent white, obviously there is no race involved in that district; but if the district is 50-percent black, you better look out.

Of course, here is Georgia's 11th Congressional District, a district that provides representation from the south of DeKalb County over to the city of Augusta and down to the city of Savannah and all of these rural areas in between. One and a half million African-Americans in rural Georgia have never had representation before. Now they finally have a little bit of representation, and some greedy folks want to come and take that away from them.

What does a quiet hug in the Georgia State reapportionment office tell me? A hug between the most powerful Democrat in the State of Georgia and the lawyer for the plaintiffs, hugging, in congratulation, in celebration, of their victory. Mighty amazing.

Then, what am I to make of a statement by the State's attorney? Now the State of Georgia is supposed to be defending, well, as much of this as they can, and the other district on the other side of the State. But, no, the State's attorney says, ''Well, we only want one black district.''

So now the story I thought I was telling months ago is now even more tragic and true. It is even more tragic, because the State has now shown its hand. It has joined with the plaintiffs. The State failed to put up any witnesses in the trial. The State played dead. The State has joined with the plaintiffs, and the plaintiffs have an agenda.

What is their agenda? Their agenda is to reconstruct the district so that my previous Democratic opponent can win. What they want to do is get rid of me and replace me with the man who ran because he did not think there was anything wrong with the district in 1992, but when he lost, then there was something wrong with the district. Maybe he took some folks for granted. Maybe he did not have a record to run on. Maybe it was the right of the people of the 11th Congressional District to reject his candidacy, because maybe he just did not stand for the right things.

There was a map that was on the walls in the legislative office building, and nobody paid any attention to the map, because the man who ran against me was a Democrat at the time. Then he flipped over and became a Republican, and everybody knows that our speaker of the house in Georgia is a yellow-dog Democrat. There is no way in the world that our yellow-dog Democrats are going to ally themselves with this flip-flop Democrat turned Republican.

But there was a map. Now all we have to do is just think back and remember that there was a map. The very first map that was on the wall was a DeLoach map, and then the very last map on the wall was a DeLoach map, and the maps that were taken to the Republican caucus, to the Black Caucus, was a DeLoach map.

Of course, nobody really realized this at the time, but now we can put two and two together and we can add and we can see that really our yellow-dog Democrats had joined up with the flip-flop Democrat-Republican, and their purpose was not to reinvigorate the two-party system in the State of Georgia but to reinvigorate old-line politics from the State of Georgia, Old South politics, the kind of politics that have made Georgia famous in the halls of the department of justice because Georgia is known for denying black people their rights.

But, at any rate, the plaintiffs claim that they want to reinvigorate the two-party system. Well, there is a way that you can do that. You do that with message. You do that with standing for something. You do that with fighting for causes and goals and objectives. You do not do that by ignoring people, by denying people representation, by using people as spare parts.

So now I and the people that I represent from South DeKalb throughout our heartland, our rural heartland, in Augusta and in Savannah are supposed to be nothing more than spare parts for aspirations for other folks, but they

cannot have their own hopes and aspirations for their own government.

The plaintiffs also as a part of their agenda want to dismantle and completely obliterate these integrated districts. These are integrated districts, the most integrated districts in the South. They want to get rid of them.

Now probably more insidious than anything else, the true aim is that they want to bleach the Democratic party.

□ 1915

What they want to do is to get me out of the room so that they can be in the room, and then they can exercise public will at the public till as they see fit, with impunity and without any meddling from folks who have a different point of view. If they want to bleach the Democratic Party, then they also want to bleach our Government.

Because they want to get rid of me. They want to take me out and replace me and replace me. What they want to do is to restore white dominance in the South. I want to be very clear about this. They can assign fancy names to it, but the bottom line is white resistance. It is what the South is known for.

Why is it that in the State of Georgia we fly a flag that has the Saint Andrew's cross on it? What is the Saint Andrew's cross? Saint Andrew's cross is the battle flag of the Confederacy.

Now, why would the State of Georgia want to fly the battle flag of the Confederacy on the State flag? They want to do that because they voted affirmatively, they took affirmative action in 1956 to place the battle flag of the Confederacy on our State flag because they wanted to resist Federal intrusion into their school system.

They did not like the Brown versus Board of Education decision in 1954, so they went slap-damn-it straight up to the legislature in 1956, and they put that doggone new change on Georgia's flag, and in 1995 we still live with the decision that was made in 1956.

Now they are all doing it in the name of the 14th amendment. That in and of itself is a cruel hoax, but there was probably another cruel hoax, and that was all of that time and all of the taxpayers' money that was spent in that special session. All of the tears, all of the anguish, all of the serious negotiation, was just a joke. It was a joke.

Now we know, because the first map that was on that wall was the last map that was on that wall, was the map that the State of Georgia sent to the trial. That map, State Senator Donzella James feared that it was a hoax, and so she wrote a piece which I will not read. I will just submit it for the RECORD, entitled ''The Redistricting Hoax.'' She feared it. We did not know it.

The special session was a joke. Black elected officials were duped. Black elected officials, including me, were laughed at behind closed doors. $500,000 of taxpayers' money was wasted. Yellow-dog Democrats have proved that they have got a streak in them, but it ain't loyalty.

My dad had a dream, and he did not know how to adequately articulate it. He wrote it down kind of jumbled up, because he was writing from his heart. He was not trying to be so clear. He was just trying to remember his dream.

He said:

> I had a dream last night. I saw very clearly a group of white men gathered around a table, and they were plotting the future of black people in the South for the next century. I was surprised that I recognized all of them. They were all involved in the attempt to overturn the Voting Rights Act.

And he goes on to name who these people are. They are his Democrat leadership, because my dad is a Democrat. My dad is elected as a Democrat from the 51st State House District. They are his speaker, his Lieutenant Governor.

> This distinguished group had been stunned by the Georgia Legislative Black Caucus at hearings before the Georgia Reapportionment Committee. The Caucus had shown unusual preparedness in its opposition to the dismantling of the majority black districts. In stinging testimony, the assertions of the plaintiff's attorney were proven to be untrue. The Caucus brought down from the University of Georgia a constitutional civil rights law expert in the person of Dr. Pamela Carlin, attorney Rod McDuff from Mississippi, who has fought civil rights cases all over the Nation, Selwyn Carter of the Southern Regional Council.
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> This emergency meeting was called because what was thought to be a routine turning back of the clock had gone awry. The blacks would not march back to slavery with their hats in their hands like their forefathers had before them. After much discussion, it was decided that the State would use an unheard of order demanding that the State appear before the court and present maps and testimony with only one week's notice. The threat of having judges draw the districts would scare the heck—that is not the word he used—out of the Black Caucus. A brilliant threat that would throw panic into the Caucus, because the Caucus is not really a player in this chess game. Black citizens are only pawns to be sacrificed in a fight between the major parties. The Democrats have three Members serving in Congress, but they do not count because they are black. So the plan is to banish the black Congressmen and spread the black citizens who vote 95-percent Democrat among the other districts.
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> The lawsuit was filed against the State. Black people play no significant role in State government, thus no hand at the table. So as his plaintiffs fight the State to remove blacks from public office, the State is helping as they connive in that backroom hovering over that table.

Now this was my dad's dream. But what he did not know was that later on there was a hug in a backroom between the State and the plaintiffs. He was absolutely right. My dad's fears came true. And so in the course of this cruel, tragic redistricting hoax, the Georgia Legislature voted to dismantle 11 majority black districts, 9 in the State House and 2 in the State Senate. It was all planned from the very beginning.

''General Assembly Held Hostage,'' that was the flier sent out, ''targeted black districts.'' ''Told them if you all don't do right, we are going to take away your districts.'' ''Tyrone Brooks, you are nothing but a troublemaker anyway.'' He is the premier civil rights fighter in the State of Georgia. ''We will just take your district away.''

Eugene Tillman, newly drawn district, gentleman came before the Reapportionment Committee. He said, ''I come from a county named Liberty, but they still treat us like slaves.'' His district is gone. His representation is gone in this cruel, cruel hoax.

So now, the Georgia Legislative Black Caucus members, certain members, have signed a letter to Deval Patrick asking that the plan that disbanded those 11 State legislative districts not be pre-cleared, because in the course of a special session that was convened for the purpose of fixing the problem in the 11th district, nothing happened in the 11th district. They did not do that. They did not get around to it.

But they did find the time to dismantle 11 majority black districts, 11 opportunity districts for folks who do not have representation to get a little representation. Bill Shipp, one of our noted columnists, wrote a story and says, ''Are the bad old days back?'' It is a question I asked, are the bad old days back?

Does the Democratic leadership of the State of Georgia think that they can just wipe me out of Congress, off the map, and think that I will go away quietly? No way. I will not go quietly because I represent people, people who are sick and tired of being taken for granted, and people who are not going to stand to see the representation that they now have snatched away from them.

