

THE APPROPRIATIONS PROCESS

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was not going to speak to the topic, but I do want to tell the gentleman from Florida that as a member of the Subcommittee on Immigration and Claims of the Committee on the Judiciary, I will look intently at his issue, and I appreciate his bringing this to the attention of the House.

I would hope that the different extremes of thought, the fact that people should not be discriminated against but the fact that we should have a workplace that respects American workers and recognizes that we do discourage illegal immigration and encourage employers to hire both legal immigrants and those who are American citizens, that we can find a way to respond to the gentleman's concerns, and I thank him for bringing this to our attention.

Mr. Speaker, many of the American public who have watched us over this past time frame of dealing with the appropriations process may have wondered what all of the bickering was about. In fact, they may have wondered why the bickering, with the most prosperous peacetime over a period of time that we have seen in a number of years. Consistent prosperity. It seems ludicrous to many who would study the issues of economics that we find ourselves at a point where we are denying services to the American public under the precept of an across-the-board cut at a time when there is great prosperity.

So the problem, I think, is that we are either misrepresenting to the American public, playing our own private games, or failing to recognize our responsibility to work in a bipartisan manner to address the needs of this country.

It is important to note that just a couple of months ago the Republican majority was offering a \$792 billion tax cut. What was that based upon, particularly when we now are debating the idea of an across-the-board cut? And as I continue in my discussion, I think my colleagues will see the people who are negatively impacted by such a cut.

Well, the \$792 billion tax cut was based upon presumptions and good news and the hope that something would happen, and that was that if the peacetime economy was to continue, there was some thought that the prosperity of this country would allow monies to be recouped on the \$792 billion tax cut. This is the same tax cut that most Americans said they did not want; the same tax cut that probably would give little benefit to working and middle class Americans; the same tax cut that would not have benefitted

the EITC, the earned income tax credit, recipients, those working poor who would benefit from their lump sum tax benefit, who in the last days were in the middle of a chopping block while we were talking about a \$792 billion tax cut.

So my call on my fellow colleagues is that as we have now voted on the last appropriations bill, of which it is quite obvious that the President will veto, when we have the opportunity to come back again, or if we go into major negotiations, might we put in front of all of the distinct and disparate political philosophies the fact that the American people have asked us to frugally, yet responsibly, and with compassion, deal with all of their needs.

I would hope when we come back to the table again that we would not deny 950,000 children the right to participate in after-school programs. Today, I had the privilege of conducting a hearing entitled "An Ounce of Previous Recollection Is Worth a Pound of Cure". It was a reaffirmation or a hearing regarding the testimony of advocates and participants in programs that children use after school. It was the children themselves, it was the participants in Boy Scouts and Campfire Girls, it was the YMCA, which indicated they are in 22,000 communities around this Nation.

If my colleagues could have heard those young people, 14 years old and 16 years old, tell their own personal stories. A 14-year-old Girl Scout, who is already a mother, says she belonged to a gang and that if she had not been steered away, through this program which receives complementary Federal funds to expand its program into lower income neighborhoods, she would not have been sitting in that hearing room today. She got off drugs, or the enticement of drugs, she got away from gangs and began to understand how to behave as a girl, and she said she is now a better parent.

These programs, Mr. Speaker, are just one example of why the appropriations process is wrong, why this bill was wrong, and why we should go back to the drawing board and do the right thing for the American people.

CONTROVERSY OVER USE OF PRESIDENTIAL EXECUTIVE ORDERS AND PROCLAMATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, a steady increase in controversy over executive orders and presidential proclamations has arisen since Franklin Roosevelt's administration. Nevertheless, I am truly concerned about the comments of the President's Chief of Staff, John Podesta, as quoted in the current issue of U.S. News and World Report.

To quote Podesta: "Frustrated with the balky Republican Congress, Presi-

dent Clinton plans a series of executive orders and changes to the Federal Rules that he can sign into law without first getting the okay from GOP naysayers. There's a pretty wide sweep of things we're looking to do, and we're going to be very aggressive in pursuing it."

These statements are deeply disturbing and should be to all Americans. An unelected political bureaucrat is boasting to the American people about his plan to sidestep the Constitution. Sadly, Congress should not be surprised that this President's frustrated staff is looking to bypass Congress and implement their agenda. We have seen this before.

When the President issued his Executive Order on striker replacements, he attempted to do what had been denied him by the regular legislative process. In addition, when the President issued his proclamation establishing a national monument in Utah, he again tried to do what he had been unable to achieve through Congress.

Mr. Speaker, the founders expected national policy to be the result of open and full debate, hammered out by the legislative and executive branches. They believed in careful deliberation conducted in a representative assembly, subject to all the checks and balances that characterize our constitutional system. Having broken with England in 1776, they rejected government by monarchy and one-man rule. Nowhere in the Constitution is the President specifically given authority to issue these directives. The founders specifically placed all legislative powers in the Congress.

In the legislative veto decision in 1983, *INS vs. Chadha*, the Supreme Court insisted that congressional power be exercised "in accordance with a single, finely wrought and exhaustively considered, procedure." The Court said that the records of the Philadelphia Convention and the states ratification debates provide "unmistakable expression of a determination that legislation by the national Congress be a step-by-step, deliberate and deliberative process."

If Congress is required to follow this rigorous process, how absurd it is to argue that the President can accomplish the same result by unilaterally issuing an Executive Order or presidential proclamation. The President's controversial use of presidential directives skirt the constitutional process, offend the values announced by the court in the legislative veto case, and do serious damage to our commitment to representative government and the rule of law.

It is time to clarify the scope of executive authority vested in the presidency by Article II of the Constitution. Through its ability to authorize programs and appropriate funds, Congress can define and limit presidential powers. As Members, we must participate