It will not be the first time. On the grounds of the Georgia State capital there is a statue. That statue commemorates the service of 33 African-Americans who were elected but who were expelled in 1868 for no other reason than the color of their skin. The title of the statue is ''Expelled Because Of Color.''

I stand today on the floor of the U.S. House of Representatives, the most powerful democratic body in the world, as perhaps the first African-American in the 20th century to be expelled because of the color of my skin. That is not what America is supposed to be about, but that is what American has been about. It happened in 1868.

It happened in 1901. Representative George White from North Carolina, he was a U.S. Congressman and he was kicked out. So that makes me think that I can escape what has happened before, the fate of black people to be expelled from representative democracy because they do not deserve representation?

□ 1930

George White said, ''This, Mr. Chairman, is perhaps the Negro's temporary farewell to the American Congress. But let me say Phoenix-like, he will rise up

some day and come again. These parting words are in behalf of an outraged, heart-broken, bruised and bleeding, but God-fearing people; faithful, industrious, loyal people, rising people, full of potential force.'' George White did not go quietly, and neither will I.

The attorney for the State of Georgia representing Democratic leadership in the State of Georgia said at the trial in Augusta, ''Our position is that Section 2 does not mandate a second Congressional black district.''

I think that just about says it all. The fears that we had in the middle of the special session, at the end of the special session; the confusion that we experienced at the beginning of the special session and all during the special session, was a joke. It was a hoax. Folks were laughing at us.

I had faith, hope, and trust in my Democratic leadership of the State of Georgia, because I am a Democrat too. And when I come up here and I vote, I do not see anything on my card that says ''Black vote,'' or ''Black Democrat.'' I do not see that. I vote yea or nay, just like everybody else.

Other folks see that. And then other folks bring what they see that is ugly to the political process. Now the whole Nation is wrapped up in this issue of race, when maybe really all it is is just a matter of greed. But greedy folks will use the issue of race. Greedy folks will divide people. Greedy folks will say ''You all do not deserve to be together,'' so that they can continue to get and get and get, and take and take and take.

Claude McKay says the following in his poem, ''If We Must die:''

If we must die, let it not be like hogs
Hunted and penned in an inglorious spot,
While round us bark the mad and hungry dogs,
Making their mock at our accursed lot.
If we must die, O let us nobly die,
So that our precious blood may not be shed
In vain; then even the monsters we defy
Shall be constrained to honor us though dead!
O kinsmen! we must meet the common foe!
Though far outnumbered let us show us brave,
And for their thousand blows deal one deathblow!
What though before us lies the open grave?
Like men we'll face the murderous, cowardly pack,
Pressed to the wall, dying, but fighting back!

That is about the way I am going to take this whole redistricting fight, pressed to the wall, dying, but fighting back.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTION TO DISPOSE OF SENATE AMENDMENTS TO HOUSE JOINT RESOLUTION 115, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–331) on the resolution (H. Res. 261) providing for the consideration of Senate amendments to the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTION TO DISPOSE OF SENATE AMENDMENTS TO H.R. 2586, TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–332) on the resolution (H. Res. 262) providing for the consideration of Senate amendments to the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IMPORTANCE OF BALANCING THE FEDERAL BUDGET

The SPEAKER pro tempore (Mr. ALLARD). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. RIGGS] is recognized for 60 minutes as the designee of the majority leader.

Mr. RIGGS. Mr. Speaker, I am pleased to be joined by my colleagues, particularly my colleague, the gentlewoman from California [Mrs. SEASTRAND] and other colleagues who will be coming to the floor shortly in what promises to be, I think, a very special and informative 1-hour special order.

We are going to talk about a variety of subjects tonight, Mr. Speaker; but, most of all, we are going to focus on the importance to America, to our constituents of passing a balanced Federal budget.

So much really hangs in the balance or is at stake. I guess I should not say ''balance'' too often, for fear that the people might be misled a little bit, but so much is at stake here over the next several days or several weeks, depending on how long it actually takes us to ultimately get a balanced budget signed into law. But our constituents and our colleagues listening tonight and perhaps viewing on C–SPAN should realize that House Republicans, as the new majority in Congress for the last 10 months, have been absolutely dedicated to balancing the Federal budget for the first time in a quarter of a century.

We have already passed on this House floor the 7-year Balanced Budget Reconciliation Act of 1995, which balances the Federal budget in 7 years by limiting the growth, the increase in Federal spending, to 3 percent per year.

Now, the Balanced Budget Reconciliation Act also contains some very other important reforms, including genuine welfare reform that requires work for the able-bodied, emphasizes families, and provides people who are dependent on welfare in the short-term real hope and opportunity for the future.

The Reconciliation Act also includes a significant tax cut for families and for economic growth and job creation in the private sector. This is the dividend, if you will, the economic dividend, for families resulting from getting our fiscal house in order at the Federal level. It is only right, since we all know that the beleaguered middle-class American family has been overburdened by the combination of high taxation and stagnant incomes for many, many years, it is only right that we keep our promises and provide them with much needed tax relief.

Mr. Speaker, before I yield to my California colleague, Mrs. SEASTRAND, I want to point out earlier today the House passed a temporary increase in the Federal Government's borrowing authority. That is known as the debt ceiling. Basically, we sent a bill to the other body, the Senate, that allows the Federal Government to continue borrowing money for the purposes of financing a deficit until on or about December 12.

The passage of that legislation today follows on the heels of the past and of a continuing resolution which allows the Federal Government to keep the doors open and to keep paying its bills, meeting its financial obligations. That is the continuing resolution which passed on this floor yesterday.

When it came time to vote on the temporary increase in the debt ceiling, the short-term extension until December 12, we heard some of our colleagues on the other side of the aisle, some of the so-called moderate Democrats, make statements about wanting to balance the Federal budget in a bipartisan fashion. In fact, they even went so far, as is the prerogative of the minority party in the House of Representatives, to offer a so-called motion to recommit. They claim that that motion to recommit would allow us to achieve a balanced budget working in a bipartisan fashion.

But here is the flaw in their thinking. We would be remiss on this side of the aisle if we did not point out that a couple of weeks ago, we did pass the 7-year Balanced Budget Reconciliation Act, which again was the key vote on whether a Member of Congress on either side of the aisle supports the idea of balancing the Federal budget in 7 years or less, whether that Member is willing to go on record as making the difficult decisions and the tough choices necessary to balance the Federal budget in 7 years.

Now, when we had that legislation on the House floor a couple of weeks ago, only 4 Democrats, only 4, there are 199 Democrats currently serving in the House of Representatives and only 4 had the courage to cross this middle aisle, which you might refer to as the partisan aisle, to support the House

Republicans, the majority party, in approving and passing that balanced budget plan.

Just before that vote, they had the opportunity, as again is their prerogative, as the minority party in the House of Representatives, they had their opportunity to present their budget alternative known as the Democratic substitute.

When they offered that plan, the Democratic Party's substitute, which they claim would also balance the Federal budget in 7 years, only 72 Democrats out of 199 supported the Democrat substitute. In fact, the House minority leader, the gentleman from Missouri [Mr. GEPHARDT], and the House minority whip, the No. 2 ranking Democrat in the House of Representatives, the gentleman from Michigan [Mr. BONIOR], both voted against the Democrat substitute. That is to say, they both voted against their own party's version of a balanced budget.

So my point is that only 76 Democrats, the 72 who voted for the Democrat substitute and the 4 Democrats who supported our balanced budget plan, only 76 out of 199 Democrats, far less than a majority, actually supported, when it came time for the talking to end and the voting to start, a balanced budget.

When the debate had finally ended and it was really time, if I can use sort of a crass term, to put up or shut up, only 76 out of 199 Democrats supported, with their vote, the concept of balancing the Federal budget and stopping the immoral practice of borrowing from our children's future to pay for today's spending binges.

Despite this 11th-hour rhetoric we heard on the House floor today, an overwhelming majority of Democrats clearly believe that we can continue our merry deficit-spending ways.

So I am a returnee to the Congress. I served one term, took an unintended vacation or sabbatical, depending on your point of view, and returned as a Member of our new majority. I learned in my first term in office, serving back here in Washington, a priceless saying that has been, I guess, bandied about this august institution for years and years, and it is simply paraphrased as, ''Don't listen to what they say. Look at how they vote.''

When it came time to vote for a balanced budget, only 76 Democrats stood up to be counted. The remainder, out of 199, so that would be 123 Democrats, voted against balancing the Federal budget, voted against the other reforms that were contained in that act.

So here we are trying to solve problems for a generation, and all they can offer is more rhetoric.

Before I yield, I want to also point out one other chart. Maybe we can understand their action, the action of our Democratic colleagues in the House, a little bit better if we understand that the President of the United States and the leader of their party has also failed to come to the table with a real, verifiable plan to balance the Federal budget. In fact, what I have put up here on this chart are the budget deficits that are projected by the nonpartisan Congressional Budget Office resulting from his so-called 10-year balanced budget plan.

You can see, because this is not my word, for that matter this is not the claim of any of my colleagues, this is the considered professional opinion of the nonpartisan Congressional Budget Office as to how his budget, the President's budget plan remains unbalanced, generating $200 billion deficits year in and year out over the next 10 years. Red ink as far as the eye can see.

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So, in a way, I empathize with some of my Democratic colleagues because they really have not been able to look to the President of the United States and the leader of their political party for leadership on this particular issue, and that is what this issue is all about, real leadership.

Mr. Speaker, we are on the verge of working out the final details between the House and the Senate on the Balanced Budget Reconciliation Act, and as soon as we have done that we will be sending that, along with a longer term extension of the national debt ceiling and larger term increase in the national debt ceiling, and we will be sending that legislation to the President of the United States. It will be time for him, at that point, to decide if he is going to make good on his earlier promises to the American people to balance the Federal budget.

And of course we know that the President is, unfortunately, inclined to say one thing and do another, but the reality is he is on the record very recently as telling Larry King, during the course of an interview on CNN, and I am actually now looking for his exact words here, he is on record as saying that he believes that the budget can be balanced. In fact, back on June 4 of 1992, the President told Larry King, ''I would present a 5-year plan to balance the budget''. Well, Mr. President, we are still waiting to see your 5-year plan to balance the budget, because, obviously, what you sent to Capitol Hill not only does not balance the budget, it adds a trillion dollars, over a trillion dollars more to the national debt; the aggregate debt of $5 trillion.

So, Mr. Speaker, we believe that after months of delay, after months, to be honest about this now, of the President and some of his liberal Democratic allies in the Congress using every trick, every excuse, every scare tactic that they could to halt our reforms to balance the Federal budget, to preserve and protect and strengthen Medicare, to reform the welfare system, to cut taxes for families and private businesses, after months of delay the time really for the President to act is now. He is running out of excuses.

The American people are clearly running out of patience. They expect us to do the right thing, and that means balancing the budget. We are absolutely committed to doing that. We say let us get the job done, no more excuses, no more Washington gimmicks. It is time to do the right thing for America's future and adopt a Federal budget that reflects America's values.

Mr. Speaker, at this time I yield to the gentlewoman from California [Mrs. SEASTRAND], my distinguished colleague.

Mrs. SEASTRAND. Mr. Speaker, I thank the gentleman from California [Mr. RIGGS]. It is interesting when he says no more gimmicks, no more Washington excuses, let us just do it. I would note that his district is on the coast of California, way to the north. I am on the central coast of California. Many hundreds of miles divide our districts, but I know that when he goes home, as I do, and walk the parades and go to the town hall meetings, we hear our constituents, whether they be Democrat, Republican, independent or such, they give us that slogan, no more excuses, let us just do it.

I would like to say that balancing the budget is really a nonpartisan issue.

Mr. RIGGS. It should be.

Mrs. SEASTRAND. And, Mr. Speaker, we can do it in a bipartisan way. I would like to remind people that it has been over 25 years since we have balanced the Federal budget, and that goes back a long way.

As I have said to people, my son is 25 years old, and being involved in politics for so long, grassroots politics, I remember writing letters to my Congressman. In fact, Congressman Leon Panetta was my Congressman in the late 1970's, and we heard a lot of talk about we are going to balance the budget. I know the distinguished gentleman is now in the White House, with a very important job to do, and we are talking about balancing the budget and here it is 1995.

Mr. RIGGS. The gentlewoman should probably point out that he is at present the White House Chief of Staff, but as one of our former colleagues he was chairman of the House Committee on the Budget. He was chairman of the House Committee on the Budget when I served in the Congress 4 years ago, in the 102d Congress.

And, in fact, my most bitter memory from that whole time period was losing the fight for the balanced budget amendment out on this House floor by six votes, and then Congressman Panetta helped lead the opposition to the balanced budget amendment and helped ensure that the balanced budget amendment was defeated back then, or else I think we probably would already have a balanced budget as the law of the land and be well on our way toward, obviously, reducing and eliminating the deficits and actually then beginning to pay down on the national debt.

Mrs. SEASTRAND. Mr. Speaker, I guess the point is we do a lot of talking. It has been 25 years. I remember

talking to my Congressman in the late 1970's and in the early 1980's, and there was a lot of talk when previous Congresses went home. I am sure Members of this House went home and said to their constituents that they were going to balance the budget, but we never saw it accomplished. Coming here into the House as one of those reform-minded freshmen, it is a joy to be surrounded by other Members that think the way I do.

Mr. Speaker, being a mom and a wife, I had to realize that I had to have some kitchen table financial reality at least once a month, and so sat down with the checkbook and figured out what my priorities are with my husband for our family. And when we think about the families across America tonight that are probably going to be doing that very thing, the checkbook, the bank book, figuring out what are the priorities for the family, maybe they do want to take a trip or something but they just cannot afford it.

Mr. Speaker, I think that we all know what it is to be maxed out on our credit card. I think families across America might have been in that situation. I think when they get their monthly statement from their credit card and they see the amount of interest they are paying, and if they are sensible persons, taking care of their finances and sitting at that kitchen table, they have to come to the conclusion that they cannot continue maxing out on their credit card. One, there is a price to pay. They are not going to be allowed to charge on it anymore, but the fact is that that interest is eating their dollars up.

So, Mr. Speaker, I like to use that comparison because I have a credit card here and it is one of 435. It is a very unusual credit card, and I would think that in previous Congresses it was one that was used and, well, they simply maxed out on their credit card. We have a new 104th Congress here, a Congress with a new attitude, realizing a simple fact of life; that we are maxed out and the interest is killing us. The experts tell me we are almost paying a billion dollars in interest alone on this credit card every day. We cannot continue along this line or we are facing really some terrible realities.

So I am pleased to be one of those 73 reform-minded freshmen with the idea that we are going to balance the budget. We know it is not going to be easy, but this Congress needs to sit down at the table here and have some kitchen table financial reality just like all families do. We are maxed out.

Each year American taxpayers pay almost $300 billion just to service that debt that we have accumulated. I do not know about my colleagues, but sometimes when I think about it, a billion dollars does not mean much to me. I do not deal in my checkbook with those kinds of dollars.

Mr. RIGGS. Not that many zeros in anybody's checkbook.

Mrs. SEASTRAND. No. But I know we are in the red and I want to do something about it. What is so great is to know that we now have a plan, a 7-year plan. We have set priorities. Let me tell my colleagues that I have had to use this, if I can call this a credit card, now on many, many votes and made tough choices to pick out priorities of where we are going in this Nation as a family and how we are going to get out of the red. Very difficult choices and decisions that I have had to make; not pleasing to many people, pleasing to some.

Again, Mr. Speaker, it comes to setting priorities. Just like in our own families we are not going to make everyone excited about the fact when we say we have to face reality, we have to pay the bills and set priorities, and we are not going to take that trip to the Caribbean. We might hear moans, but it is just a fact of life.

I think we should realize that the debt, as of a couple of days ago, November 6, to be exact, was $4,984,737,460,958.92. A lot of dollars, a lot of commas, as it just is a fact that we have to have that kitchen table financial reality today.

It is a pleasure and I am looking forward to the next several weeks. I hope we can get an agreement with the President and I hope in the end the President will see that he has a job to do. I think we are going to, hopefully, see decisions made for the best interests of all of our citizens across America, our families in America.

Mr. RIGGS. Mr. Speaker, I thank the gentlewoman for her observations and her comments because she is so right. Republicans in this Congress are different. We really are committed to doing business differently than the old way of doing things in Washington. We have proven that we are committed to keeping our promises, and that we are willing to meet the challenges of the Nation head on with no more excuses, no more Washington gimmicks, no more blame game, and that is a point I think the gentlewoman made particularly well.

Again, I know from having served in this body before that it was easy for Members to go home and tell their constituents that they were all for the idea of a balanced budget, but then come back here and vote in a very different fashion, basically vote to continue to spend more than we take in, to continue our old deficit spending ways, literally imposing by future borrowings a tax, a hidden tax, a tax without any representation on future generations. By future generations I do not just mean our kids or grandkids. I am talking about those children not yet born who will inherit the national debt.

Mr. Speaker, we have learned something in this Congress called generational accounting, and it really is stunning to realize that an American child born today can expect to pay, over the course of his or her lifetime as a wage earner and a taxpayer, $187,000 in taxes that go to pay interest on the national debt. Nothing else. Interest on the national debt. That is money that is not going for a college education, a home purchase, health insurance, or any other item. It is just money going to pay interest on the national debt.

If we do not turn the situation around, if we were to adopt a budget like the President proposes, the percentage of taxes that an American child pays that goes to pay just interest on the national debt would continue to increase, to the point where the gentleman from Ohio, JOHN KASICH, of the Committee on the Budget is fond of mentioning that at the current rates, or on this present path, if we do not reverse direction here, that soon an American child can expect to pay something like 80 percent of their taxes just in interest on the national debt. Obviously, it is a situation that we have to turn around and that we will turn around in the interest of our children.

Mr. Speaker, I now want to recognize, if the gentlewoman from California will stay, because we were going to talk a little about the spending increases in our 7-year balanced budget plan and the benefits for our colleagues back in California, but I want to recognize our good friend, our classmate, the gentleman from Kansas, [Mr. TIAHRT]. I was just reading about him earlier today, because he participated, apparently, at a press conference held earlier today.

I am actually looking now at the news release put out by the Republican National Committee headlined ''Congressional Republicans Celebrate Former Democrat Day,'' and it quotes our good friend, Mr. TIAHRT, who switched to the Republican Party in 1990 because he, ''Saw that there was a trend towards the loss of credibility in the Democratic Party by the way they fought for the status quo on social programs and spending, and I think that this loss of credibility is continuing.''

Mr. TIAHRT goes on to day, ''I am proud to be part of a party that focuses on the positive, that focuses on hope for the future, a balanced budget, welfare reform and saving and preserving Medicare.'' And we are very proud that he is part of our party and that he is part of the new freshman class that has swept so much change into Washington, and I am happy to yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from California [Mr. RIGGS], and the gentlewoman from California [Mrs. SEASTRAND], and I wanted to kind of carry on some of the discussion that my colleagues were having about the balanced budget.

If I can be retrospective a little bit, if we go back to November 8, many of us new Members of Congress came in not because we were good looking or attractive or we spoke particularly well. We were elected to Congress because the United States was extremely frustrated at the way business was being

done here in Washington, DC, and there was that loss of credibility, as I referred to in the press conference today.

I think that we are finding, after being here and seeing what the status quo was, we are starting to uncover more and more things that we are trying to bring forward in this 7-year Balanced Budget Reconciliation Act that my friends have been talking about.

Today, I want to spend just a little time developing an argument as to why we should pick out portions of the Federal Government that are extremely ineffective and inefficient and eliminate those portions or consolidate them, and also there is something that happened today that I want to talk about that kind of really brings this to the surface.

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Let me go back to the review of the Department of Energy, which is one portion of the Federal Government that has approximately a $17.5 billion budget per year.

When we were looking at the overall Government, we found that this one agency was particularly a problem because of its ineffectiveness, because of its redundancy, because of poor contracting methods. It came out of the aerospace industry, out of contracting with about a dozen years of experience, and we could see that this was just one of the problems that they were facing. The GAO said that they had lack of focus, ''A vision a minute.''

The Department of Energy was really a 1970's tax guzzler, and it really has outlived its purpose. It was formed out of the energy crisis and the gentlewoman from California [Mrs. SEASTRAND] and the gentleman from California [Mr. RIGGS] will remember the gas lines that were part of the problems that we had in the 1970's, especially in California. But those were in part formed by price controls and allocation controls.

When the 1980's came along, President Reagan eliminated those controls, and we found out that the crisis was gone. Even during Desert Storm when we had twice as large of a percentage interruption in the income of petroleum into the United States, we still had no gas lines. The crisis had been gone, but yet we were left with this bureaucracy.

So in our further research, we found out that even Vice President Gore, through his National Performance Review, found out that the Department of Energy, particularly the environmental management, was 40 percent inefficient. It missed 20 percent of its marks, that means that it was late on one out of every five projects, and that if we did not do something about it, that it would cost the taxpayers of this country $30 billion over the next 70 years.

Mr. Speaker, if there is a legacy that we can leave behind it is that we remember that it is not the Government's money, it is the taxpayers money, it is the people's money, and we must be very cognitive of how we spend it.

The GAO also finished a report in February 1995, and it fit in very nicely as far as timing with what we were trying to do in looking at the parts of the Government that were ineffective. I want to quote from one of their reports. It said, in effect, referring to the Department of Energy, ''They are unsuccessful as a cabinet agency.'' They are unsuccessful as a cabinet agency.

Then it gave a couple of reasons. One is their inability to overcome management weaknesses. I think that is very important as we lay out this argument as to why we need to focus on this if we ever hope to balance the budget. Also, the second reason they cited is that they have the burden of mission overload, going back to that original quote where I said they have a vision a minute.

So I think the original purpose of this agency, like other parts of the Government, has run its course, and in an effort to reinvent themselves to stay active, they are constantly reaching out into other areas.

In 1977, the Department of Energy spent 80 percent of their budget dedicated to the energy function. Today, it is 20 percent, less than 20 percent.

So they have really reinvented themselves. We have a socialized oilfield now in the realms of the Government. It is called Elk Hills Naval Petroleum Reserve.

Mr. RIGGS. Mr. Speaker, it is in southern California.

Mr. TIAHRT. Yes, and even though we have this out there as part of this agency, and it is unnecessary, we should sell it off, we do not do a very good job of producing oil as a Federal Government.

We have a charter to produce oil in Elk Hills Naval Petroleum Reserve, but we do not have a charter to produce natural gas. It is a byproduct of the whole operation there, and instead of selling it, it is pumped back into the ground to force more oil up to fulfill the charter. So we are again inefficient in the way we handle even the Naval Elk Hills Petroleum Reserve.

We also have three-fourths of the effort within the Department of Energy that is defense-related functions and what that has caused is a redundant bureaucracy where we have entities inside the Department of Energy which are very similar, provide similar functions as entities in the Department of Defense. So what we have uncovered is a 1970's tax guzzler and we have decided it is really time to turn the lights out on the Department of Energy.

Let me talk just a little bit about the budget, because it relates back to balancing the budget. As I said earlier, the Department of Energy's budget is about $17.5 billion a year. In the President's request for a budget back in January, Secretary O'Leary was requesting an increase in the budget of $337 million. Over the next 5 years, that type of increase would equate to a $1.5 billion increase.

Well, as we are going through the legislative process of looking at the details inside the Department of Energy, developing legislation which would correct that and in effect eliminate the Department of Energy as a cabinet-level agency, the Secretary of Energy came out with an alternative plan last May or so, last spring, which said basically that if you allow me to play a little shell game, sell off a few things, I can save taxpayers about $14.1 billion over the next 5 years.

So now we are seeing a shift from what was an increase of $1.5 billion to a decrease of $14.1 billion, because people like us knew in Congress, or returning to Congress after a sabbatical, as is the gentleman from California, were putting pressure on the administration and on the system to change the way business is done, so that it is not done the same as it was prior tot he 104th Congress. I think that is a significant swing for the taxpayers, and again, it is their money.

But this just kind of points out the fact that the Department of energy should be abolished. We have started even this year in the balanced budget amendment. We reduced their budget $500 million over what it was in fiscal 1995. Now, instead of increasing it $337 million, we are decreasing it about a half of a billion, which is a significant swing, almost a $1 billion swing, but we are headed in the right direction.

We are going to privatize the Alaska Power Marketing Administration. This is something that is part of the legislation to eliminate the DOE, a very necessary action. Mr. Speaker, there are many power companies that do a good job of distribution power to the private sector, to our homes, to our companies, to where we work, where we go to school, where we shop, and for the Government to do this seems a little bit redundant. Often, it is done more efficiently by the private sector and we have started that process.

We are going to sell the Elk Hills Naval Petroleum Reserve; I think is very important. We are going to sell the strategic petroleum reserve because of some infrastructure problems that we need to correct, and even the Secretary of Energy, Secretary O'Leary, as admitted that the lab structure is too big, too complex, and needs to be consolidated and downsized.

So we see that the system with the new Congress is putting pressure on the administration to try to correct the problem. We have not gotten there all the way yet, but we have made a significant step.

Then, next, we started seeing some evidence of the management problem and it came in the form of travel. There was an article that came out in the Washington Times from information that was received through the Freedom of Information Act that looked at cabinet-level travel, and it

was found that the Secretary of Energy, Secretary O'Leary, has the highest average trip expenses of anyone in the President's Cabinet, even higher than the Secretary of State, who is forced to travel overseas.

Quite often her travel problems include upgrading herself to a resort or a four-star hotel, kind of living the life of luxury. She operates at first class, but more than that, she takes along a large contingency of staff, sometimes as many as 70 when going to foreign countries. We even found out that in the agency they made a T-shirt that had a globe on it, on the chest, and the different countries that Secretary O'Leary has visited this year, and it was titled, Secretary O'Leary's World Tour, kind of taking off from some of the concert tours that rock groups have gone on. But it is just a reflection of where there is an abuse here in the travel.

The Committee on Science is currently looking at some of these problems, because what has happened is the travel budget has been diverted from some of the very important research programs to the Secretary's bureaucracy, central bureaucracy, so that she can fund these lavish travels.

We also have a GAO audit going on requested by Congressman HOKE from Ohio and myself just to look at where this money is coming from, how it is being spent, is this the best use of taxpayers' dollars.

Mr. RIGGS. Mr. Speaker, if I could just interject for a moment if I might. When we use the term GAO, we are talking about the General Accounting Office, really the accounting arm of the legislative branch of Government, the Congress.

I appreciate the gentleman yielding.

Mr. TIAHRT. Mr. Speaker, that is correct. That brings us to today's story.

In the Wall Street Journal today there was a story about how Secretary O'Leary has taken $43,500 from the taxpayers and hired a private investigative firm to go do research on reporters, on members of industry, and also on Members of Congress, and in this investigation there was some type of analysis as to who was giving the biggest negative impression of the Department of Energy and Secretary O'Leary down to the 25th, and through some of the inquiries, particularly in the Wall Street Journal story, it was found that Senate Majority Leader DOLE was No. 1 on the list.

I think this is a little peculiar since all they are trying to do is develop a good image for Secretary O'Leary by spending the taxpayers' dollars, but it just happens that it targets the No. 1 opponent to her boss, Secretary O'Leary's boss, President Clinton.

Mr. RIGGS. The leading candidate for the Republican nomination and Senate majority leader.

Mr. TIAHRT. That is right. It is very important that the President's image is up, so we are using taxpayer dollars to look at his administration trying to improve their image. But this is part of this enemy's list, so-called enemy's list as it was entitled in the article.

We found out by contacting the Department of Energy themselves and talking to an assistant secretary that even I was named on the list, as were others, I believe; JOHN KASICH, who is chairman of the Committee on the Budget, was also labeled. But I was No. 13 on the list, which I think is going to be particularly unlucky for the Department of Energy and also Secretary O'Leary.

Mr. RIGGS. Mr. Speaker, I always regarded 13 as my lucky number, but in this case I will defer to the gentleman.

Let me just for a moment hold up the Wall Street Journal article for our visitors in the gallery and for our colleagues and constituents who might be watching this special order, because it is a page 1 article, the Wall Street Journal today. The headline is, ''Turning the Tables, Energy Department Reports on Reporters'', and then there is a subheadline that goes on to say, just as the gentleman from Kansas mentioned, ''It paid $43,500 in tax dollars.''

Mr. Speaker, these are American tax dollars to find, ''Unfavorables, a Little Bit of Nixon,'' the subheadline concludes, and the article is written by Michael Moss, a staff reporter for the Wall Street Journal.

Mrs. SEASTRAND. If the gentleman from Kansas would yield, I think it is most interesting to know that we are talking about $43,000. Now, there is a number I can understand. You were talking previously about billions and millions, and yet it is interesting to note that while we are talking about billions and millions, $43,000 is a large amount of money for most people in America, and yet we are talking about other things that are costing millions and billions of dollars that we can save the taxpayer.

Mr. TIAHRT. Well, if you think that the average income in the Fourth District of Kansas, which is the district that I represent, is $28,308, that is a significant amount of money. That is the average income; it means something, it is the average income for a family in the Fourth District of Kansas.

Again, I think this is just the tip of the iceberg. We have seen this mismanagement of taxpayer funds in travel, in the environmental management which has been 40 percent inefficient, and this goes way beyond just the gray areas. This is into the abuse of taxpayers' dollars. It is just another excess that we have.

The reaction has been very interesting. The reaction in Congress has been widespread shock and amazement. I think this is really a significant step back to the way business was done as usual, the old business was done as usual. It is what we have been trying to get away from in this new Congress.

I think this goes to show why I have joined with 69 others here in Congress, calling for the resignation of Secretary O'Leary. If the President does not push for her resignation, I think that he validates this effort, he validates the hiring of a private investigation firm to look into other Members of Congress, other members of industry, other members of the press, and he also validates the misuse of travel dollars and what has been going on inside the Department of Energy and the inefficiency efficiency that we have been talking about and that has been uncovered by the General Accounting Office.

Mr. Speaker, this is just a reflection of the problems that we have and it is why the Department of Energy should be eliminated as a Cabinet level agency. It should go beyond. We should consolidate the redundant areas of Government. We should privatize like we are doing in the power marketing administrations; we should eliminate the waste and it should all start with Secretary O'Leary's resignation.

I think that is why this logical process that I have just gone through calls for not only the resignation of Secretary O'Leary, but also the elimination of the Department of Energy as a Cabinet level agency.

Mr. RIGGS. Mr. Speaker, I certainly commend the gentleman from Kansas [Mr. TIAHRT] for his leadership and his initiative in this area. I know he has worked very, very hard on this issue and has been really one of the driving forces behind the call for dismantling the Department of Energy, which would follow on the heals of the plan that actually passed the House of Representatives today as part of the short-term debt limit bill, and that is our plan, really the New Federalists or House Republican freshman plan to dismantle the Department of Commerce.

So I really commend the gentleman. It will be very interesting to see what comes of this investigation that he and the gentleman from Ohio [Mr. HOKE] have called for by the General Accounting Office of these lavishly expensive travel habits of Secretary O'Leary.

In just a moment I will yield to the gentleman from South Carolina [Mr. GRAHAM] who I know has some particular insights to share with us on this issue. But I just want to point out how extraordinary it is to get so many Members of Congress to sign a letter in such a short period of time.

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The gentleman from Kansas mentioned the number again. I know I cosigned the letter today, but how many Members have signed this letter?

Mr. TIAHRT. Sixty-nine as of this hour. When I left my office, we had another phone call that added the 69th name. As this information gets out, people are wanting to join in this effort because they see the abuse, that it is wrong and that it is time for a change.

Mr. RIGGS. This letter has only been circulated really on this House floor over the last few hours.

Mrs. SEASTRAND. Yes, because I also joined in signing the letter. I

think as the article was distributed from information obtained about the Wall Street Journal article and such, I think people were outraged.

Mr. RIGGS. Let me just read the conclusion of this letter that so many of us have signed today:

Many serious questions have been raised about Secretary O'Leary's official travel. Now it has come to light that the Secretary has hired, and I will leave the name out right now, but apparently a private research or investigative firm to investigate reporters who cover the Department of Energy. The compilation of what is clearly an enemy's list is an extraordinarily dangerous precedent, one that we cannot countenance. Thus, we believe that Secretary O'Leary has forfeited her right to public office, and we urge you to ask for and accept her resignation immediately.

Again, this is a letter that 69 Members of Congress, both Republicans and Democrats, have signed over the last few hours, late afternoon, early this evening today, and will, I am assuming, shortly be going to the President for his consideration. I thank the gentleman, and I hope he will stay for the remainder of the special order.

I yield to the gentleman from South Carolina.

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding. I would also like to congratulate the gentleman from Kansas [Mr. TIAHRT] leading up the effort to abolish the Department of Energy.

Mr. Speaker, let me tell you what perspective I bring to this issue. I am from the Third District of South Carolina, and the Savannah River site is in my district. I have been told it is the largest DOE industrial facility in the chain.

At one time, there were over 20,000 employees at the site. In the last 3 years we have had 8,900 people leave the site because we are trying to downsize the agency, trying to balance the budget. That means that every Congressperson up here will have some pain in their district, and that is what it is going to take to balance the budget, and we are trying to be fair about it. We are trying to shrink the Government, make it more efficient.

Instead of spending millions and billions and getting nothing for it, we want to get some results. We want to change cost plus contracts to performance contracts, and I will have to give Ms. O'Leary some credit. She has brought about some of those changes.

But in a time when people in my district are losing their jobs, when we are worried about the image of a Cabinet officer to the point that we are going to spend $43,500, I do not know about where you come from, but that is still a lot of money. That is somebody's salary, probably two people's salary for an entire year, money spent to go out and survey the media, rate reporters to improve her image at a time when people are having to lose their jobs, having to seek another way of making a living, having to retire early, to me that is very offensive. It is poor leadership.

The reason the articles have been bad concerning the Department of Energy, one, it is a Department that should not exist. It cannot find its niche. There is no justification for a huge Federal bureaucracy to manage these issues, and we have spent millions and billions over the years to remediate the environment, and we are no closer than we were 5 or 10 years ago.

The national defense needs are suffering. One issue that is very important to me is the production of tritium. Tritium is a gas that is essential to develop a thermonuclear weapon. We are quickly running out of our supply of tritium.

This Department of Energy does not have a plan to develop a tritium source. We have made tritium at South Carolina at the Savannah River site for the last 40 years. We now need to get back in the business, and I cannot get Hazel O'Leary or anybody at DOE to get serious about weapons production to maintain a nuclear deterrent force.

The commercial spent fuel is overflowing in this country. Go to any powerplant in this country. They are having a huge problem with commercial spent fuel, because we will not live up to our end of the bargain to open Yucca Mountain up, and the DOE is dragging their feet.

I am tired of it, and I want new leadership, want leadership that is not worried about their image but is worried about the country's problems, not worried about how they fly an airplane but worried about people, to deliver a quality product to the American people. I think any Member of Congress that took $10 out of their account at taxpayers' expense to try to improve their image should lose their job, and she should lose her job.

Mr. RIGGS. I appreciate the gentleman's comments. I want to point out, we are joined now by the gentleman from Ohio, our theme team leader who has done a tremendous job on the House floor and certainly has spearheaded along with the gentleman from Kansas and the gentleman from South Carolina this investigation into Secretary O'Leary's travel practices.

I want to point out that this is just the latest in a series of scandals that have rocked the Clinton administration. I can recall then candidate Clinton promising the American people the most ethical administration in history. Remember that? The most ethical administration in history. Or as the kids would say, ''The most ethical administration in history, not.''

This follows on the heels of so many other broken promises from this particular President. We all recall candidate Clinton promising to end welfare as we know it, we all recall him promising to cut taxes for middle-class families. As I mentioned earlier, we all recall him saying that he will balance the Federal budget in 5 years.

This is just the latest in a series of reversals by this particular President and this particular administration going back really on his fundamental promises to the American people. I yield to the gentleman from Ohio.

Mr. HOKE. I thank the gentleman from California.

Mr. Speaker, I just got in and I do not know, have we heard, has the Secretary resigned yet? Has that occurred? Because I do not want to go over things that are really irrelevant at this point.

Apparently not. In any event, this is the report. This is it right here. This is the Carma report. It is a wonderful name, the Carma report. $43,500 happens to be about $13,000 more than the average family household in my district earns. That is how much was spent on this report.

I happened to look through some of it. The gentleman from Kansas [Mr. TIAHRT] will be pleased to know he is cited in this a number of times, apparently because of his interest in the Department of Energy. I have a couple of notices. The gentleman from Ohio [Mr. KASICH] is in here. The Speaker is in here. Mastercard is listed. Senator DOMENICI, the Galvin Report, Yucca Mountain, Senator JOHNSTON, USDC J. Edward Lodge, Senator THURMOND, Snake River Alliance, Representative HUNTER, Representative WALKER, House Appropriations Committee, Los Angeles Times, Representative ENSIGN, Phil Batt, President Clinton, Yucca Mountain. It is just stunning. I was thinking about this whole situation. I know we are pounding on the Department of Energy and particularly the Secretary, and I was reminded frankly of another thing that I had not thought of in some time and had not seen. But do you remember when the Secretary took a mission to India, it was supposed to be a trade mission? Well, one of the members of that mission was Carl Stoiber. He put together a little remembrance for everybody that included these cartoons, and he is a pretty good cartoonist. I believe he works for the Department of Energy. If not he was with one of the contractors that works for the Department. This is what he calls an alternative view. This was delivered or disseminated to all of the people that were on the trip.

This says ''Prisoners of the Secretary of Energy.'' You can see they are taking off on their Air Force jet.

Here we have got one that says, ''Yeah, the Air Force runs a really great flying cocktail lounge.''

Mr. RIGGS. Does the gentleman know how many DOE employees went on that particular trip?

Mr. HOKE. I think it was in the neighborhood of 70. I think it was about 70. I am not absolutely certain.

Here is one, we see a fellow with a big red nose, apparently in a glass of suds, of beer, it says, ''Let's Make Sure We Stop in Shannon on the Return Flight.''

Here is the Secretary, thinking to herself, ''Gee, maybe I should wear rose petals all the time.''

This is Secretary O'Leary's visit to Donnewas Village, in a kind of a caricature. Apparently they stopped off in Egypt, in Cairo so that they could see the pyramids and ride on camels. ''Whoa, Just Call Me Hazel of Forrestal,'' it says here, Forrestal being the name of the building that the Department of Energy is located in.

And finally something that is probably not so funny. I do not think if I were an Indian national I would think this is very funny. I think it is frankly in extremely poor taste. I know that there are a lot of people that would feel very sensitive about it. It is a can that says ''Simmered Milk with Cow Dung Patties.''

Mr. GRAHAM. If the gentleman would yield for a second, to put this in context, a Department of Energy spokesperson when asked about the $43,500 expenditure and the investigation said, according to the news article, a reporter's unfavorable rating meant we were not getting our message across, that we needed to work on this person a little.

What is the message?

Mr. TIAHRT. If the gentleman would yield, I want to point out that part of this message they were developing, I think, was to put them in a good light, so that when we looked in the details of the Department of Energy, that we would no longer uncover some of these inefficiencies, some of the ineffectiveness, some of the problems that they are having which add to the argument and make the case for Congress that we should eliminate the Department of Energy as a Cabinet level agency. I think they were trying to overcome this.

Mr. HOKE. When you are doing things like this and you are putting a lot of energy from the Department of Energy into traveling all over the world, here is a mockup that was done on a Department of Energy computer, a color printer and computer, this was going to be on the back of a T-shirt until we exposed it in a special order one night. It says O'Leary's World Tour, 1993–94, Brussels, Islamabad, Lahore, St. Petersburg, et cetera, et cetera.

The fact is that sure you have got an image problem, you can be absolutely certain you have got an image problem when you are spending the taxpayers' money in these things. I said this earlier when we were talking. But the problem, this idea of muckraking about travel and getting into the details even of this $43,000 that was spent, how anybody could have not realized that this is an inappropriate and utterly offensive use of taxpayer dollars to be hiring private eyes, private investigators to rate and investigate reporters. The fact is that is the tip of the iceberg. The real problem is the safeguarding of nuclear weapons, which is the No. 1 responsibility of the Department of Energy, and second of all, the safeguarding of the disposal of nuclear waste.

Mr. TIAHRT. If the gentleman would yield, in the Wall Street Journal article, it talked about they thought about gathering this information inside the Department of Energy; however, that would have cost over $80,000. So instead, they hired a private sector, private investigation agency to do the job for $43,500, which is approximately one-half the amount of money that it would have cost to have done the job inside the Department of Energy. Once again this reconfirms that we have large inefficiencies inside the Department of Energy and that we do need to consolidate, get rid of the redundancy and eliminate the Department of Energy as a Cabinet level agency.

Mr. HOKE. So that even when it comes to dirty tricks, you could hire private eyes to do dirty tricks at half the price that the Department could do them themselves?

Mr. GRAHAM. If the gentleman would yield, the $43,500, to put it into perspective, the average income in my district is $13,000 per capita. A family is about $25,000, $26,000. Like I said, that is a lot of money and you should treat that money seriously.

The bottom line of the story is when she was presented with the data, she said, ''Well, that's a little too confusing. I don't think that's going to help us.''

What will help the DOE is to come up with a rational energy policy, to deregulate the cumbersome process of cleaning these sites up and getting on with the job. The message that she is not getting is that there is a limited pot of money to do the Nation's business with. You cannot always fly first class, you cannot always make the papers say what you want them to say. Part of a democracy is that when you engage in the public sector, in the public debate, you are going to be called on the carpet at times. She has been called on the carpet because she has no vision, she has no message. The administration has no vision or message. They assume that we can make enough money to make every problem go away.

Two papers that were rated in this survey and investigation are in my district, the Augusta Chronicle and Aiken Standard. Like I say, the largest employer in South Carolina is the Savannah River site Department of Energy facility. I admire those two papers for taking the Secretary to task. Sometimes that is risky because they do control our future to a great extent. They are asking to build a technology in our district that is experimental in nature, that is twice as expensive of known technology to make tritium, and I along with other Congressmen and Senators in South Carolina and Georgia are saying, ''Don't buy us off. You're not going to build something in our district that's wasteful just because it is coming into our district.'' That is the message that needs to be said in the country.

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Quite frankly, she just does not get it. The President does not get it. She needs to lose her job.

Mr. HOKE. Now, when you said the Secretary indicated that it was too confusing, the report, and that she really did not get anything out of it anyway, it really was not something helpful to her, I have to tell you I think she was saying exactly the truth. I spent 20–30 minutes this evening looking through it. Honest to goodness, I cannot understand it either. I can understand one thing that is very clear, this is U.S. media announcements, December, 1994, overview. This report prepared on behalf of the Department of Energy, coverage received by DOE from the national media for the month of December; ratings in the report relate to the rating system, blah, blah, blah. Here is the graph. Overall favorability was 49 percent favorable, 25 percent unfavorable, 26 percent neutral.

Where else have you ever heard of favorable and unfavorable ratings being done? Who does that? Do pollsters not do that? I think we are all familiar with favorable and unfavorable. The President gets one and all that. Who pays for that? Is that paid for by campaign moneys or by official moneys?

It is always paid for by campaign money, because it is clearly a campaign expense. You never may use official moneys for this sort of thing, and it is obviously, brilliantly an ethics violation.

Mr. GRAHAM. If the gentleman will yield, would you agree with me that it is part of an overall trend in this administration that we are going to make every hard decision by polls?

Mr. HOKE. It is; it is. I think that Mr. Clinton had hired Mr. Greenspan, Mr. Greenberg, in 1994 to do most of his polling to the tune of millions and millions of dollars, not a very good job apparently, according to the 1994 election. But in any event, to Mr. Clinton's credit, he did not pay for those polls from official funds of the White House. He paid for those polls from the Democratic National Committee, which is what should be done.

Well, that is not what has been done by the Department of Energy Secretary. This is wrong. This is an obvious and clear violation. It is the reason that now upwards of 70 Members of Congress have called for the resignation of the Secretary.

Mr. RIGGS. I appreciate the gentleman's contributions. Again, I want to point out this comes from the administration, from the President who promised us the most ethical administration ever and, of course, it was kind of a running joke back in Washington, the only way the Clinton administration can have a Cabinet meeting is if there is room for all the attorneys and independent counsels.

We know, of course, of the ongoing investigation, the Secretary of Commerce. We know about the investigation of the former Secretary of Agriculture. We know about the travelgate controversy or scandal, depending on your point of view, within the White House. We know that the Whitewater problem has implicated high level officials within the administration.

So it is very clear again that this is one promise where the President has defaulted. It is another failure on his part to follow through on his commitments to the American people, following on the heels of his promise to end welfare as we know it, to cut taxes for the middle class and to balance the Federal budget.

I yield to the gentleman from Georgia [Mr. KINGSTON], my fellow member of the Committee on Appropriations.

Mr. KINGSTON. I appreciate the gentleman yielding. I believe, getting back to the focus of balancing the budget, one of the things we hear over and over again is the Republicans are balancing the budget on the backs of, fill in the blank, frankly, children, elderly, national parks, the Democrat Party, any victim of the day that the Democrats can conjure up.

But I had an interesting conversation. I called home and had an interesting conversation with my 7-year-old daughter, and I try to keep my children interested in the legislation process. I always heard people say stories like this. I say I am about to throw up. I find myself telling the story and feeling this.

She said, ''Daddy, What were you voting on?'' I said, ''Raising the debt ceiling.'' I try to give an accurate answer. She said, ''What does that mean?'' She is 7 years old.

I was thinking to myself, how do I phrase it, how do I phrase my generation is going to stick it to your generation? That is what it means. It means we cannot control ourselves so my little 7-year-old Anne and all her little schoolmates and all the schoolmates that come after her are going to pay for it, because we as a Congress have found it is more important to stay elected than it is to say no.

I do not like telling these sappy, syrupy stories, but to talk to her immediately after the vote, knowing who is going to be saddled with that debt, and yet as I tried to explain to here what debt was, I also found a lot of, I guess, you know, felt better about it when I said. ''However, we are stopping this deficit spending more money than we bring in.''

I tried to explain to her, ''It is like you have an allowance and spending more than you are getting.'' She could not believe that. I lost her on that one. How could I spend more than 25 cents if you only give me 25 cents?

But, you know, the fact is that I could end the conversation with my 7-year-old optimistic about the future rather than pessimistic, that if we can balance this budget and the interest rates come down, as Greenspan had indicated they would, and the American family can look for lower interest rates on home mortgages, on car loans, on credit cards, if we do not spend $200 billion each year on interest.

Of course, we are going to continue to do that for a long, long time, but if we can at the end of 7 years see the light at the end of the tunnel, then it is worth working through this weekend, it is worth working through Saturday, Sunday, Monday night, and even worth working through Thanksgiving and Christmas as well, if that is what we need to do so that little boys and girls like my 7-year-old and your children can look forward to having a balanced budget one day, and that is not how they are going to look at it. But they should not be saddled with our debt.

Mr. RIGGS. Those are inspiring words. I thank the gentleman very much. That really is what motivates us on.

I know we are about to conclude. Our 1 hour has gone by very quickly.

I yield to the gentlewoman from California so she can make some concluding remarks.

Mrs. SEASTRAND. I also understand what it is about little children. Sometimes they are very honest with us, and they have an understanding in very simple terms.

Earlier we talked about dealing with billions and millions and trillions of dollars. What does that mean to you, not your 7-year-old? What does it mean to me and the average American out there?

Well, we are talking about $43,000. This is a number that means something to people. You talked about in some instances, I think it was the gentleman from South Carolina that mentioned some of his people are making $13,000 a year. I know $43,000 is a lot of money.

Yet tomorrow people will be reading additional stories about the situation with the Department of Energy, and they are going to look and say, ''Why aren't we balancing the budget? Why don't they just do it, get rid of those, forget about the gimmicks, do it,'' and I am going to look forward to the next several days and weeks, and I will be very glad to put my vote up to balance the budget for all of our children, whether they be 7 years old or 25 years old.

Mr. RIGGS. I thank the gentlewoman. We are going to balance the budget with or without the help and cooperation of the President, for that matter, our Democratic colleagues in the House, because it is the right thing to do. We have to save the American dream for our children. We have to make America great again.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today, November 9, and Thursday, November 16, on account of official business in the district.

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. ABERCOMBIE) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. DURBIN, for 5 minutes, today.
Ms. MCKINNEY, for 60 minutes, today.

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.
Mr. GRAHAM, for 5 minutes, today.
Mr. HANSEN, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes, today.
Mr. SAXTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MOAKLEY, and to include extraenous material, during debate on House Resolution 245.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. ORTIZ.
Mr. TORRES.
Mr. PICKETT.
Ms. DELAURO.
Mr. KANJORSKI.
Mr. TOWNS in two instances.
Mr. SERRANO in two instances.
Mr. OWENS.
Mr. MENENDEZ in two instances.

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. GILMAN.
Mr. HOUGHTON.
Mrs. MEYERS of Kansas.
Mr. COMBEST.
Mr. CHRYSLER.
Mrs. ROUKEMA.

(The following Members (at the request of Mr. HOKE) and to include extraneous matter:)

Mr. POSHARD.
Mr. COLLINS of Georgia.
Mr. DELLUMS in two instances.
Mr. GEJDENSON.
Mr. TATE.
Mr. SMITH of New Jersey.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

On November 7:

H.R. 1103. An act to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the act.

ADJOURNMENT

Mr. HOKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, November 10, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1629. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 96–11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1630. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning cooperation with the United Kingdom in the area of joint advanced strike technology [JAST] (Transmittal No. 13–95), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1631. A letter from the Chairman, Postal Rate Commission, transmitting the Commission's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sect. 5(b); to the Committee on Government Reform and Oversight.

1632. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a copy of the Agency's determination that it is in the public interest to use other than competitive procedures for awarding a proposed contract, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Science.

1633. A letter from the Secretary of Energy, transmitting the Department's report entitled ''Energy Policy Act Transportation Rate Study: Interim Report on Coal Transportation,'' pursuant to Public Law 102–486, Sec. 1340(c) (106 Stat. 2993); jointly, to the Committees on Commerce and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTION

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. QUILLEN: Committee on Rules. House Resolution 259. Resolution providing for consideration of the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes (Rept. 104–329). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 260. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 104–330). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 261. Resolution providing for the consideration of Senate amendments to the joint resolution (H.R. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes (Rept. 104–331). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 262. Resolution providing for the consideration of Senate amendments to the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes (Rept. 104–332). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolution were introduced and severally referred as follows:

By Mr. BILBRAY:

H.R. 2601. A bill to amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes; to the Committee on Commerce.

By Mr. BONO (for himself, Mr. GALLEGLY, Mr. CALVERT, Mr. HUNTER, Mr. MOORHEAD, and Mr. STOCKMAN):

H.R. 2602. A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to impose criminal fines for violations of such labeling requirements; to the Committee on Agriculture.

By Mr. FRISA:

H.R. 2603. A bill to restore the traditional observance of Memorial Day; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEKAS (by request):

H.R. 2604. A bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. GILCHREST:

H.R. 2605. A bill to amend the Federal Election Campaign Act of 1971 to prohibit nonparty multicandidate political committee contributions in elections for Federal office, and for other purposes; to the Committee on House Oversight.

By Mr. HEFLEY (for himself, Mr. ROHRABACHER, Mr. SOLOMON, Mr. COX, Mr. BROWNBACK, Mr. CUNNINGHAM, Mr. STEARNS, Mr. DREIER, Mr. BAKER of California, Mr. FUNDERBURK, Mr. ROYCE, Mr. METCALF, Mr. HERGER, Mr. CHRISTENSEN, Mr. STUMP, Mr. SAM JOHNSON, Mr. NETHERCUTT, Mr. ROTH, Mrs. MEYERS of Kansas, Mr. NEUMANN, Mr. BONILLA, Mrs. CUBIN, Mr. KLECZKA, Mr. DORNAN, Mr. CHABOT, Mrs. SEASTRAND, Mr. RADANOVICH, Mr. MANZULLO, Mr. BURTON of Indiana, Mr. ROBERTS, Mr. LAHOOD, Mr. WATTS of Oklahoma, Mr. GEKAS, Mr. SANFORD, Mr. ENGLISH of Pennsylvania, Mr. HUNTER, Mr. SALMON, Mrs. CHENOWETH, Mr. TAYLOR of North Carolina, Mr. HASTINGS of Washington, Mr. LARGENT, Mr. PETERSON of Minnesota, Mr. PACKARD, Mr. SMITH of New Jersey, Mr. MOORHEAD, Mr. MCKEON, Mr. KIM, Mr. RIGGS, Mr. DOOLITTLE, Mr. BONO, Mr. KNOLLENBERG, Mr. UPTON, Mr. MCINNIS, Mr. BUYER, Mr. ISTOOK, Mr. HORN, Mr. BUNNING of Kentucky, Ms. DUNN of Washington, Mr. FORBES, Mr. JONES, Mr. COMBEST, Mr. DEAL of Georgia, Mr. LAUGHLIN, Mr. FRANK of Massachusetts, Mr. RAMSTAD, Mr. EWING, Mr. ALLARD, Mr. CANADY, Mr. SKEEN, Mr. SCHAEFER, Mr. MICA, Mr. BARR, Mr. TRAFICANT, Mr. CONDIT Mr. PARKER, Mr. SMITH of Texas, Mr. WELDON of Florida, Mr. CHRYSLER, Mr. HAYWORTH, Mr. EMERSON, Mrs. SMITH of Washington, Mrs. WALDHOLTZ, Mr. WELLER, Mrs. FOWLER, and Mr. CALVERT):

H.R. 2606. A bill to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 2607. A bill to prohibit desecration of Veterans' memorials; to the Committee on the Judiciary.

By Mr. NADLER. (for himself, Mr. DELLUMS, Mr. ENGEL, Ms. MCKINNEY, and Miss COLLINS of Michigan):

H.R. 2608. A bill to require that health care practitioners determine medically necessary and appropriate treatment and to require that insurers notify their enrollees of the extent of their coverage; to the Committee on Commerce.

By Mr. ORTIZ (for himself, Mr. LAUGHLIN, Mr. THORNBERRY, and Mr. COMBEST):

H.R. 2609. A bill to provide for the Secretary of the Interior to sell the indebtedness representing the remaining repayment balance of Bureau of Reclamation projects in Texas and to execute agreements with State and local interests; to the Committee on Resources.

By Mr. SANFORD (for himself, Mr. ALLARD, Ms. RIVERS, and Mr. INGLIS of South Carolina):

H.R. 2610. A bill to eliminate certain benefits for Members of Congress; to the Committee on House Oversight, and in addition to the Committees on Government Reform and Oversight, Rules, Transportation and Infrastructure, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 2611. A bill to authorize conveyance of land on which is situated the U.S. Coast Guard Whitefish Point Light Station; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, 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 Ms. RIVERS:

H. Res. 263. Resolution amending the Rules of the House of Representatives to require that the expenses of special-order speeches be paid from the Members representational allowance of the Members making such speeches; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. OXLEY:

H.R. 2612. A bill for the relief of Miron Kharchilava; to the Committee on the Judiciary.

By Mr. ROSE:

H.R. 2613. A bill for the relief of Rabon Lowry; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 142: Mr. HOSTETTLER.

H.R. 222: Mr. MCCRERY and Mr. SKEEN.

H.R. 224: Mr. DELAY, Mr. WALSH, and Mr. ROYCE.

H.R. 248: Mr. STARK.

H.R. 325: Mr. CHAPMAN.

H.R. 351: Mr. DELAY.

H.R. 373: Mrs. CHENOWETH.

H.R. 377: Mr. DINGELL, Mr. KILDEE, Ms. RIVERS, Mr. FALEOMAVAEGA, and Mr. BONIOR.

H.R. 387: Mr. HUNTER.

H.R. 390: Mr. BARR.

H.R. 549: Mr. WELDON of Florida.

H.R. 580: Mr. STENHOLM.

H.R. 789: Ms. JACKSON-LEE, Mr. BUNN of Oregon, and Mr. PACKARD.

H.R. 858: Mr. ZELIFF, Mr. DIXON, Ms. ROYBAL-ALLARD, Mr. SMITH of New Jersey, and Mr. FOLEY.

H.R. 878: Mr. LATOURETTE.

H.R. 911: Mr. DELAY, Mr. SHUSTER, and Mr. NEUMANN.

H.R. 922: Mr. HEFNER.

H.R. 972: Mr. SMITH of New Jersey.

H.R. 1010: Mrs. THURMAN.

H.R. 1023: Mr. FRISA and Mr. HEFNER.

H.R. 1073: Mr. MENENDEZ and Mr. EHRLICH.

H.R. 1074: Mr. MENENDEZ and Mr. EHRLICH.

H.R. 1279: Mr. SALMON, Mrs. MYRICK, Mr. BONILLA, Mr. SAM JOHNSON, Mr. DICKEY, Mr. LARGENT, Mr. LINDER, Mr. SMITH of Texas, and Mr. CUNNINGHAM.

H.R. 1454: Mr. SHAYS, Mr. MORAN, and Mrs. LOWEY.

H.R. 1488: Mr. MASCARA, Mr. PETRI, Mr. FOX, Mr. CUNNINGHAM, Mr. HERGER, and Mrs. MYRICK.

H.R. 1619: Mr. BRYANT of Texas.

H.R. 1640: Mr. SMITH of Texas.

H.R. 1656: Mr. GENE GREEN of Texas and Mr. PASTOR.

H.R. 1735: Mr. DIAZ-BALART.

H.R. 1745: Mr. STOCKMAN.

H.R. 1756: Mr. RAMSTAD.

H.R. 1787: Mr. GILLMOR.

H.R. 1821: Mr. MARTINI.

H.R. 1834: Mr. LAUGHLIN, Mr. GEKAS, and Mr. RADANOVICH.

H.R. 1883: Mr. COBLE.

H.R. 1946: Mr. SMITH of New Jersey, Mr. MCINNIS, Mr. POMBO, and Mr. COLLINS of Georgia.

H.R. 1950: Mr. BARRETT of Wisconsin, Mr. MATSUI, Mr. TORRES, Mrs. MALONEY, and Mr. FAZIO of California.

H.R. 1970: Mr. ROMERO-BARCELO, Ms. JACKSON-LEE, and Mr. JEFFERSON.

H.R. 2011: Mr. STUPAK, Mr. BENTSEN, Mr. OLVER, and Mr. DURBIN.

H.R. 2019: Mr. OLVER.

H.R. 2026: Mr. ROMERO-BARCELO, Ms. DUNN of Washington, Mrs. SMITH of Washington, Mr. NETHERCUTT, Mr. DICKS, Mr. BUNN of Oregon, Mr. DEFAZIO, Mr. ZIMMER, Mr. ENGEL, Mr. CLINGER, Mr. ANDREWS, and Mr. WHITE.

H.R. 2089: Mr. SALMON and Mr. SCARBOROUGH.

H.R. 2098: Mr. ZIMMER.

H.R. 2168: Mr. SHAYS.

H.R. 2190: Mr. WAMP, Mr. MCHUGH, Mr. CUNNINGHAM, and Mr. UPTON.

H.R. 2193: Mr. OBERSTAR, Mr. RAHALL, Mr. COOLEY, Ms. LOFGREN, Mr. BILBRAY, Mr. RIGGS, Mrs. MINK of Hawaii, and Mr. BENTSEN.

H.R. 2264: Mr. MASCARA, Mr. BONIOR, and Mr. COYNE.

H.R. 2283: Mr. LEWIS of Kentucky.

H.R. 2285: Mr. LIPINSKI, Mr. HORN, Mr. EHLERS, Mr. HASTERT, Mr. RIGGS, and Mr. HASTINGS of Washington.

H.R. 2309: Mr. RIGGS, Mr. WAXMAN, and Mr. BONO.

H.R. 2310: Ms. JACKSON-LEE.

H.R. 2443: Mr. FOGLIETTA.

H.R. 2450: Mr. SAXTON, Mr. DOOLITTLE, Mr. PETE GEREN of Texas, Mr. HOSTETTLER, Mr. LIPINSKI, Mrs. THURMAN, Mr. TORKILDSEN, Mrs. MYRICK, Mr. ROTH, Mr. HEFLEY, Ms. RIVERS, Ms. LOFGREN, and Mr. WATT of North Carolina.

H.R. 2471: Mr. HUTCHINSON and Mr. INGLIS of South Carolina.

H.R. 2506: Mr. COBURN.

H.R. 2509: Mr. NETHERCUTT.

H.R. 2528: Mrs. SEASTRAND.

H.R. 2535: Mr. DELAY, Mr. FIELDS of Texas, and Mr. YOUNG of Alaska.

H.R. 2545: Ms. VELAZQUEZ, Mr. FATTAH, Mr. CLYBURN, and Mr. WATT of North Carolina.

H.R. 2550: Mrs. FOWLER and Mr. WELLER.

H.R. 2551: Mr. WAXMAN.

H. Con. Res. 50: Ms. WOOLSEY.

H. Con. Res. 250: Ms. RIVERS, Mr. MCHALE, and Mr. LEVIN.